

# United States Senate

WASHINGTON, DC 20510

March 15, 2023

The Honorable Jen Easterly  
Director  
Cybersecurity and Infrastructure Security Agency  
Department of Homeland Security  
245 Murray Lane  
Washington, DC 20528

Dear Director Easterly:

We write today regarding the cybersecurity risks posed by the widespread use of drones manufactured by Shenzhen DJI Innovation Technology Co., Ltd. (“DJI”) to operators of critical infrastructure and state and local law enforcement in the United States. In short, we believe that given the company’s identified connections to the Chinese Communist Party (“CCP”), the use of its drones in such sensitive contexts may present an unacceptable security vulnerability. We ask that the Cybersecurity and Infrastructure Security Agency (“CISA”) evaluate this concern and make the results of its evaluation available to the public through the National Cyber Awareness System.

China’s efforts to modernize the capabilities of the People’s Liberation Army (“PLA”), including through their “Military-Civil Fusion” strategy – which systematically blurs the lines between PLA and civilian science and technology research and development efforts – are well documented.<sup>1</sup> In October 2022<sup>2</sup>, the Department of Defense identified DJI as a “Chinese military company” operating in the U.S. under Section 1260H of the William M. (“Mac”) Thornberry National Defense Authorization Act for Fiscal Year 2021.<sup>3</sup> Identification of this relationship between DJI and the PLA suggests a range of risks to U.S. operators of the technology, including that sensitive information or data could wind up in PLA hands. Indeed, Huawei, another entity identified under Section 1260H, has been credibly accused by the Department of Justice of misappropriating intellectual property and trade secret information from U.S. companies.<sup>4</sup>

Yet, despite these risks, the use of DJI drones remains widespread throughout the U.S. In 2021, it was reported that DJI controlled almost 90% of the consumer market in North America and over

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<sup>1</sup> U.S. Department of State, “Military-Civil Fusion and the People’s Republic of China,” (May 2020), available at: <https://www.state.gov/wp-content/uploads/2020/05/What-is-MCF-One-Pager.pdf>

<sup>2</sup> U.S. Department of Defense, “DOD Releases List of People's Republic of China (PRC) Military Companies in Accordance With Section 1260H of the National Defense Authorization Act for Fiscal Year 2021,” (October 5, 2022), available at: <https://www.defense.gov/News/Releases/Release/Article/3180636/dod-releases-list-of-peoples-republic-of-china-prc-military-companies-in-accord/>

<sup>3</sup> Congress.gov, “H.R.6395 - 116th Congress (2019-2020): William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021,” (January 1, 2021), available at: <https://www.congress.gov/bill/116th-congress/house-bill/6395>.

<sup>4</sup> U.S. Department of Justice, “Chinese Telecommunications Conglomerate Huawei and Subsidiaries Charged in Racketeering Conspiracy and Conspiracy to Steal Trade Secrets,” (February 13, 2020), available at: <https://www.justice.gov/opa/pr/chinese-telecommunications-conglomerate-huawei-and-subsidiaries-charged-racketeering>

70% of the industrial market.<sup>5</sup> And in 2019, it was reported that 73% of public safety operations are flown by the company's aircraft.<sup>6</sup> As a result, the CCP may have access to a variety of proprietary information. For example, a 2017 Department of Homeland Security assessment warned that Chinese companies had used grape production information gathered by a DJI drone purchased by a California wine producer to inform their own land purchasing decisions.<sup>7</sup> Even worse, the widespread use of DJI drones to inspect critical infrastructure allows the CCP to develop a richly detailed, regularly updated picture of our nation's pipelines, railways, power generation facilities, and waterways. This sensitive information on the layout, operation, and maintenance of U.S. critical infrastructure could better enable targeting efforts in the event of conflict.

We appreciate that CISA has addressed this risk in the past, most notably in a 2019 "Industry Alert," stating the federal government's "strong concerns" with Chinese drones and warning entities to be "cautious" in purchasing them.<sup>8</sup> However, over the past four years more information regarding the scope of the problem has become available—including the official identification of DJI as a Chinese military company by the Department of Defense.

We therefore ask that CISA revisit its analysis of the security risks posed by the use of DJI-manufactured drones and release the results of that analysis publicly through the National Cyber Awareness System.

Sincerely,



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Mark R. Warner  
United States Senator



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Marsha Blackburn  
United States Senator



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Richard Blumenthal  
United States Senator



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John Thune  
United States Senator

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<sup>5</sup> David Kirton, "Game of drones: Chinese giant DJI hit by U.S. tensions, staff defections," Reuters (March 7, 2021), available at: <https://www.reuters.com/article/us-usa-china-tech-dji-insight/game-of-drones-chinese-giant-dji-hit-by-u-s-tensions-staff-defections-idUSKBN2AZ0PV>

<sup>6</sup> Christopher Todd, CEM and Chief Charles Werner, (ret.), "Chinese sUAS Technology in the U.S. Public Safety Sector," Drone Responders White Paper (September 24, 2019) (on file with authors)

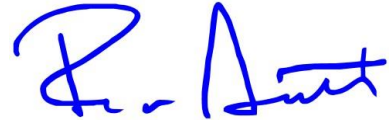
<sup>7</sup> U.S. Immigration and Customs Enforcement, "Da Jiang Innovations (DJI) Likely Providing U.S. Critical Infrastructure and Law Enforcement Data to Chinese Government," Homeland Security Investigations Intelligence Bulletin (August 9, 2017), available at: <https://info.publicintelligence.net/ICE-DJI-China.pdf>

<sup>8</sup> Cybersecurity and Infrastructure Security Agency, "Chinese Manufactured Unmanned Aircraft Systems," Industry Alert (May 20, 2019), available at: [https://content.govdelivery.com/attachments/USDHS/2020/06/03/file\\_attachments/1465486/Industry%20Alert%20-%20Chinese%20Manufactured%20UAS%20%2820%20May%202019%29.pdf](https://content.govdelivery.com/attachments/USDHS/2020/06/03/file_attachments/1465486/Industry%20Alert%20-%20Chinese%20Manufactured%20UAS%20%2820%20May%202019%29.pdf)



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Jeanne Shaheen  
United States Senator



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Rick Scott  
United States Senator



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Kyrsten Sinema  
United States Senator



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Todd Young  
United States Senator



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JD Vance  
United States Senator



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Ted Budd  
United States Senator



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Dan Sullivan  
United States Senator



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Deb Fischer  
United States Senator



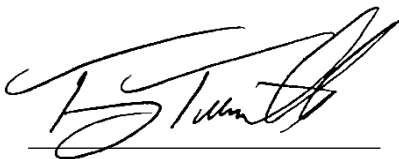
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Mike Braun  
United States Senator



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Cynthia Lummis  
United States Senator



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Tommy Tuberville  
United States Senator



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Jerry Moran  
United States Senator