

118TH CONGRESS  
1ST SESSION

# H. R. 3974

To prohibit the use of Federal funds for unmanned aircraft systems from foreign entities, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JUNE 9, 2023

Mr. JOYCE of Ohio (for himself, Mr. AUCHINCLOSS, Mr. GOODEN of Texas, Mr. MILLER of Ohio, Mr. FITZPATRICK, and Mr. SMITH of New Jersey) introduced the following bill; which was referred to the Committee on Oversight and Accountability, and in addition to the Committee on Armed Services, 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 prohibit the use of Federal funds for unmanned aircraft systems from foreign entities, and for other purposes.

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 “Securing Our Airspace  
5 from Reconnaissance Act of 2023”.

1 **SEC. 2. PROHIBITION ON USE OF FEDERAL FUNDS FOR**  
2 **PURCHASES AND OPERATION OF UNMANNED**  
3 **AIRCRAFT SYSTEMS FROM FOREIGN ENTI-**  
4 **TIES.**

5 (a) IN GENERAL.—Beginning on the first October 1  
6 that occurs after the date of the enactment of this Act  
7 and except as provided in subsections (b) and (c), Federal  
8 funds may not be awarded through a contract, grant, or  
9 cooperative agreement, or otherwise made available—

10 (1) to purchase an unmanned aircraft system  
11 that is manufactured or assembled by a covered for-  
12 eign entity; or

13 (2) in connection with the operation of such un-  
14 manned aircraft system.

15 (b) EXEMPTIONS.—The Secretary of Homeland Se-  
16 curity, the Secretary of Defense, the Director of National  
17 Intelligence, and the Attorney General are exempt from  
18 the restriction under subsection (a) if the procurement is  
19 required in the national interest of the United States  
20 and—

21 (1) is for the sole purposes of research, evalua-  
22 tion, training, testing, or analysis for electronic war-  
23 fare, information warfare operations, cybersecurity,  
24 or development of unmanned aircraft system or  
25 counter-unmanned aircraft system technology;

1           (2) is for the sole purposes of conducting  
2           counterterrorism or counterintelligence activities,  
3           protective missions, or Federal criminal or national  
4           security investigations, including forensic examina-  
5           tions, or for electronic warfare, information warfare  
6           operations, cybersecurity, or development of an un-  
7           manned aircraft system or counter-unmanned air-  
8           craft system technology; or

9           (3) is an unmanned aircraft system that, as  
10          procured or as modified after procurement but be-  
11          fore operational use, can no longer transfer to, or  
12          download data from, a covered foreign entity and  
13          otherwise poses no national security cybersecurity  
14          risks as determined by the exempting official.

15          (c) WAIVER.—The head of an agency may waive the  
16          prohibition under subsection (a) on a case-by-case basis  
17          for a year, which may be renewed—

18                 (1) with the approval of the Secretary of Home-  
19                 land Security or the Secretary of Defense; and

20                 (2) upon notification to Congress.

21          (d) DEFINITIONS.—In this section:

22                 (1) AGENCY.—The term “agency” has the  
23                 meaning given that term in section 551 of title 5,  
24                 United States Code.

1           (2) COVERED FOREIGN ENTITY.—The term  
2           “covered foreign entity” means any entity in the fol-  
3           lowing categories:

4                   (A) An entity included on the Consolidated  
5                   Screening List.

6                   (B) Any entity that is subject to  
7                   extrajudicial direction from a foreign govern-  
8                   ment, as determined by the Secretary of Home-  
9                   land Security in coordination with the Secretary  
10                  of State.

11                  (C) Any entity the Secretary of Homeland  
12                  Security, in coordination with the Attorney  
13                  General, the Director of National Intelligence,  
14                  and the Secretary of Defense, determines poses  
15                  a risk to the national security of the United  
16                  States.

17                  (D) Any entity domiciled in the People’s  
18                  Republic of China or subject to influence or  
19                  control by the Government of the People’s Re-  
20                  public of China or the Communist Party of the  
21                  People’s Republic of China, as determined by  
22                  the Secretary of Homeland Security in coordi-  
23                  nation with the Secretary of State.

24                  (E) Any entity domiciled in the People’s  
25                  Republic of China that is involved in the imple-

1           mentation of military-civil fusion, participates  
2           in the Chinese defense industrial base, is affili-  
3           ated with the Chinese State Administration for  
4           Science, Technology, and Industry for the Na-  
5           tional Defense, receives funding from any orga-  
6           nization subordinate to the Central Military  
7           Commission of the Chinese Communist Party,  
8           or provides support to any security, defense, po-  
9           lice, or intelligence organization of the Govern-  
10          ment of the People’s Republic of China or the  
11          Chinese Communist Party.

12                   (F) Any subsidiary or affiliate of an entity  
13                   described in subparagraphs (A) through (E).

14           (3) INTELLIGENCE; INTELLIGENCE COMMU-  
15          NITY.—The terms “intelligence” and “intelligence  
16          community” have the meanings given those terms in  
17          section 3 of the National Security Act of 1947 (50  
18          U.S.C. 3003).

19           (4) UNMANNED AIRCRAFT SYSTEM.—The term  
20          “unmanned aircraft system” has the meaning given  
21          that term in section 44801 of title 49, United States  
22          Code.

1 **SEC. 3. INCREASE TO DOMESTIC PRODUCTION OF UN-**  
2 **MANNED AIRCRAFT SYSTEMS.**

3       The Secretary of Defense is directed to take such ac-  
4 tion as necessary to increase the domestic production of  
5 unmanned aircraft systems (as defined in section 2(d) of  
6 this Act).

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