First Look: Preventing Emerging Threats Act of 2018 (S 2836, 115th Congress)

Amends the Homeland Security Act of 2002 to authorize the Departments of Homeland Security and Justice to evaluate and prevent threats from unmanned aircraft and vehicles.

WHAT IT DOES

This bill amends Subtitle A of title II of the Homeland Security Act of 2002 (6 U.S.C. 121 et seq.) to expand the authority of the Departments of Homeland Security (DHS) and Justice to include the mitigation of threats caused by unmanned vehicles. This expansion of authority includes the ability to detect, identify, monitor, and track unmanned aircraft systems (UAS) without prior consent of the operator. The Departments of Homeland Security and Justice, in coordination with the Department of Transportation and Federal Aviation Administration, are also authorized to give warning to the operators of any potentially threatening unmanned systems, disrupt and/or seize the operator’s control, and confiscate or destroy the unmanned system. The Departments of Homeland Security and Justice are also directed to coordinate with the other departments and agencies listed above to conduct relevant research, trainings and regulations necessary to fulfill these authorities, maintain safe air traffic, and protect the privacy of unmanned system operators. The authorities granted under this bill would be funded through the Department of Homeland Security, which would provide interim reports to Congress for five years when these authorities would terminate.

The final section of this bill directs the DHS to brief the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives on the threats of unmanned vehicular terrorism caused as well as DHS strategies to support emergency responders and the private sector to prevent, mitigate, and respond to such threats.

RELEVANT SCIENCE

While older radio-controlled aircraft and vehicles have posed a risk as potential weapons for many years, the technology was difficult to learn, and it took time, skill, and patience to build and operate. These challenges imposed some limits on their broader use. Modern control technology has made commercial unmanned vehicles and aircraft far easier to operate.

With respect to UAS, since 2015, the increased availability of commercial drones has led to increases in sales and public acceptance. For example, according to a poll from Saint Leo University, 72% of adults support using drones for community policing. The FAA projects growth in annual UAS sales from $1.9 million in 2016 to $4.3 million by 2020.

The use of commercial UAS as weapons has already become an issue in other countries. In 2014, the Islamic State (IS) began using commercial drones to make propaganda films and later used drones as scouts. The IS has also fit explosive charges to UASs to make inexpensive guided missiles. Concerns have also been raised about domestic attacks using commercial UASs.

STATUS

S 2836 was introduced to the Senate and subsequently referred to the Committee on Homeland Security and Governmental Affairs.
on May 14, 2018.

**SPONSORS**

Sponsor: Senator Ron Johnson (R-WI)

Cosponsors:

- Senator Claire McCaskill (D-MO)
- Senator John Hoeven (R-ND)
- Senator Heidi Heitkamp (D-ND)
- Senator Tom Cotton (R-AR)
- Senator Bill Cassidy (R-LA)
- Senator Doug Jones (D-AL)
- Senator Marco Rubio (R-FL)

**PRIMARY AUTHOR**

Esko Brummel, MA Bioethics and Science Policy; Victoria Chibuogu Nneji, PhD Candidate

**RECOMMENDED CITATION**


**LICENSE**

This work is licensed under a Creative Commons Attribution-ShareAlike 4.0 International License. Please distribute widely but give credit to Duke SciPol, linking back to this page if possible.