

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.

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## 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

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## 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”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

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

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

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

19 **SEC. 3. SENSE OF CONGRESS.**

20          It is the sense of Congress that—

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

24                 (2) the United States should continue to neu-  
25                 tralize foreign aerial surveillance assets that are in

1 United States airspace after consideration of civilian  
2 aviation safety, safety of United States civilians and  
3 property on the ground, as well as the intelligence  
4 collection risk and opportunity posed by such intru-  
5 sions;

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

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

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

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

23 (7) the International Civil Aviation Organiza-  
24 tion (ICAO) should condemn the PRC for this viola-

1       tion of airspace and the PRC's ICAO commitments;  
2       and

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

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

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

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

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

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

7           (4) raising the challenges posed by the PRC's  
8           global surveillance balloon program at major multi-  
9           lateral forums, including at the G7 and G20 sum-  
10          mits; and

11          (5) coordinating with allies and partners on the  
12          imposition and implementation of substantially simi-  
13          lar sanctions and export controls to ensure that com-  
14          modities, software, or technology from the United  
15          States and its allies and partners are not supporting  
16          the PRC's global surveillance efforts.

17          (b) REPORT.—Not later than 180 days after the date  
18          of the enactment of this Act, the Secretary of State, in  
19          consultation with the Director of National Intelligence and  
20          the United States Permanent Representative to the  
21          United Nations, shall submit to the appropriate congres-  
22          sional committees a report that outlines the strategy devel-  
23          oped pursuant to subsection (a) and describes in detail  
24          the various steps taken by the United States in line with  
25          said strategy.

1 (c) APPROPRIATE CONGRESSIONAL COMMITTEES.—

2 In this section, the term “appropriate congressional com-  
3 mittees” means—

4 (1) the Committee on Foreign Affairs and the  
5 Permanent Select Committee on Intelligence of the  
6 House of Representatives; and

7 (2) the Committee on Foreign Relations and  
8 the Select Committee on Intelligence of the Senate.

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

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

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

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

4           (b) APPROPRIATE CONGRESSIONAL COMMITTEES.—

5 In this section, the term “appropriate congressional com-  
6 mittees” means the Committee on Foreign Affairs of the  
7 House of Representatives and the Committee on Banking,  
8 Housing, and Urban Affairs of the Senate.

9 **SEC. 6. IMPOSITION OF SANCTIONS.**

10          (a) IMPOSITION OF SANCTIONS.—On and after the  
11 date that is 180 days after the date of the enactment of  
12 this Act, the President may impose the sanctions described  
13 in subsection (b) with respect to any PRC individual the  
14 President determines is directly managing and overseeing  
15 the PRC’s global surveillance balloon program.

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

19           (1) PROPERTY BLOCKING.—Notwithstanding  
20 the requirements of section 202 of the International  
21 Emergency Economic Powers Act (50 U.S.C. 1701),  
22 the President may exercise of all powers granted to  
23 the President by that Act to the extent necessary to  
24 block and prohibit all transactions in all property  
25 and interests in property of the foreign person if

1 such property and interests in property are in the  
2 United States, come within the United States, or are  
3 or come within the possession or control of a United  
4 States person.

5 (2) ALIENS INADMISSIBLE FOR VISAS, ADMIS-  
6 SION, OR PAROLE.—

7 (A) IN GENERAL.—An alien described in  
8 subsection (a) is—

9 (i) inadmissible to the United States;

10 (ii) ineligible for a visa or travel to the  
11 United States; and

12 (iii) otherwise ineligible to be admitted  
13 or paroled into the United States or to re-  
14 ceive any other benefit under the Immigra-  
15 tion and Nationality Act (8 U.S.C. 1101 et  
16 seq.).

17 (B) CURRENT VISAS REVOKED.—

18 (i) IN GENERAL.—The visa or other  
19 documentation issued to an alien described  
20 in subsection (a) shall be revoked, regard-  
21 less of when such visa or other documenta-  
22 tion is or was issued.

23 (ii) EFFECT OF REVOCATION.—A visa  
24 or other entry documentation revoked  
25 under clause (i) shall, in accordance with



1 section 221(i) of the Immigration and Na-  
2 tionality Act (8 U.S.C. 1201(i)), no longer  
3 be valid for travel to the United States.

4 (c) EXCEPTIONS.—

5 (1) EXCEPTION FOR INTELLIGENCE, LAW EN-  
6 FORCEMENT, AND NATIONAL SECURITY ACTIVI-  
7 TIES.—Sanctions under this section shall not apply  
8 to any authorized intelligence, law enforcement, or  
9 national security activities of the United States.

10 (2) EXCEPTION TO COMPLY WITH UNITED NA-  
11 TIONS HEADQUARTERS AGREEMENT.—Sanctions  
12 under subsection (b)(3) shall not apply with respect  
13 to the admission of an alien to the United States if  
14 the admission of the alien is necessary to permit the  
15 United States to comply with the Agreement regard-  
16 ing the Headquarters of the United Nations, signed  
17 at Lake Success June 26, 1947, and entered into  
18 force November 21, 1947, between the United Na-  
19 tions and the United States, the Convention on Con-  
20 sular Relations, done at Vienna April 24, 1963, and  
21 entered into force March 19, 1967, or other applica-  
22 ble international obligations.

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