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September 26th 2024

Jeffery McKay  
Chairman  
12000 Government Center Pkwy  
Fairfax, VA 22035

Dear Fairfax County Board of Supervisors,

We write today on the issue of procuring and deploying Unmanned Aerial Systems (UAS) manufactured in or owned by the People's Republic of China (PRC), due to the large amount of sensitive national security sites and interests in Fairfax County and the threats posed by PRC drones.

The Select Committee has identified PRC-made drones as a threat to the national and economic security of the United States. Entities of concern include, but are not limited to, Shenzhen DJI Sciences and Technologies Ltd. (DJI/深圳大疆创新科技有限公司) and Autel Robotics (深圳市道通智能航空技术股份有限公司). The Executive Branch and Congress have taken many steps over the years to address the national security concerns of procuring and deploying PRC drones and protecting sensitive data, such as the January 2024 Joint CISA and FBI report on PRC-made drone technology.<sup>1</sup> We believe state and local governments such as Fairfax County have a unique opportunity to safeguard residents from these threats.

In August 2017, the Department of Homeland Security issued an Intelligence Bulletin from one of its field offices, highlighting concerns that DJI was likely transmitting sensitive US data to the PRC government.<sup>2</sup> This revelation raised significant national security concerns. The National Defense Authorization Act for Fiscal Year 2020 explicitly banned the Department of

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<sup>1</sup> "Cybersecurity Guidance: Chinese-Manufactured UAS: CISA." Cybersecurity and Infrastructure Security Agency CISA, 8 Feb. 2024, [www.cisa.gov/resources-tools/resources/cybersecurity-guidance-chinese-manufactured-uas](https://www.cisa.gov/resources-tools/resources/cybersecurity-guidance-chinese-manufactured-uas).

<sup>2</sup> Shortell, David. "DHS Warns of 'strong Concerns' That Chinese-Made Drones Are Stealing Data | CNN Politics." *CNN*, Cable News Network, 20 May 2019, [www.cnn.com/2019/05/20/politics/dhs-chinese-drone-warning/index.html](https://www.cnn.com/2019/05/20/politics/dhs-chinese-drone-warning/index.html). Accessed 15 Nov. 2023.

Defense from buying and using drones and related components made in the PRC due to the growing threat of espionage and data security threats.<sup>3</sup>

In December 2020, the Department of Commerce placed DJI on its “Entity List,” citing its involvement in aiding the PRC’s human rights abuses in the genocide of the Uyghur people in Xinjiang through biometric surveillance and tracking. In July 2021, the Department of Defense emphasized the criticality of addressing the threats posed by DJI drones, declaring it a priority for the Department, underscoring the ongoing concerns about the security risks these drones pose to U.S. interests.<sup>4</sup> In December 2021, the Department of the Treasury identified DJI as a component of the PRC Military-Industrial Complex and added it to its sanctions list. These moves further cemented the national security threat posed by PRC-manufactured drones within the United States.<sup>5</sup>

As of May 2023, seven states have grounded their fleets of PRC-related UAS and banned future procurement due to legitimate concerns about proprietary data being sent back to the PRC.<sup>6</sup> The data can then be accessed by the Chinese Communist Party (CCP) due to the PRC’s National Security Law, which requires mandatory access to devices and programs through backdoors, also known as “embedded and reserved interfaces [内部嵌入和预留接口].”<sup>7</sup> We understand Fairfax County currently operates a mixed fleet, and public safety programs, emergency services, and the fire department all utilize UAS platforms to carry out their respective missions. The PRC-made UAS platforms and sensors currently used by Fairfax County collect high-resolution imagery of facilities and individuals at risk, putting them at risk of being collected by the CCP.

An ongoing concern is that DJI is looking for ways to sidestep regulatory and competitive pressures through a strategy known as “white-labeling.” DJI is currently partnering with other companies, like Anzu Robotics, via a technology-sharing agreement to use their drone technology and infrastructure. In this arrangement, Anzu Robotics plans to market and sell these drones under its brand name in the U.S. market. Although the drones will be sold under a different name, they are essentially DJI products. As one report found:

“One critical aspect of these drones that’s been altered in the transition to shell companies is the remote control (RC) system. Unlike genuine DJI products, none of the drones sold through these alleged shell companies use the DJI RC-N1, meaning they circumvent the app ecosystems of Apple’s App Store and Google Play. This move suggests a potentially

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<sup>3</sup> *National Defense Authorization Act for Fiscal Year 2020 - Govinfo*, [www.govinfo.gov/content/pkg/PLAW-116publ92/pdf/PLAW-116publ92.pdf](http://www.govinfo.gov/content/pkg/PLAW-116publ92/pdf/PLAW-116publ92.pdf). Accessed 15 Nov. 2023.

<sup>4</sup> “*The Federal Register*.” *Federal Register* :: Request Access, [www.federalregister.gov/documents/2020/12/22/2020-28031/addition-of-entities-to-the-entity-list-revision-of-entry-on-the-entity-list-and-removal-of-entities](http://www.federalregister.gov/documents/2020/12/22/2020-28031/addition-of-entities-to-the-entity-list-revision-of-entry-on-the-entity-list-and-removal-of-entities). Accessed 15 Nov. 2023.

<sup>5</sup> “*Non-SDN Chinese Military-Industrial Complex Companies (NS-CMIC) List Updates; Administrative Updates to the SDN, Consolidated, NS-CMIC, and SSI Lists*.” *Office of Foreign Assets Control | U.S. Department of the Treasury*, [ofac.treasury.gov/recent-actions/20211216](http://ofac.treasury.gov/recent-actions/20211216). Accessed 15 Nov. 2023.

<sup>6</sup> Montgomery, Mark. “Extend the Pentagon’s Ban on China’s Consumer Drones.” *Defense One*, 14 Aug. 2023, [www.defenseone.com/ideas/2023/08/extend-pentagons-ban-chinas-consumer-drones/389363/](http://www.defenseone.com/ideas/2023/08/extend-pentagons-ban-chinas-consumer-drones/389363/). Accessed 15 Nov. 2023.

<sup>7</sup> Shortell, David. “DHS Warns of ‘strong Concerns’ That Chinese-Made Drones Are Stealing Data | CNN Politics.” *CNN*, Cable News Network, 20 May 2019, [www.cnn.com/2019/05/20/politics/dhs-chinese-drone-warning/index.html](http://www.cnn.com/2019/05/20/politics/dhs-chinese-drone-warning/index.html). Accessed 15 Nov. 2023.

darker motive, as it allows for the operation of the drones and their apps outside the scrutiny of these major tech platforms.”<sup>8</sup>

This continues to raise the same regulatory and security concerns currently associated with DJI's drones. This white-labeling strategy may allow DJI to maintain a presence in markets where there are restrictions or hesitation about their products, under the guise of a different brand.

We understand Fairfax County is aware of the national security risks associated with deploying PRC drones and that the County has begun to raise awareness of supply chain and data security risks of foreign adversary-made UAS. We are also aware that PRC government subsidization of their drones makes it difficult for the U.S. drone market to compete on pricing, which can put financial pressure onto state and local governments. Congress has a role to play in ensuring grant programs like those administered by the Federal Emergency Management Agency, such as the Urban Area Security Initiative (UASI), can better assist state and local governments to choose more secure drone options.

We cannot continue to allow unfair CCP market practices to pressure our state and local governments and put them at risk. We believe Congress and the federal government must work with local constituencies to ensure more sustainable and safer UAS alternatives. For these reasons, we urge Fairfax County to ensure PRC drones are excluded from procurement and partner programs in the future and assist other Counties and the Commonwealth of Virginia in adopting a drone procurement policy that adheres to the Virginia Public Procurement Act and the federal government’s framework of addressing PRC drones and its national security risks. A multi-faceted approach to government security is needed, and we would like to offer assistance as we develop standards for localities nationwide.

We appreciate your cooperation in addressing this critical matter.

Sincerely,



John Moolenaar  
Chairman



Raja Krishnamoorthi  
Ranking Member

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<sup>8</sup> Kesteloo, Haye. “High-Flying Masquerade: DJI’s Shadowy Shell Game Unveiled.” *DroneXL.Co*, 27 Mar. 2024, [dronexl.co/2024/03/24/dji-shadowy-shell-game-unveiled/](https://dronexl.co/2024/03/24/dji-shadowy-shell-game-unveiled/).

