

118TH CONGRESS
1ST SESSION

H. R. 1151

IN THE SENATE OF THE UNITED STATES

APRIL 18, 2023

Received; read twice and referred to the Committee on Foreign Relations

AN ACT

To hold the People's Republic of China accountable for the violation of United States airspace and sovereignty with its high-altitude surveillance balloon.

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

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Upholding Sovereignty
3 of Airspace Act” or the “USA Act”.

4 **SEC. 2. FINDINGS.**

5 Congress finds the following:

6 (1) According to the Department of State, sur-
7veillance balloons owned and operated by the Peo-
8ple’s Republic of China (PRC) have entered United
9States airspace multiple times since 2017 and have
10violated the airspace of more than 40 countries
11across 5 continents.

12 (2) On February 10, 2023, the Department of
13Commerce, Bureau of Industry and Security issued
14a final rule (88 Fed. Reg. 9389) that added 6 PRC
15entities to the Entity List for supporting the PRC’s
16military modernization efforts related to aerospace
17programs, including airships and balloons and re-
18lated materials and components, that are used by
19the People’s Liberation Army for intelligence and re-
20connaissance.

21 (3) The PRC’s response has been to use misin-
22formation and propaganda to deflect blame for the
23illegal surveillance activities of these balloons.

24 **SEC. 3. SENSE OF CONGRESS.**

25 It is the sense of Congress that—

1 (1) the presence of the PRC's high altitude sur-
2 veillance balloon over United States airspace was an
3 unacceptable violation of United States sovereignty;

4 (2) the United States should continue to neu-
5 tralize foreign aerial surveillance assets that are in
6 United States airspace after consideration of civilian
7 aviation safety, safety of United States civilians and
8 property on the ground, as well as the intelligence
9 collection risk and opportunity posed by such intru-
10 sions;

11 (3) the PRC's global balloon surveillance pro-
12 gram blatantly undermines countries' sovereignty
13 and poses a threat to countries around the world;

14 (4) the PRC should cease efforts to spread mis-
15 information and propaganda about its intelligence-
16 collection efforts;

17 (5) the United States Government should con-
18 tinue to share information about the PRC's global
19 surveillance efforts with allies and partners and
20 should work jointly to hold the PRC accountable for
21 its illegal surveillance actions, including at multilat-
22 eral fora;

23 (6) the United Nations should condemn the
24 PRC's violation, through its global surveillance bal-
25 loon program, of the sovereignty of member states of

1 the United Nations and call on the PRC to ensure
2 its balloons do not violate sovereign airspace again;

3 (7) the International Civil Aviation Organiza-
4 tion (ICAO) should condemn the PRC for this viola-
5 tion of airspace and the PRC's ICAO commitments;
6 and

7 (8) as consistent with international law, the
8 United States should use regulatory and enforce-
9 ment tools to protect national security and sov-
10 ereignty by identifying and disrupting the PRC's use
11 of surveillance balloons.

12 **SEC. 4. INTERNATIONAL COORDINATION AND PRESSURE.**

13 (a) DIPLOMATIC STRATEGY.—The Secretary of
14 State, in consultation with the Director of National Intel-
15 ligence and the United States Permanent Representative
16 to the United Nations, shall develop a diplomatic strategy
17 to inform allies and partners of the scope of the PRC sur-
18 veillance program and build global consensus in order to
19 address the PRC's global surveillance balloon program, in-
20 cluding by—

21 (1) using the voice of the United States at the
22 International Civil Aviation Organization to support
23 Taiwan's participation in the events and meetings of
24 that Organization;

1 (2) sharing intelligence, as appropriate about
2 the PRC's global balloon program and its past viola-
3 tion of the sovereign airspace of allies and partners;

4 (3) coordinating with United States allies and
5 partners to identify and track future PRC surveil-
6 lance balloons, counter PRC propaganda and misin-
7 formation about its global surveillance program, and
8 publicly share any future violations of sovereignty;

9 (4) using the voice, vote, and influence of the
10 United States at the United Nations and other
11 international and regional organizations to spur
12 greater diplomatic pressure on the PRC to halt its
13 surveillance collection operations that violate inter-
14 national sovereignty;

15 (5) raising the challenges posed by the PRC's
16 global surveillance balloon program at major multi-
17 lateral forums, including at the G7 and G20 sum-
18 mits; and

19 (6) coordinating with allies and partners on the
20 imposition and implementation of substantially simi-
21 lar sanctions and export controls to ensure that com-
22 modities, software, or technology from the United
23 States and its allies and partners are not supporting
24 the PRC's global surveillance efforts.

1 (b) REPORT.—Not later than 180 days after the date
2 of the enactment of this Act, the Secretary of State, in
3 consultation with the Director of National Intelligence and
4 the United States Permanent Representative to the
5 United Nations, shall submit to the appropriate congres-
6 sional committees a report that outlines the strategy devel-
7 oped pursuant to subsection (a) and describes in detail
8 the various steps taken by the United States in line with
9 said strategy.

10 (c) BRIEFING.—Not later than 180 days after the
11 date of the enactment of this Act, the relevant officials
12 of the Department of Defense shall provide to the appro-
13 priate congressional committees a classified briefing on
14 other Unidentified Flying Objects that have entered
15 United States airspace beginning on January 20, 2017,
16 and ending on such date of enactment.

17 (d) APPROPRIATE CONGRESSIONAL COMMITTEES.—
18 In this section, the term “appropriate congressional com-
19 mittees” means—

- 20 (1) the Committee on Foreign Affairs and the
21 Permanent Select Committee on Intelligence of the
22 House of Representatives; and
23 (2) the Committee on Foreign Relations and
24 the Select Committee on Intelligence of the Senate.

1 **SEC. 5. IMPOSITION OF EXPORT CONTROLS.**

2 (a) IN GENERAL.—The Secretary of Commerce shall
3 evaluate, for appropriate controls under the Export Ad-
4 ministration Regulations, the export, reexport, and in-
5 country transfer of the items and technologies subject to
6 United States jurisdiction related to aerospace programs,
7 including airships and balloons and related materials and
8 components, that are used by the People’s Liberation
9 Army for intelligence and reconnaissance, and not later
10 than 180 days after the enactment of this Act submit a
11 report to the appropriate congressional committees that
12 includes—

13 (1) a description of the types of items and tech-
14 nologies that were evaluated for potential controls
15 with respect to this section; and

16 (2) a list of the controls that BIS has imple-
17 mented or plans to implement because of its evalua-
18 tion under this section.

19 (b) APPROPRIATE CONGRESSIONAL COMMITTEES.—
20 In this section, the term “appropriate congressional com-
21 mittees” means the Committee on Foreign Affairs of the
22 House of Representatives and the Committee on Banking,
23 Housing, and Urban Affairs of the Senate.

24 **SEC. 6. IMPOSITION OF SANCTIONS.**

25 (a) IMPOSITION OF SANCTIONS.—On and after the
26 date that is 180 days after the date of the enactment of

1 this Act, the President may impose the sanctions described
2 in subsection (b) with respect to any PRC individual the
3 President determines is directly managing and overseeing
4 the PRC's global surveillance balloon program.

5 (b) SANCTIONS DESCRIBED.—The sanctions that
6 may be imposed with respect to a foreign person described
7 in subsection (a) are the following:

8 (1) PROPERTY BLOCKING.—Notwithstanding
9 the requirements of section 202 of the International
10 Emergency Economic Powers Act (50 U.S.C. 1701),
11 the President may exercise of all powers granted to
12 the President by that Act to the extent necessary to
13 block and prohibit all transactions in all property
14 and interests in property of the foreign person if
15 such property and interests in property are in the
16 United States, come within the United States, or are
17 or come within the possession or control of a United
18 States person.

19 (2) ALIENS INADMISSIBLE FOR VISAS, ADMIS-
20 SION, OR PAROLE.—

21 (A) IN GENERAL.—An alien described in
22 subsection (a) is—

23 (i) inadmissible to the United States;

24 (ii) ineligible for a visa or travel to the

25 United States; and

1 (iii) otherwise ineligible to be admitted
2 or paroled into the United States or to re-
3 ceive any other benefit under the Immigra-
4 tion and Nationality Act (8 U.S.C. 1101 et
5 seq.).

6 (B) CURRENT VISAS REVOKED.—

7 (i) IN GENERAL.—The visa or other
8 documentation issued to an alien described
9 in subsection (a) shall be revoked, regard-
10 less of when such visa or other documenta-
11 tion is or was issued.

12 (ii) EFFECT OF REVOCATION.—A visa
13 or other entry documentation revoked
14 under clause (i) shall, in accordance with
15 section 221(i) of the Immigration and Na-
16 tionality Act (8 U.S.C. 1201(i)), no longer
17 be valid for travel to the United States.

18 (c) EXCEPTIONS.—

19 (1) EXCEPTION FOR INTELLIGENCE, LAW EN-
20 FORCEMENT, AND NATIONAL SECURITY ACTIVI-
21 TIES.—Sanctions under this section shall not apply
22 to any authorized intelligence, law enforcement, or
23 national security activities of the United States.

24 (2) EXCEPTION TO COMPLY WITH UNITED NA-
25 TIONS HEADQUARTERS AGREEMENT.—Sanctions

1 under subsection (b)(3) shall not apply with respect
2 to the admission of an alien to the United States if
3 the admission of the alien is necessary to permit the
4 United States to comply with the Agreement regard-
5 ing the Headquarters of the United Nations, signed
6 at Lake Success June 26, 1947, and entered into
7 force November 21, 1947, between the United Na-
8 tions and the United States, the Convention on Con-
9 sular Relations, done at Vienna April 24, 1963, and
10 entered into force March 19, 1967, or other applica-
11 ble international obligations.

12 (d) EXCEPTION RELATING TO IMPORTATION OF
13 GOODS.—

14 (1) IN GENERAL.—The authorities and require-
15 ments to impose sanctions authorized under this sec-
16 tion shall not include the authority or requirement
17 to impose sanctions on the importation of goods.

18 (2) GOOD DEFINED.—In this subsection, the
19 term “good” means any article, natural or man-
20 made substance, material, supply or manufactured

- 1 product, including inspection and test equipment,
- 2 and excluding technical data.

Passed the House of Representatives April 17, 2023.

Attest: CHERYL L. JOHNSON,
Clerk.