

**AMENDMENT TO THE AMENDMENT IN THE  
NATURE OF A SUBSTITUTE TO H.R. \_\_\_\_\_  
OFFERED BY MR. FONG OF CALIFORNIA**

Add at the end of title V the following:

1 **SEC. 5 \_\_\_\_ . MAKING ADVANCEMENTS IN COMMERCIAL**  
2 **HYPERSONICS.**

3 (a) IN GENERAL.—In conducting the hypersonics re-  
4 search in section 40112(d) of title 51, United States Code,  
5 the Administrator may establish the Making Advance-  
6 ments in Commercial Hypersonics Program (in this sec-  
7 tion referred to as the “Program”), which shall facilitate  
8 opportunities for testing of high-speed aircraft and other  
9 technologies that advance scientific research and tech-  
10 nology development related to hypersonic aircraft.

11 (b) LIMITATION.—The Program under subsection (a)  
12 shall not fund the development of technologies that are  
13 supported by such testing opportunities.

14 (c) PLAN.—Not later than 60 days after the date of  
15 the enactment of this Act, the Administrator, acting  
16 through the Aeronautics Research Mission Directorate,  
17 shall develop a strategic plan for activities under sub-  
18 section (a) that aligns with the research roadmap under  
19 section 503 of this Act.

1 (d) COORDINATION, CONSULTATION AND COLLABO-  
2 RATION.—

3 (1) The Administrator shall ensure coordination  
4 between the Aeronautics Research Mission Direc-  
5 torate and other Mission Directorates, as appro-  
6 priate, to identify technologies eligible for testing op-  
7 portunities under the Program.

8 (2) The Administrator shall consult and seek to  
9 collaborate with, as appropriate, with the Secretary  
10 of Defense and the Administrator of the Federal  
11 Aviation Administration on activities related to the  
12 Program, including development, testing, and eval-  
13 uation of high-speed aircraft and related tech-  
14 nologies.

15 (e) REPORT.—The Administrator shall submit to the  
16 appropriate committees of Congress, and the Committee  
17 on Armed Services of the House of Representatives and  
18 the Committee on Armed Services of the Senate—

19 (1) not later than 80 days after the date of the  
20 enactment of this section, a report that—

21 (A) describes activities of the program es-  
22 tablished under subsection (a); and

23 (B) includes the strategic plan produced  
24 under subsection (c).

1           (2) not later than 1 year after the date of the  
2           enactment of this Act, and annually thereafter, a re-  
3           port describing progress in carrying out the pro-  
4           gram, including the number and type of testing op-  
5           portunities executed in the previous fiscal year and  
6           planned for the upcoming fiscal year.

7           (f) RESEARCH SECURITY.—Nothing under this sec-  
8           tion authorizes the Administrator to develop, implement,  
9           or execute an agreement related to technologies under this  
10          section with any entity of concern, a foreign business enti-  
11          ty, or a foreign country of concern.

12          (g) DEFINITIONS.—In this section—

13           (1) ENTITY OF CONCERN.—the term “entity of  
14           concern” has the meaning given such term in section  
15           10114 of the Research and Development, Competi-  
16           tion, and Innovation Act (Public Law 117–167; 42  
17           U.S.C. 18912).

18           (2) FOREIGN BUSINESS ENTITY.—The term  
19           “foreign business entity” means an entity that is  
20           majority-owned or majority-controlled (as such term  
21           is defined in section 800.208 of title 31, Code of  
22           Federal Regulations, or a successor regulation), or  
23           minority owned greater than 25 percent by—

24           (A) any governmental organization of a  
25           foreign country of concern; or

1 (B) any other entity that is—

2 (i) known to be owned or controlled  
3 by any governmental organization of a for-  
4 eign country of concern; or

5 (ii) organized under, or otherwise sub-  
6 ject to, the laws of a foreign country of  
7 concern.

8 (3) FOREIGN COUNTRY OF CONCERN.—The  
9 term “foreign country of concern” has the meaning  
10 given such term in section 9901 of title XCIX of di-  
11 vision H of the William M. (Mac) Thornberry Na-  
12 tional Defense Authorization Act for Fiscal Year  
13 2021 (15 U.S.C. 4651).

14 (4) HIGH-SPEED AIRCRAFT.—The term “high-  
15 speed aircraft” has the meaning given such term in  
16 section 1009 of the Federal Aviation Reauthoriza-  
17 tion Act of 2024 (Public Law 118–63).

