



Testimony

of

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Committee on the Judiciary

*Securing the Skies: Law Enforcement, Drones, and Public Safety*

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Chairman Grassley, Ranking Member Durbin, and distinguished Members of the Committee, thank you for inviting me to testify regarding the Department of Homeland Security's (DHS) authority to counter threats from unmanned aircraft systems (UAS<sup>1</sup> or "drones"<sup>2</sup>), and the need to reauthorize and expand these authorities.

Since 2019, DHS has judiciously and effectively implemented its counter-unmanned aircraft systems (C-UAS) authority to protect our homeland while ensuring the protection of privacy, civil rights, and civil liberties. DHS has performed nearly 1,500 deployments of C-UAS equipment to protect covered facilities or assets from the threats posed by unmanned aircraft, all without infringing upon First or Fourth Amendment rights of U.S. citizens or causing significant impacts to the National Airspace System. We have consistently demonstrated our ability to exercise our C-UAS authority responsibly and in close coordination with the FAA, ensuring alignment with the spirit and intent Congress envisioned in the *Preventing Emerging Threats Act of 2018*. **DHS's authority, however, to detect and counter drone threats will expire on September 30, 2025 – and we need urgent Congressional action to ensure the continued protection of our nation.** The limited duration of our current authority, followed by multiple short-term extensions, has made it difficult for DHS to resource and prioritize new C-UAS programs, which require long-term stability and sustainment. **In addition to a durable and long-term extension of our C-UAS authorities, we need expanded authorities to keep pace with the relentlessly evolving nature of this threat which includes explicitly identifying additional DHS components as authorized to conduct C-UAS operations to include the Transportation Security Administration.**

### **Dynamic and Diversifying UAS Threat Environment**

As drone usage proliferates and integration into the national airspace system progresses, threat actors are expanding their malicious use of these capable systems. Commercial off-the-shelf drones can fly for more than 45 minutes, reach speeds over 100 miles per hour, and carry over 100 pounds of payload. Today's drones have very few barriers to entry, often costing only a few hundred dollars and are relatively easy to operate. Nefarious operators can conduct a criminal or terrorist act with little to no attribution and without risking their life, providing threat actors with new opportunities to experiment.

Conflict zones across the globe, such as in the Ukraine and the Middle East, are the new proving grounds for innovative drone tactics and technological developments, and the implementations are only limited by an operator's imagination. Air supremacy is no longer determined by fighter jets and helicopters but rather a combination of traditional assets and unmanned systems, reshaping the way frontline troops are attacking and defending. These evolutions of drone tactics in theaters abroad are quickly finding their way to our backyard and across the homeland, posing significant challenges for law enforcement officers and regulators.

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<sup>1</sup> The term "unmanned aircraft system" means an unmanned aircraft and associated elements (including communication links and the components that control the unmanned aircraft) that are required for the operator to operate safely and efficiently in the national airspace system. *See* 49 U.S.C. § 44801.

<sup>2</sup> For the purposes of this statement, "drone" refers to the aircraft portion of a UAS.

**Nearly every day, transnational criminal organizations (TCOs) use drones to convey illicit narcotics and contraband across U.S. borders and conduct hostile surveillance of law enforcement.** In the last six months of 2024, over 27,000 drones were detected within 500 meters of the southern border, most of which were flying above 400 feet – the maximum flight altitude allowed for drones in both the United States and Mexico – or flying between the hours of 8pm and 4am, when the cover of darkness can obscure illicit activity. Since 2019, U.S. Customs and Border Protection (CBP) agents and officers have seized thousands of pounds of methamphetamine, fentanyl, and other hard narcotics that drug traffickers have attempted to transport through thousands of cross-border drone flights, including over 1,200 pounds in the second half of 2024 alone. In October 2023, CBP seized a UAS that crossed from Mexico into the United States carrying 3.6 pounds of fentanyl pills, enough to kill tens of thousands of Americans. CBP drone detections also led to the arrests of over 1,500 subjects along the southwest border, a clear indicator that TCOs are adopting the use of drones into their tactics as a means of surveilling and evading CBP agents and officers and other law enforcement.

**Drones have conducted kinetic attacks with payloads of explosives, firearms, and weapons of mass destruction.** Since early August 2024, warring Sinaloa Cartel factions have increasingly attacked one another using drone-delivered improvised explosive devices and it is only a matter of time before Americans or law enforcement are targeted in the border region. In Ukraine and Russia, the extensive use of drones in the ongoing war has further demonstrated drones' lethality and versatility. This threat vector is also a major concern for protecting high-risk officials and mass gatherings. Since 2018, the U.S. Secret Service has tracked hundreds of drones violating domestic temporary flight restrictions that protect the President and others. More recently, two Chinese nationals pled guilty to using drones to spy on sensitive US military facilities, and on June 19, 2025, a man pled guilty knowingly flying his drone into the restricted airspace over a NLF playoff game in Baltimore last year.

**Drones have caused dangerous interference with manned aviation, resulting in major damage to aircraft, disruptions to airport operations, and economic harm.** Malicious, careless, or reckless UAS operations pose a significant threat to the safety and security of our nation's airports and transportation infrastructure. DHS currently faces significant limitations in its ability to proactively protect these facilities. Since 2021, the Transportation Security Administration (TSA) has reported over 3,000 drone events near U.S. airports, some of which have led to operational disruptions of commercial air traffic. From January 1, 2025, to June 30, 2025, 162 UAS-specific events occurred near an airport and were reported to TSA's Transportation Security Operations Center, 76 of which occurred near a Core 30 airport, busiest airports in the U.S. by passenger numbers, and 11 of which caused an aircraft to take evasive action. On March 3, 2024, a UAS caused Dallas/Fort Worth International Airport tower to redirect arriving and departing aircraft for 33 minutes. On October 10, 2024, a UAS caused a 27-minute airport ground stop at Chicago O'Hare International (ORD) while the ORD tower redirected arrival operations to another runway on the north side of airport. And in January 2025, a drone collided with a firefighting aircraft responding to the Palisades Fire, forcing it to be grounded for weeks during critical operations; on January 31, 2025, the drone pilot pled guilty

to the Federal misdemeanor charge of violating restricted airspace with a drone – the unfortunately low-level charge available under current law.

### **Consequences of a Lapse in Authority**

Any lapse in our C-UAS authority would result in perilous risks. Sustaining C-UAS authority is the foundation of the security architecture necessary to continue the integration of beneficial drones into our society. A lapse in authority would unnecessarily expose DHS covered facilities and assets, the public, and sensitive DHS missions to risks from drone attacks, surveillance activities, or even a reckless incident causing catastrophic harm. CBP would no longer be able to secure our borders from extensive TCO drone activity; sensitive Federal facilities and assets currently protected by the Federal Protective Service would be left vulnerable to surveillance or attacks; and crucial UAS detection capabilities supporting the U.S. Coast Guard, DHS Science and Technology Directorate researching testing and evaluations of C-UAS equipment, and others would no longer be available. The inability to conduct C-UAS operations would also leave Special Event Assessment Rating events, such as the Super Bowl, and National Special Security Events such as the State of Union or United Nations General Assemblies, vulnerable to drone threats.

A lapse in authorities will place America at greater risk from UAS threats. The Department will be significantly degraded in our ability to assess UAS threats, deploy countermeasures, and coordinate protective operations. A lapse will create critical security gaps in high-risk areas, hinder strategic planning, and jeopardize national preparedness for major upcoming events such as the 2026 FIFA World Cup, America’s 250<sup>th</sup> Birthday, and the 2028 Olympic Games.

A lapse will also impact the Department’s ability to fulfill the vital mandates from the President which include Presidential Proclamation 10886 “Declaring a National Emergency at the Southern Border of the United States,” Executive Order 14305 “Restoring American Airspace Sovereignty,” and Executive Order 14234.

The Department must be ready and forward leaning to ensure we protect the nation from all threats, including malicious, careless, or reckless UAS.

### **Maintaining the Proven Statutory Structure**

The *Preventing Emerging Threats Act of 2018* (“the Act”) provided the initial framework for C-UAS authority that has served DHS and the United States for over six years. It has allowed for C-UAS authority to harmoniously co-exist with existing interagency roles and distinct missions in both homeland and aviation security, while also providing for coordination with the FAA to maintain aviation safety. The current statutory structure, roles, and responsibilities should remain as the basic foundation while closing the know gaps and extending and expanded the Departments legal authority.

To ensure consistent application of C-UAS authorities across Components, DHS established a C-UAS Program Management Office (PMO). The PMO manages and supports C-UAS activities to

ensure Component alignment with DHS strategy and policy guidance and serves as a single point of contact for interagency partners. The PMO works with the FAA to properly coordinate the use of each piece of equipment at specific locations and times to ensure that impacts to the national airspace system are minimized. Every deployment coordination includes an operations plan that clearly defines the boundaries and protocols for that unique protection mission, including the protection of First and Fourth Amendment rights, privacy, and civil liberties, as well as coordination with other security stakeholders.

### **Enhancing Our Ability to Protect the United States from Evolving Drone Threats**

Despite these successes, DHS will continuously improve our capabilities and work to stay ahead of the threat posed by malicious, careless, or reckless UAS. DHS is working to expeditiously implement the mandates in Executive Order 14305, Restoring American Airspace Sovereignty. This Executive Order affirms the policy of the United States to ensure control over our national airspace and to protect the public, critical infrastructure, mass gathering events, and military and sensitive government installations and operations from threats posed by the careless or unlawful use of UAS. On the same day, the President signed the Executive Order to Unleash American Drone Dominance, ensuring that lawful drone use in our economy will rapidly grow and become an enduring part of our economy; our ability to protect the public from the hazards of drones needs to be as enduring.

While the Department must have a long-standing enduring authorities, while at the same time expanding to other critical areas, DHS is finding innovative ways to partner with the Department of Defense, other Federal partners, and State, local, Tribal, and territorial law enforcement entities to share information, secure our borders, and protect the integrity of our homeland security operations. We are supporting our Components not explicitly identified in the current legislation as they assess their missions for risk and vulnerabilities from UAS threats and find ways to deter and prevent incidents within the bounds of the law, including the TSA. We are assisting critical infrastructure owners and operators with understanding what UAS detection technologies and tools can be used to improve air domain awareness over sensitive facilities. We continue to implement and utilize our C-UAS authority responsibly, and with your help, we seek to embark on the next stage of this incredibly important mission space.

### **Conclusion**

DHS is committed to protecting our national security and public safety by countering the malicious use of drones. We greatly appreciate the conversation and momentum around this important topic within Congress. Maintaining our current authority is essential for DHS to continue performing its protections mission, but as outlined must be expanded to keep pace with the numerous threats our nation faces from UAS. We look forward to working with you and having conversations about how to secure America against the continued evolution of UAS threats. Thank you again for the chance to testify today.