

118TH CONGRESS
1ST SESSION

S. RES. _____

Condemning the use by the People's Republic of China of a high-altitude surveillance balloon over the territory of the United States as a brazen violation of United States sovereignty.

IN THE SENATE OF THE UNITED STATES

Mr. TESTER (for himself and Ms. COLLINS) submitted the following resolution; which was referred to the Committee on _____

RESOLUTION

Condemning the use by the People's Republic of China of a high-altitude surveillance balloon over the territory of the United States as a brazen violation of United States sovereignty.

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 acknowledged that North American Aerospace Defense Command (NORAD) first began tracking the surveillance balloon on January 28, 2023, prior to the entry of the balloon 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 national security facilities of the United States, including Malmstrom Air Force Base in Montana;

Whereas, on February 4, 2023, a United States Air Force aircraft, at the direction of the President acting consistent with military advice, shot down the surveillance balloon in the territorial airspace of the United States off the coast of South Carolina;

Whereas, on February 4, 2023, the Department of Defense submitted a request for a call between the Secretary of Defense and the Minister of National Defense of the PRC, Wei Fenghe, a request that the PRC subsequently declined;

Whereas open lines of communication between the United States and the civilian and military officials of the PRC remain critical to avoid miscommunication or escalation to conflict;

Whereas the United States intelligence community has linked the surveillance balloon of the PRC to a broader surveillance program run by the People’s Liberation Army, and United States officials have briefed officials from other countries that may have also been targeted;

Whereas intelligence collection by the PRC directed against the United States poses a threat to the interests and security of the United States and extends beyond the capabilities demonstrated by the February 2023 incident and related incidents;

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

Whereas the Chinese Communist Party 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”;

Whereas, on February 3, 2023, the Secretary of State postponed his 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 the substantial increase in the detection of unidentified aerial phenomena since February 4, 2023 warrants further investigation and attention to domain awareness gaps identified by United States Northern Command; and

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

1 *Resolved*, That the Senate—

1 (1) condemns the brazen violation of United
2 States sovereignty by the People’s Republic of China
3 (PRC);

4 (2) denounces the efforts of the Chinese Com-
5 munist Party (CCP) to deceive the international
6 community through false claims about its intel-
7 ligence collection campaigns in violation of United
8 States sovereignty, and those regarding other na-
9 tions where similar incidents have occurred;

10 (3) determines that it should be the policy of
11 the United States to act promptly, responsibly, and
12 decisively to deter and stop foreign aerial surveil-
13 lance platforms violating United States sovereignty,
14 including those directed by or connected to the CCP;
15 and

16 (4) calls on the President to keep Congress
17 fully informed by continuing to provide comprehen-
18 sive briefings on the February 2023 incident, pre-
19 vious incidents, and the broader efforts of the PRC
20 in this area that include—

21 (A) a complete account of all known viola-
22 tions of United States national airspace by the
23 PRC in recent years, regardless of platform;

1 (B) a complete account of similar past in-
2 cidents of the PRC's use of surveillance bal-
3 loons around the world;

4 (C) a timeline of events for the February
5 2023 incident, from first detection to the even-
6 tual shutdown of the balloon;

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

11 (E) an assessment of the value of the intel-
12 ligence that the United States obtained while
13 the balloon transited the United States and
14 from the recovery and analysis of physical de-
15 bris;

16 (F) a detailed account of what measures
17 were taken to mitigate the intelligence collection
18 threat posed by the balloon, the costs of those
19 measures, and the impact on the regular oper-
20 ations of the affected installations, platforms,
21 and personnel;

22 (G) a description of what options were
23 identified to mitigate the threat, and a descrip-
24 tion and timing of the recommendations the

1 United States military made regarding those
2 options;

3 (H) an account of diplomatic communica-
4 tions, past and ongoing, between the United
5 States and the PRC regarding the February
6 2023 incident, including any demarches by De-
7 partment of State personnel and subsequent re-
8 sponses by the PRC;

9 (I) a detailed description of plans, capabili-
10 ties, and methods to deter and defeat intel-
11 ligence collection activities conducted by the
12 PRC or other foreign adversaries in United
13 States national airspace and any additional au-
14 thorities or resources needed from Congress to
15 ensure detection and defeat of these activities in
16 the future;

17 (J) a detailed description of efforts of the
18 United States to enhance cooperation with part-
19 ners, allies, and countries affected by the global
20 surveillance balloon program of the PRC to
21 push back on the PRC's practices in this area;
22 and

23 (K) a description of efforts to hold the
24 Government of the PRC, and entities associated
25 with the design, development, management, and

1 deployment of the PRC surveillance balloon
2 program, accountable for the violation of
3 United States sovereignty and the sovereignty
4 of other countries.