

Congress of the United States  
House of Representatives  
Washington, DC 20515-4324

July 17, 2013

The Honorable Eric H. Holder, Jr.  
Attorney General  
U.S. Department of Justice  
950 Pennsylvania Ave., NW  
Washington, DC 20530

Dear Attorney General Holder:

On June 19, 2013, FBI Director Robert Mueller testified before the Senate Judiciary Committee and addressed questions about the use of unmanned aircraft (drones) for domestic surveillance. In the course of that discussion, Director Mueller noted that the FBI had used drones domestically for surveillance but was still only in the initial stages of developing policies and procedures for their use. It was also mentioned by Senator Chuck Grassley that the Department of Justice had, in following-up to a prior hearing in which you testified, advised the Committee that the DEA and ATF had both acquired drones and were developing plans for their use.

The use of drones by the federal government for domestic surveillance gives rise to a number of concerns. While these systems are useful in countering terrorist attacks, drug trafficking, and illegal immigration, the work of protecting Americans and enforcing our laws must always be consistent with safeguarding the Constitution, particularly rights under the Fourth Amendment. With that in mind, I would appreciate your answering the following questions so that I may assure my constituents that their rights are being respected by the government:

- Which agencies within the DOJ use or intend to use drones, and for what purposes?
- How many drones does the DOJ expect to possess by the end of 2013? 2014?
- How many drone missions has the DOJ, including all of its constituent agencies, flown in the past year, and approximately how many does it intend to fly each year?
- Is there any intent or exploration, on the part of the DOJ, toward using domestic drones for any purpose other than surveillance? If so, what are those purposes, and why?
- With regard to each DOJ agency that uses or intends to use drones for any purpose, what is the status of the development of policies and procedures for the use of drones? When can such policies be expected to be completed and implemented?

- Will the development of policies and procedures for the use of drones include any opportunity for public notice and comment before their final adoption? Given the high degree of public interest in this matter, I hope that such input will be considered.
- Will policies adopted by agencies for the domestic use of drones be uniform throughout all DOJ agencies or will they vary by agency? If they will vary – why?
- Was the FBI, or any other agency within the DOJ, allowed to use drones domestically before the complete development of policies for their use, as Director Mueller’s testimony suggests? If so, why was this permitted?
- If drones were used domestically by DOJ, or its constituent agencies, before policies governing their use were complete, what laws or rules governed their use? How did, or does, such an arrangement ensure the protection of constitutional rights?
- Does the DOJ coordinate with other agencies such as the Department of Defense, Department of Homeland Security, or the Federal Aviation Administration to develop uniform policies on the domestic use of drones? If not, why?

Thank you for your attention to this request and I look forward to your response. Should you have any questions regarding this correspondence, please feel free to contact me or my Legislative Director, Scott Cunningham, at 202.225.6605 or [scott.cunningham@mail.house.gov](mailto:scott.cunningham@mail.house.gov).

Sincerely,



Kenny Marchant  
Member of Congress