

AMENDMENT TO RULES COMM. PRINT 118-11
OFFERED BY MR. JOYCE OF OHIO

Add at the end of subtitle A of title VI the following:

1 **SEC. 635. SECURING OUR AIRSPACE FROM RECONNAIS-**
2 **SANCE.**

3 (a) PROHIBITION ON USE OF FEDERAL FUNDS FOR
4 PROCUREMENT AND OPERATION OF UNMANNED AIR-
5 CRAFT SYSTEMS FROM CERTAIN FOREIGN ENTITIES.—

6 (1) IN GENERAL.—Beginning on the first Octo-
7 ber 1 that occurs after the date of the enactment of
8 this Act, and except as provided in paragraph (2),
9 Federal funds may not be awarded through a con-
10 tract, grant, or cooperative agreement, or otherwise
11 made available—

12 (A) to procure an unmanned aircraft sys-
13 tem that is manufactured or assembled by a
14 covered foreign entity; or

15 (B) in connection with the operation of
16 such unmanned aircraft system.

17 (2) EXEMPTIONS.—

18 (A) COVERED AGENCIES.—A covered agen-
19 cy head may waive the prohibition under para-
20 graph (1) with respect to Federal funds award-

1 ed through a contract, grant, or cooperative
2 agreement, or otherwise made available by the
3 covered agency head if the procurement or op-
4 eration of an unmanned aircraft system that is
5 manufactured or assembled by a covered foreign
6 entity by the covered agency head—

7 (i) is required in the national security
8 interest of the United States, as deter-
9 mined by the Secretary of Defense; and

10 (ii) is—

11 (I) for the sole purpose of con-
12 ducting research, evaluation, training,
13 testing, or analysis for—

14 (aa) electronic warfare;

15 (bb) information warfare op-
16 erations;

17 (cc) cybersecurity; or

18 (dd) the development of un-
19 manned aircraft system or
20 counter-UAS system;

21 (II) for the sole purpose of con-
22 ducting—

23 (aa) counterterrorism or
24 counterintelligence activities;

25 (bb) protective missions;

1 (cc) Federal criminal or na-
2 tional security investigations, in-
3 cluding forensic examinations;
4 (dd) electronic warfare,
5 (ee) information warfare op-
6 erations,
7 (ff) cybersecurity; or
8 (gg) development of an un-
9 manned aircraft system or
10 counter-UAS system; or
11 (III) an unmanned aircraft sys-
12 tem that, as procured or as modified
13 after procurement but before oper-
14 ational use, can no longer transfer to,
15 or download data from, a covered for-
16 eign entity and otherwise poses no na-
17 tional security cybersecurity risks as
18 determined by the exempting official.

19 (B) OTHER AGENCIES.—The head of an
20 agency that is not a covered agency head may
21 waive the prohibition under paragraph (1) on a
22 case-by-case basis for a period not more than a
23 year with respect to Federal funds awarded
24 through a contract, grant, or cooperative agree-
25 ment, or otherwise made available by the head

1 of the agency, which may be renewed for addi-
2 tional periods of not more than a year—

3 (i) with the approval of the Secretary
4 of Homeland Security or the Secretary of
5 Defense; and

6 (ii) upon notification to Congress.

7 (b) INCREASE TO DOMESTIC PRODUCTION OF UN-
8 MANNED AIRCRAFT SYSTEMS.—The Secretary of Defense
9 is directed to take such action as necessary to increase
10 the domestic production of unmanned aircraft systems for
11 use by the Federal Government.

12 (c) INTELLIGENCE COMMUNITY EXEMPTION.—Noth-
13 ing in this section shall apply to any element of the intel-
14 ligence community.

15 (d) DEFINITIONS.—In this section:

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

19 (2) COUNTER-UAS SYSTEM.—The term
20 “couter-UAS system” has the meaning given that
21 term in section 44801 of title 49, United States
22 Code.

23 (3) COVERED AGENCY HEAD.—The term “cov-
24 ered agency head” means the following:

25 (A) The Secretary of Homeland Security.

1 (B) The Secretary of Defense.

2 (C) The Attorney General.

3 (4) COVERED FOREIGN ENTITY.—The term
4 “covered foreign entity” means an entity in any of
5 the following categories:

6 (A) An entity included on the Consolidated
7 Screening List maintained by the International
8 Trade Administration of the Department of
9 Commerce.

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

15 (C) Any entity the Secretary of Homeland
16 Security, in coordination with the Attorney
17 General, the Director of National Intelligence,
18 the Secretary of Defense, and the Secretary of
19 State determines poses a risk to the national
20 security of the United States.

21 (D) Any entity domiciled in the People’s
22 Republic of China or subject to influence or
23 control by the Government of the People’s Re-
24 public of China or the Communist Party of the
25 People’s Republic of China, as determined by

1 the Secretary of Homeland Security in coordi-
2 nation with the Secretary of State, including,
3 any such entity that—

4 (i) is involved in the implementation
5 of military-civil fusion;

6 (ii) participates in the Chinese defense
7 industrial base;

8 (iii) is affiliated with the Chinese
9 State Administration for Science, Tech-
10 nology, and Industry for the National De-
11 fense;

12 (iv) receives funding from any organi-
13 zation subordinate to the Central Military
14 Commission of the Chinese Communist
15 Party; or

16 (v) provides support to any security,
17 defense, police, or intelligence organization
18 of the Government of the People’s Republic
19 of China or the Chinese Communist Party.

20 (E) Any subsidiary or affiliate of an entity
21 described in subparagraphs (A) through (D).

22 (5) INTELLIGENCE COMMUNITY.—The term
23 “intelligence community” has meaning given that
24 term in section 3 of the National Security Act of
25 1947 (50 U.S.C. 3003).

1 (6) UNMANNED AIRCRAFT SYSTEM.—The term
2 “unmanned aircraft system” has the meaning given
3 that term in section 44801 of title 49, United States
4 Code.

