



COMMITTEE ON HOMELAND SECURITY

FOR IMMEDIATE RELEASE

Joint Hearing Statement of Transportation & Maritime Security Subcommittee Chairwoman Bonnie Watson Coleman (D-NJ)

Assessing the Department of Homeland Security's Efforts to Counter Unmanned Aircraft Systems

March 31, 2022

In 2018, Congress granted DHS and DOJ a limited authority to mitigate drones posing critical threats to specific facilities. Or in other words, to engage in what we call C-UAS. This authority expires in the fall – and it falls to Congress to determine whether to reauthorize, eliminate, or reform it. As October approaches, it is imperative that we open up this important conversation to the public – and privacy and civil liberties stakeholders in particular – through forums such as this hearing.

For years, DHS, together with DOJ and FAA, has briefed this Committee on the threats that malicious and unauthorized drones pose to the homeland. Though we can't discuss everything we've learned in this setting, we know the threats are real. Drones are cheap to produce and purchase, and operators, whether malicious or unwitting, can cause major problems when they fly drones into restricted airspaces.

Drones wreaked havoc upon Gatwick Airport in London for a few days in 2018, causing thousands of flight cancellations, and in my home state of New Jersey, air traffic at Newark Liberty International Airport was shut down for an hour-and-a-half when drones breached its protected airspace in 2019.

We've seen drones interrupt sporting events and cause disruption. And one could imagine drones facilitating more serious harm to our nation's security, whether through hostile surveillance of sensitive government facilities or critical infrastructure, or even use in kinetic attacks.

As drones become more ubiquitous and more advanced, these risks are only going to grow. According to the FAA, there are currently 850,000 registered drones in the United States, including 300,000 commercial drones and 500,000 recreational drones. To be clear, drones provide many benefits to society. Journalists are using drones to cover the news. Hobbyists are using drones to enjoy their weekends. Businesses and governments are using them to inspect infrastructure, survey land, and monitor crops.

As with all new technologies, we can't focus just on the risks or the benefits. We need to balance both. In this spirit, I do have some questions about Section 124n – the government's C-UAS authority – as it is currently constructed. When we create limited exceptions to laws like the Wiretap Act—as this authority does—we must consider fundamental principles like privacy and due process.

When we place limits on the use of a technology like drones that journalists use every day to cover protests, natural disasters, and other matters of core public interest—as this authority does—we must consider the First Amendment of the Constitution and the freedom of the press.

That means we need a clear understanding of how DHS is interpreting key terms in the statute and ensuring the statute's First and Fourth Amendment protections are upheld. And we must ask ourselves, as we look forward: what more can we do to ensure privacy and civil liberties protections are baked-in at every level of DHS's C-UAS planning and operations?

While I am looking forward to hearing from our witnesses about the real threats posed by drones, as well as DHS's response to these threats, I am equally eager to learn about the Department's approach on questions of privacy and civil liberties. Homeland security may be about protecting our nation's critical assets, but there is no asset more critical than our values.

I look forward to engaging in this public conversation as we work to determine an appropriate path forward on these issues. I want to thank our witnesses for joining us, as well as for their efforts to ensure our nation is prepared for the long list of drone-related threats we face.

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