



U.S. Department of Justice

Federal Bureau of Investigation

Washington, D.C. 20535

July 19, 2013

Honorable Zoe Lofgren
Committee on the Judiciary
U.S. House of Representatives
Washington, DC 20515

Honorable Ted Poe
Committee on the Judiciary
U.S. House of Representatives
Washington, DC 20515

Dear Representatives Lofgren and Poe:

This is in response to your letter to the FBI dated July 1, 2013, seeking information concerning the FBI's use of unmanned aerial vehicles (UAVs) for surveillance purposes.

The FBI uses UAVs in very limited circumstances to conduct surveillance when there is a specific, operational need. UAVs have been used for surveillance to support missions related to kidnappings, search and rescue operations, drug interdictions, and fugitive investigations. Since late 2006, the FBI has conducted surveillance using UAVs in eight criminal cases and two national security cases.¹ For example, earlier this year in Alabama, the FBI used UAV surveillance to support the successful rescue of the 5-year-old child who was being held hostage in an underground bunker by Jimmy Lee Dykes. None of the UAVs used by the FBI are armed with either lethal or non-lethal weapons, and the FBI has no plans to use weapons with UAVs. The FBI does not use UAVs to conduct "bulk" surveillance or to conduct general surveillance not related to an investigation or assessment.

The FBI only conducts UAV surveillance consistent with our rules and regulation for conducting aerial surveillance in our investigations, as well as specific rules and regulations applicable to the use of UAVs for surveillance. Specifically, the FBI's use of UAVs for surveillance is governed by laws and policies including the Fourth Amendment of the United States Constitution, the Privacy Act, Federal Aviation Administration (FAA) rules and regulations, the Attorney General Guidelines for Domestic FBI Operations, the FBI's Domestic Investigations and Operations Guide (DIOG), and the FBI's 2011 Bureau Aviation Regulations Manual, which has specific policies for the use

¹ The FBI authorized UAVs for surveillance in three other criminal cases, but they were not actually used.

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of UAVs for aerial surveillance. For example, the FBI must obtain a Certificate of Authorization from the FAA prior to using UAVs for surveillance, and comply with the FAA's guidelines on the use of UAVs in the national airspace (this includes significant limits on the area and altitude where UAVs can be operated). See FAA Interim Operational Approval Guidance, UAS Policy 05-01, "Unmanned Aircraft Systems: Operations in the U.S. National Airspace System" (2008).

In addition, every request to use UAVs for surveillance is reviewed by FBI legal counsel to ensure there are not potential Fourth Amendment or privacy concerns implicated by the proposed use of UAVs. Every request to use UAVs for surveillance must be approved by senior FBI management at FBI Headquarters and in the relevant FBI Field Office. Without a warrant, the FBI will not use UAVs to acquire information in which individuals have a reasonable expectation of privacy under the Fourth Amendment. To date, there has been no need for the FBI to seek a search warrant or judicial order in any of the few cases where UAVs have been used.

While we share your interest in transparency concerning the use of law enforcement and national security tools, we are not in a position to disclose publicly more detailed information concerning the Bureau's specific use of UAVs. Such additional information is "Law Enforcement Sensitive" or, in some cases, classified, based on the need to protect the effectiveness of this capability in law enforcement and national security matters. We have enclosed a classified addendum that provides more detailed information in response to your inquiry. We request that you not disseminate the information in the addendum without prior consultation with the FBI.

We appreciate your interest in this issue and trust this information is responsive to your inquiry. If you have additional questions concerning this or other matters, please contact the Office of Congressional Affairs at

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Sincerely,



Stephen D. Kelly
Assistant Director
Office of Congressional Affairs

Enclosure

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FBI ExecSec, Room 6147 (TRIM # 13/DO/2505)
AD Kelly
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