



Department of Justice

**STATEMENT OF
SCOTT BRUNNER
DEPUTY ASSISTANT DIRECTOR
CRITICAL INCIDENT RESPONSE GROUP
FEDERAL BUREAU OF INVESTIGATION**

**BEFORE THE
COMMITTEE ON HOMELAND SECURITY AND
GOVERNMENTAL AFFAIRS
UNITED STATES SENATE**

**AT A HEARING ENTITLED
“S. 2836, THE PREVENTING EMERGING THREATS ACT OF 2018:
COUNTERING MALICIOUS DRONES”**

PRESENTED

JUNE 6, 2018

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Good morning Chairman Johnson, Ranking Member McCaskill, and members of the Committee. Thank you for this opportunity to discuss the FBI’s concerns regarding the threat posed by unmanned aircraft systems (“UAS”). On behalf of the men and women of the FBI, let me begin by thanking you for your ongoing support of the Bureau.

Today’s FBI is a global, threat-focused, intelligence-driven organization. Each FBI employee understands that to defeat the key threats facing our nation we must constantly strive to be more efficient and effective, and to look over the horizon. Just as our adversaries continue to evolve, so must the FBI. We live in a time of acute and persistent terrorist and criminal threats to our national security, our economy, and our communities. These diverse threats underscore the complexity and breadth of the FBI’s mission.

We remain focused on protecting the United States against terrorism, foreign intelligence, and cyber threats; upholding and enforcing the criminal laws of the United States; protecting privacy, civil rights and civil liberties; and providing leadership and criminal justice services to Federal, State, tribal, municipal, and international agencies and partners.

Threat

Today’s UAS have evolved considerably from the early remote control aircraft of the 20th century. UAS now have longer flight durations, larger payloads, and sophisticated maneuverability. The rapid development of UAS technology offers substantial benefits for our society and economy. UAS technology may transform the delivery of goods and the performance of countless services, ranging from the inspection of critical infrastructure to the delivery of life-saving medical devices.

But this technology also raises new risks. The FBI is concerned that criminals and terrorists will exploit UAS in ways that pose a serious threat to the safety of the American people. The UAS threat could take a number of forms, including illicit surveillance,

chemical/biological/radiological attacks, traditional kinetic attacks on large open air venues (concerts, ceremonies, and sporting events), or attacks against government facilities, installations and personnel. Sadly, these threats are not merely hypothetical. For more than two years, the Islamic State of Iraq and ash-Sham (ISIS) has used cheap, commercially available drones to conduct attacks and reconnaissance in Syria and Iraq. As Director Wray testified last year, the FBI is concerned that these deadly tactics—perfected overseas—will be performed in the homeland. That threat could manifest itself imminently.

In addition to national security threats, UAS pose very serious criminal threats. Drug traffickers have used UAS to smuggle narcotics over the U.S. southern border, and criminals have used UAS to deliver contraband inside Federal and State prisons. Similar to national security threat actors, criminal actors have utilized UAS for both surveillance and counter-surveillance in order to evade or impede law enforcement. We have also observed the use of UAS to harass and disrupt law enforcement operations.

UAS technology renders traditional, two-dimensional security measures (such as perimeter fences) ineffective, enabling criminals, spies and terrorists to gain unprecedented, inexpensive, and often unobtrusive degrees of access to previously secure facilities. Finally, the mere presence of UAS in the vicinity of an emergency could impede emergency response operations, especially aviation-based responses, in order to avoid any potential collisions between manned aircraft and UAS.

At present, the FBI and our Federal partners have very limited authority to counter this new threat. Potential conflicts in Federal criminal law limit the use of technologies that would enable the FBI to detect or, if necessary, to mitigate UAS that threaten critical facilities and assets. Absent legislative action, the FBI is unable to effectively protect the U.S. from this growing threat. As you know, the Administration recently proposed Counter-UAS legislation designed to fill this critical gap. That legislation would authorize the Department of Justice and the Department of Homeland Security to conduct Counter-UAS activities notwithstanding potentially problematic provisions in the Federal code. The legislation would extend those authorities within a framework that provides appropriate oversight, protects privacy and civil liberties, and maintains aviation safety.

Conclusion

Chairman Johnson, Ranking Member McCaskill, and members of the Committee, thank you again for this opportunity to discuss the FBI's concerns on the threats posed by UAS. We are grateful for the support you have provided to the FBI. We welcome the introduction of the Preventing Emerging Threats Act of 2018. This legislation would provide the authorities requested in the Administration's proposal, which we believe are necessary to mitigate the national security and criminal threats posed by UAS. I look forward to discussing this important legislation with the Committee today.