

U.S. House of Representatives

Committee on the Judiciary

Washington, DC 20515–6216
One Hundred Sixteenth Congress

May 13, 2020

The Honorable Christopher C. Krebs
Director
Cybersecurity and Infrastructure Security Agency
U.S. Department of Homeland Security
Washington, DC 20530

Dear Director Krebs:

We respectfully write to request information about state and local law enforcement use of Unmanned Aircraft Systems (UAS) produced by Da Jiang Innovations (DJI), a Chinese company that accounts for nearly 80 percent of drone sales in the United States.¹ In response to the coronavirus epidemic, DJI has donated drones to state and local law enforcement entities to purportedly assist with social distancing enforcement.² Although federal law enforcement agencies have warned of potential information security concerns with DJI drones, it is not clear whether state and local law enforcement agencies are fully aware of these issues.

In 2017, Homeland Security Investigations (HSI)—the investigative component of U.S. Immigration and Customs Enforcement—issued an alert warning that DJI drones are “[l]ikely providing U.S. critical infrastructure and law enforcement data to [the] Chinese government.”³ That alert “assesse[d] with high confidence [DJI] is selectively targeting government and privately owned entities within [infrastructure and law enforcement sectors] to expand its ability to collect and exploit sensitive U.S. data.”⁴ In May 2019, the Cybersecurity and Infrastructure Security Agency (CISA) issued a similar warning that Chinese-made drones pose a “potential risk of an organization’s information.”⁵

¹ See Blake Schmidt and Ashlee Vance, *DJI Won the Drone Wars and Now It’s Paying the Price*, BUSINESS INSIDER (Mar. 26, 2020), <https://www.bloomberg.com/news/features/2020-03-26/dji-s-drone-supremacy-comes-at-a-price>.

² See Romero Durscher, *U.S. Disaster Relief Program, COVID-19 Update*, DJI ENTERPRISE (Apr. 1, 2020), <https://enterprise-insights.dji.com/blog/us-covid-19-relief-program-update>; Zachary Evans, *Chinese Company Suspected of Spying on U.S. Citizens Donates Police Drones to 22 States*, NAT’L REV. (Apr. 20, 2020), <https://www.nationalreview.com/news/chinese-company-suspected-of-spying-on-u-s-citizens-donates-police-drones-to-22-states/>.

³ U.S. Immigration and Customs Enforcement, *Da Jiang Innovations (DJI) Likely Providing U.S. Critical Infrastructure and Law Enforcement Data to Chinese Government* (Aug. 9, 2017), <https://info.publicintelligence.net/ICE-DJI-China.pdf>.

⁴ *Id.*

⁵ See David Shortell, *DHS warns of ‘strong concerns’ that Chinese-made drones are stealing data*, CNN (last updated May 20, 2019), <https://www.cnn.com/2019/05/20/politics/dhs-chinese-drone-warning/index.html>; David Shepardson, *DHS warns of data threat from Chinese-made drones*, REUTERS (last updated May 20, 2019), <https://www.reuters.com/article/us-usa-drones-china/dhs-warns-of-data-threat-from-chinese-made-drones>.

In response to these growing concerns, several federal departments and agencies have banned or ceased to operate DJI drones. The Army banned their purchase and use in 2017.⁶ In January 2020, following a review of its drone fleet, the Interior Department temporarily retired non-emergency drones.⁷ According to Secretary Bernhardt's order, "information collected during UAS missions has the potential to be valuable to foreign entities, organizations, and governments."⁸ The Fiscal Year 2020 National Defense Authorization Act banned the purchase and use of Chinese-made drones across the U.S. military.⁹

On April 1, 2020, DJI announced that it had donated 100 drones to "45 police, fire and public safety organizations in 22 states" under the potential guise of helping with the problems caused by the coronavirus pandemic.¹⁰ For instance, in Florida, DJI donated at least two drones to the Daytona Beach Police Department that have already been dispatched to monitor Americans in public spaces.¹¹

To help us better understand the prevalence of DJI drones used by state, local, territorial, and tribal law-enforcement agencies, we respectfully request the following information:

1. What, if anything, is the Department's role in providing technical assistance and guidance to states and localities that have purchased or received DJI products;
2. Has the Department issued any new alerts since CISA's May 20, 2019, warning that Chinese-made drones present a "potential risk of an organization's information?" If so, please provide the Committee with information and documents regarding any such alert; and
3. Please explain whether the Department is monitoring DJI's recent provision of drones to state and local law-enforcement agencies during the coronavirus pandemic and what actions, if any, the Department is taking in response.

⁶ See Jeff Daniels, *The US Army Just Ordered Soldiers to Stop Using Drones from China's DJI*, DEFENSE ONE (Aug. 4, 2017), https://www.defenseone.com/technology/2017/08/us-army-just-ordered-soldiers-stop-using-drones-chinas-dji/139999/?oref=defense_one_breaking_nl.

⁷ U.S. Dep't of the Interior, *Secretary Bernhardt Signs Order Grounding Interior's Drone Fleet for Non-Emergency Operations* (Jan. 29, 2019), <https://www.doi.gov/pressreleases/secretary-bernhardt-signs-order-grounding-interiors-drone-fleet-non-emergency>; Bill Chappell, *Interior Department Grounds Chinese-Made Drones, Months After it Approved Them*, NPR (Jan. 29, 2020), <https://www.npr.org/2020/01/29/800890201/interior-department-grounds-all-of-its-drones-citing-cybersecurity-other-concern>.

⁸ U.S. Dep't of the Interior, The Secretary of the Interior, *Order No. 3379* (Jan. 29, 2020), <https://www.doi.gov/sites/doi.gov/files/elips/documents/signed-so-3379-uas-1.29.2020-508.pdf>.

⁹ P.L. 116-92 (2019).

¹⁰ See Romero Durscher, *U.S. Disaster Relief Program, COVID-19 Update*, DJI ENTERPRISE (Apr. 1, 2020), <https://enterprise-insights.dji.com/blog/us-covid-19-relief-program-update>.

¹¹ See Kristine Phillips, *Police agencies are using drones to enforce stay-at-home orders, raising concerns among civil rights groups*, USA TODAY (May 5, 2020), <https://www.usatoday.com/story/news/politics/2020/05/03/coronavirus-police-use-drones-enforcement-privacy-concerns/3059073001/>.

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We request that you provide this information as soon as possible but no later than 5:00 p.m. on May 27, 2020.

If you have questions regarding this request, please ask your staff to contact Committee staff at (202) 225-6906. Thank you for your attention to this matter.

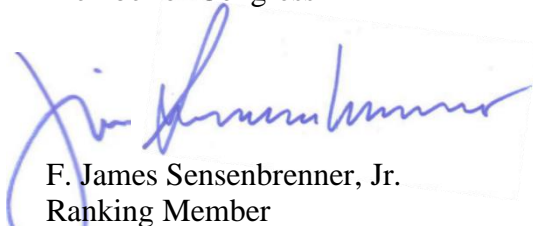
Sincerely,



Matt Gaetz
Member of Congress



Jim Jordan
Ranking Member



F. James Sensenbrenner, Jr.
Ranking Member
Subcommittee on Antitrust,
Commercial and Administrative Law



Steve Chabot
Member of Congress



Louie Gohmert
Member of Congress



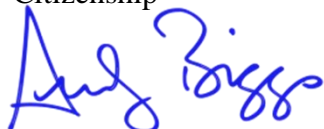
Doug Collins
Member of Congress



Ken Buck
Ranking Member
Subcommittee on Immigration and
Citizenship



Mike Johnson
Ranking Member
Subcommittee on the Constitution,
Civil Rights and Civil Liberties



Andy Biggs
Member of Congress



Tom McClintock
Member of Congress



Debbie Lesko
Member of Congress



Guy Reschenthaler
Member of Congress

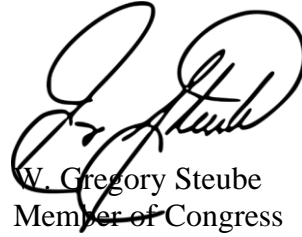
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Ben Cline
Member of Congress



W. Gregory Steube
Member of Congress

cc: The Honorable Jerrold L. Nadler, Chairman