

## **H. Res. 104**

### ***In the House of Representatives, U. S.,***

*February 9, 2023.*

Whereas, on February 2, 2023, the Department of Defense publicly announced it was tracking over United States territory a high-altitude surveillance balloon belonging to the People’s Republic of China (PRC);

Whereas the Department of Defense has since acknowledged that North American Aerospace Defense Command (NORAD) first began tracking the surveillance balloon on January 28, 2023, prior to its entry into United States airspace;

Whereas the Secretary of Defense has stated that the balloon “was being used by the PRC in an attempt to surveil strategic sites in the continental United States”;

Whereas the surveillance balloon traveled near sensitive United States national security facilities, including Malmstrom Air Force Base in Montana;

Whereas, on February 4, 2023, a United States Air Force aircraft shot down the surveillance balloon off the coast of South Carolina;

Whereas the Chinese Communist Party’s (CCP) intelligence collection directed against the United States poses a threat to United States interests and security;

Whereas, while the PRC has a long history of intelligence collection operations against United States national security entities, reports of its espionage have risen significantly in recent years;

Whereas the CCP attempted to spread false claims about the nature and purpose of the surveillance balloon, falsely claiming it to be a weather balloon that veered off-course due to “force majeure” events;

Whereas, on February 3, 2023, the Secretary of State postponed his planned trip to the PRC and referred to the balloon incident as an “irresponsible act and a clear violation of U.S. sovereignty and international law that undermined the purpose of the trip”;

Whereas Article I of the Convention on International Civil Aviation, also known as the Chicago Convention, states that “every State has complete and exclusive sovereignty over the airspace above its territory”;

Whereas although PRC surveillance balloons have previously violated United States airspace, this incident differs from those prior violations due to the length of time the balloon spent over United States territory; and

Whereas it is in the United States national security interest to deter foreign adversaries from engaging in intelligence collection and other malign activities within United States territory and airspace: Now, therefore, be it

*Resolved*, That the House of Representatives—

(1) condemns the PRC’s brazen violation of United States sovereignty;

(2) denounces the CCP’s efforts to deceive the international community through false claims about its

intelligence collection campaigns in violation of United States sovereignty;

(3) determines that it should be the policy of the United States to promptly and decisively act to prevent foreign aerial surveillance platforms, including those directed by or connected to the CCP, from violating United States sovereignty; and

(4) calls on the Biden administration to continue to keep Congress apprised by providing comprehensive briefings on this incident that include—

(A) a complete account of all known infiltrations of the national airspace by the PRC over the past several years, regardless of platform;

(B) a complete account of similar past incidents of the PRC's use of surveillance balloons around the world;

(C) a complete timeline of events for the most recent infiltration from first detection to the eventual shutdown of the balloon;

(D) an assessment of what surveillance data the PRC was potentially able to collect or transmit, via the balloon while it was over United States territory;

(E) a detailed account of what measures were taken to mitigate the intelligence collection threat

posed by the balloon, the costs of those measures, and the impact on the regular operations of the affected installations, platforms, and personnel;

(F) a description of what options were identified to mitigate the threat, and a description and timing of the recommendation the U.S. military made to the President regarding those response options;

(G) a detailed account of diplomatic communications between the United States and the PRC regarding this incident, including any demarches by Department of State personnel and subsequent responses by the PRC; and

(H) a detailed description of plans, capabilities, and methods to deter and defeat intelligence collection activities conducted by the PRC or other foreign adversaries in the national airspace system and any additional authorities needed from Congress to ensure detection and defeat of these activities in the future.

Attest:

*Clerk.*