



**U.S. Customs and
Border Protection**

Commissioner

July 1, 2020

The Honorable Bobby L. Rush
U.S. House of Representatives
Washington, DC 20515

Dear Representative Rush:

This letter is in response to your June 9, 2020 letter to U.S. Customs and Border Protection (CBP) regarding the use of CBP's unmanned aircraft system (UAS).

We share your concerns over the tragic death of Mr. George Floyd and fully support the right of Americans to peacefully demonstrate, as guaranteed by the First Amendment.

Air and Marine Operations (AMO) operates under Title 6 of U.S.C. § 211, and authorities under Public Law 116-93, which authorize the Agency to conduct aviation and maritime operations in support of federal, state, local, tribal, and international law enforcement agencies. Supporting our law enforcement partners, while ensuring the safety of all Americans, is a key mission of AMO.

On May 29, 2020, at the request of federal law enforcement on the ground in Minneapolis, Minnesota, AMO's National Air Security Operations Center-Grand Forks responded to an air support request for aerial video downlink with an UAS. The UAS flew over Minneapolis for approximately two hours, but was unable to observe activities on the ground due to cloud cover. The request was withdrawn and the UAS redirected to the northern border area for its routine patrol. AMO did not operate a UAS over Detroit, Michigan, nor San Antonio, Texas, during demonstrations in those cities.

CBP's UAS helps to enhance situational awareness and increase public and officer safety by providing aerial support to officers on the ground. Due to altitude restrictions imposed by the Federal Aviation Administration, the onboard camera cannot provide enough detail for an operator to identify a person—that is, the camera onboard CBP's UAS cannot discern physical characteristics such as height, weight, eye color, and hairstyle, nor a facial image. The imaging systems onboard these aircraft alone cannot be used to identify a person, nor collect any Personally Identifiable Information, thereby assuring a person's privacy and protecting his or her constitutional rights. The camera can only provide enough detail to identify whether an individual is carrying a long gun or wearing a backpack.

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The UAS operated by AMO do not collect data on individuals. These aircraft are equipped only with cameras, radar, and other technologies to support CBP components in patrolling the border; conducting surveillance as part of a law enforcement investigation or tactical operation; and gathering raw footage that may assist in disaster relief or responses to other emergencies. AMO aircraft can provide real-time, live video feeds to ground-based law enforcement officials, giving them situational awareness; maximizing public safety; and minimizing the threat to personnel and assets. Any captured footage from the UAS cameras typically cannot be shared with other law enforcement agencies, unless it is needed for an investigation or in connection with a law enforcement activity. Even then, requests for footage must be processed and reviewed by CBP's Office of Intelligence before dissemination.

Enclosed is CBP's Privacy Impact Assessment. As authorized by law, AMO will continue to use the appropriate assets to support the efforts of federal, state, local, and tribal law enforcement in enforcing the laws of the United States.

Thank you again for sharing this important letter. Should you need additional assistance or would like to schedule a briefing, please do not hesitate to contact me or have a member of your staff contact Stephanie A. Talton, Acting Assistant Commissioner, Office of Congressional Affairs, at 202-344-1760. The co-signers of your letter will receive a separate, identical response.

Sincerely,

A handwritten signature in cursive script, reading "Mark A. Morgan".

Mark A. Morgan
Chief Operating Officer and
Senior Official Performing the Duties of the Commissioner

Enclosure