

**Suspend the Rules and Pass the Bill, H. R. 1151, With an
Amendment**

**(The amendment strikes all after the enacting clause and inserts a
new text)**

118TH CONGRESS
1ST SESSION

H. R. 1151

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

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 24, 2023

Mr. MEEKS (for himself and Mr. MCCAUL) introduced the following bill; which
was referred to the Committee on Foreign Affairs, and in addition to the
Committee on the Judiciary, for a period to be subsequently determined
by the Speaker, in each case for consideration of such provisions as fall
within the jurisdiction of the committee concerned

A BILL

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,*

3 **SECTION 1. SHORT TITLE.**

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

1 **SEC. 2. FINDINGS.**

2 Congress finds the following:

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

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

18 (3) The PRC's response has been to use misin-
19 formation and propaganda to deflect blame for the
20 illegal surveillance activities of these balloons.

21 **SEC. 3. SENSE OF CONGRESS.**

22 It is the sense of Congress that—

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

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

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

11 (4) the PRC should cease efforts to spread mis-
12 information and propaganda about its intelligence-
13 collection efforts;

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

20 (6) the United Nations should condemn the
21 PRC's violation, through its global surveillance bal-
22 loon program, of the sovereignty of member states of
23 the United Nations and call on the PRC to ensure
24 its balloons do not violate sovereign airspace again;

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

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

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

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

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

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

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

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

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

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

22 (b) REPORT.—Not later than 180 days after the date
23 of the enactment of this Act, the Secretary of State, in
24 consultation with the Director of National Intelligence and
25 the United States Permanent Representative to the

1 United Nations, shall submit to the appropriate congres-
2 sional committees a report that outlines the strategy devel-
3 oped pursuant to subsection (a) and describes in detail
4 the various steps taken by the United States in line with
5 said strategy.

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

13 (d) APPROPRIATE CONGRESSIONAL COMMITTEES.—
14 In this section, the term “appropriate congressional com-
15 mittees” means—

16 (1) the Committee on Foreign Affairs and the
17 Permanent Select Committee on Intelligence of the
18 House of Representatives; and

19 (2) the Committee on Foreign Relations and
20 the Select Committee on Intelligence of the Senate.

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

22 (a) IN GENERAL.—The Secretary of Commerce shall
23 evaluate, for appropriate controls under the Export Ad-
24 ministration Regulations, the export, reexport, and in-
25 country transfer of the items and technologies subject to

1 United States jurisdiction related to aerospace programs,
2 including airships and balloons and related materials and
3 components, that are used by the People’s Liberation
4 Army for intelligence and reconnaissance, and not later
5 than 180 days after the enactment of this Act submit a
6 report to the appropriate congressional committees that
7 includes—

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

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

14 (b) APPROPRIATE CONGRESSIONAL COMMITTEES.—
15 In this section, the term “appropriate congressional com-
16 mittees” means the Committee on Foreign Affairs of the
17 House of Representatives and the Committee on Banking,
18 Housing, and Urban Affairs of the Senate.

19 **SEC. 6. IMPOSITION OF SANCTIONS.**

20 (a) IMPOSITION OF SANCTIONS.—On and after the
21 date that is 180 days after the date of the enactment of
22 this Act, the President may impose the sanctions described
23 in subsection (b) with respect to any PRC individual the
24 President determines is directly managing and overseeing
25 the PRC’s global surveillance balloon program.

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

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

15 (2) ALIENS INADMISSIBLE FOR VISAS, ADMIS-
16 SION, OR PAROLE.—

17 (A) IN GENERAL.—An alien described in
18 subsection (a) is—

19 (i) inadmissible to the United States;

20 (ii) ineligible for a visa or travel to the
21 United States; and

22 (iii) otherwise ineligible to be admitted
23 or paroled into the United States or to re-
24 ceive any other benefit under the Immigra-

1 tion and Nationality Act (8 U.S.C. 1101 et
2 seq.).

3 (B) CURRENT VISAS REVOKED.—

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

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

15 (c) EXCEPTIONS.—

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

21 (2) EXCEPTION TO COMPLY WITH UNITED NA-
22 TIONS HEADQUARTERS AGREEMENT.—Sanctions
23 under subsection (b)(3) shall not apply with respect
24 to the admission of an alien to the United States if
25 the admission of the alien is necessary to permit the

1 United States to comply with the Agreement regard-
2 ing the Headquarters of the United Nations, signed
3 at Lake Success June 26, 1947, and entered into
4 force November 21, 1947, between the United Na-
5 tions and the United States, the Convention on Con-
6 sular Relations, done at Vienna April 24, 1963, and
7 entered into force March 19, 1967, or other applica-
8 ble international obligations.

9 (d) EXCEPTION RELATING TO IMPORTATION OF
10 GOODS.—

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

15 (2) GOOD DEFINED.—In this subsection, the
16 term “good” means any article, natural or man-
17 made substance, material, supply or manufactured
18 product, including inspection and test equipment,
19 and excluding technical data.