

United States Senate

WASHINGTON, DC 20510

July 9, 2013

Robert S. Mueller
Director
Federal Bureau of Investigation
U.S. Department of Justice
935 Pennsylvania Avenue, NW
Washington, DC 2055-0001

Dear Director Mueller,

During testimony before Congress on June 19, 2013, you confirmed that the FBI does operate drone aircraft within the United States. Details on the purpose of these drones and the rules governing their use were not fully available at the time, though you seemed to indicate through your testimony that some details might be forthcoming.

Given that drone surveillance over American skies represents a potentially vast expansion of government surveillance powers without the constitutionally-guaranteed protection of a warrant, it is vital that the use of these drones by the FBI be fully examined in an open and transparent manner. The American people have a right to know the limits that the federal government operates under when using these drones, and whether further action by Congress is needed to protect the rights of innocent Americans.

On June 20, 2013, one day after your admission before Congress, I sent you a letter requesting specific details on the FBI's use of drones. I have included a copy of this letter for your reference. In the letter, I indicated that I would like a response to my questions by July 1, 2013, which was a very reasonable timeframe to produce a response to a limited number of questions. Unfortunately, I have not received any answers to my questions, and I have not been informed as to when I should expect a reply.

Legitimate questions on important government functions should not be ignored. These questions are easily answerable and primarily questions of fact, so I respectfully request again that you provide answers to these questions. As you know, the President has submitted the nomination of your successor to the Senate, the Senate Judiciary Committee has begun consideration of his nomination, and that nomination could be considered by the full Senate this month. Without adequate answers to my questions, I will object to the consideration of that nomination and ask my colleagues to do the same.

Thank you for your prompt attention to this matter, and I look forward to a reply very soon.

Sincerely,



Rand Paul, M.D.
United States Senator

Attachment

Cc: The Honorable Barack Obama, President of the United States
Cc: The Honorable Eric Holder, Attorney General

June 20, 2013

Robert S. Mueller
Director
Federal Bureau of Investigation
U.S. Department of Justice
935 Pennsylvania Avenue, NW
Washington, DC 2055-0001

Dear Director Mueller,

During your appearance before the Senate Judiciary Committee on June 19, 2013, you confirmed that the Federal Bureau of Investigation (FBI) uses drones for the surveillance of American citizens. You also confirmed that the FBI is currently utilizing these surveillance tactics in the absence of any operational guidelines. I am disturbed by the revelation that the FBI has unilaterally decided to begin using drone surveillance technology without a governance policy, and thus without the requisite assurances that the constitutional rights of Americans are being protected.

As such, I am requesting your prompt answers to the below questions.

- 1) How long has the FBI been using drones without stated privacy protections or operational guidelines?
- 2) Why is the FBI only now beginning to develop guidelines for the use of drone surveillance?
- 3) Is the FBI working in consultation with Congress in developing operational guidelines for drone surveillance?
- 4) What measures do you intend to adopt to protect Fourth Amendment and privacy rights?
- 5) Will the FBI make publicly available all rules, procedures and operational guidelines for drone use?
- 6) Given that they have already been used, what has the FBI done with information already collected by drones? What are the rules governing storage of information collected via drone?
- 7) In what circumstances would the FBI elect to use drone surveillance? Does this surveillance require a warrant?
- 8) How many drones does the FBI possess? Is the FBI seeking to expand its inventory of drones?
- 9) Are these drones armed? Do they have the capacity to be armed? If so, what guidelines will be put in place regarding the arming of drones and the use of armed drones?
- 10) Is there ever a scenario you can envision where the FBI would seek to arm its drones?
- 11) Does the FBI currently prohibit federal grant funds under its jurisdiction from being used by recipients to purchase drones?

In the future, I hope that your agency intends to be more forthcoming with information on its use of drone surveillance. I look forward to your comprehensive reply by July 1, 2013.

Sincerely,

Rand Paul, M.D.
United States Senator