

**U.S. Senate Homeland Security and Governmental Affairs Committee
Hearing on
“S. 2836, the Preventing Emerging Threats Act of 2018: Countering Malicious
Drones”**

**June 6, 2018
Ranking Member Claire McCaskill**

Opening Statement

Mr. Chairman, thank you for holding this hearing. As we have seen through the years, it has proven a challenge for the law to keep up with technology. The bill the Chairman and I have introduced – the Preventing Emerging Threats Act of 2018 – has the potential to start addressing that deficit.

The Department of Transportation estimates that there could be as many as 4 million drones owned and operated by recreational and commercial users by 2021 and the FAA estimates that recreational and commercial drone sales will increase to 7 million by 2020.

We know that drones can be used for good and for bad. People fly them for fun and use them to take amazing aerial photos. They are used for crop dusting and newscasting. I understand that drones applications have great potential for precision agriculture.

Drones also play a critical role in public safety – for example we know they are used to support firefighting and search and rescue operations and monitor critical infrastructure.

American industry is constantly innovating, and just a few years from now, drone capabilities and advancements may far exceed our imagination today. Congress must encourage and foster that innovation.

Unfortunately, drones also have the potential to cause harm. Terrorist organizations have used drones overseas. And we expect that terrorists are interested in exploiting those same capabilities in the U.S.

The FBI Director testified that the threat that terrorists will use drones in the U.S. is imminent. As the Director explained to this Committee - drones are easy to acquire and operate, and “quite difficult to disrupt and monitor.” That’s the challenge we all face – how to keep Americans safe in the face of a threat that is impossible to put in a box.

Then-Acting DHS Secretary Elaine Duke testified that drones could be used for surveillance, transporting illicit materials, or for violent purposes and that we lack the “signals” to interdict drones and determine whether they are friend or foe.

Just last month, we heard again from DHS Secretary Nielsen, who expressed concern about drones as a “very serious, looming threat” and said that the Department is “currently unable to effectively counter malicious use of drones because we are hampered by federal laws enacted long before UAS technology was available for commercial and consumer use.”

In November 2017, a drone distributed leaflets over a football stadium in Santa Clara, California. While no one was injured, it demonstrated what a drone might be able to do. My Cardinals play at Busch Stadium – and the average attendance of a regular season game is over 40,000. I know that the FAA imposes flight restrictions, but what happens if a drone just shows up? Besides reporting it to law enforcement, no one's allowed to do anything about it.

I would really like to hear DHS and DOJ address how they can help owners and operators of critical infrastructure and secure mass gatherings. I understand that you don't have this authority yet, but if you do get it, I want to know how you intend to leverage your authority to help state and local stakeholders. What do they get out of Congress passing this bill?

I want to thank the DHS, FBI and FAA for working with the Committee closely to develop the language in our bill. This bill was informed by the findings of an interagency group—which I understand you all were a part of—that identified “impediments and gaps” in the federal government's ability to respond to the threat from drones. This interagency committee concluded that without changes in the law, federal agencies were prevented from developing, testing, and evaluating, and deploying counter drone technologies.

I look forward to hearing from our witnesses today about how the Preventing Emerging Threats Act of 2018 helps you address those gaps and

impediments. I also look forward to hearing from other stakeholders, many of whom I understand will be submitting statements for the record, about ways in which we can ensure that any legitimate concerns are addressed before we move the bill out of Committee. We have a real security need that we must address, and I look forward to working with the Chairman to make sure that our legislative approach is the right one.

Thank you, Mr. Chairman.