



Department of Justice

STATEMENT OF

**CHRISTOPHER HARDEE
CHIEF, OFFICE OF LAW AND POLICY
NATIONAL SECURITY DIVISION
DEPARTMENT OF JUSTICE**

AND

**MICHEAL TORPHY
UNIT CHIEF, CRITICAL INCIDENT RESPONSE GROUP (CIRG),
FEDERAL BUREAU OF INVESTIGATION**

BEFORE THE

**COMMITTEE ON THE JUDICIARY
UNITED STATES SENATE**

AT A HEARING ENTITLED

**“SECURING THE SKIES: LAW ENFORCEMENT DRONES,
AND PUBLIC SAFETY”**

**PRESENTED
JULY 22, 2025**

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Good morning, Chairman Grassley, Ranking Member Durbin, and other distinguished Members of the Committee, and thank you for the opportunity to testify on behalf of the Department of Justice (“the Department” or “DOJ”).

The Department has long supported greater integration of unmanned aircraft systems (UAS) into our skies including for use by hobbyists, law enforcement and public safety agencies, and industry for commercial last-mile delivery services, to name just a few examples. Recognizing the important benefits of emerging UAS technologies, on June 6, 2025, President Trump issued an Executive Order entitled “Unleashing American Drone Dominance.” This presidential action directs the Executive Branch, including the Department, to do more to facilitate the safe commercialization of drone technologies and fully integrate UAS into the National Airspace System.

President Trump and the Department are also committed to protecting the American people and America’s critical infrastructure from the illicit use of drones. Drones can pose a threat to large sporting events and mass gatherings. They can also be used to smuggle contraband cellphones and drugs into correctional facilities, to conduct illegal surveillance of sensitive government facilities and operations, and to surveil high risk prisoner transports, among other illegal activity. In one case, criminals used UAS to identify a government witness. To address

these threats, on June 6, President Trump also issued an Executive Order entitled “Restoring American Airspace Sovereignty,” which directs the Department and other Executive Branch agencies to increase federal efforts to address this growing threat.

The Preventing Emerging Threats Act of 2018 (6 U.S.C. § 124n (“§ 124n”)) is critical to the Department’s efforts to develop counter-UAS (“C-UAS”) capabilities to address the growing threat of illicit UAS operations. However, as the United States prepares to host FIFA’s 2026 World Cup in June and July next summer, we find ourselves playing catch-up as UAS technology continues to develop. Illicit UAS operations present ever-growing risks to public gatherings and other assets. The scope of counter UAS, or C-UAS, authority should keep up with the threat, as should our criminal laws. For this reason, the Department strongly supports the President’s and this Committee’s leadership, first, to extend and expand our authorities to protect against illicit use of UAS, and second, to close the gaps in existing criminal laws and available penalties for the most dangerous misuses of drones.

We have also recognized a significant challenge: How to achieve the integration of UAS into our airspace in a way that protects public safety against adversaries and criminals who might exploit this promising new technology; does not enable attacks by those who wish to do harm to our country; and does not enable the designs and objectives of criminals’ intent on breaking the law. To meet that challenge, the Department’s solution is to build security into the UAS framework that enables greater integration at the outset so that the promising benefits of UAS technology need not come at the expense of risking public safety and national security. We look forward to discussing these issues with the Committee. We believe that congressional action is needed now to: (1) strengthen the DOJ C-UAS authority; (2) empower state, local, and tribal law enforcement and potentially others to deter and mitigate the threat; and (3) address the gaps in drone-related criminal offenses and penalties.

I. The Threat Posed by Misuse of Drones

A. The Threat Continues to Grow

UAS technology in the United States continues to grow rapidly. Along with significant benefits come significant risks. Commercial use of UAS generates billions of dollars in economic growth. As of October 1, 2024, over 791,000 UAS in the United States were registered with the Federal Aviation Administration (“FAA”). That does not count all the drones that are required to be registered but are not.¹ Law enforcement and public safety use of UAS allows officials to perform critical missions—from accident rescues to tactical incursions—while reducing the risk to personnel and the public.

Alongside these immense benefits, however, UAS pose a threat in the hands of nation-state adversaries, terrorists, criminals, and irresponsible operators. UAS threats take several forms, including platforms that can conduct kinetic attacks using payloads of explosives, firearms, or weaponized chemical, biological, or nuclear material; cyber-attacks against wireless devices or networks; espionage; the illicit trafficking of deadly narcotics and contraband; and monitoring law enforcement activity. In other cases, UAS are used by irresponsible operators who ignore regulatory boundaries that ensure the safety of the airspace and the public. These

operators pose a hazard to government operations, commercial activities, and the public.

The threat of UAS-enabled terrorist attacks remains significant. One of the first federal prosecutions involving the weaponization of a drone occurred in 2012. It involved an attempt to fly a weaponized drone into the U.S. Capitol.ⁱⁱ Since then, in 2016, the Federal Bureau of Investigation (“FBI”) Director testified that, “given their retail availability, lack of verified identification requirement to procure, general ease of use, and prior use overseas, UAS will be used to facilitate an attack in the United States against a vulnerable target, such as a mass gathering.” Since that statement, the threat of weaponized-UAS attacks manifested within the United States on multiple occasions. Fortunately, DOJ was able to disrupt the plots. These are some examples of federal cases:

- In September 2020, a Pennsylvania man was sentenced to five years in prison and three years of supervised release for unlawfully possessing firearms and explosives, and for using an unregistered drone to drop explosive devices to terrorize his former girlfriend.ⁱⁱⁱ
- In November 2024, the Department charged Skyler Philippi of Columbia, Tennessee, with attempting to use a UAS as a weapon of mass destruction to destroy an energy facility. Philippi had conducted research on past attacks on the U.S. electrical system and allegedly concluded that attacking with firearms would cause insufficient damage. Instead, he planned to use a UAS laden with explosives. He allegedly planned to use the UAS to attack the power grid, with the goal of leaving thousands of Americans and critical infrastructure like hospitals without power. As alleged, Philippi was a self-styled “accelerationist” who hoped his actions would “shock the system” and provoke civil unrest.^{iv}
- In November 2024, Edward Kelley of Maryville, Tennessee, was convicted of a conspiracy to murder federal employees, in part through the planned use of weaponized drones. Kelley planned to attack the Knoxville FBI Field Office, using car bombs and incendiary devices appended to drones, as revenge against law enforcement for his prior arrest on unrelated charges.^v He was sentenced to life in prison.^{vi}

States have also prosecuted drone-related cases. Since 2020, California and Georgia have completed state prosecutions.^{vii} In October 2024, Maine brought a prosecution involving weaponization of drones.^{viii}

Espionage using UAS technology within the United States is also an increasing threat. In January 2024, Chinese national Fengyun Shi flew a UAS over the facilities of Newport News Shipbuilding—a highly secure naval shipbuilding complex in Newport News, Virginia—and took extensive photos and videos. Shi was arrested before boarding a flight to China. He later pled guilty to two misdemeanor counts under the Espionage Act. He received a six-month sentence. He was also ordered to surrender to the U.S. Immigration and Customs Enforcement for deportation.^{ix}

In another instance, in November 2024, Yinpiao Zhou, a Chinese citizen and lawful permanent resident of the United States, flew a drone over the Vandenberg Space Force Base in California. Drone detection systems operated by the base and by the FBI detected the presence of the drone flying for nearly one hour, at an altitude of almost one mile above the ground. When base security went to the location where Zhou was operating the drone, he initially hid the drone in his jacket and lied about taking photos or videos of sensitive locations.^{xv} In January 2025, Zhou pled guilty to violating national defense airspace. He was sentenced in April to nearly four months' custody.

UAS are used to commit other crimes, sometimes with fatal consequences. In October 2024, a man in Los Angeles, California allegedly used a UAS to drop fentanyl and other narcotics to buyers, one of whom died of an overdose.^{xii}

B. The Threat Posed to Prisons

The Federal Bureau of Prisons ("BOP") continues to experience serious safety and security threats from UAS. UAS are frequently used by organized crime groups to penetrate the secure perimeters of BOP facilities. They deliver drugs, cell phones, weapons, and other contraband to inmates. The consequences can be extraordinary. BOP facilities regularly experience overdose deaths from narcotics delivered by UAS, like fentanyl. Weapons delivered by UAS have been used to commit serious assaults on other inmates and prison staff. Contraband cell phones delivered by UAS are used to coordinate gang violence, target witnesses, and orchestrate drug operations outside prisons.

Unfortunately, UAS incursions at BOP facilities are increasing in frequency and effect. In 2018, BOP adopted a formal policy on reporting UAS incursions. That year, 23 drone incursions and sightings were reported. Between 2021 and 2024, as the threat of incursions grew, BOP installed UAS detection systems at 64 of BOP's 121 federal facilities. In 2024, 479 incursions and sightings were reported. That is 20 times the number reported in 2018.

The Department has taken action to respond to the UAS threat to prisons. In 2022, BOP detected a drone operator attempting to drop contraband into the federal prison in Beaumont, Texas. The operator was apprehended and subsequently pled guilty to felony registration violations. He was sentenced to eight months in prison.^{xii} The Department prosecuted four men in 2022, including two former inmates, in a scheme to deliver contraband to the federal prison at Fort Dix, New Jersey. This case resulted in prison sentences ranging from five to 37 months.^{xiii}

In March 2023, federal and state law enforcement officers used drone detection technology to defeat an attempt to deliver contraband cell phones into the U.S. Medical Center for federal prisoners in Springfield, Missouri.^{xiv} That defendant was facing charges in Oklahoma as a felon in possession of guns and ammunition. As a result of the incident in Missouri, the Oklahoma court revoked the defendant's pretrial release.

In April 2023, the Department indicted six people for conspiring to use drones to smuggle contraband into the BOP prison facility in Leavenworth, Kansas.^{xv} In September

2024, a man pled guilty to providing contraband, including drugs, to the federal prison in Yazoo City, Mississippi.^{xvi} In March and April 2025, three defendants pled guilty to felony charges related to introduction of contraband at Federal Correctional Institution McDowell, in West Virginia.^{xvii} They received sentences of 15 months in prison.

The Department is also currently working with BOP to develop an initiative to use the Department's authority under § 124n to deploy C-UAS mitigation technology at a number of high-risk federal prison facilities. This action is long overdue and is necessary to address the growing threat of illicit UAS activity at BOP prison facilities across the country.

Similar incidents occur regularly at state and local prisons and jails. Currently, state and local officials cannot use the same C-UAS technology as BOP because state and local authorities are not covered by 6 U.S.C. § 124n and do not otherwise have relief from the various provisions of federal criminal law that potentially apply to C-UAS technologies. State, local, territorial and tribal ("SLTT") corrections authorities rely on traditional law enforcement tools to investigate and prosecute UAS-related incursions by focusing on the underlying non-aviation-specific crime(s) and finding and intervening with the operators of the UAS. As recently as April 2025, state and local law enforcement arrested people who had attempted to deliver by drone illicit drugs and other contraband into prisons and jails in Alabama, Georgia, and Indiana.^{xviii} Several individuals in Ohio were convicted and sentenced for selling and distributing cocaine, methamphetamine, marijuana, cellphones, and other contraband through drone delivery into at least five prison facilities.^{xix}

The Department is committed to partnering with SLTT authorities to investigate, disrupt, and hold criminals to account for plots to deliver dangerous contraband to state and local prisons and jails. In August 2024, the Department charged 23 defendants with conspiracy to use UAS to deliver contraband to Georgia state prisons. Operation Night Drop identified two networks of prison inmates and outside conspirators who delivered by UAS and other means large quantities of drugs, cell phones and other contraband to Smith State Prison in Glennville, Telfair State Prison in McRae-Helena, and other state prisons.^{xx} Eighteen months before, the Department had charged four men in California for a long-running conspiracy to distribute drugs and other contraband by drones at six California state prisons.^{xxi} The risk continues to grow that firearms and ammunition delivered by drone could lead to a mass casualty event targeting inmates and staff.

C. The Threat Posed to Mass Gatherings

In the Emerging Threats Act of 2018 (6 U.S.C. § 124n), Congress authorized certain C-UAS missions by DOJ and DHS, including the protection of Special Event Assessment Rating ("SEAR") events.^{xxii} The FBI has conducted 73 UAS detection and mitigation protection operations at these events and mass gatherings using the relief provided by this law, ranging from the Super Bowl to the New Year's Eve celebration in Times Square. During those operations, the FBI has detected 1,210 UAS operating in violation of federal law, located the operator in 377 instances, and attempted technical mitigation, *i.e.*, used technology to prevent or inhibit the operation, against 173 UAS. The FBI also provides protection from UAS threats in support of federal investigations and security functions, including those in

response to UAS incursions at military installations. In addition to its normal workload, the FBI intends to protect future high-risk events within the United States associated with next year's World Cup.

When available and appropriate, DOJ pursues criminal charges for UAS misuse at mass gatherings. For example, in February 2024, DOJ charged an individual with felonies related to flying a UAS over M&T Bank stadium during the National Football League's January 2024 AFC Championship game in Baltimore, Maryland.^{xxiii} In September 2024, a Boston man was charged with unlawfully flying a UAS in restricted National Defense Airspace when he flew his UAS near the finish line of the April 2024 Boston Marathon. The UAS flight prompted law enforcement and bomb technicians to seize the device mid-air, land it, and evaluate its threat to the public.^{xxiv}

Despite the scope of the threat to mass gatherings, the FBI can cover only a fraction of them. FBI's covered events represent only 0.05% of the over 240,000 special events during that time for which potential C-UAS protection could have been authorized under § 124n. That number makes clear that the demand for such support to protect our communities has far outstripped the federal government's limited resources.

II. Closing Gaps in Authorities to Protect Against C-UAS

Anticipating the sunset of the Emerging Threats Act of 2018, executive branch agencies in 2021 collaborated to identify the critical gaps that must be filled to improve our ability to defend against UAS threats. We have worked closely with the relevant committees in Congress on legislative proposals. Despite significant progress toward consensus, none have been enacted. As a result, Congress has extended the authority 12 times without modification. The latest extension expires on September 30, 2025. As we continue to work with Congress on a mutually agreeable proposal to address the threat and close gaps, it is critical that the existing authority not lapse. Without the extension, we will face significant legal uncertainty under federal criminal laws about whether we can use the most effective types of UAS detection and C-UAS technologies—the legal uncertainty that led to bipartisan adoption of the law in 2018. The legal constraints include laws that prohibit destroying or disabling aircraft and intercepting signals and communications. *See, e.g.*, 18 U.S.C. § 32 (the Aircraft Sabotage Act); 18 U.S.C. §§ 2510 et seq. (the Wiretap Act, also known as Title III); 18 U.S.C. §§ 3121-3127 (the Pen/Trap Statute). Those legal impediments would prevent us from investing in and expanding our limited C-UAS capabilities, while the threat continues to grow.

Based on our experience since 2018, there are five gaps in § 124n that we urge Congress to consider in future legislation.

A. Expand C-UAS Coverage to Airports, Critical Infrastructure, and High-Risk Prisoner Transports

Current law makes no provision for permanent protection of transportation facilities such as civilian airports; for critical infrastructure such as power plants or oil refineries or chemical facilities; or for high-risk prisoner transports. Congress could close that gap to help

secure sensitive federal, state, and private facilities and some U.S. Marshals Service operational missions involving high-risk prisoner transports. Current authority covers courthouses and prisons but does not expressly address prisoner transports. Congress could address that gap and allow the use of technology where, for example, there is a substantial risk involving a terrorist or organized crime figure whose associates may use drones to attack or monitor a transport.

B. Authorize Mutual Support between DOD, DOJ, DHS, and DOE

Current law does not authorize DOJ and DHS to fulfill each other's statutory C-UAS missions, or the missions of the Departments of Defense ("DoD") and Energy ("DOE"). This gap prevents effective and efficient sharing of resources and expertise. For example, the FBI may not be authorized to operate its C-UAS technology to address a threat to a DOD facility or asset, because those are not covered by DOJ's C-UAS legislation. And DOD cannot operate its equipment to help address a threat to a DOJ or DHS facility or asset. Given the limited resources available to respond to C-UAS threats, and the significant expertise required to operate the equipment effectively, this siloed approach to C-UAS protection further limits our ability to address the threat.

C. Authorize SLTT Law Enforcement to Use Pre-Approved Detection-Only Equipment

Congress could authorize all SLTT law enforcement as well as the owners or operators of airports or critical infrastructure to use federally vetted UAS detection-only capabilities, subject to conditions and safeguards. Experience has shown that the demand for protection across the country from UAS-based threats greatly exceeds the federal government's capacity. We need to empower SLTT law enforcement agencies across the country to take the steps needed to protect their communities. They are primarily responsible for keeping citizens safe at the local level. We also need to allow critical infrastructure operators to at least detect C-UAS incursions affecting their own facilities and assets. That would allow them to develop threat awareness, and to reach out to the FBI or DHS where particular threats have been identified.

Notably, use of "detection-only" technology would not include authority to mitigate a drone through jamming or to otherwise disrupt drones or other aircraft. Rather, the information obtained through detection of drone signals can disclose the location of the drone operator. With that information, law enforcement or security personnel can locate that operator and address the threat through traditional means. The detection technology authorized for use would be tested and evaluated by DHS or DOJ, and approved by the FAA, the Federal Communications Commission ("FCC"), and the National Telecommunications and Information Administration ("NTIA") to ensure that each system does not adversely impact the national airspace system. This "detection-only" authority would provide significant public safety benefits and could be safely employed today.

D. Authorize Certain Properly Trained SLTTs to Use All C-UAS Capabilities

Congress could also authorize designated and trained SLTT law enforcement entities to

use all the C-UAS authorities provided to DOJ and DHS, including to mitigate drones. The authority could cover jails, prisons, or any type of correctional facility. As previously noted, state correctional facilities are highly susceptible to contraband delivery by UAS. DOJ and DHS could oversee the SLTT entities, consistent with the safeguards and oversight applicable to DOJ and DHS existing C-UAS operations. Those entities could be required to receive appropriate training and vetting to enable them to both detect and mitigate UAS threats to covered facilities or assets, including mass gatherings. Because these operations could include the use of more sensitive mitigation technology, all their activities would have to be coordinated in advance with federal partners including the FAA, which could withhold approval if the FAA identifies a significant risk to the national airspace system from a proposed operation. Moreover, all activities could be carried out under the oversight of DOJ or DHS. This would allow Congress, the Executive Branch, and SLTT law enforcement entities to evaluate how we can develop a more comprehensive approach to addressing a growing threat, while doing so responsibly and in a manner that protects civil rights and civil liberties. To train SLTT law enforcement on the use of C-UAS technology, Congress should affirmatively authorize and fund a national training center. This would complement the Department's efforts, pursuant to President Trump's executive order, to integrate Joint Terrorism Task Forces into our C-UAS efforts. It would strengthen a layered approach to security as the threat grows. Non-federal capabilities, for example, will be important to helping protect venues for the FIFA World Cup in 2026.

E. Extend or Eliminate the Sunset Period to Provide Legal Certainty.

Extending significantly or eliminating the sunset would give us more certainty as we plan for the future. Experience gained over the past six years has demonstrated the value of the C-UAS missions conducted by DOJ and DHS. That experience also demonstrates that these operations can be conducted safely and with strong safeguards for privacy and civil liberties. Long-term clarity regarding the legal framework governing these operations will enable us to invest more resources in the mission and work to continually improve the technology and how we address the threat.

III. Close Gaps in Drone-Related Criminal Offenses and Penalties

In addition to closing gaps in the DOJ/DHS C-UAS protection authority under § 124n, Congress could strengthen relevant criminal law and thereby sharpen the tools the Department of Justice uses to investigate and prosecute the most serious and dangerous misuses of drones. As the Department and interested members of Congress have frequently observed, the potential of drones to revolutionize commerce, military operations, and law enforcement is accompanied by dangers to public safety and to the national security resulting from the misuse of drones. We appreciate the Chairman's leadership in this area, as the existing laws and available penalties are fragmentary and inadequate.

As just a few examples, the use of a weaponized drone in a fatal attack would violate Public Law 115-254 § 363 (also codified in 49 USC § 44802), with a \$25,000 civil penalty being the maximum sanction. Drone intrusions by terrorists and spies upon national defense airspace to surveil potential targets or obtain intelligence about military or space capabilities

and readiness are merely misdemeanors under 49 U.S.C. § 46307 or under 18 U.S.C. § 796. (The latter is a 1948 statute that has not been updated to address subsequent developments, including the emergence of drone technology.) Interference with wildfire suppression activities using a UAS has been a low-grade felony since 2018 under 18 U.S.C. § 40A, but drone operators continue to show up to take disaster shots and interfere with risky efforts to fight the fires. Consider, for example, the January 2025 collision of a drone with the “Super Scooper” firefighting airplane in California and the April 2023 unsafe operation of a UAS that interfered with wildfire suppression and law enforcement and emergency response efforts in Maryland.

Under existing law, the availability of proportionate, deterrent sanctions for these serious misuses of drones is hit or miss. It depends on whether the conduct happens to be within the scope of other federal offenses that are not specifically designed to deal with the threats from drones. Recognizing these shortfalls in current law, Chairman Grassley has introduced legislation that has garnered bipartisan support in both chambers—legislation for which the Department of Justice provided technical assistance and input.

The common features of these legislative proposals include strengthening the law to address more effectively:

- Drone weaponization, including equipping drones with dangerous weapons, and use of drones to cause harm to persons or property, such as in attacks on critical infrastructure.
- Impairment of basic drone identification and safety features, such as using anonymized drones and taping over a drone’s lighting to avoid detection, in cross-border human and drug smuggling activities and in using drones to introduce contraband into prisons.
- Use of drones to interfere with the operation of aircraft, airports, vessels, and vehicles.
- Use of drones to interfere with law enforcement, emergency response (including wildfire suppression), and military operations and activities.
- Drone intrusions upon protected airspace and in illicit cross-border activities, such as in trafficking operations and in drone surveillance by terrorists and spies to scout potential targets and acquire intelligence.
- Drone transportation of contraband, including the use of drones to introduce prohibited objects into prisons.

The status quo carries great risk. By updating the gaps in offenses and penalties for unlawful use of drones and the inadequate misdemeanor and civil penalties applicable to many drone-related crimes, Congress can send a clear message that it supports UAS integration and expansion in our skies, but not at the cost of public safety and human lives. Violations must

have consequences that reflect the seriousness of the acts even when the threatened harm is not realized, and certainly when it is.

IV. Conclusion

In closing, legislation by itself will not eliminate the threats presented by malicious or irresponsible use of drones. However, it will significantly enhance our ability to mitigate the threats in a manner that is measured, responsible, and consistent with the FAA mandate to integrate drones safely into the national airspace system. As the United States seeks to lead the world by integrating unmanned aviation into the national airspace, Congress should build security into the frameworks that support UAS integration by ensuring that those responsible for protecting the public have the authority, training, and safe and effective technology they need. Integration and security must go together if we are to be successful.

I appreciate the opportunity to testify today, and I am pleased to answer your questions.

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- ⁱⁱ <https://archives.fbi.gov/archives/boston/press-releases/2012/man-sentenced-in-boston-for-plotting-attack-on-pentagon-and-u.s.-capitol-and-attempting-to-provide-detonation-devices-to-terrorists>
- ⁱⁱⁱ <https://www.justice.gov/usao-edpa/pr/northampton-county-man-sentenced-five-years-using-drone-harass-ex-girlfriend-illegally>.
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- ^{vi} <https://www.justice.gov/opa/pr/tennessee-man-sentenced-life-prison-conspiring-murder-law-enforcement-and-attack-fbi-office>
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[bend-man-accused-using-drone-smuggle-drugs-other-contraband-into-prison/](#).

^{xix} [https://www.dispatch.com/story/news/courts/2025/04/01/ohio-men-used-drones-deliver-drugs-to-prisons-sentenced/82672834007/](#).

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