

United States Senate

COMMITTEE ON
HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

WASHINGTON, DC 20510-6250

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November 18, 2015

The Honorable Jeh Johnson
Secretary of Homeland Security
U.S. Department of Homeland Security
Nebraska Avenue Complex
3801 Nebraska Avenue, N.W.
Washington, D.C. 20528

Dear Mr. Secretary:

As the availability and sophistication of new aerial systems have proliferated, recent high-profile incidents have raised public safety concerns related to the use of unmanned aerial vehicles, commonly known as drones. As the Ranking Member and Chairman of the Senate Committee on Homeland Security and Governmental Affairs, we write to gain a better understanding of the Department of Homeland Security's (the Department or DHS) efforts to address any potential emerging security threats posed by this technology.

Drones have the capacity to make a number of positive contributions to our society and economy but also pose unique challenges to our law enforcement community. Indeed, there have already been multiple incidents of drones flying over restricted airspace and sensitive sites, including a small, commercially-available drone that accidentally crashed onto the White House grounds earlier this year. In July, the Department's Office of Intelligence and Analysis released an intelligence assessment that noted over 500 drone encounters since 2012 at sensitive sites across the United States.¹ More recently, it was reported that the Federal Aviation Administration (FAA) is aware of nearly 700 instances of drones interfering with airplanes or airports operations.² There have also been reports of individuals using drones to smuggle contraband across the U.S.-Mexico border and over prison walls.³

There is also a risk of rogue or malicious drone operators using unmanned aerial vehicles as a weapon. In January, the Department reportedly held a summit with Federal intelligence and security officials on the increasing security threat from drones, including drones that could be

¹ U.S. Department of Homeland Security, Office of Intelligence and Analysis, *Intelligence Assessment: Adversaries Exploiting Unmanned Aircraft Systems to Advance Operations*, July 31, 2015.

² Jack Nicas, *FAA Records Detail Hundreds of Close Calls between Airplanes and Drones*, THE WASHINGTON POST, (Aug. 20, 2015).

³ Kristina Davis, *Two Plead Guilty in Border Drug Smuggling by Drone*, THE LOS ANGELES TIMES, (Aug. 12, 2015)/

modified to carry explosives or chemical weapons.⁴ In September, the Department hosted an interagency meeting to discuss safety issues created by drones in airspace near the Washington, D.C.-area and directed an intergovernmental working group to coordinate a response in detecting, classifying, and mitigating threats from drones.⁵

We are encouraged by the Department's initial steps to address this threat. To help this Committee understand the Department's efforts related to the safety and security concerns of drones, we ask that you please provide the following information and materials:

1. What do you believe is the proper role for the Department to play in addressing the safety and security concerns of drones?
2. We understand that the Department, through the National Protection and Programs Directorate, is in its initial stages of conducting a risk assessment regarding the security implications of drones. What is at the timeline and the status of this assessment? Please provide a copy of the assessment to the Committee when it is complete.
3. Under the FAA Modernization and Reform Act of 2012, FAA has primary responsibility within the federal government for integrating drone operations in the national airspace.⁶ In February 2015, FAA issued a notice of proposed rulemaking for small unmanned aerial systems. Please describe DHS's role, if any, in this rulemaking process.
4. In October 2015, the Department of Transportation and FAA announced the creation of a task force to develop recommendations for a registration process for drones.⁷ Please describe DHS's role, if any, in this taskforce.
5. In March 2015, an official from FAA testified before Congress that FAA issued guidance for first responders to deter, detect, investigate, and report unauthorized or unsafe drone operations.⁸ Did DHS contribute to this guidance? If so, please describe DHS's involvement.

⁴ Jack Nicas, *Criminals, Terrorists Find Uses for Drones, Raising Concerns*. THE WALL STREET JOURNAL (Jan. 28, 2015).

⁵ U.S. Department of Homeland Security, *DHS Hosts Meeting to Address Illicit Use of Unmanned Aerial Systems*, (Sept. 17, 2015).

⁶ Pub. L. No. 112-95, 126 Stat. 73.

⁷ U.S. Department of Transportation, U.S. Transportation Secretary Anthony Foxx Announces Unmanned Aircraft Registration Requirement (Oct. 19, 2015).

⁸ Testimony of Margaret Gilligan, Associate Administrator for Aviation Safety, Federal Aviation Administration, before the Subcommittee on Aviation Operations, Safety, and Security, U.S. Senate Committee on Commerce, Science & Transportation (March 24, 2015).

6. Also in March 2015, a representative from the International Association of Chiefs of Police testified before Congress that law enforcement have to date only received limited tactical guidance from DHS about the security implications of personal and commercial drone use.⁹ Recognizing that state and local law enforcement officers are the first to respond to a potential immediate threat posed by drones, how does DHS ensure that any information provided to state and local law enforcement is useful, flexible, and responsive to the state and local law enforcement environment? Please describe the types of guidance DHS provides to these entities and whether additional guidance is planned for the future.
7. Please explain any efforts the Department is making to coordinate with industry to better understand the potential future development of drone technology and any potential threats posed by drones.
8. Please describe any findings from the September 2015 interagency meeting to discuss security issues created by drones in the Washington, D.C. area. Please also provide any materials from the interagency meeting, including a copy of the memorandum that created the intergovernmental working group to coordinate a response in detecting, classifying, and mitigating threats from drones.
9. Our understanding is that DHS is leading an ongoing effort to address holistically drone security in the Washington, D.C. region through an inter-agency “whole-of-community” working group. What strategy or framework does DHS and this working group have in place to evaluate the efficacy of existing technology to mitigate the potential threat of drones and other non-traditional aviation technology?
10. Has this working group compiled a comprehensive account of current operational capabilities for mitigating drones or other non-traditional aviation technology? If so, please provide such an accounting.
11. Please describe this working group’s approach for developing a list of requirements to guide necessary research, development, and possible of acquisition of technology and other solutions to mitigate potential threats posed by drones.
12. Please provide a copy of the After-Action Report for the Gyrocopter Incident.

⁹ Testimony of Chief Richard Beary, President of the International Association of Chiefs of Police, Subcommittee on Oversight and Management Efficiency, U.S. House Committee on Homeland Security (March 18, 2015).



With best personal regards, we are

Sincerely yours,

Thomas R. Carper
Ranking Member

Ron Johnson
Chairman