

U.S. House of Representatives

Committee on the Judiciary

Washington, DC 20515–6216
One Hundred Sixteenth Congress

May 13, 2020

Ms. Katharine T. Sullivan
Principal Deputy Assistant Attorney General
Office of Justice Programs
U.S. Department of Justice
950 Pennsylvania Avenue N.W.
Washington, DC 20530

Dear Ms. Sullivan:

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 in the United States 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) within the Department of Homeland Security 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

In November 2019, the Justice Department updated its internal drone policy as a result of increasing cybersecurity and privacy concerns.¹⁰ The Department required its component agencies "to evaluate UAS acquisitions for cybersecurity risks, guarding against potential threats to the supply chain and [the Department's] networks."¹¹ The policy described how it "can serve as a model for our state, local, tribal, and territorial public safety partners as they develop their own UAS programs and best practices."¹²

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.¹³ 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.¹⁴

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:

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 Press Release, U.S. Dep't of Justice, *Department of Justice Announces Update to Policy on Use of Unmanned Aircraft Systems* (Nov. 27, 2019), <https://www.justice.gov/opa/pr/department-justice-announces-update-policy-use-unmanned-aircraft-systems>; U.S. Dep't of Justice, Justice Manual sec. 9-95.100 - DEPARTMENT OF JUSTICE POLICY ON THE USE OF UNMANNED AIRCRAFT SYSTEMS (Nov. 27, 2019), <https://www.justice.gov/jm/9-95000-unmanned-aircraft-systems-uas>.

¹¹ *Id.*

¹² *Id.*

¹³ See Romero Durscher, *One Week in, and 1000 Drones Already Committed*, DJI ENTERPRISE (Apr. 1, 2020), <https://enterprise-insights.dji.com/blog/us-covid-19-relief-program-update>.

¹⁴ 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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1. A list of all state, local, territorial, and tribal law enforcement agencies receiving federal grant funding to purchase or operate DJI drones covering the period from January 1, 2017, to the present;
2. Please explain what policies and procedures grant recipients must have in place to receive federal support to purchase or operate DJI drones, including any restrictions and exemptions that apply;
3. Please explain whether any concerns about DJI drones have arisen during Department-wide UAS working group activities since January 1, 2017; and
4. 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.

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.

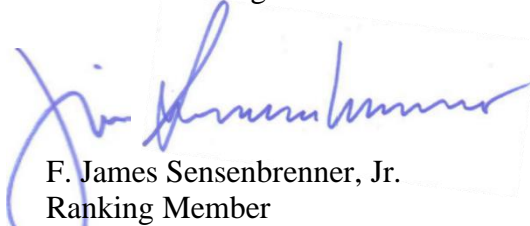
Sincerely,



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

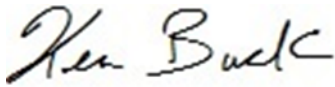


Doug Collins
Member of Congress

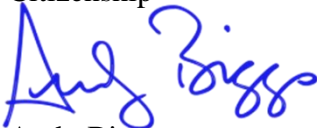
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Ken Buck
Ranking Member
Subcommittee on Immigration and
Citizenship



Andy Biggs
Member of Congress



Debbie Lesko
Member of Congress



Ben Cline
Member of Congress



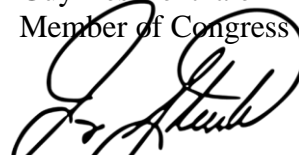
Mike Johnson
Ranking Member
Subcommittee on the Constitution,
Civil Rights and Civil Liberties



Tom McClintock
Member of Congress



Guy Reschenthaler
Member of Congress



W. Gregory Steube
Member of Congress

cc: The Honorable Jerrold L. Nadler, Chairman