JIM BANKS
THIRD DISTRICT, INDIANA

COMMITTEE ON
ARMED SERVICES

COMMITTEE ON
EDUCATION AND LABOR

COMMITTEE ON
VETERANS' AFFAIRS

Congress of the United States
House of Representatives
Washington, DC 20515–1403

November 1, 2020

Mr. Thomas J. Donohue
Chamber of Commerce of the United States of America
1615 H Street, NW
Washington, DC 20062-2000

Mr. Donohue,

I'm writing to you today to express my concern with a U.S. Chamber of Commerce report opposing country of origin restrictions on federal agencies' procurement of unmanned aerial systems (UAS). The report states that country of origin restrictions would harm the United States' economy and ability to produce drones and provide a, "false sense of security."

The fact is that foreign-manufactured drones, and particularly, drones produced by Dà-Jiāng Innovations (DJI)—a behemoth manufacturer with ties to the Chinese Communist Party, pose a present national security threat and require an immediate executive and/or legislative response. Denying that fact places temporary convenience ahead of America's national security.

This month, the Department of Justice (DOJ) prohibited the use of DOJ grants to purchase drones from firms determined, "to be subject to or vulnerable to extrajudicial direction from a foreign government." And in January this year, the Interior Department grounded its entire fleet of drones because of concern over security risks posed by DJI. As far back as May 2018 the Department of Defense (DoD) banned the purchase and use of DJI drones due to cybersecurity risks associated with their use.

Federal agencies do not make these decisions lightly, or without deliberation, and the actions taken by DOJ, DOI, and DoD were informed by an accumulation of evidence of serious risks associated with the use of foreign-manufactured drones.

According to a 2017 memo from the Los Angeles office of Immigration and Customs Enforcement, that agency had "moderate confidence that DJI was providing critical "infrastructure and law enforcement data to the Chinese government." The memo specified that, "much of the information collected includes proprietary and sensitive critical infrastructure data, such as detailed imagery of power control panels, security measures for critical infrastructure sites, or materials used in bridge construction." That conclusion is supported by a July 2020 report released by the cybersecurity companies, Synackti and GRIMM. The firms found an Android application used to operate DJI drones collects and transmits large amounts of users'

personal information to the firm. The Chinese Communist Party's national security law allows it access to all data belonging to DJI and any other Chinese drone manufacturer. Because of that law, it's impossible to secure federal agencies' drone data without banning drones produced in China—and any half-measure would just provide a false sense of security.

Congress's paramount responsibilities are the promotion of national security and economic development. Your report raises legitimate concerns over the effect of a country of origin drone ban on America's overall economy and the nascent drone industry. But the threat of Chinese manufactured drones cannot be discounted, and actually elevates the importance of the United States' domestic industrial UAS base. As your report notes, America is set to lead the globe in overall research and development investment into UAS's. Congress can and should encourage the growth of the UAS industry by developing a clear, standardized regulatory framework for American drone manufacturers and promoting public-private research and development projects.

But Congress does not have to choose between preserving our national security and maintaining a healthy UAS industry. In this instance, we can "have our cake and eat it too." To that end, it's imperative that defense policymakers and industry groups engage in open, receptive communication. I was concerned by the Chamber's hasty dismissal of proven national security risks, and I hope that you properly weigh the seriousness of these risks in any future report.

Sincerely,

Jim Banks
Member of Congress