

United States Senate

August 5, 2020

The Honorable Wilbur Ross
Secretary
U.S. Department of Commerce
1401 Constitution Ave., NW
Washington, D.C. 20230

Dear Secretary Ross,

On June 10, 2019, President Trump issued a Presidential Determination identifying domestic production capability for small unmanned aircraft systems (sUAS) as essential to national defense, and authorized the use of Defense Production Act Title III authorities to strengthen sUAS production capabilities¹. This was a crucial step to support the sUAS missions of our military, first responders, and law enforcement. However, the use of sUAS during these critical missions results in serious national security implications if these sUAS are manufactured in the People's Republic of China. For this reason, we urge you to build on the Administration's actions to date and begin examining the impact that importing Chinese sUAS may have on national security.

Companies domiciled in the People's Republic of China operate under a 2017 National Intelligence Law², which requires civilian companies to cooperate with Chinese state intelligence operations. As a result, Chinese-manufactured sUAS have the capability and obligation to route sensitive data back to servers located in the People's Republic of China.

In recent years, Chinese-manufactured sUAS have flooded the U.S. market, posing a myriad of risks to American citizens' security and privacy, which have been addressed on numerous occasions by the United States Federal Government:

- On August 2, 2017, the Department of the Army released a memorandum ordering a halt on the use of DJI applications and products, citing an "increased awareness of cyber vulnerabilities associated with DJI products."³

¹ "Memorandum on Presidential Determination Pursuant to Section 303 of the Defense Production Act of 1950, as Amended." The White House, The United States Government, 10 June 2019, www.whitehouse.gov/presidential-actions/memorandum-presidential-determination-pursuant-section-303-defense-production-act-1950-amended/.

² Blanchard, Ben, and Christian Shepherd. "China Passes Tough New Intelligence Law." Reuters, Thomson Reuters, 28 June 2017, www.reuters.com/article/us-china-security-lawmaking/china-passes-tough-new-intelligence-law-idUSKBN1911FW.

³ Gary Mortimer, "US Army Calls for Units to Discontinue Use of DJI Equipment," sUAS News (The Business of Drones, August 5, 2017), <https://www.suasnews.com/2017/08/us-army-calls-units-discontinue-use-dji-equipment>

The Honorable Wilbur Ross
August 5, 2020
Page Two

- On May 20, 2019, the Cybersecurity and Infrastructure Security Agency (CISA), a component of the Department of Homeland Security (DHS), issued an industry alert of potential risks to the products that “contain components that can compromise data and share information on a server accessed beyond the company itself.”⁴
- Section 848 of the Fiscal Year 2020 National Defense Authorization Act specifically prohibits the Department of Defense from operating or procuring unmanned aircraft systems manufactured in China.
- On October 30, 2019, the Department of Interior (DOI) announced that it was grounding its fleet of drones purchased from China until a security review is completed. Secretary Bernhardt issued an order on January 29, 2020, extending the order to ground all drones. Prior to grounding, DOI had supported its use of DJI products by a third party.⁵

President Trump issued a Memorandum in 2017 to promote the safe operation of UAS and enable the development of UAS technologies for use in agriculture, commerce, emergency management, human transportation, and other sectors.⁶ As the country works to achieve these goals, we must also recognize that the People’s Republic of China is actively engaging in unfair trade practices by infiltrating our nation with their sUAS technologies, and crippling our ability to compete domestically. It is therefore imperative that we investigate and mitigate all potential national security implications from the importation of Chinese manufactured sUAS.

The Department of Commerce has many statutory tools provided by Congress at its disposal to ensure protections of American interests in trade and technology standards. The International Trade Administration, the National Institute of Standards and Technology, and the Bureau of Industry and Security all are vital to ensure foreign products imported into the United States meet the standards of fair trade practices and national security requirements.

In order to protect national security and the privacy of American citizens, and to protect the essential domestic sUAS industry, we ask that you engage all the appropriate divisions within the Department of Commerce to immediately investigate the national security implications of the importation of sUAS manufactured in the People’s Republic of China and determine any necessary enforcement measures.

Thank you for your time and consideration in this matter.

⁴ David Shortell, “DHS Warns of ‘Strong Concerns’ That Chinese-Made Drones Are Stealing Data,” CNN (Cable News Network, May 20, 2019), <https://www.cnn.com/2019/05/20/politics/dhs-chinese-drone-warning/index.html>

⁵ Timothy Puko and Katy Stech Ferek, “Interior Department Grounds Aerial Drone Fleet, Citing Risk From Chinese Manufacturers,” The Wall Street Journal (Dow Jones & Company, October 30, 2019) <https://www.wsj.com/articles/interior-dept-grounds-aerial-drone-fleet-citing-risk-from-chinese-manufacturers-11572473703>

⁶ <https://www.whitehouse.gov/presidential-actions/presidential-memorandum-secretary-transportation/>

The Honorable Wilbur Ross
August 5, 2020
Page 3

Sincerely,



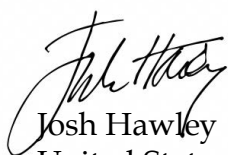
Rick Scott
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Richard Blumenthal
United States Senator



Marco Rubio
United States Senator



Josh Hawley
United States Senator



Tom Cotton
United States Senator



Marsha Blackburn
United States Senator



Martha McSally
United States Senator