

United States Senate

November 15, 2023

The Honorable Christopher Wray
Director
Federal Bureau of Investigation
935 Pennsylvania Ave. NW
Washington, D.C. 20535-0001

Dear Director Wray,

As President Biden prepares to meet Xi Jinping in San Francisco, it is imperative that the administration prioritize the safety and security of the American people. With that in mind, I am writing to request the status and findings of the Federal Bureau of Investigation's (FBI) investigation into the equipment utilized on the Chinese high-altitude surveillance balloon in February 2023. As you know, the Chinese spy balloon traversed over U.S. nuclear missile fields at Malmstrom Air Force Base in Great Falls, Montana, before continuing to fly over the country unabated. Many questions still remain regarding this situation and Congress and the American people deserve answers so we can ensure such an episode does not happen again.

Shortly after the February 2023 incident, reports indicated the Chinese spy balloon was loaded with American-made equipment. Given these reports, it is extremely concerning that the Chinese Communist Party (CCP) is not only conducting brazen spy operations within U.S. airspace, but testing the limitations to which they can utilize U.S. telecommunications technology during such violations of U.S. national sovereignty. Combined with the fact that China has been spying on the United States from a base in Cuba since 2019, all of this indicates a pattern of continued malign intentions on the part of the CCP.

Because the United States does not share military technology with China or allow trade with entities that are considered part of the Chinese military, it is imperative for the Administration to immediately identify how China has obtained and illegally deployed this technology and ensure this does not happen again. This act of espionage shows the likelihood that China is skirting and evading both the law and spirit of U.S. military end-use export restrictions.

The FBI has not only been tasked with an investigation into the incident, but also with restoring the American people's confidence that our domestically developed technology will not be used in ways averse to U.S. national security interests. The FBI must identify and present to Congress how China acquired American equipment.

I request that the FBI brief Congress on the progress of the investigation, and provide the following to Congress:

- A complete list of what U.S. technology was utilized in the high-altitude balloon.

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- The analysis and findings of unique identifiers and chain of custody documentation to establish end users of such U.S. technology.
- A cross reference of such U.S. technology against any exports to entities on the Bureau of Industry and Security's (BIS) Military End User (MEU) List.
- A decision as to whether the FBI will be making a recommendation that the Department of Treasury follow BIS' actions and make relevant additions to any restricted entities lists, such as the SDN list.
- A review of any findings against the Department of Defense's List of People's Republic of China (PRC) Military Companies (1260H List).

The spy balloon incident was a national embarrassment, and the United States must repair its image around the world – starting with projecting strength, not weakness. Addressing this issue immediately will help restore confidence in the administration. I look forward to the FBI's response regarding their findings.

Sincerely,



Steve Daines
United States Senator