

[SA 2159](#). Mr. THUNE submitted an amendment intended to be proposed by

him to the bill [S. 4049](#), to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title X, add the following:

SEC. 1052. TRANSFER OF EXCESS DEPARTMENT OF DEFENSE REMOTELY PILOTED AIRCRAFT AND RELATED EQUIPMENT TO DEPARTMENT OF HOMELAND SECURITY FOR U.S. CUSTOMS AND BORDER PATROL PURPOSES AND DEPARTMENT OF AGRICULTURE FOR U.S. FOREST SERVICE PURPOSES.

(a) Offer of First Refusal Outside DoD.--

(1) In general.--Upon a determination that aircraft or equipment specified in subsection (c) is also excess to the requirements of all components of the Department of Defense, the Secretary of Defense shall offer to the Secretary of Homeland Security to transfer such aircraft or equipment to the Secretary of Homeland Security for use by U.S. Customs and Border Patrol.

(2) Timing of offer.--Any offer under this subsection for aircraft or equipment shall be made before such aircraft or equipment is otherwise disposed of outside the Department of Defense.

(b) Offer of Second Refusal Outside DoD.--

(1) In general.--Upon a determination that aircraft or equipment offered to the Secretary of Homeland Security pursuant to subsection (a) will not be accepted by the Secretary of Homeland Security in accordance with that subsection, the Secretary of Defense shall offer to the Secretary of Agriculture to transfer such aircraft or equipment to the Secretary of Agriculture for use by the U.S. Forest Service for wildland fire management purposes

(2) Timing of offer.--Any offer under this subsection for aircraft or equipment shall be made before such aircraft or equipment is otherwise disposed of outside the Department of Defense.

(c) Aircraft and Equipment.--The aircraft and equipment specified in this subsection is the following:

(1) Retired MQ-1 Predator, MQ-9 Reaper, RQ-4 Global Hawk, or other remotely piloted aircraft that are excess to the requirements of the military departments.

(2) Initial spare MQ-1 Predator, MQ-9 Reaper, RQ-4 Global Hawk, or other remotely piloted aircraft that are excess to the requirements of the military departments.

(3) Ground support equipment of the military departments for MQ-1 Predator MQ-9 Reaper, RQ-4 Global Hawk, or other remotely piloted aircraft that are excess to the requirements of the military departments.

(d) Transfer.--If the Secretary of Homeland Security accepts an offer under subsection (a), or the Secretary of Agriculture accepts an offer under subsection (b), the

Secretary of the military department of having jurisdiction the aircraft or equipment concerned shall transfer such aircraft or equipment to the Secretary of Homeland Security or the Secretary of Agriculture, as applicable. The cost of any aircraft or equipment so transferred, and the cost of transfer, shall be borne by the Secretary of Homeland Security or the Secretary of Agriculture, as applicable.

(e) Demilitarization.--Any aircraft or equipment transferred under this section shall be demilitarized before transfer. The cost of demilitarization shall be borne by the Department of Defense.

(f) Use of Transferred Aircraft and Equipment.--

(1) Department of homeland security.--Any aircraft or equipment transferred to the Secretary of Homeland Security pursuant to this section shall be used by the Commissioner of U.S. Customs and Border Patrol for border security, enforcement of the immigration laws, and related purposes.

(2) Department of agriculture.--Any aircraft or equipment transferred to the Secretary of Agriculture pursuant to this section shall be used by the Chief of the U.S. Forest Service for wildland fire management and related purposes.

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