

AMENDMENT TO H.R. 5300
OFFERED BY MR. ZINKE OF MONTANA

At the appropriate place insert the following:

1 **SEC. __. ARMS EXPORT CONTROLS FOR COVERED UN-**
2 **MANNED AIRCRAFT SYSTEMS AND ITEMS.**

3 (a) ARMS EXPORT CONTROL ACT.—

4 (1) SECTION 38.—Section 38 of the Arms Ex-
5 port Control Act (22 U.S.C. 2778) is amended by
6 adding at the end the following:

7 “(m) COVERED UNMANNED AIRCRAFT SYSTEMS AND
8 ITEMS.—

9 “(1) IN GENERAL.—For purposes of transfers
10 of defense articles and defense services under this
11 Act, covered unmanned aircraft systems and items—

12 “(A) shall be treated as manned aircraft
13 systems items; and

14 “(B) shall not be considered launch vehi-
15 cles, missile technology, or missile equipment
16 subject to controls or export restrictions for
17 purposes of adherence by the United States to
18 the Missile Technology Control Regime.

19 “(2) DEFINITION OF COVERED UNMANNED AIR-
20 CRAFT SYSTEMS AND ITEMS.—In this subsection,

1 the term ‘covered unmanned aircraft systems and
2 items’ means unmanned aircraft systems and related
3 items that—

4 “(A) are controlled under the International
5 Traffic in Arms Regulations and enumerated in
6 the Missile Technology Control Regime Annex;
7 and

8 “(B) are designed to be reusable.”.

9 (2) CHAPTER 7.—Chapter 7 of such Act (22
10 U.S.C. 2797 et seq.) is amended by inserting after
11 section 73B the following:

12 **“SEC. 73C. STATEMENT OF POLICY ON COVERED UN-**
13 **MANNED AIRCRAFT SYSTEMS AND ITEMS.**

14 “It is the policy of the United States to treat covered
15 unmanned aircraft systems and items (as defined in sec-
16 tion 38(m)(2)(B)) as manned aircraft systems and items
17 for purposes of implementing the Missile Technology Con-
18 trol Regime.”.

19 (b) INTERNATIONAL TRAFFIC IN ARMS REGULA-
20 TIONS.—

21 (1) UNITED STATES MUNITIONS LIST.—Not
22 later than 180 days after the date of the enactment
23 of this Act, the President shall amend section 121.1
24 of title 22, Code of Federal Regulations, to provide
25 that covered unmanned aircraft systems and items—

1 (A) are subject to the same export control
2 provisions as manned aircraft systems and
3 items and that, for purposes of part 121 of
4 such title, shall be reviewed under the same cri-
5 teria and guidelines as manned aircraft systems
6 and items; and

7 (B) are distinct from launch vehicles, mis-
8 sile technology, and missile equipment and are
9 subject to separate export control provisions
10 and that, for purposes of part 121 of such title,
11 shall be reviewed under criteria specific to their
12 technological and operational characteristics.

13 (2) MISSILE TECHNOLOGY CONTROL REGIME.—
14 Not later than 180 days after the date of the enact-
15 ment of this Act, the President shall amend section
16 120.23 of title 22, Code of Federal Regulations, to
17 provide that, for purposes of implementing the Mis-
18 sile Technology Control Regime, the United States
19 shall treat covered unmanned aircraft systems and
20 items—

21 (A) separately from missile technology, in-
22 cluding for purposes of co-production and co-de-
23 velopment agreements with allies and partners;
24 and

1 (B) as manned aircraft systems and items
2 that shall not be subject to controls, missile
3 technology reviews, or export restrictions for
4 purposes of adherence by the United States to
5 the Missile Technology Control Regime.

6 (3) DEFINITIONS.—In this section:

7 (A) COVERED UNMANNED AIRCRAFT SYS-
8 TEMS AND ITEMS.—The term “covered un-
9 manned aircraft systems and items” has the
10 meaning given that term in subsection (m)(2)
11 of section 38 of the Arms Export Control Act
12 (22 U.S.C. 2778), as added by subsection (a).

13 (B) MISSILE; MISSILE TECHNOLOGY CON-
14 TROL REGIME.—The terms “missile” and “Mis-
15 sile Technology Control Regime” have the
16 meanings given those terms in section 74(a) of
17 the Arms Export Control Act (22 U.S.C.
18 2797c(a)).

