

## United States Senate

WASHINGTON, DC 20510

120 HUYSHOPE AVENUE  
SUITE 401  
HARTFORD, CT 06106  
(860) 549-8463

<http://murphy.senate.gov>

May 7, 2018

The Honorable James N. Mattis  
Secretary of Defense  
Washington, DC 20301-3010

Dear Mr. Secretary:

I am writing with concern over the continued use by the Department of Defense of commercial unmanned aerial systems (UAS) that at least three separate agencies have found pose a potential national security threat.

As you know, a Department of the Army memo dated August 2, 2017,<sup>1</sup> ordered a halt to the use of commercially available UAS made by Da Jiang Innovations (DJI). That memo stated that there was “increased awareness of cyber vulnerabilities associated with DJI products,” and referenced two previous reports from 2017 from the Army and Navy highlighting security threats posed by DJI’s UAS.

Subsequently, on August 9, 2017, U.S. Immigration and Customs Enforcement issued an Intelligence Bulletin asserting that DJI was using its products to provide critical infrastructure and law enforcement data to the Chinese government.<sup>2</sup> The Bulletin stated that, “much of the information collected includes proprietary and sensitive critical infrastructure data, such as detailed imagery of power control panels, security measures for critical infrastructure sites, or materials used in bridge construction.”

These vulnerabilities pose a tremendous national security risk, as the information obtained by the Chinese government could be used to conduct physical or cyber-attacks against U.S. civilian and military targets. For example, according to the August 9<sup>th</sup> Bulletin, DJI focused on targeting utility companies responsible for providing drinking water to major American cities.

Given the directive in the August 2017 Army memo, I was extremely concerned to learn of active U.S. government solicitations, including one from the Department of the Army, for DJI UAS. One such solicitation, *Benning375EMB0007*<sup>3</sup>, for 16 DJI UAS, was awarded on April 18, 2018. These 16 UAS add to a fleet of hundreds of previously purchased DJI UAS that were in operation prior to the August 2017 memos.

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<sup>1</sup> United States. Department of the Army. *Memorandum For Record: Discontinue Use of Dajiang Innovation (DJI) Corporation Unmanned Aircraft Systems*. 2017.

<sup>2</sup> United States. U.S. Immigration and Customs Enforcement. Homeland Security Investigations, Los Angeles. *Da Jiang Innovations (DJI) Likely Providing U.S. Critical Infrastructure and Law Enforcement Data to Chinese Government*. 2017

<sup>3</sup> United States. “Federal Business Opportunities: Home.” *Federal Business Opportunities*. 18 Apr. 2018. [www.fbo.gov/notices/3545b1b8652433f296b724c58caab88a](http://www.fbo.gov/notices/3545b1b8652433f296b724c58caab88a).

Since it appears that *Benning375EMB0007* was awarded contrary to the August 2017 directive, I ask that you provide me an update on the DoD policy regarding the use of UAS owned by, or manufactured in, a foreign nation, and whether the DoD still believes DJI UAS pose a security risk. I encourage you to, at a minimum, consider a DoD-wide directive banning the use of UAS owned by or manufactured in a foreign nation until further threat-assessments can be completed.

More broadly, since 2017, the Departments of Transportation, Agriculture and the National Oceanic and Atmospheric Administration have also issued solicitations for DJI UAS. Given the potential national security risk, and the fact that threat information led to the discontinuation of DJI drones by the Army was based on classified information, do you believe that your Department has any responsibility in alerting other agencies of these potential vulnerabilities? If there are additional resources or authorities that you believe are necessary in order to coordinate a government-wide review of foreign owned or manufactured UAS, I stand ready to assist you.

This situation underscores a concern I have raised with several of your predecessors. These Chinese-made UAS are just a small part of the deluge of foreign-made military equipment purchased by the Department of Defense. I have always been a strong advocate of strict enforcement of the Buy American Act and other statutes that require the U.S. government to purchase American-made manufactured goods. If the hundreds of DJI drones purchased by the U.S. government in the last several years had been American-made, we would not have subjected ourselves to this massive potential intrusion and exploitation of sensitive U.S. sites.

To the extent that your department is purchasing DJI drones because there is no suitable domestic alternative, I ask that you leverage existing resources like the Defense Production Act to bolster our domestic manufacturing capabilities. The burgeoning domestic UAS industry is currently competing with artificially priced foreign products that have been dumped in our domestic market. With some assistance, U.S. manufacturers are ready to fill your Department's needs.

Our adversaries will always see value in surveilling our critical infrastructure, and without a trusted domestic source of UAS, we will continue to be vulnerable.

Thank you for your attention to this matter, and I look forward to your response.

Sincerely,



Christopher S. Murphy  
United States Senator