



(Original Signature of Member)

118TH CONGRESS  
2D SESSION

# H. R. \_\_\_\_\_

To amend the Harmonized Tariff Schedule of the United States to increase the rate of duty on unmanned aircraft, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

Ms. STEFANIK introduced the following bill; which was referred to the Committee on \_\_\_\_\_

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# A BILL

To amend the Harmonized Tariff Schedule of the United States to increase the rate of duty on unmanned aircraft, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Drones for First Re-  
5 sponders Act”.

6 **SEC. 2. FINDINGS AND SENSE OF CONGRESS.**

7 (a) FINDINGS.—Congress makes the following find-  
8 ings:

1           (1) Unmanned aircraft that are made in the  
2           People's Republic of China dominate the current  
3           market in the United States for unmanned aircraft  
4           and present an unacceptable national security risk.

5           (2) Through direct subsidization and targeted  
6           investment by the Chinese Communist Party, un-  
7           manned aircraft suppliers in the People's Republic  
8           of China are undercutting the domestic and  
9           partnered unmanned aircraft markets and under-  
10          mining ad valorem tariffs.

11          (3) Over 90 percent of unmanned aircraft oper-  
12          ated by America's first responders are made in the  
13          People's Republic of China.

14          (4) It is strategically critical for first respond-  
15          ers, critical infrastructure providers, and farmers  
16          and ranchers to have access to secure unmanned air-  
17          craft that are manufactured in the United States or  
18          by our partners and allies.

19          (5) The United States cannot rely on the Peo-  
20          ple's Republic of China to supply unmanned aircraft  
21          that are critical to first responder operations.

22          (6) It is vital to the national security of the  
23          United States that unmanned aircraft manufactur-  
24          ers of the United States and our partners and allies

1 are competitive with Chinese unmanned aircraft  
2 manufacturers.

3 (7) The United States has a national security  
4 interest in securing the supply chain for unmanned  
5 aircraft to the domestic market, allies, and free  
6 trade partners.

7 (8) Implementing tariffs on unmanned aircraft  
8 from the People's Republic of China has the effect  
9 of incentivizing sourcing domestically and in allied  
10 and partnered countries, which in turn has the effect  
11 of promoting resilient supply chains.

12 (b) SENSE OF CONGRESS.—It is the sense of Con-  
13 gress that phasing-in a protective specific duty for un-  
14 manned aircraft is prudent and necessary to safeguard  
15 this critical industry and increase the competitiveness of  
16 the unmanned aircraft industry outside of the People's Re-  
17 public of China.

18 **SEC. 3. DUTY INCREASE FOR IMPORTS OF UNMANNED AIR-**  
19 **CRAFT.**

20 (a) IN GENERAL.—Subchapter III of chapter 99 of  
21 the HTS is amended—

22 (1) by inserting the following new subheadings  
23 9903.87.01 and 9903.87.02, and the superior head-  
24 ing to subheading 9903.87.01, with the article de-  
25 scription for subheading 9903.87.01 having the

1 same degree of indentation as the article description  
 2 for subheading 9903.85.11:

"Heading/ Sub- heading	Article Descrip- tion	Rates of Duty		
		1		2
		General	Special	
9903.87.01	Articles the product of China: Unmanned aircraft, as provided for in note 31 to subchapter III of chapter 99 (provided for in subheadings 8806.10.00, 8806.21.00, 8806.22.00, 8806.23.00, 8806.24.00, 8806.29.00, 8806.91.00, 8806.92.00, 8806.93.00, 8806.94.00, or 8806.99.00) .....	The rates of duty provided in note 31 to this subchapter	No change	No change

3 (2) by inserting the following new U.S. note to  
 4 subchapter III of chapter 99 in numerical sequence:

5 "31.(a) For the purposes of subheading  
 6 9903.87.01, certain products of China shall be sub-  
 7 ject to additional *ad valorem* rates of duty, as pro-  
 8 vided for in this note. The products of China that  
 9 are subject to additional *ad valorem* rates of duty  
 10 under subheading 9903.87.01 and in accordance  
 11 with the provisions of this note are products of  
 12 China that are classified in the following sub-  
 13 headings: 8806.10.00, 8806.21.00, 8806.22.00,  
 14 8806.23.00, 8806.24.00, 8806.29.00, 8806.91.00,  
 15 8806.92.00, 8806.93.00, 8806.94.00, or 8806.99.00.

1 All products of China that are classified in the sub-  
2 headings enumerated in this U.S. note are subject to  
3 the additional *ad valorem* rates of duty imposed by  
4 subheading 9903.87.01, in accordance with the pro-  
5 visions of this note.

6 “(b) The duty rate in the Rates of Duty 1-Gen-  
7 eral column for goods entered under subheading  
8 9903.87.01 shall be as follows:

9 “(1) Effective with respect to goods en-  
10 tered for consumption, or withdrawn from  
11 warehouse for consumption, on or after 12:01  
12 a.m. eastern daylight time on the day that is 30  
13 days after the date of enactment of the Drones  
14 for First Responders Act through the close of  
15 the day that is one year after the date of enact-  
16 ment: 30%.

17 “(2) Effective with respect to goods en-  
18 tered for consumption, or withdrawn from  
19 warehouse for consumption, on or after 12:01  
20 a.m. eastern daylight time on the day after the  
21 day that is one year after the date of enactment  
22 through the close of the day that is two years  
23 after the date of enactment: 35%.

24 “(3) Effective with respect to goods en-  
25 tered for consumption, or withdrawn from

1 warehouse for consumption, on or after 12:01  
2 a.m. eastern daylight time on the day after the  
3 day that is two years after the date of enact-  
4 ment through the close of the day that is three  
5 years after the date of enactment: 40%.

6 “(4) Effective with respect to goods en-  
7 tered for consumption, or withdrawn from  
8 warehouse for consumption, on or after 12:01  
9 a.m. eastern daylight time on the day after the  
10 day that is three years after the date of enact-  
11 ment through the close of the day that is four  
12 years after the date of enactment: 45%.

13 “(5) Effective with respect to goods en-  
14 tered for consumption, or withdrawn from  
15 warehouse for consumption, on or after 12:01  
16 a.m. eastern daylight time on the day after the  
17 day that is four years after the date of enact-  
18 ment: \$100 each + 50%.

19 “(c) Notwithstanding U.S. note 1 to this sub-  
20 chapter, all products of China that are subject to the  
21 additional *ad valorem* rates of duty imposed by sub-  
22 heading 9903.87.01, and provided for in this note,  
23 shall also be subject to the additional rates of duty  
24 imposed by any other headings or subheadings in  
25 subchapter III of chapter 99 of the HTS and to the

1       general rates of duty imposed on products of China  
2       classified in the subheadings enumerated in this  
3       note.

4           “(d) Products of China that are classified in  
5       the subheadings enumerated in this note that are el-  
6       igible for temporary duty exemptions or reductions  
7       under subchapter II to chapter 99, shall be subject  
8       to the additional *ad valorem* rates of duty imposed  
9       by subheading 9903.87.01.

10          “(e) Products of China that are provided for in  
11       subheading 9903.87.01 and classified in one of the  
12       subheadings enumerated in this note shall continue  
13       to be subject to antidumping, countervailing, or  
14       other duties, fees, exactions, and charges that apply  
15       to such products.”.

16       (b) EFFECTIVE DATE.—Subheading 9903.87.01, the  
17       superior heading to subheading 9903.87.01, and U.S. note  
18       31 to subchapter III of chapter 99 of the HTS, as added  
19       by subsection (a), shall be effective with respect to goods  
20       entered for consumption, or withdrawn from warehouse  
21       for consumption, on or after 12:01 a.m. eastern daylight  
22       time 30 days after the date of enactment of this Act.

1 **SEC. 4. STRENGTHENED RULES OF ORIGIN FOR ENTRIES**  
2 **OF UNMANNED AIRCRAFT UNDER HEADING**  
3 **8806 OF THE HTS.**

4 (a) IN GENERAL.—Notwithstanding any provisions of  
5 the general notes to the HTS, beginning on January 1,  
6 2030, unmanned aircraft classified under heading 8806  
7 of the HTS may not enter the customs territory of the  
8 United States unless—

9 (1) the entry of the unmanned aircraft is ac-  
10 companied by a certificate or other documentation  
11 required by U.S. Customs and Border Protection es-  
12 tablishing the unmanned aircraft does not contain a  
13 flight controller, radio, data transmission device,  
14 camera, gimbal, ground control system, operating  
15 software, network connectivity hardware, or data  
16 storage manufactured in the People's Republic of  
17 China; and

18 (2) U.S. Customs and Border Protection con-  
19 firms the veracity of the certificate or other docu-  
20 mentation required by paragraph (1).

21 (b) EXEMPTION.—

22 (1) IN GENERAL.—Subsection (a) shall not  
23 apply with respect to unmanned aircraft classified  
24 under heading 8806 of the HTS that—

25 (A) the Federal Aviation Administration  
26 has, before January 1, 2025—



1 (i) authorized for operations under  
2 the provisions of title 14 of part 135 of the  
3 Code of Federal Regulations; or

4 (ii) included in an air carrier's exemp-  
5 tion under section 44807 of title 49,  
6 United States Code; and

7 (B) are not manufactured in whole by a  
8 covered foreign entity or in a foreign adversary  
9 country.

10 (2) LIST.—Not later than January 1, 2025, the  
11 Administrator of the Federal Aviation Administra-  
12 tion shall—

13 (A) provide the Commissioner for U.S.  
14 Customs and Border Protection with a list of  
15 unmanned aircraft that qualify for the exemp-  
16 tion under this subsection; and

17 (B) certify that the list required by sub-  
18 paragraph (A) contains only unmanned aircraft  
19 that are not manufactured in whole by a cov-  
20 ered foreign entity or in a foreign adversary  
21 country.

22 (c) DEFINITIONS.—In this section—

23 (1) the term “air carrier” has the meaning  
24 given that term in section 40102 of title 49, United  
25 States Code; and

1           (2) the term “customs territory of the United  
2 States” has the meaning given that term in general  
3 note 2 of the HTS.

4 **SEC. 5. SECURE UNMANNED AIRCRAFT SYSTEMS FOR**  
5 **FIRST RESPONDERS FUND AND GRANT PRO-**  
6 **GRAM.**

7           (a) SECURE UNMANNED AIRCRAFT SYSTEMS FOR  
8 FIRST RESPONDERS FUND.—

9           (1) ESTABLISHMENT.—There is established in  
10 the Treasury of the United States a fund, to be  
11 known as the “Secure Unmanned Aircraft Systems  
12 for First Responders Fund” (in this section referred  
13 to as the “Fund”).

14           (2) DEPOSIT OF AMOUNTS.—There shall be de-  
15 posited in the Fund all duties imposed and collected  
16 by the United States under subheading 9903.87.01  
17 of the HTS, and as further provided for under U.S.  
18 note 31 to subchapter III of chapter 99 of the HTS,  
19 as added by section 3(a).

20           (3) USE OF AMOUNTS.—

21           (A) IN GENERAL.—The Secretary is au-  
22 thorized to use the amounts in the Fund for a  
23 fiscal year for purposes of carrying out the  
24 grant program established under subsection (b)  
25 for the next fiscal year.

1 (B) UNOBLIGATED AND UNEXPENDED  
2 FUNDS.—The Secretary is authorized to make  
3 amounts in the Fund that are not obligated or  
4 expended in accordance with subparagraph (A)  
5 available for the purposes described in subpara-  
6 graph (A) for the next available fiscal year.

7 (b) GRANT PROGRAM.—

8 (1) IN GENERAL.—Beginning not later than  
9 one year after the date of the enactment of this Act,  
10 the Secretary shall establish and carry out a pro-  
11 gram to provide grants on a fiscal year basis to first  
12 responders, farmers and ranchers, and providers of  
13 critical infrastructure to—

14 (A) purchase or lease secure unmanned  
15 aircraft systems;

16 (B) support operational capabilities of such  
17 systems by the grant recipient; and

18 (C) support the program management ca-  
19 pability of the grant recipient to use such sys-  
20 tems.

21 (2) CONSULTATION.—In carrying out the pro-  
22 gram, the Secretary shall—

23 (A) consult with the Secretary of Agri-  
24 culture with respect to developing criteria for

1 reviewing applications for grants submitted on  
2 behalf of farmers and ranchers; and

3 (B) consult with the Secretary of Trans-  
4 portation with respect to providing grants to  
5 providers of critical infrastructure.

6 (3) PRIORITY FOR GRANTS.—Of the amounts  
7 made available for purposes of carrying out the pro-  
8 gram—

9 (A) 60 percent of such amounts in the  
10 Fund shall be made available for grants that  
11 benefit first responders;

12 (B) 20 percent of such amounts in the  
13 Fund shall be made available for grants that  
14 benefit farmers and ranchers; and

15 (C) 20 percent of such amounts in the  
16 Fund shall be made available for grants that  
17 benefit providers of critical infrastructure.

18 (4) REVIEW OF APPLICATIONS.—

19 (A) DEADLINE.—

20 (i) IN GENERAL.—Except as provided  
21 in clause (iii), the Secretary shall approve  
22 or deny an application for a grant under  
23 the program not later than 90 days after  
24 the date of the submission of the applica-  
25 tion.

1 (ii) ALLOCATION TIMING.—Amounts  
2 under a grant shall be allocated in a man-  
3 ner that prioritizes the funding to recipi-  
4 ents in States or localities that have estab-  
5 lished bans on the purchase, lease, or oper-  
6 ation of unmanned aircraft based on their  
7 country of origin or on their manufacturer.

8 (iii) ADDITIONAL TIME NEEDED FOR  
9 REVIEW.—If the Secretary determines  
10 that, because an excessive number of appli-  
11 cations have been filed at one time, the  
12 Secretary needs additional time for the  
13 Secretary to process the applications, the  
14 Secretary may extend the deadline de-  
15 scribed in clause (i) for not more than 45  
16 days.

17 (B) EFFECT OF DENIAL.—Denial of an  
18 application for a grant under the program shall  
19 not preclude the applicant from resubmitting  
20 the application with additional documentation  
21 or submitting a new application at a later date.

22 (5) REPORT.—Not later than 1 year after the  
23 date on which the program is established, and annu-  
24 ally thereafter, the Secretary shall submit to Con-  
25 gress a report on the implementation of the program

1 in the prior year, including a description of all  
2 grants provided under the program and the amounts  
3 of such grants.

4 **SEC. 6. DEFINITIONS.**

5 In this Act:

6 (1) COVERED FOREIGN ENTITY.—The term  
7 “covered foreign entity” means a foreign entity that  
8 is—

9 (A) an entity on the Federal Government’s  
10 Consolidated Screening List;

11 (B) an entity on the Department of De-  
12 fense’s Chinese Military Company List as es-  
13 tablished by section 1260H of William M.  
14 (Mac) Thornberry National Defense Authoriza-  
15 tion Act for Fiscal Year 2021 (10 U.S.C. 113  
16 note);

17 (C) an entity on the Department of Treas-  
18 ury’s Non-SDN Chinese Military Industrial  
19 Complex Companies List;

20 (D) an entity on the Department of Home-  
21 land Security’s Uyghur Forced Labor Preven-  
22 tion Act Entity List; or

23 (E) an entity identified as a covered for-  
24 eign entity, as such term is defined in section  
25 1822(1) of the American Security Drone Act of

1           2023 (41 U.S.C. note prec. 3901), for purposes  
2           of such Act.

3           (2) CRITICAL INFRASTRUCTURE.—The term  
4           “critical infrastructure” has the meaning given that  
5           term in the Critical Infrastructures Protection Act  
6           of 2001 (42 U.S.C. 5195c).

7           (3) FIRST RESPONDER.—The term “first re-  
8           sponder” has the meaning given that term in section  
9           3025 of the Omnibus Crime Control and Safe  
10          Streets Act of 1968 (34 U.S.C. 10705).

11          (4) FOREIGN ADVERSARY COUNTRY.—The term  
12          “foreign adversary country” means a covered nation,  
13          as such term is defined in section 4872(d)(2) of title  
14          10, United States Code.

15          (5) HTS.—The term “HTS” means the Har-  
16          monized Tariff Schedule of the United States.

17          (6) FUND.—The term “Fund” means the Se-  
18          cure Unmanned Aircraft Systems for First Respond-  
19          ers Fund established by section 5.

20          (7) SCHEDULE OF CONCESSIONS.—

21                 (A) IN GENERAL.—The term “Schedule of  
22                 Concessions” means Schedule XX of the WTO.

23                 (B) TERMS FROM URUGUAY ROUND  
24                 AGREEMENTS ACT.—In this paragraph, the  
25                 terms “Schedule XX” and “WTO” have the

1           meanings given such terms in section 2 of the  
2           Uruguay Round Agreements Act (19 U.S.C.  
3           3501).

4           (8) SECRETARY.—Except as otherwise provided,  
5           the term “Secretary” means—

6                   (A) the Secretary of Homeland Security;

7                   or

8                   (B) the Secretary’s designee.

9           (9) SECURE UNMANNED AIRCRAFT SYSTEM.—

10           The term “secure unmanned aircraft system” means  
11           an unmanned aircraft system, as such term is de-  
12           fined in section 44801 of title 49, United States  
13           Code, that is not manufactured or assembled by a  
14           covered foreign entity or in a foreign adversary  
15           country.