

**AMENDMENT TO RULES COMMITTEE PRINT**

**118-10**

**OFFERED BY MR. JOYCE OF OHIO**

Add at the end of subtitle C of title XVIII the following:

1 **SEC. 18\_\_ . 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.—

1                   (A) COVERED AGENCIES.—A covered agen-  
2                   cy head may waive the prohibition under para-  
3                   graph (1) with respect to Federal funds award-  
4                   ed through a contract, grant, or cooperative  
5                   agreement, or otherwise made available by the  
6                   covered agency head if the procurement or op-  
7                   eration of an unmanned aircraft system that is  
8                   manufactured or assembled by a covered foreign  
9                   entity by the covered agency head—

10                   (i) is required in the national security  
11                   interest of the United States, as deter-  
12                   mined by the Secretary of Defense; and

13                   (ii) is—

14                   (I) for the sole purpose of con-  
15                   ducting research, evaluation, training,  
16                   testing, or analysis for—

17                   (aa) electronic warfare;

18                   (bb) information warfare op-  
19                   erations;

20                   (cc) cybersecurity; or

21                   (dd) the development of un-  
22                   manned aircraft system or  
23                   counter-unmanned aircraft sys-  
24                   tem technology;

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

1 (B) OTHER AGENCIES.—The head of an  
2 agency that is not a covered agency head may  
3 waive the prohibition under paragraph (1) on a  
4 case-by-case basis for a period not more than a  
5 year with respect to Federal funds awarded  
6 through a contract, grant, or cooperative agree-  
7 ment, or otherwise made available by the head  
8 of the agency, which may be renewed for addi-  
9 tional periods of not more than a year—

10 (i) with the approval of the Secretary  
11 of Homeland Security or the Secretary of  
12 Defense; and

13 (ii) upon notification to Congress.

14 (b) INCREASE TO DOMESTIC PRODUCTION OF UN-  
15 MANNED AIRCRAFT SYSTEMS.—The Secretary of Defense  
16 is directed to take such action as necessary to increase  
17 the domestic production of unmanned aircraft systems for  
18 use by the Federal Government.

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

22 (d) DEFINITIONS.—In this section:

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

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

3                   (A) The Secretary of Homeland Security.

4                   (B) The Secretary of Defense.

5                   (C) The Attorney General.

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

9                   (A) An entity included on the Consolidated  
10                  Screening List maintained by the International  
11                  Trade Administration of the Department of  
12                  Commerce.

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

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

24                  (D) Any entity domiciled in the People’s  
25                  Republic of China or subject to influence or

1 control by the Government of the People's Re-  
2 public of China or the Communist Party of the  
3 People's Republic of China, as determined by  
4 the Secretary of Homeland Security in coordi-  
5 nation with the Secretary of State, including,  
6 any such entity that—

7 (i) is involved in the implementation  
8 of military-civil fusion;

9 (ii) participates in the Chinese defense  
10 industrial base;

11 (iii) is affiliated with the Chinese  
12 State Administration for Science, Tech-  
13 nology, and Industry for the National De-  
14 fense;

15 (iv) receives funding from any organi-  
16 zation subordinate to the Central Military  
17 Commission of the Chinese Communist  
18 Party; or

19 (v) provides support to any security,  
20 defense, police, or intelligence organization  
21 of the Government of the People's Republic  
22 of China or the Chinese Communist Party.

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

1           (4) INTELLIGENCE COMMUNITY.—The term  
2           “intelligence community” has meaning given that  
3           term in section 3 of the National Security Act of  
4           1947 (50 U.S.C. 3003).

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

