

# FLYING UNDER THE RADAR: SECURING WASHINGTON, D.C., AIRSPACE

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## HEARING

BEFORE THE

COMMITTEE ON OVERSIGHT  
AND GOVERNMENT REFORM  
HOUSE OF REPRESENTATIVES  
ONE HUNDRED FOURTEENTH CONGRESS

FIRST SESSION

APRIL 29, 2015

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## **FLYING UNDER THE RADAR: SECURING WASHINGTON, D.C., AIRSPACE**

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**Wednesday, April 29, 2015**

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM,  
WASHINGTON, DC.

The Committee met, pursuant to notice, at 10:01 a.m., in room 2154, Rayburn House Office Building, Hon. Jason Chaffetz (chairman of the Committee) presiding.

Present: Representatives Chaffetz, Mica, Jordan, Walberg, Amash, Farenthold, Lummis, Massie, Meadows, Mulvaney, Walker, Hice, Carter, Grothman, Palmer, Cummings, Maloney, Norton, Lynch, Connolly, Cartwright, Kelly, Watson Coleman, DeSaulnier, and Lujan Grisham.

Chairman CHAFFETZ. The Committee on Oversight and Government Reform will come to order. And, without objection, the chair is authorized to declare a recess at any time.

As we get going, I need to first express my thoughts and prayers to my colleague, Elijah Cummings, and what the people of Baltimore are going through. Our hearts and prayers and thoughts are with you and your neighbors and your friends and your community, the police officers.

We are proud of you and the way you are conducting this and getting through it, and you are a true leader. I would hope the people of Baltimore, Maryland, would listen to your message, but know that our thoughts and prayers are with you.

Mr. CUMMINGS. Mr. Chairman, I want to take this moment to not only thank you, but thank the members of our Committee, who have expressed their concern about Baltimore. And you, Mr. Chairman, have a kind of unique perspective because you had a chance to visit Baltimore with me before you even became chairman. And so you had a chance to see what the issues are in our city.

So I am looking forward to working with you and others to try to heal some of that pain. And I do appreciate you. And I will never forget your visit, and the people in my city will not forget your visit. Thank you for your comments.

Chairman CHAFFETZ. Well, thank you. We will be conducting this hearing a little differently today. I am going to ask unanimous consent that we are going to change the order here, that we will recognize our panel, allow them to give their opening Statements, and then we will go into recess. We will reconvene. We will give our opening Statements and then we will get into questions.

But given that we have the very historic presence of the Japanese Prime Minister here to address a joint session of Congress, we

are particularly sensitive that, for instance, one of our witnesses, the House Sergeant at Arms, Mr. Paul Irving, has to leave us early in order to fulfill his duties. And to accommodate his schedule, I would ask unanimous consent to forego opening Statements. For us, we will come back and give them later and swear in the witnesses and begin their testimony.

Without objection, so ordered.

We will get as far as we can and recess so Members can join the joint session. We will reconvene 30 minutes after the conclusion of the joint session to continue our hearing.

Without objection, so ordered.

So we will now recognize our panel of witnesses.

First we have the Honorable Paul Irving, Sergeant at Arms at the U.S. House of Representatives. Mr. Irving is accompanied by Mr. Tim Blodgett, Deputy Sergeant at Arms, whose expertise may be needed during questioning.

We also have Admiral William Gortney, Commander of NORAD/USNORTHCOM; Mr. Robert—help me with the pronunciation—

Mr. SALESSES. “Saleses.”

Chairman CHAFFETZ [continuing]. Saleses, Deputy Assistant Secretary of Defense, Homeland Defense Integration and Defense Support of Civil Authorities at the United States Department of Defense; the Honorable Michael Huerta, Administrator of the FAA, the Federal Aviation Administration; the Honorable Joseph Clancy, Director of the United States Secret Service; Mr. Robert MacLean, Chief of the United States Park Police; and Mr. Kim Dine, Chief of the United States Capitol Police.

We welcome you all.

Pursuant to Committee rules, all witnesses are to be sworn before they testify.

Mr. Blodgett you are included as well.

We would ask that all the panel please rise and raise your right hand.

Do you solemnly swear or affirm that the testimony you are about to give will be the truth, the whole truth, and nothing but the truth?

Chairman CHAFFETZ. Thank you. You may be seated.

Let the record reflect that all the witnesses answered in the affirmative.

All of your written Statements will be entered into the record. We would ask that you would limit your verbal comments to 5 minutes. We are going to recognize Mr. Irving first.

At the conclusion of those remarks, we are going to excuse him so that he can tend to the duties of escorting the Prime Minister into the House of Representatives.

Mr. Irving, you are now recognized for 5 minutes.

## WITNESS STATEMENTS

### STATEMENT OF HON. PAUL D. IRVING

Mr. IRVING. Thank you.

Good morning, Mr. Chairman, Mr. Cummings, and members of the Committee. I appreciate the opportunity to appear before you today.

As Sergeant at Arms and Chief Law Enforcement Officer of the House of Representatives, I'm fully dedicated to ensuring the safety of the entire Capitol Complex, a mission performed in close partnership and cooperation with the U.S. Capitol Police Board and the men and women of the United States Capitol Police.

Before I begin, though, I would like to extend my thanks to all the men and women of the U.S. Capitol Police for their capable and professional response to the indicant on April 15. U.S. Capitol Police officers and officials promptly responded to the west front and arrested the individual and ensured the craft was harmless.

We are currently working closely with our partners in Federal law enforcement, the Departments of Defense, Transportation, and Homeland Security to maintain robust airspace security within the challenging confines of the urban environment of the national capital region, in particular, working with our partners to ensure the most efficient and robust early detection, tracking and warning systems, ensuring there is consistent and constant interagency communication and early warning communicated in realtime, improving and ensuring immediate and ongoing communications and alerts to members and staff during a security incident, and honing the countermeasures and policies consistent with those countermeasures.

Since the event, I've ordered the Chief of the Capitol Police to utilize the House notification system to alert members, staff and, to the extent possible, visitors in as timely a manner as possible to alert regarding all life, safety, and potentially threatening events that affect the Capitol community.

The incident on April 15 reminds us all the greatest asset of the Capitol, its very openness and accessibility, can, at times, be one of our greatest challenges. However, every incident allows us to refine our capabilities, enhance our training, and be better prepared for every eventuality.

I am happy to answer questions. Thank you, Mr. Chairman.  
[prepared Statement of Mr. Irving follows:]

**Statement of the Honorable Paul D. Irving**  
**Sergeant at Arms**  
**U.S. House of Representatives**  
**Before**  
**The Committee on Oversight and Government Reform**

Good morning Mr. Chairman, Mr. Cummings, and members of the Committee. I deeply appreciate the opportunity to appear before you to discuss the incident which recently took place on the West Front grounds of the U.S. Capitol. As Sergeant at Arms and chief law enforcement officer of the House of Representatives, I am fully dedicated to ensuring the safety of the entire Capitol Complex, a mission performed in close partnership and cooperation with the men and women of the U.S. Capitol Police.

Before I begin though, I would like to extend my thanks to all of the men and women of the U.S. Capitol Police for their capable and professional response to the incident on April 15. U.S. Capitol Police officers and officials promptly responded to the West Front and arrested the individual, and ensured that the craft was harmless. While we will always learn lessons from each event – positive and negative – I am reminded very strongly that twenty-four hours a day, seven days a week, 365 days a year, the U.S. Capitol Police are our ears and our eyes, guardians of both a monument and an institution.

We are currently working closely with our partners in Federal law enforcement, the Departments of Defense and Homeland Security, as well as the Federal Aviation Administration, to maintain robust airspace security within the challenging confines of the urban environment of the National Capitol Region. In particular:

- Working with our partners to ensure the most efficient and robust early detection and warning systems.

- Taking steps to ensure there is consistent and constant interagency communication and that early warnings are communicated in real-time.
- Improving and ensuring immediate and ongoing communications/alerts to Members and staff during a security incident.
- Honing the countermeasures and the policies consistent with those countermeasures.

Since the event, I have ordered the Chief of U.S. Capitol Police to utilize the House Notification System to alert Members, staff – and to the extent possible, visitors – of events that could potentially be a threat. The Capitol Police sent notifications only to the Senate-community. This included failing to notify the House community of an albeit short Capitol lockdown. I have ordered the Chief never to allow this to happen again.

The incident on April 15, reminds us all that the greatest asset of the Capitol – its very openness and accessibility – can at times be its greatest liability. However, every incident allows us to refine our capabilities, enhance our training, and be better prepared for every eventuality.

I will be happy to answer your questions.

Chairman CHAFFETZ. I thank you. Please be excused and tend to your duties. We thank you and we look forward to seeing you at the conclusion of that event.

Mr. IRVING. Thank you.

Chairman CHAFFETZ. Admiral, you are now recognized for 5 minutes.

#### **STATEMENT OF ADMIRAL WILLIAM E. GORTNEY**

Admiral GORTNEY. Chairman Chaffetz, Ranking Member Cummings, and distinguished members of the Committee, I'm honored to be here today. From a national security perspective, I want to emphasize the sensitivity of these discussions in an unclassified environment.

An open discussion of even unclassified information could be pieced together to pose a risk to our national security. Therefore, I cannot go into many of the specific details I deem sensitive in an unclassified environment. However, in a closed session, I'm ready and able to talk to you in much detail as you need.

NORAD's role is to provide aerospace warning and control to defend the United States and Canada, including the national capital region, from all potential air threats. The airspace surrounding the national capital region, known as the Washington, DC, special flight rules area, is monitored by a sophisticated integrated air defense system, which is a vast network of radars, cameras, and other detection warning devices. Each system is designed to detect, track, and monitor specific parameters.

The integrated air defense system was implemented following and in direct response to the terrorist attacks of 9/11 has continued to evolve with the threat over time. We are extremely capable of identifying and tracking potential threats to the national capital region, anything from commercial aviation down to small single-propeller-sized aircraft like Cessnas.

However, a small manned gyrocopter or a similar low-altitude, low-speed aerial vehicle, despite its assessed low threat, presents a technical challenge.

This is an interagency effort that collectively understands the technical challenges associated with these types of threats and vehicles, and with our partners here at the table, we will continue to implement technical and procedural solutions to close any seams.

I know the Committee has questions, and I look forward to talking with you today.

[Prepared Statement of Admiral Gortney follows:]

HOUSE OVERSIGHT AND GOVERNMENT REFORM COMMITTEE

**STATEMENT OF**  
**ADMIRAL WILLIAM E. GORTNEY, UNITED STATES NAVY**  
**COMMANDER**  
**UNITED STATES NORTHERN COMMAND**  
**AND**  
**NORTH AMERICAN AEROSPACE DEFENSE COMMAND**  
**BEFORE THE**  
**HOUSE OF REPRESENTATIVES**  
**COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM**  
**APRIL 29, 2015**



HOUSE OVERSIGHT AND GOVERNMENT REFORM COMMITTEE

Chairman Chaffetz, Ranking Member Cummings, and distinguished members of the Committee, thank you for allowing me to represent the men and women of the United States Northern Command (USNORTHCOM) and North American Aerospace Defense Command (NORAD). I come before you today as one of many interagency partners committed to understanding and addressing potential threats from low altitude and slow speed aerial vehicles to the National Capital Region (NCR). I want to preface my comments by emphasizing the sensitive nature of much of the information surrounding this event. Discussing unclassified but extremely sensitive national security capabilities in an open forum could be exploited by potential adversaries. I am happy to provide a more in-depth analysis of this event in a closed session.

Under my command, NORAD's role is to provide aerospace warning and control to defend the United States, including the NCR, from all potential air threats. The airspace surrounding the NCR, known as the Washington D.C. Special Flight Rules Area (SFRA), is monitored by the Integrated Air Defense System (IADS), which is a vast network of radars, cameras, and other detection and warning devices. Each system is designed to detect, track, and monitor specific parameters. The fusion of data from all the systems provides a robust surveillance and track capability.

The IADS system was implemented following, and in direct response to, the terrorist attacks of September 11, 2001, and has continued to evolve with the threat over time, to the point that we are extremely capable of identifying and tracking a wide range of potential threats to the NCR, including anything from commercial aviation down to small, single engine aircraft. However, a small manned gyrocopter or similar low altitude and slow speed aerial vehicle, despite the low threat capability associated with such a vehicle, presents a technical challenge.

The small, manned gyrocopter that departed Gettysburg, PA on April 15, 2015 flew to the NCR, landing on the grounds of the Capitol in Washington, D.C. Through post-event analysis, what we now understand is that the gyrocopter was detected by several of the integrated sensors as it approached and transited through the SFRA. However, the aircraft's flight parameters fell below the threshold necessary to differentiate aircraft from weather, terrain, birds, and other slow flying objects so as to ensure that the systems and those operating them focus on that which poses the greatest threat.

We are in the early stages of conducting a thorough reconstruction and analysis of all aspects of this incident, including timelines, communication and sensor data. Identifying low altitude and slow speed aerial vehicles from other objects is a technical and operational challenge. Our initial analysis of this event has further confirmed the need to continue to improve our ability to identify low altitude and slow speed aerial vehicles operating in the NCR. We are working with the Services on technical and procedural solutions, including integrating advanced sensors into the IADS architecture. One example of these advanced sensors is the Joint Land Attack Cruise Missile Defense Elevated Netted Sensor System (JLENS), which is currently in an operational exercise out of Aberdeen Proving Ground.

DoD's role is primarily accomplished through the Eastern Air Defense Sector (EADS) and the Joint Air Defense Operations Center (JADOC). EADS provides the NCR Coordination Center (NCRCC) with an operational air surveillance picture, intelligence, and air defense readiness posture. The JADOC, located in Washington, D.C., provides tactical level command and control for NCR Air Defense Artillery (ADA) assets as part of NORAD. These DoD activities are fused by the NCRCC, an interagency organization whose coordinated actions enhance the effectiveness of both air security and defense operations in the NCR. Rapid

coordination and information exchange is facilitated among participating agencies to fulfill air security and defense responsibilities in the prevention, deterrence, and where necessary, interdiction of air threats to the NCR.

#### **CONCLUSION**

Along with our interagency partners, we are engaged in a detailed review of the event and subsequent actions and responses to determine lessons learned and ways to improve our response moving forward. We remain confident that the established tactics, techniques and procedures used by all NCR entities are effective, but will share results from this review to develop short- and long-term mitigation of low and slow threats in addition to the DoD efforts currently ongoing. I look forward to your questions.

Chairman CHAFFETZ. Thank you. Appreciate it.  
Mr. SALESES.

**STATEMENT OF ROBERT G. SALESES**

Mr. SALESES. Thank you, Chairman Chaffetz, Ranking Member Cummings, and distinguished members of the Committee. I'd like to thank you for the opportunity to address the Department of Defense's role in securing the airspace of Washington, DC. I'd like to acknowledge that aspects of this issue are very sensitive for the Department of Defense from a national security standpoint.

I look forward to continuing this discussion in a classified setting. Because I know there's much to discuss, I will be brief. To this end, there are four points I would like to emphasize today.

No. 1, defending the United States is the Department of Defense's highest priority. No. 2, the Department of Defense is well postured to defend the United States. No. 3, the Department works very closely with its Federal partners and law enforcement to protect the national capital airspace. And, last, the Department continually pursues opportunities to enhance our homeland defense capabilities.

The national security strategy makes it clear that the U.S. Government has no greater responsibility than protecting the American people. Our national defense strategy make protecting and defending the homeland the Department's first priority.

To the men and women of the Department of Defense, military and civilian, these specific words are the reason they serve in the very core of their professional lives. Every day these fine men and women, whether serving here at home or some far-off location across the globe, dedicate themselves to protecting the American people and defending the United States.

Due to the leadership of the President, the Secretary of Defense, and the Congress' steadfast support, DOD is well postured with the authorities and capabilities necessary to defend the homeland. Under Admiral Gortney's leadership and command, the men and women of NORAD execute Operation Noble Eagle, monitoring the U.S. Airspace, conducting military operations to dissuade, deter, and, if necessary, defeat airborne threats.

In this effort to secure the skies over our Nation's Capital, the men and women of the Department of Defense do not serve alone. They are joined by the counterparts at the Department of Homeland Security, the Department of Transportation, the Department of Justice and our law enforcement partners in a whole-of-government approach to protecting the national airspace.

Working together, we have built a network of barriers to protect the national airspace system against any and all threats. We have improved our threat detection capabilities, integrated our threat responses, and refined our procedures to optimize response effectiveness.

We continually look for opportunities to improve our defenses. We understand that, no matter how good we are, the adversary remains committed and we can always be better.

To this end, we're dedicated to continual improvement over our policies, procedures, and operational capabilities. Working with our Federal partners, we test, we plan, we exercise to improve our ef-

fectiveness. This is what the Nation expects. We're committed to meeting this expectation, and this is our obligation.

Thank you for the opportunity to appear before you today. We appreciate your leadership, Mr. Chairman and members of the Committee, and your support of the men and women of the Department of Defense. I look forward to your questions.

[Prepared Statement of Mr. Salesses follows:]

Statement by  
Robert G. Salesses  
Deputy Assistant Secretary of Defense  
for Homeland Defense Integration and Defense Support of Civil Authorities

Before the 114th Congress  
Committee on Oversight and Government Reform  
United States House of Representatives

April 29, 2015

Chairman Chaffetz, Ranking Member Cummings, distinguished members of the Committee: thank you for the opportunity to address you today on the Department of Defense's (DoD's) role in securing the airspace of Washington, DC. I would like to acknowledge that aspects of this issue are very sensitive to the Department of Defense from a national security standpoint, and I look forward to continuing this discussion in a classified setting.

As stated in the National Security Strategy, "The United States government has no greater responsibility than protecting the American people." As reflected in DoD's Strategy for Homeland Defense and Defense Support of Civil Authorities, defending U.S. territory and the people of the United States is DoD's highest priority.

Defending the homeland neither begins nor ends at U.S. borders, and departmental planning is guided by the concept of an active, layered defense – a global defense that seeks to deter and defeat aggression abroad and simultaneously protect the homeland. It is a defense-in-depth that relies on collection, analysis, and sharing of information and intelligence; strategic and regional deterrence; military presence in forward regions; and the ability to generate and project warfighting capabilities rapidly to defend the United States, its Allies, and its interests.

Within the homeland, DoD's responsibility to defend the air sovereignty of the United States is assigned to the bi-national U.S.-Canada North American Aerospace Defense Command (NORAD). NORAD provides aerospace warning, aerospace control (including air sovereignty) and maritime warning for all of North America. The Secretary of Defense assigns forces to the U.S. Element of NORAD to perform its assigned mission and ensures that such assignments are consistent with the force structure prescribed by the President.

During the Cold War, NORAD focused its defense of the United States on air threats originating from nation-states. The United States still has to contend with the potential security challenges posed by the military forces of other countries – from those actively hostile to those at strategic crossroads. DoD understands that it must be able to

dissuade, deter, and, if necessary, respond to challenges across the spectrum – including those from the military forces of other nations. Since the terrorist attacks of September 11, 2001, when terrorists hijacked civilian airliners and used them as weapons against innocent civilians, NORAD's focus has expanded to include terrorist air threats originating from within, as well as outside, the United States. Today, terrorists remain the preeminent air threat to the United States. NORAD's vigilance against potential air attacks from within and from outside the United States is a critical distinction between the U.S. air defense posture before and after the September 11, 2001, terrorist attacks.

Through Operation Noble Eagle, NORAD defends the United States by surveilling US airspace and the nation's air approaches and by positioning air defense alert fighters throughout the country. These alert fighters, whose numbers may be adjusted to meet changing threat levels, are capable of reaching targets threatening our nation's major population centers and national critical infrastructure within minutes to dissuade, deter, and, if necessary, defeat air threats. Supporting and complementing these alert fighters are DoD, Department of Homeland Security (DHS), and Federal Aviation Administration (FAA) surveillance radars, airborne early warning aircraft, and tanker aircraft.

Collectively, DoD and its interagency partners provide multiple layers of security to enhance security in the aviation domain. No system is failsafe, but, collectively, these security measures have created multiple barriers, thereby reducing the likelihood of a successful attack using the air domain.

In addition, in defense of the National Capital Region (NCR), NORAD maintains a dedicated 24-hours-a-day/7-days-a-week (24/7) alert fighter response based at Andrews Air Force Base, Maryland, and operates a dedicated, around-the-clock ground-based air defense missile system. In addition, the U.S. Coast Guard supports NORAD with alert helicopters to intercept low-and-slow aircraft in the NCR. To facilitate interagency cooperation, DoD maintains liaison officers in the Transportation Security Administration (TSA)-hosted NCR Coordination Center (NCRCC) on a full-time basis. In close cooperation with the FAA, DoD began using a Visual Warning System in the

NCR to supplement traditional radio communications to warn wayward pilots who have entered the NCR restricted airspace errantly, directing them to contact FAA air traffic controllers immediately. As part of DoD's collaboration with the FAA, DoD, along with approximately 140 participants from various governmental department and agencies, including intelligence and law enforcement agencies, monitors and participates in the FAA-sponsored 24/7 conference call network known as the "Domestic Event Network" (or "DEN"). The DEN is intended to provide timely notification to departments and agencies in the case of an emerging air-related threat or incident. DoD also provides to key interagency operations centers and the NCRCC access to DoD's "Operation NOBLE EAGLE Event Conference" (or "ONEC"), which is a classified conferencing capability used for DoD coordination and decision making during the response to domestic air threats.

DoD will also continue to refine its risk management approach to ensure that military capabilities and resources are available to carry out its core responsibility to defend the United States. As stated in the 2014 Quadrennial Defense Review, "[m]aintaining the capability to deter and defeat attacks on the United States is the Department's first priority."

DoD works closely with its Federal partners such as the FAA and DHS to pursue improvements to protect the National Airspace System (NAS). DoD works with these and other Federal partners such as the U.S. Secret Service, the U.S. Coast Guard, and the U.S. Capitol Police to maintain and enhance the protection of the NCR airspace.

Thank you for the opportunity to appear before you today. We appreciate your leadership, Mr. Chairman and Members of the Committee, and your support for the Department of Defense. I look forward to your questions.

Chairman CHAFFETZ. Thank you.  
Mr. HUERTA.

**STATEMENT OF HON. MICHAEL P. HUERTA**

Mr. HUERTA. Thank you, Chairman Chaffetz, Ranking Member Cummings, members of the Committee, for the opportunity to appear before you today.

I'd like to address your questions about the recent gyrocopter incident by explaining the FAA's role in airspace security and how we coordinate with other agencies.

First and foremost, the FAA's mission is aircraft and airspace safety. We operate the Nation's air traffic control system in order to separate aircraft. Our primary focus is on getting aircraft safely to their destinations and managing the flow of thousands of aircraft and their passengers around the country every day.

In addition to the FAA's safety mission, we also work very closely with the Departments of Defense and Homeland Security on a daily basis to support their aviation security missions, particularly here in the capital region. As part of that support, we provide them a raw air traffic radar feed so they have situational awareness of what is happening in our national airspace system.

To enable our controllers to safely control air traffic, the first thing we have to do is distinguish the aircraft that are communicating with controllers from all other objects in the air that are not aircraft. These other objects that the radar detects could be things like vehicles on nearby roadways, flocks of birds, weather events, or occasional kites and balloons.

Air traffic controllers could not do their jobs if they had to work with an unfiltered radar feed. They would not be able to distinguish the aircraft they are charged with safely handling from other elements on their radar scopes.

We require aircraft that fly in the airspace around Washington, DC, and other large cities across the country to use transponders that broadcast basic information, such as the type of aircraft, its speed, direction, and altitude. When radar detects those aircraft, it picks up the transponder information and it displays it on the air traffic controller's radar scene.

Controllers can see all the flights in the specific area along with the identifying information from each aircraft. Anything that doesn't have a transponder shows up as an image representing a simple small dot on the radar screen, and there are typically many of them across the controller's radar screen.

To assist controllers in focusing on safely managing air traffic, we apply filters to the controller's radar to eliminate the vast majority of those small dots. Safely managing air traffic is a controller's mission, and they must be able to do that without distraction.

Now, to support national and Homeland Security, the FAA shares a realtime unfiltered radar feed with our partners at the Department of Defense and several other agencies. We do that so they have the same information that we have and so they can apply the appropriate filters for their own mission to protect the airspace.

We also embed technical air traffic staff at a number of North American Aerospace Defense Command facilities around the country to provide additional operating expertise and support.

On April 15, Mr. Hughes' gyrocopter appeared on our radar as one of those small unidentified elements, indistinguishable from all other non-aircraft radar tracks. The National Capital Region Coordination Center called the FAA at 1:24 p.m. that afternoon to alert us to the flight based on information they received from the U.S. Capitol Police.

After the incident, we conducted a forensic radar analysis and looked for an image that might match Mr. Hughes' gyrocopter. We understood he had taken off from a small airport in Gettysburg, Pennsylvania, and we had an approximate time.

So we looked at unfiltered radar data. A trained radar analyst identified a slow-moving image that traveled from Gettysburg toward the capital and vanished from radar at about the time Mr. Hughes landed on the west lawn. We now believe that unidentified radar element was Mr. Hughes' gyrocopter. But the dot appeared only intermittently throughout that flight.

When we got the call from the Capitol Police, we immediately notified our interagency partners on the Domestic Events Network, or DEN, a 24-hour, 7-days-a-week communication line we operate to support a shared situational awareness among our agency partners.

We initiated the DEN more than a decade ago to quickly share information about activity in the airspace with multiple agencies. It now includes more than 130 Federal and local agencies as well as major FAA air traffic facilities around the country. The DEN has played a critical role in disseminating important operational information to other agencies as quickly as possible.

Each agency has a responsibility to announce an airspace incident on the DEN as soon as they know about it. We're committed to our safety mission at the FAA, and we're dedicated to working closely with all of our airspace security partners to support protection of our airspace.

We're assisting the Department of Homeland Security in its ongoing interagency review, and this is in addition to our own internal review to ensure that FAA employees followed all the proper procedures and protocols during the event. If we need to make changes as a result of these efforts, we will. And I will keep the Committee informed.

I would be happy to take your questions.

[Prepared Statement of Mr. Huerta follows:]

**STATEMENT OF MICHAEL P. HUERTA, ADMINISTRATOR, FEDERAL AVIATION  
ADMINISTRATION (FAA), BEFORE THE HOUSE COMMITTEE ON OVERSIGHT &  
GOVERNMENT REFORM, ON “FLYING UNDER THE RADAR: SECURING  
WASHINGTON D.C. AIRSPACE,” APRIL 29, 2015.**

Thank you, Chairman Chaffetz and Ranking Member Cummings, for the opportunity to appear before the Committee today. I would like to address some of your questions about the recent gyrocopter incident by explaining the FAA’s role in airspace security and how we coordinate with other agencies.

First and foremost, the FAA’s mission is aircraft and airspace safety. We operate the nation’s air traffic control system to safely separate aircraft. Our primary focus is getting aircraft safely to their destinations and managing the safe flow of thousands of aircraft and their passengers around the country every day.

We also work very closely with the Department of Defense and the Department of Homeland Security on a daily basis to support their aviation security missions, particularly here in the Capital Region. As part of that support we provide them a raw air traffic radar feed so they have situational awareness of what is happening in our national airspace system.

To enable our controllers to perform their core safety duties controlling air traffic, the first thing we have to do is to separate the aircraft that are communicating with controllers from all of the other objects in the air that are not aircraft. These other objects that the radar detects could be things like vehicles on nearby roadways, flocks of birds, weather events, or occasional kites or balloons.

Air traffic controllers could not do their jobs if they had to work with an unfiltered radar feed. They would not be able to distinguish the aircraft they are charged with safely handling from the other elements on their radar scopes.

We require aircraft that fly in the airspace around Washington, D.C., and other large cities around the country, to use transponders that broadcast basic information such as the type of aircraft, speed, direction, and altitude. When the radar detects those aircraft, it picks up the transponder information and displays it on a controller's radar screen. Controllers can then see all of the flights in a specific area, along with all of the identifying information for each aircraft.

Anything that doesn't have a transponder shows up as a symbol resembling a simple small dot on the radar screen – and there are typically many of them across a controller's radar screen.

To assist controllers in focusing on safely managing air traffic, we apply filters to the controllers' radar to eliminate the vast majority of those small dots. Safely managing air traffic is a controller's mission and they must be able to do that without distraction.

To support aviation, and national and homeland security, the FAA shares a real-time, unfiltered radar feed with our partners in the Department of Defense and several other agencies, so they can see exactly what we see and apply the appropriate filters for their own mission to protect the airspace. We also embed technical air traffic staff at a number of North American Aerospace Defense Command facilities around the country to provide additional operational expertise and support.

On April 15, Mr. Hughes' gyrocopter appeared on our radar as one of those small, unidentified elements. All available information about the slow moving, irregular symbol made it indistinguishable from other non-aircraft radar tracks.

After the incident, we conducted a forensic radar analysis and looked for a symbol that might match Mr. Hughes' gyrocopter. We understood he had taken off from a small airport in Gettysburg, Pennsylvania, and we had an approximate time, so we looked at unfiltered radar data. A trained radar analyst identified a slow-moving symbol that traveled from Gettysburg toward the Capitol, and vanished from radar at about the time Mr. Hughes landed on the West Lawn. We now believe that unidentified radar element was Mr. Hughes' gyrocopter. The dot appeared only intermittently throughout the flight.

On April 15, the National Capital Region Coordination Center called the FAA at 1:24 p.m., to alert us to the flight based on information they received from the Capitol Police. When we got that call, we immediately notified our interagency partners on the Domestic Events Network, or DEN, a twenty-four hour, seven days a week communications line we operate to support a shared situational awareness among our interagency partners.

We activated the DEN on 9/11 to quickly share information about activity in the airspace with multiple agencies, and it has been active since that day. The DEN now includes more than 120 federal and local agencies, as well as major FAA air traffic facilities around the country.

The DEN has played a critical role in disseminating important operational information to other agencies as quickly as possible. When any of the agencies on the DEN learns about any kind of issue of concern in the airspace around the country, they can share what they've learned in real time by announcing it over the DEN. All of our partners have different responsibilities, making sharing information in real time vital so we're all operating with the same basic facts and can respond in accordance with our own specific mission requirements.

We're committed to our safety mission at the FAA, and we are dedicated to working closely with all of our airspace security partners to support protection of the airspace.

I would be happy to take your questions.

Chairman CHAFFETZ. Thank you.  
Director Clancy.

**STATEMENT OF HON. JOSEPH P. CLANCY**

Mr. CLANCY. Good morning, Chairman Chaffetz, Ranking Member Cummings, and distinguished members of the committee. Thank you for the opportunity to be here to discuss the Secret Service's role within the broader effort to secure the airspace of the national capital region, or the NCR.

The longstanding relationships between interagency partners, many of which are represented here today, are critical to ensuring the security of people in places given protection by the Secret Service and others.

The Secret Service must be prepared to confront and defeat evolving threats, including those from small manned and unmanned aircraft systems. As these technologies become both more advanced and more widely available, the Secret Service will continue to work aggressively with our partners to address existing threats and anticipate those to come.

Existing FAA flight restrictions in the NCR were enhanced following the 9/11 terrorist attacks. The FAA implemented the special rights—I'm sorry—the special flight rules area, which includes within its boundaries the flight restricted zone and prohibited area, P-56, or Area 56. The White House, the Vice President's residence, and the U.S. Capitol are located within the P-56.

The Secret Service's role in the administration of the restricted airspace is limited to issuing waivers for access to the P-56 in consultation with the Capitol Police and the Park Police.

Airspace security for the NCR is coordinated by the interagency National Capital Region Coordination Center. The Center was created after the September 11, 2001, terrorist attacks to provide realtime information-sharing and tactical coordination to address potential airborne threats in and around the Washington, DC, area.

It is staffed at all times with specially trained personnel assigned to the Secret Service Airspace Security Branch in addition to representatives from the military, the FAA, and selected Federal civilian law enforcement agencies.

The mission of the Secret Service Airspace Security Branch is to give early notification to the protective details and uniform division and provide realtime information to allow appropriate time to make informed decisions about actions to take to ensure the security of our protectees and protect its sites.

Given the pace at which events can unfold in an air incursion, maximizing the time to react is critical. Presently the Airspace Security Branch combines radar feeds from a number of sources to create an image of the airspace. This image is monitored by the detection system specialists who have military or civilian radar backgrounds.

With respect to the history between the Secret Service and Douglas Mark Hughes, the pilot from the April 15 incident, Hughes first came to the attention of the Secret Service on October 4, 2013. At that time, the Secret Service obtained information that Hughes in-

tended to fly a single-seat aircraft onto the grounds of the Capitol or the White House with no specific timeframe provided.

That same day the Secret Service relayed the information to our law enforcement partners at the Capitol Police. The following day special agents from the Secret Service interviewed Hughes, who denied owning an aircraft or having plans to fly one to Washington, DC. However, subsequent corroborative interviews revealed differently.

Further, the investigation revealed no evidence of an interest in persons or places protected by the Secret Service, and information regarding Hughes was made available to other interested law enforcement agencies in the national capital region.

Regarding events leading up to the April 15 incident—I went to be clear—at no time did the Secret Service receive actionable advanced notice or any information that this event was taking place.

While the Secret Service received telephone calls on the date of the incident, at no time was information provided in the calls that would have alerted our personnel to the fact that Hughes was piloting his aircraft to the Capitol.

As the gyrocopter flew in the direction of the Capitol, it was observed by Secret Service personnel in the area of the White House complex. These individuals subsequently relayed that information through their chain of command. While in the process of making the appropriate notifications, the aircraft landed and the incident was acknowledged on the FAA Domestic Events Network, effectively notifying all relevant parties.

That day and the days to follow, the Secret Service field offices gathered information regarding Hughes and his activities leading up to the event. While the Capitol Police are the lead investigative agency in this matter, the Secret Service stands ready to continue to contribute any resources necessary and to work collectively with our partners.

Protection of the President, his family, and the White House is paramount to this agency. The partnerships represented here today are critical to the success of our mission as it relates to effectively addressing airborne threats. Continued interagency coordination is vital to ensuring safety and security in the airspace of the NCR.

Chairman Chaffetz, Ranking Member Cummings, and members of the committee, this concludes my testimony. I welcome any questions you may have.

[Prepared Statement of Mr. Clancy follows:]

**Statement of Director Joseph P. Clancy  
United States Secret Service  
Department of Homeland Security**

**Before the Committee on Oversight and Government Reform  
United States House of Representatives**

**April 29, 2015**

**Introduction**

Good morning, Chairman Chaffetz, Ranking Member Cummings, and distinguished Members of the Committee. Thank you for the opportunity to be here to discuss the Secret Service's role within the interagency, National Capital Region (NCR) airspace security effort. The relationships developed over time with the other agencies represented here today -- the Federal Aviation Administration (FAA), the Department of Defense (DOD), the U.S. Park Police (Park Police), and the U.S. Capitol Police (Capitol Police) -- are critical to our collective successes in securing protected sites and individuals from airborne threats.

The type of threats the Secret Service must be prepared to confront continuously evolve, as do our measures to defeat them. Threats from small manned and unmanned aircraft systems represent a quickly evolving capability with widening availability to the public. As these capabilities have become available, the Secret Service has worked aggressively with our partners to develop the means necessary for us to successfully carry out our protective mission. This work to better counter existing threats and anticipate future ones will never stop.

For perspective, threats to the White House from the air are not new. On February 17, 1974, Robert Preston, a private in the Army, stole an Army helicopter from Fort Meade, Maryland, and flew it to the White House Complex. He passed over the Executive Mansion and then returned to the south grounds, where he hovered and touched down briefly in proximity to the West Wing. Officers forced the helicopter down on the south grounds with shotgun and submachine gun fire. Less than a week after the Preston incident, Samuel Byck, a failed businessman with a history of mental illness, attempted to hijack a commercial airliner with the intention of crashing it into the Executive Mansion. Byck committed suicide during the hijacking attempt at the Baltimore-Washington Airport. In 1994, Frank Eugene Corder, after expressing an ambition to kill himself "in a big way" by flying an airplane into the White House or the dome of the

Capitol, crashed a Cessna P150 airplane onto the White House south lawn, striking the base of the Executive Mansion.<sup>1</sup>

The 1994 crash and subsequent White House Security Review conducted by the Department of Treasury resulted in a heightened focus on airspace security at the White House and at all of our protected venues. Subsequently, the events of September 11, 2001, resulted in significant enhancements to the way the Secret Service and agencies across government address threats from the air.

### **National Capital Region Airspace**

Airspace security for the NCR is coordinated by the interagency National Capital Region Coordination Center (NCRCC). The NCRCC was created after the September 11, 2001 terrorist attacks to provide real-time information sharing and tactical coordination to address potential airborne threats in and around the Washington, D.C., area. It has representatives from the military, the FAA and, certain federal civilian law enforcement agencies on duty at all times to speed communication and coordination in the event of an unknown or hostile airborne track of interest. The Secret Service staffs its positions in the NCRCC at all times with specially trained personnel assigned to the Secret Service Airspace Security Branch.

Following the 9/11 terrorist attacks, the dimensions of the restricted flight zones over Washington, D.C., changed. The FAA implemented the Special Flight Rules Area (SFRA) which includes within its boundaries, the Flight Restricted Zone (FRZ) and Prohibited Area 56 (P-56). The White House and the Vice President's residence are located in the P-56.

In order to enter the SFRA or the FRZ, an aircraft must have approval from the FAA. After obtaining this waiver, flights seeking to enter the P-56 must seek an additional waiver and meet a number of additional requirements. The Secret Service was granted use authority of the P-56 by the FAA, which provides the Secret Service the authority to administratively control who flies within the P-56.<sup>2</sup> The Secret Service, in consultation with the Capitol Police and Park Police, advises the FAA on the waiver and it is the FAA that issues the Certificate of Authorization to the pilot.

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<sup>1</sup> United States Department of the Treasury, *Public Report of the White House Security Review* (Washington, D.C.; Government Printing Office, 1995); available at <http://fas.org/irp/agency/ustreas/uss/t1pubrpt.html>.

<sup>2</sup> 14 C.F.R. § 91.133.

### **Secret Service Airspace Security Branch**

The Secret Service personnel at the NCRCC are part of the larger Secret Service Airspace Security Branch. In response to the 1994 White House Cessna crash and other threats, the Secret Service personnel began monitoring radar feeds provided by the FAA in an effort to detect aircraft that violated the P-56.

The mission of this program was, as it remains, to give early notification to the protective details and provide real-time information to allow personnel appropriate time to make informed decisions about actions to take to ensure the safety of their protectees. Given the pace at which events unfold in an air incursion, maximizing the time to react is critical.

Following the 9/11 attacks and the establishment of the Department of Homeland Security, the Airspace Security Program was aligned under the Presidential Protective Division. In 2004, the Secret Service began to employ Detection System Specialists who have military or civilian radar operator backgrounds, professionalizing this critical component of Secret Service protection. In 2007, the Airspace Security Program was realigned under the newly-created Special Operations Division as the Airspace Security Branch.

Presently, the Airspace Security Branch utilizes a combination of many different radar systems to create an image of the airspace. The Airspace Security Branch maintains daily contact and open communication with its interagency partners and is able to execute its mission in the NCR and on all Presidential trips.

### **Hughes Investigation**

Douglas Mark Hughes first came to the attention of the Secret Service approximately one and a half years ago. On October 4, 2013, the Secret Service obtained information that Hughes intended to fly a single seat aircraft onto the grounds of the Capitol or the White House. No timeframe was provided for the alleged event. That same day, the Secret Service relayed the information to our law enforcement partners at the Capitol Police.

On October 5, 2013, special agents from the Secret Service interviewed Hughes, who denied owning an aircraft or having plans to fly one to Washington, D.C. Corroborative interviews, however, indicated he may have owned a gyrocopter and had expressed a specific plan and intention to fly it to the Capitol in order to symbolically deliver letters to Members of Congress. No one interviewed as part of the Secret Service investigation indicated that they believed he would follow through with his plans.

Hughes was approached a second time on October 8, 2013, by special agents, but he declined to speak without a lawyer present. Although the interviews of Hughes and relevant associates revealed no evidence of intent to harm Secret Service protectees or protected sites, the Secret Service ensured information it had gathered was accessible to other interested U.S. law enforcement agencies.

#### **April 15<sup>th</sup> Gyrocopter Incident**

To be clear, the Secret Service had no actionable advance notice that this incident was taking place. On April 13<sup>th</sup>, 2015, Secret Service's Tampa Field Office received a telephone call from a reporter with the Tampa Bay Times. The reporter inquired whether the Secret Service would become involved with an individual planning a form of civil disobedience. The reporter was informed that, generally, the Secret Service would only become involved if such actions were directed toward a Secret Service protectee or protected facility such as the White House; otherwise, it would be a local law enforcement matter. The reporter claimed he had enough for his story and ended the call.

On April 15<sup>th</sup>, at approximately 12:55 p.m., the Tampa Field Office received a telephone call from an individual who requested to speak with a special agent who was no longer assigned to the office. After the caller was informed that the special agent was no longer assigned to the office, the caller requested that the special agent be advised that he had called. Prior to ending the call, Secret Service personnel inquired whether any other personnel could assist. The caller replied, "No," and ended the call. The individual, who left his name and no further information, was later identified as a former co-worker of Hughes. At no time during this call was any information relayed to the Secret Service regarding Mr. Hughes or his intentions.

On April 15<sup>th</sup>, at approximately 1:00 p.m., administrative support staff in the Office of Government and Public Affairs in Secret Service headquarters received a call from a reporter with the Tampa Bay Times. The reporter asked if the Secret Service was aware of and had approved a permit for a protestor named Doug Hughes to fly and land a gyrocopter on the Capitol grounds. Given the reference to the Capitol and unaware of any such approval, the caller was referred to the Capitol Police. At no time during the call did the reporter indicate that Hughes was already in flight and on his way to the Capitol.

As the phone calls on April 15<sup>th</sup> were being made to the Secret Service, Hughes had already made unauthorized entry into the FRZ and was traveling west to east over the National Mall when Secret Service personnel in the area of the White House Complex sighted what they believed to be a small aircraft that may have violated the P-56. These individuals relayed that information through their chain of command. While in the process of making those appropriate notifications, the aircraft landed and the incident

was acknowledged on the FAA Domestic Events Network (DEN), effectively placing all relevant parties on notice.

Following Hughes' landing on the west lawn of the Capitol, the Secret Service immediately responded to assist the Capitol Police. That day and in the days that followed, Secret Service field offices in Washington, D.C.; Tampa, FL; Denver, CO; and Harrisburg, PA gathered information regarding Hughes and his activities leading up to the incident. While the Capitol Police are the lead investigative agency in this matter, the Secret Service stands ready to continue to contribute necessary resources and to work collectively with its law enforcement partners. Further, as stated above, our work to better counter existing threats and anticipate future ones will never stop, to include improving current processes for identifying and interdicting air incursions.

### **Conclusion**

Protection of the President, his family, and the White House is paramount to this agency. The partnerships represented here today are critical to the success of our mission as it relates to effectively addressing airborne threats. These strong working relationships between our agencies are in place to provide the most capable responses possible. Continued interagency coordination is vital to ensuring safety and security in the airspace of the NCR.

Chairman Chaffetz, Ranking Member Cummings, and members of the Committee, this concludes my written testimony. I welcome any questions you have at this time.

Chairman CHAFFETZ. I thank the Director.  
Chief MACLEAN.

**STATEMENT OF ROBERT D. MacLEAN**

Chief MACLEAN. Mr. Chairman, Ranking Member Cummings, and members of the Committee, thank you for the opportunity to discuss the United States Park Police involvement in the April 15, 2015, gyrocopter incident in Washington, DC. My name is Robert MacLean. I am the Chief of the United States Park Police.

United States Park Police, established in 1791, is the oldest uniformed Federal law enforcement agency in the United States. The Park Police, which is primarily responsible for safety and crime prevention in parkland administered by the National Park Service, has enjoyed a long history of partnership and coordination with the numerous public safety protection, aviation, and defense agencies within the national capital region.

In the District of Columbia, the Park Police has primary jurisdiction over Federal parkland, which comprises approximately 22 percent of the District of Columbia, including the National Mall, East and West Potomac Parks, Rock Creek Park, Anacostia Park, McPherson Square, and many of the small triangle parks in the District.

The Park Police officers who proudly and diligently patrol Federal parkland every day are trained to identify, report, and investigate violations of law and suspicious or unusual activity. Although the Park Police has an aviation unit that flies law enforcement, MedeVac, and search-and-rescue missions within the national capital region, the Park Police does not have primary responsibility of airspace defense over the Federal parklands.

As such, the Park Police does not have radar detection capability to monitor that airspace, nor does it have the appropriate tools to engage or defend against an aircraft in the airspace above these parks. Those primary responsibilities and capabilities rest with other Federal agencies.

On Wednesday, April 15, 2015, at approximately 1:20 p.m., a Park Police officer observed and reported an aircraft later identified as the gyrocopter operated by Mr. Doug Hughes. It was operating near the Lincoln Memorial and estimated to be approximately 100 feet off the ground and traveling eastbound toward the United States Capitol.

The officer made a request to the Park Police Dispatch Center to contact the United States Capitol Police. The patrol supervisor confirmed the observation and requested the Park Police Dispatch Center notify the Park Police Aviation Unit, which, in turn, contacted the National Capital Region Coordination Center to report an aircraft in a restricted airspace.

Another Park Police officer observed and followed the aircraft eastbound in his patrol vehicle to where the aircraft landed on the west grounds of the United States Capitol. The Park Police officer arrived at the Capitol Grounds and observed the U.S. Capitol Police arresting Mr. Hughes. At that point, the Park Police became an assisting agency to the United States Capitol Police on the scene and at their command post.

Mr. Chairman, this concludes my Statement. I would be pleased to respond to any questions you and other members may have.  
[Prepared Statement of Chief MacLean follows:]

**STATEMENT OF ROBERT MACLEAN, CHIEF, UNITED STATES PARK POLICE,  
NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR, BEFORE THE  
HOUSE COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM,  
CONCERNING "FLYING UNDER THE RADAR: SECURING WASHINGTON, D.C.  
AIRSPACE."**

**APRIL 29, 2015**

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Mr. Chairman, Ranking Member Cummings, and members of the Committee, thank you for the opportunity to discuss the United States Park Police (USPP) involvement in the April 15, 2015, gyrocopter incident in Washington, D.C.

The U.S. Park Police, established in 1791, is the oldest uniformed Federal law enforcement agency in the United States. The USPP, which is primarily responsible for safety and crime prevention in parklands administered by the National Park Service, has enjoyed a long history of partnership and coordination with the numerous public safety, protection, aviation, and defense agencies within the National Capital Region. In the District of Columbia, the USPP has primary jurisdiction over Federal parkland, which comprises approximately 22% of the District of Columbia, including the National Mall, East and West Potomac Parks, Rock Creek Park, Anacostia Park, McPherson Square and many of the small triangle parks.

The USPP officers who proudly and diligently patrol Federal parkland every day are trained to identify, report, and investigate violations of law and suspicious or unusual activity. Although the USPP has an Aviation Unit that flies law enforcement, medevac, and search and rescue missions within the National Capital Region, the USPP does not have primary responsibility of airspace defense over the Federal parklands. As such, the USPP does not have radar detection capabilities to monitor that airspace, nor does it have the appropriate tools to engage, or defend against, an aircraft in the airspace above the parks. Those primary responsibilities and capabilities rest with other Federal agencies.

On Wednesday, April 15, 2015, at approximately 1:20 pm, a Park Police officer observed and reported an aircraft (later identified as the gyrocopter operated by Mr. Doug Hughes) operating near the Lincoln Memorial and estimated it to be approximately 100 feet off of the ground and travelling eastbound towards the United States Capitol. The officer made a request to the USPP Dispatch Center to contact the U.S. Capitol Police. A supervisor confirmed the observation and requested the USPP Dispatch Center notify the USPP Aviation Unit, which, in turn, contacted the National Capital Region Coordination Center to report an aircraft in restricted airspace.

Another Park Police officer observed and followed the aircraft eastbound in his patrol vehicle to where the aircraft landed on the west grounds of the U.S. Capitol. The Park Police officer arrived at the Capitol grounds and observed the U.S. Capitol Police arresting Mr. Hughes. At that point, the USPP became an assisting agency to U.S. Capitol Police on the scene and at the U.S. Capitol Police command post.

Mr. Chairman, this concludes my statement. I would be pleased to respond to any questions you and other members may have.

Chairman CHAFFETZ. Thank you.  
 Chief Dine, you are now recognized for 5 minutes.

#### STATEMENT OF KIM C. DINE

Chief DINE. Mr. Chairman, Ranking Member Cummings, members of the Committee, good morning. And thank you for the opportunity to discuss the event that occurred on Wednesday, April 15, and the actions taken by the United States Capitol Police.

I will begin by providing a time line of the events and will gladly answer any questions that you may have. It is important to note that this is an ongoing criminal investigation.

On Wednesday, April 15, at 12:59 p.m., an individual from the Tampa Bay Times sent an email to the U.S. Capitol Police public information officer, stating that a local man was planning on flying a gyrocopter as part of a protest and will be attempting to land on the west front. This individual inquired if the USCP was aware of the flight and if permission had been obtained. No time or date information was provided regarding this flight.

At 1 p.m., the same individual called the USCP Command Center and stated to an officer that he had information about a man who was planning to fly a drone onto the Mall and onto the west front of the Capitol. He stated that he had called the U.S. Secret Service and they advised him to call the United States Capitol Police.

He also stated that this man, who he identified as Douglas Hughes, had received permission from the U.S. Secret Service and the USCP and he was calling to confirm that permission was granted. No time or date or actual information was provided regarding the flight during this telephone phone call either.

The officer advised this individual she was not aware of any approvals to land a drone. They were then transferred to a sergeant in the Command Center, and this individual repeated what he had told the officer, except now he referred to the aircraft as gyrocopter. The sergeant advised that no approval existed for a gyrocopter to land on the Capitol Grounds.

The caller advised the sergeant that Hughes' live feed could be seen on Hughes' Website, which he provided. At this point in the conversation, the conversation concluded, and during the conversation no mention was made that the landing was imminent.

At 1:07 p.m., the U.S. Capitol Police public information officer responded to this email by immediately forwarding it to the Investigations Division and currently the Command Center personnel went into the provided Website, but did not find the live feed noted by the individual from the Tampa Bay Times.

The Command Center notified the Investigations Division and the public information officer. As the Command Center was attempting to validate any air flight information with the USCP staff at the National Capital Region Coordination Center, the gyrocopter landed at approximately 1:23 p.m.

At 1:21 p.m., just prior to the landing, an officer posted on the Pennsylvania Avenue walkway on the west front was approached by a reporter, who asked if he had seen a helicopter yet. The officer stated he had not seen a helicopter and then consulted with an-

other officer to determine if they were aware of any prohibited air-space overflights.

During this discussion, the officers observed the inbound gyrocopter over Union Square, nearly atop the Grant Memorial. The officers immediately notified the Communications Center and subsequently reported the landing of the gyrocopter. This information was immediately broadcast over the radio for situational awareness and response.

The USCP officers immediately assessed the threat in accordance with Department policy and training. USCP personnel quickly facilitated the movement of the public on the west front away from the gyrocopter.

Once the gyrocopter rotor stopped, USCP officers quickly approached the subject and took him into custody. The subject did not resist and was compliant with police direction.

A K-9 unit immediately approached and swept the gyrocopter and showed interest in the area of the engine and fuel compartment, which was expected. Incident Command was established at 1:26 p.m., the west front was closed, and vehicular traffic was restricted on First Street between Constitution and Independence Avenues, along with Maryland and Pennsylvania Avenues to Third Street.

As this was occurring, the Investigations Division provided the commanders in the Command Center with information about the subject from the Internet video publicizing the subject's ownership of the gyrocopter, his intention to deliver a box of letters to Congress in reference to campaign finance reform, and his investigative history with both the USCP and the U.S. Secret Service. The Command Center notified the NCRCC of the situation.

While the K-9 sweep was occurring, a Capitol Division commander directed a brief lockdown of the Capitol and of the CVC. When the lockdown was announced via the radio, the Uniformed Services Bureau commander, who was in the Command Center, consulted with the incident commander.

The USB commander then decided to lift the lockdown of the Capitol based on the following facts: The K-9 had not alerted to the body of the gyrocopter, but had shown interest only in the area of the engine and fuel compartment; the subject was in custody and compliant with directions; the size of the small package area of the gyrocopter was limited to two backpack-size boxes; information provided by the Investigations Division that the intent of the pilot was clearly expressed in his video; and the USCP had established a strong perimeter from the gyrocopter with distance from the Capitol.

The exterior perimeters stayed in effect. Due to the extremely short timeframe between the lockdown order and the direction to lift the lockdown, no messages were sent to the congressional community advising of the lockdown.

The USCP Hazardous Devices Section responded to this incident and at 1:36 p.m. utilized a robot to investigate the gyrocopter. Since the robot could not access the two boxes in the gyrocopter, at 2:11 p.m., the ACS section personnel donned protective gear and took x-rays of the boxes.

The gyrocopter was determined to be clear of any hazards at 2:57 p.m. Traffic cuts were subsequently released and the west front remained closed until the crime scene could be processed and the gyrocopter removed.

It is important to note that, while the USCP does not control prohibited airspace over Washington, DC, we do monitor this airspace 24/7 and we are directly linked to other Federal agencies related in this controlled airspace. On April 15, this gyrocopter did not register on radar as a threat and, therefore, was not raised as a concern among our Federal partners.

We take the monitoring of prohibited airspace very seriously, which is why we have a designated airspace coordinator and have assigned liaisons at the NCRCC to provide immediate linkage to critical information regarding identified airspace threats.

Information about identified airspace threats allows us to make informed decisions regarding the safety of our stakeholders, the congressional community, and Capitol Complex.

Thank you again for the opportunity to discuss this event that occurred on Wednesday, April 15, 2015. I am very proud of the professional and immediate actions taken by members of the United States Capitol Police in addressing this incident. I would be happy to answer any questions that you may have at this time.

[Prepared Statement of Chief Dine follows:]

OPENING STATEMENT OF CHIEF KIM C. DINE, UNITED STATES  
CAPITOL POLICE

APRIL 15, 2015 GYROCOPTER INCIDENT

Committee on Oversight and Government Reform

U. S. House of Representatives

April 29, 2015

Good morning and thank you for the opportunity to discuss the event that occurred on Wednesday, April 15<sup>th</sup> and the actions taken by the members of the United States Capitol Police. I will begin by providing a timeline of the events and will gladly answer any questions that you may have. It is important to note that this case is an on-going criminal investigation.

On Wednesday, April 15<sup>th</sup> at 12:59 p.m., an individual from the Tampa Bay Times sent an email to the USCP Public Information Officer stating that a local man was flying a gyrocopter as part of a protest and was trying to land on the West Front. This individual inquired if the USCP was aware of the flight and if permission had been obtained. No time or date information was provided regarding the flight.

At 1:00 p.m., this same individual called the USCP Command Center and stated to an officer that he had information about a man who was going to fly a “drone”

onto the Mall and the West Front of the Capitol. He stated that he had called the USSS and they advised him to call the USCP. He also stated that this man, who he identified as Douglas Hughes, had received permission from the USSS and the USCP and he was calling to confirm the permission was granted. No time or date information was provided regarding the flight during this telephone call either. The officer advised this individual that she was not aware of any approvals to land a drone. They were then transferred to a sergeant in the Command Center and this individual repeated what he had told the officer except now he referred to the aircraft as a gyrocopter. The sergeant advised that no approval existed for a gyrocopter to land on Capitol Grounds. The caller advised the sergeant that Hughes's live feed could be seen on Hughes' website which he provided. At this point, the conversation concluded and during the conversation no mention was made that the landing was imminent.

At 1:07 p.m., the USCP Public Information Officer responded to the email from the Tampa Bay Times by immediately forwarding it to the Investigations Division. Concurrently, Command Center personnel went to the provided website but did not find the live feed noted by the individual from the Time Bay Times. The Command Center notified the Investigations Division and the Public Information Officer. As the Command Center was attempting to validate any prohibited

airspace overflight information with USCP staffed at the NCRCC, the gyrocopter landed at 1:23 p.m.

At 1:21 p.m., just prior to the landing, an officer posted on the Pennsylvania Avenue walkway on the West Front was approached by a reporter who asked if he had seen a helicopter yet. The officer stated he had not seen a helicopter and then consulted with another officer to determine if they were aware of any prohibited airspace overflights. During this discussion, the officers observed the inbound gyrocopter over Union Square nearly atop the Grant Memorial. The officers immediately notified Communications and subsequently reported the landing of the gyrocopter. This information was immediately broadcast over the radio for situational awareness and response.

USCP officers immediately assessed the threat in accordance with Department policy and training as USCP personnel quickly facilitated the movement of the public on the West Front away from the gyrocopter. Once the gyrocopter rotors stopped, USCP officers approached the subject and took him into custody. The subject did not resist and was compliant with police direction. A K-9 unit immediately approached and swept the gyrocopter and showed interest in the area of the engine and fuel compartment (which was expected). Incident Command

was established at 1:26 p.m., the West Front was closed and vehicular traffic was restricted on First Street between Constitution and Independence Avenues, along with Maryland and Pennsylvania Avenues to Third Street.

As this was occurring, the Investigations Division provided the commanders in the Command Center with information about the subject from an internet video publicizing the subject's ownership of the gyrocopter, his intentions to deliver a box of letters to Congress in reference to campaign finance reform, and his investigative history with both the USCP and the USSS. The Command Center notified the NCRCC of the situation.

While the K-9 sweep was occurring, a Capitol Division commander directed a brief lock down of the Capitol and of the CVC. When the lock down was announced via the radio, the Uniformed Services Bureau (USB) Commander (who was in the Command Center) consulted with the Incident Commander. The USB Commander then decided to lift the lock down of the Capitol based upon the following facts: the K-9 had not alerted on the body of the gyrocopter but had shown interest only in the area of the engine and fuel compartment; the suspect was in custody and compliant with directions; the size of the small package area of the gyrocopter was limited to two backpack-sized boxes; information provided by

the Investigations Division that the intent of the pilot was clearly expressed in his video; and the USCP had established a strong perimeter from the gyrocopter with distance from the Capitol. The exterior perimeters stayed in effect. Due to the extremely short time frame between the lockdown order and the direction to lift the lockdown, no messages were sent to the congressional community advising of the lockdown.

The USCP Hazardous Devices Section responded to this incident and at 1:36 p.m. utilized their robot to investigate the gyrocopter. Since the robot could not access the two boxes on the gyrocopter, at 2:21 p.m., Hazardous Devices Section personnel donned protective gear and took x-rays of the boxes. The gyrocopter was determined to be clear of any hazards at 2:57 p.m. Traffic cuts were subsequently released and the West Front remained closed until the crime scene could be processed and the gyrocopter removed.

It is important to note that while the USCP does not control the prohibited airspace over Washington, D.C., we do monitor this airspace 24/7, and we are directly linked to other federal agencies related to this controlled airspace. On April 15<sup>th</sup>, this gyrocopter did not register on radar as a threat and, therefore, was not raised as a concern among our federal partners. We take the monitoring of the

prohibited airspace very seriously which is why we have a designated airspace coordinator and have assigned liaisons at the NCRCC to provide immediate linkage to critical information regarding identified airspace threats. Information about identified airspace threats allows us to make informed decisions regarding the safety of our stakeholders and the Capitol Complex.

Thank you again for the opportunity to discuss the event that occurred on Wednesday, April 15, 2015. I am very proud of the professional and immediate actions taken by the members of the United States Capitol Police in addressing this incident. I would be happy to answer any questions the Committee may have at this time.

WRITTEN TESTIMONY OF CHIEF KIM C. DINE, UNITED STATES CAPITOL POLICE

APRIL 15, 2015 GYROCOPTER INCIDENT

Committee on Oversight and Government Reform

U. S. House of Representatives

April 29, 2015

Good morning and thank you for the opportunity to discuss the event that occurred on Wednesday, April 15<sup>th</sup> and the actions taken by the members of the United States Capitol Police. I will begin by providing a timeline of the events and will gladly answer any questions that you may have. It is important to note that this case is an on-going criminal investigation.

As a means of background, in October of 2013, an officer assigned to the USCP Command Center was notified by the National Capital Region Coordination Center (NCRCC) that the United States Secret Service (USSS) had received information that an individual named Douglas Hughes was planning to fly a gyrocopter and land on the grounds of either the White House or Capitol. The USCP Threat Assessment Section coordinated with the USSS to have Hughes and his brother interviewed. The USCP conducted a telephone interview of the brother and the USSS interviewed Hughes in Florida. During his interview, Hughes denied any intent to fly a gyrocopter to the White House or the Capitol. The USSS advised the USCP that they did not believe that Hughes was capable of carrying out the action and in their opinion the brother may have been attempting to get Hughes in trouble because of a prior disagreement.

On Wednesday, April 15<sup>th</sup> at 12:59 p.m., an individual from the Tampa Bay Times sent an email to the USCP Public Information Officer stating that a local man was flying a gyrocopter as part of a protest and was trying to land on the West Front. This individual inquired if the USCP was aware of the flight and if permission had been obtained. No time or date information was provided regarding the flight.

At 1:00 p.m., this same individual called the USCP Command Center and stated to an officer that he had information about a man who was going to fly a "drone" onto the Mall and the West Front of the Capitol. He stated that he had called the USSS and they advised him to call the USCP. He also stated that this man, who he identified as Douglas Hughes, had received permission from the USSS and the USCP and he was calling to confirm the permission was granted. No time or date information was provided regarding the flight during this telephone call either. The officer advised this individual that she was not aware of any approvals to land a drone. They were then transferred to a sergeant in the Command Center and this individual repeated what he had told the officer except now he referred to the aircraft as a gyrocopter. The sergeant advised that no approval existed for a gyrocopter to land on Capitol Grounds. The caller advised the sergeant that Hughes's live feed could be seen on Hughes' website which he provided. At this point, the conversation concluded and during the conversation no mention was made that the landing was imminent.

At 1:07 p.m., the USCP Public Information Officer responded to the email from the Tampa Bay Times by immediately forwarding it to the Investigations Division. Concurrently, Command Center personnel went to the provided website but did not find the live feed noted by the individual from the Tampa Bay Times. The Command Center notified the Investigations Division and the Public Information Officer. As the Command Center was attempting to validate any prohibited airspace overflight information with USCP staffed at the NCRCC, the gyrocopter landed at 1:23 p.m.

At 1:21 p.m., just prior to the landing, an officer posted on the Pennsylvania Avenue walkway on the West Front was approached by a reporter who asked if he had seen a helicopter yet. The officer stated he had not seen a helicopter and then consulted with another officer to determine if they were aware of any prohibited airspace overflights. During this discussion, the officers observed the inbound gyrocopter over Union Square nearly atop the Grant Memorial. The officers immediately notified Communications and subsequently reported the landing of the gyrocopter. This information was immediately broadcast over the radio for situational awareness and response.

USCP officers immediately assessed the threat in accordance with Department policy and training as USCP personnel quickly facilitated the movement of the public on the West Front away from the gyrocopter. Once the gyrocopter rotors stopped, USCP officers approached the subject and took him into custody. The subject did not resist and was compliant with police direction. A K-9 unit immediately approached and swept the gyrocopter and showed interest in the area of the engine and fuel compartment (which was expected). Incident Command was established at 1:26 p.m., the West Front was closed and vehicular traffic was restricted on First Street between Constitution and Independence Avenues, along with Maryland and Pennsylvania Avenues to Third Street.

As this was occurring, the Investigations Division provided the commanders in the Command Center with information about the subject from an internet video publicizing the subject's ownership of the gyrocopter, his intentions to deliver a box of letters to Congress in reference to campaign finance reform, and his investigative history with both the USCP and the USSS. The Command Center notified the NCRCC of the situation.

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When Douglas Hughes from Ruskin, Florida was removed from the gyrocopter, he was transported to the USCP Headquarters building for processing. On Thursday, April 16<sup>th</sup>, Hughes appeared in court. He was charged with operating an unregistered aircraft without a pilot's certificate (49 USC § 46306(b)(5) (three year felony)) and violating national defense airspace (49 U.S.C. § 46307 (one year misdemeanor)). As a condition of his release, Hughes has been ordered to Stay Away from the District of Columbia (except for court appearances), the U. S. Capitol, the White House, and has been ordered to house detention in his home in Florida with electronic monitoring. In addition, Hughes is prohibited from flying aircraft of any kind. The criminal investigation is ongoing.

It is important to note that while the USCP does not control the prohibited airspace over Washington, D.C., we do monitor this airspace 24/7, and we are directly linked to other federal agencies related to this controlled airspace. On April 15<sup>th</sup>, this gyrocopter did not register on radar as a threat and, therefore, was not raised as a concern among our federal partners. We take the monitoring of the prohibited airspace very seriously which is why we have a designated airspace coordinator and have assigned liaisons at the NCRCC to provide immediate linkage to critical information regarding identified airspace threats. Information about identified airspace threats allows us to make informed decisions regarding the safety of our stakeholders and the Capitol Complex.

Thank you again for the opportunity to discuss the event that occurred on Wednesday, April 15, 2015. I am very proud of the professional and immediate actions taken by the members of the United States Capitol Police in addressing this incident. I would be happy to answer any questions the Committee may have at this time.

Chairman CHAFFETZ. Thank you.

As previously announced, the committee is going to recess so that Members will be allowed to hear the Prime Minister of Japan as he addresses the joint session of Congress. We will reconvene approximately 30 minutes after the conclusion of that. We appreciate your patience.

The committee is in recess.

[Recess.]

Chairman CHAFFETZ. The Committee will come to order.

I thank you for your patience. I know you are all very busy.

The chair would like to notify members, remind members, that no subcommittee will start until the full committee is finished. So we do have two subcommittees that plan to meet at 2. We also have votes that will happen on the floor in about 45 minutes.

We will try to do this as swiftly as possible, but I wanted to note that for members and those that might be showing up for the 2 hearing. That is going to occur in this meeting.

But let's address why we are here today, the gyrocopter incident that happened 2 weeks ago. The 9/11 Commission after that terrible, horrific terrorist attack wrote, "The most important failure was one of imagination. We do not believe leaders understood the gravity of the threat."

We are here today because we need to understand who saw what and when, who communicated what, did it work, did we learn those lessons of tragedies of past. On April 15 a man in a gyrocopter was able to fly through the highly restricted airspace of the national capital region and land on the west lawn of the Capitol. He started off in the north, came, went over the Lincoln Memorial, right past into the airspace surrounding the White House, right past the Washington Memorial, and landed on the lawn of the Capitol. Unbelievable.

He first told the Federal authorities about this—it came on the radar about 2 years ago. And the national capital region is unique in that the Department of Defense, Transportation and Homeland Security, along with the Capitol Police, National Park Police, and the congressional Sergeant at Arms all have roles to play in protecting the airspace.

As best I can tell, in this region there are roughly 32 law enforcement agencies that have some form of jurisdiction in the safety and security of the Washington, DC, area. But it is still unclear who on this panel was ultimately responsible for first identifying this object entering restricted airspace and then for responding to it.

At this point ignorance is no longer an excuse when it comes to drones and small aircraft. In January, a drone crash landed on the White House lawn. It is becoming very common throughout the world. After the gyrocopter incident, a drone with radioactive material landed on the Japanese Prime Minister's residence. Dozens of unaccounted drones have flown over the streets of Paris since last October. And a drone crashed in front of the German Chancellor Merkel at a rally in 2013.

There have been several instances involving the White House, including helicopters and small aircraft, and this is a pervasive threat. It has been there for a long time. It isn't going anywhere. And when we show this type of vulnerability, I worry that the

shine that it will inevitably be taken down and taken down hard has gone away.

Someone should have identified that this type of threat we aren't prepared to meet or that our enemies would exploit. Our defensive technology must be able to prevent and respond to unconventional and emerging threats.

We need to have that creativity to understand that the would-be terrorists and those people who want to see harm to the United States of America will likely be creative.

But in this gyrocopter incident, he was loud and clear what he was going to do. In fact, he was live-streaming it. And yet nobody seemed to pick that up. News outlets did. They sent staff. They sent reporters down on the lawn to watch it.

The United States military has researched drones since World War I and for the last 13 years used them to fight against terrorists. Yet, the primary drone detection technology currently used by the FAA, NORAD, the Secret Service, and the Capitol Police is roughly 70 years old.

This antiquated technology can't even tell the difference between a bird, a drone, a gyrocopter, or just plain old weather. Even a mylar balloon sets things off where people are hesitant to do anything because it might just be a good old-fashioned balloon.

I understand we will hear today about the Pentagon's effort to improve our capability to identify and intercept small aerial threats. This is the same technology Customs and Border Patrol has used on the border for years, long periods of time.

They have been dealing with this type of gyrocopters and hang gliders and all sorts of these types of small aircraft on the borders for decades. They have been dealing with this for a long time. Did we ever learn any of those lessons? Do we need to bring CBP in here to help protect the capital region? They seemed to figure it out.

The stakes are higher, and our agency intelligence-sharing and communications coordination can never ever fail us. We must make sure all agencies with a role in the National security effectively communicate with each other. So, hopefully, we will hear today how the agencies represented here have effectively communicated about threats in their counterparts.

Quite frankly, I didn't learn much in your opening Statements. That was as bland as we could possibly have been. We are here to address a serious topic. We are not going to just stand here and say, "Well, it is classified. We can't talk about it." Because, evidently, when you have been talking about it, it hasn't gotten done.

I, like other Members of Congress and congressional staff and visitors to the Capitol, also have concerns about the communication breakdown in alerting the Capitol community about this incident. The first Capitol-wide alert came at 5:03 p.m., several hours after the incident was over.

While I look forward to hearing about how the Sergeant at Arms and the Capitol Hill Police have updated their policies to prevent a breakdown like this from ever happening again, it certainly shouldn't have ever happened in the first place.

It is very disappointing that three of the agencies here—the FAA; the Department of Defense, NORAD; and the Park Police—

chose not to brief Members of Congress last week. Now, I do appreciate the Capitol Hill Police, the Sergeant at Arms, and the Secret Service for making themselves available.

We had four agents, four committees, four committee chairmen, four ranking members, ask for your presence to have a behind-the-scenes, closed-door briefing on this topic. And for whatever reason, the FAA, Department of Defense, and the Park Police refused to brief Members of Congress.

That doesn't give us a whole lot of confidence, folks. And we will yank you up here time and time again until we get answers in the public. We are different than the rest of the world. We are different. We are self-critical. Don't take it so personally.

Understand this is how we make America the greatest country on the face of the planet. We do this in an open and transparent way. But when you won't even talk to members in a closed-door meeting, that is not acceptable. It is a waste of our time. It is a waste of the other people's time.

We need results because we had some yahoo in a gyrocopter land right over there, and it didn't work. And I got these opening Statements from you that shed no light other than a time line and how big a space the Park Police protects. It didn't work. We need candor.

I want to again thank Director Clancy, Chief Dine, and Mr. Irving for their responsiveness to the requests. I can tell we have had a lot of interactions with the Secret Service that haven't been the most pleasant, but I will thank that agency for being so accessible in their communications.

And particularly Mr. Clancy has made himself available on the mobile phone and calling us and making sure that he is available here, and I want to publicly thank him for that, even though we have had our differences.

We understand that the mission is difficult to fulfill, but you are here today because you have been entrusted to accomplish it. We want to help that. We are in the middle of our appropriations season. We can't ever have this mission fail. So we look forward to hearing more about that.

Chairman CHAFFETZ. With that, I will now recognize the Ranking Member, Mr. Cummings, for 5 minutes.

Mr. CUMMINGS. Thank you very much, Mr. Chairman.

Unlike previous hearings our committee has held with the Secret Service and the DEA which involve misconduct by individual agents, today's hearing presents a different question: How should our Nation deal with the relatively new and evolving threat of unmanned or small manned aerial vehicles entering the airspace over our Nation's Capital?

This is a question of technology and policy, both of which are rapidly evolving. In this case, I do not personally believe the answer is to condemn the Capitol Police for not shooting down the gyrocopter. I also do not believe we should rush to criticize Federal agencies charged with responding to this threat.

Instead, I believe the best course of action is to work collaboratively with both the Capitol Police and these Federal agencies to understand the threat, understand it, and to strongly support their

ongoing efforts to enhance current technologies, many of which are classified.

So I thank the chairman for calling today's hearing on this very critical issue. I completely understand the frustration expressed by the chairman and others about this incident. And let me be clear. I share the frustration.

I said in a meeting the other day so often what happens is that we have a tendency to tell each other that everything will be fine when the rubber meets the road and then, when it comes time for the rubber to meet the road, we discover there is no road.

The airspace around our Nation's Capital is supposed to be the most restricted in the world, yet a postal worker—hello, a postal worker—from Florida was able to fly his gyrocopter through 30 miles of restricted airspace before finally landing on Capitol lawn.

In this case, the individual was only trying to make a peaceful demonstration, but we might not be so fortunate in the future. It takes almost no effort to imagine what could have been. What if he had weapons? What if he were carrying a bomb.

On the flip side, it is also my understanding, based, in part, on classified briefings we have received, that this individual is incredibly lucky to be alive today. The next person who tries something this stupid—and it was stupid—may not be so lucky.

I would like to thank all of the witnesses for testifying here today on such short notice. I also want to thank you for providing briefings last week, both classified and unclassified. Your missions are extremely difficult, and the lives of people throughout the District depend on your success. I look forward to hearing from each of you in an effort to address this very pressing situation.

We all agree that our paramount interest is in the continued security of the airspace over the capital and addressing any possible breaches as effectively and efficiently as possible. That is what we are aiming at.

This is a critical moment, gentlemen, a very critical moment. By the way, it is wake-up-call time. We live in a dangerous world with complex, constantly evolving threats. So it is imperative that we are prepared to counter them.

In addressing these questions today, however, the last thing we want to do, the last thing, is give a road map to those who want to harm us. I hope that you all agree on that. Don't want to do anything that counters what you do every day, and that is trying to protect us.

So, obviously, we need to treat this information responsibly, and we do not want to highlight security vulnerabilities to would-be attackers because you can guarantee your bottom dollar they are watching.

Out of an abundance of caution, I want to make 100 percent sure that all of our witnesses understand that we do not, we do not, want you to discuss any sensitive information in this public forum.

I think all of you know what I mean by "sensitive." And if you don't know, raise your hand now and let me know, and we will try to make sure you are clear on what we are talking about. And I am not trying to be smart either.

Many of you have raised concerns about holding a public hearing on this topic, and I understand your concerns. The chairman understands your concerns. Our committee understands.

After discussions with the chairman and his staff—and I want to thank him for this—we have agreed to set up a separate cleared room to address any sensitive issues that may arise. The bottom line is that you are the experts and we will defer to you on what can be discussed in this public setting.

If our questions call for sensitive information, please let us know, and we can reconvene in the closed setting to address those issues. Our sole purpose today is to help you counter the threats we face, not to expose our Nation's Capital to greater danger by exposing operational details or security vulnerabilities.

Now, let me go back to something that the chairman said. And I wholeheartedly agree with him on this. Gentlemen, time is of the essence. Time is of the essence. And I have not come here to ask you. I have come here to beg you to do whatever you have to do to get the technology if we don't have it, to speed up the technology if it is in the process, to more effectively and efficiently allow you to do the jobs that you are sworn to do.

And I want to take this moment again to thank all the people who work with you. They are people who have come out there every day trying to make sure that we are safe. And I want to publicly thank them on behalf of all of us for what they do every day.

And I want them to understand—and I know that the chairman agrees with me on this—although there may be criticism, it is about moving to a more effective and efficient system of protection for all of us. And so one of the best ways to do that, of course, is to make sure we have effective oversight.

And, again, Mr. Chairman, I want to thank you for calling the hearing. And, with that, I yield back.

Chairman CHAFFETZ. I thank the gentleman.

I will now recognize myself for 5 minutes. And it starts with a simple question of who is in charge. You have got a dude in a gyrocopter 100 feet in the air, crossing 30-plus miles of restricted airspace.

Whose job is it to detect him? And whose job is it to take him down?

Admiral GORTNEY. Sir, as the commander of NORAD, that's my responsibility, and I'm accountable for that.

Chairman CHAFFETZ. Why didn't it happen?

Admiral GORTNEY. Because we're working against physics, sir. Our system is designed to detect, track, identify. We have a decisionmaking process to decide what to do, and then we engage.

And that system is netted sensors, radars, cameras, and other capabilities that are out there. And we employ that system to the best of our ability, mitigate the risk to the best of our ability.

But it's only capable down to a particular set of characteristics that the platform that we want to track and defend against is emitting, based on speed and based on size.

And I can go into further details in the classified session.

Chairman CHAFFETZ. You are a spokesperson for Michael Cuchara in an article dated April 16 in the Baltimore Sun. You had launched some balloons at the Aberdeen Proving Ground called the

Joint Land Attack Cruise Missile Defense Elevated Netted Sensor System, otherwise known as JLENS. It was designed to help officials, “spot low-flying, slow-moving targets.”

Was it working? Was it operational?

Admiral GORTNEY. It's not operational, sir. We put it up in Aberdeen to test it. It's in testing today. It's not netted into our system. And in the investigation we're going to find out, while it's in its test mode, was it able to detect that particular traffic.

Chairman CHAFFETZ. It wasn't operational on that day? You weren't testing at that time?

Admiral GORTNEY. It's not operational. It's in a test process right now. We're using it as a test platform. And it is not integrated into our system. Should it prove to be effective, our choice is to put it into our system and make it operational, but it's not operational today.

Chairman CHAFFETZ. U.S. Customs and Border Patrol uses the tethered aerostat radar system, or TARS.

Why aren't you using that?

Admiral GORTNEY. That's why we're putting—we think JLENS has more promise. And the reason we think JLENS has more promise than that is—I'll have to defer to the next session, sir.

Chairman CHAFFETZ. Once you detect something, whose job and role and responsibility is it to take it down?

Admiral GORTNEY. Secretary of Defense, Deputy Secretary of Defense. And if they're not there, it's my decision or to my deputies.

Chairman CHAFFETZ. Whose decision is it if they see something visually, the Capitol Police, Chief Dine?

Chief DINE. Mr. Chairman, as officers do every day, if they see something that is a threat to them or anyone else——

Chairman CHAFFETZ. When did they see it?

Chief DINE. They saw it seconds before it landed, as it was above the statue at Grant Circle.

Chairman CHAFFETZ. And what was the decisionmaking tree at that point?

Chief DINE. They go through their training in terms of threat and use-of-force training. And I believe they, in this instance, made the appropriate decision based on the manner in which it landed, the compliance of the pilot, and the distance from the building.

Chairman CHAFFETZ. So we did have guns trained on it? They decided not to fire?

Chief DINE. They made an instantaneous decision to do what they did and quickly arrest him, apprehend him——

Chairman CHAFFETZ. As opposed to shooting it out?

Chief DINE. Yes, sir.

Chairman CHAFFETZ. You say in your written Statement that the caller from the Tampa Bay Times, presumably here, advised the Sergeant that Hughes' live feed could be seen on Hughes' Website, which he provided. You later said but it did not find the live feed noted by the individuals from the Tampa Bay Times.

Why weren't you able to see it when so many others were? I mean, we had news organizations who were sending their reporters down there because they were watching it.

Chief DINE. Yes, sir. Clearly, the media knew about this ahead of time. When we got that call and that one email, we immediately began to investigate. And minutes later he landed.

Chairman CHAFFETZ. You told me last week personally that you would provide to me that email. Yet, we have not been provided that email.

Will you provide this committee that email?

Chief DINE. Absolutely. Yes, sir.

Chairman CHAFFETZ. We have also asked to meet with the individuals who—I would like this committee, certainly myself, the ranking member, the House Administration, Candice Miller and her ranking member, to meet with the people who had their guns up ready to fire.

Will you make those people available to us?

Chief DINE. Absolutely. We can work through the United States Attorney's Office. Obviously, as you know, this case is under prosecution.

Mr. CUMMINGS. Will the chairman yield just for a second?

Chairman CHAFFETZ. Yes.

Mr. CUMMINGS. When will we get the email that the chairman just asked you about? When will we get that? I thought we would have this by now.

Chief DINE. I can provide it to you immediately.

Mr. CUMMINGS. That means right after this hearing?

Chief DINE. Yes, sir.

Mr. CUMMINGS. Thank you.

Chairman CHAFFETZ. Last question before I turn it over to the ranking member.

You say in your written Statement, Chief Dine, that due to the extremely short timeframe between the lockdown order and the direction to lift the lockdown, no messages were sent to the congressional community advising the lockdown.

The gyrocopter landed at 1:23 p.m. You say later in your testimony the gyrocopter was determined to be clear of any hazards at 2:57 p.m. And, yet, it was 5:03 p.m. Before any notice went out.

Why did it take so long?

Chief DINE. You're absolutely correct, Mr. Chairman. We immediately fixed that. The next day I gave a directive to our people to put out messages to the entire community that affect the community.

What no one got was a lockdown message. We did send some messages out to the Senate community based on their direction.

But that matter has been fixed. We had an overly complex notification system, and we have immediately fixed that. And that will not happen again.

Chairman CHAFFETZ. To the Sergeant at Arms, Mr. Irving, welcome back. I know you have had some duties there with the Prime Minister.

But why didn't we get notification that there was a potential threat?

Mr. IRVING. Mr. Chairman, frankly, there was a mix-up in the Command Center, lack of communication between my staff and the Capitol Police command staff. That will not happen again, as the

Chief said. We have fixed that. So we vow that that won't happen again.

Chairman CHAFFETZ. I mean, they are the same people. They are in the same room. Correct?

Mr. IRVING. It is correct. They are all in the same room. And the notification should have gone out. It was an error. In most cases, the notifications do go out.

We had had an incident the prior weekend. They were flawless. In this case, they were not. And we assure you that it will not happen again.

Chairman CHAFFETZ. Thank you.

I will now recognize the ranking member, the gentleman from Maryland, Mr. Cummings, for 5 minutes.

Mr. CUMMINGS. Thank you very much, Mr. Chairman.

Chief Dine, I wanted to ask you about the Capitol Police and your current policies on when to use lethal force. The chairman and others have suggested that you should have shot down the gyrocopter. But others disagree, and you seem to disagree.

This incident was not the first time the Capitol Police have had to make a life-or-death judgment call in a matter of seconds.

In 1998, a deranged individual burst through the doors of the Capitol and shot and killed two Capitol Police officers. That was a tragic event, and I am certain that it is on the minds of every single Capitol Police officer who stands guard outside these doors.

Chief Dine, do you believe that the shooting in 1998 influenced how the Capitol Police handle threats of this nature today and when this incident happened?

Chief DINE. Yes, sir. In fact, every threat that this agency and other agencies face ends up influencing the history of that agency and the policies that they put in place.

Mr. CUMMINGS. Well, can you please tell us what impact, if any, does that shooting in 1998 have on the policies used by the Capitol Police today? I mean, how did that affect it?

Chief DINE. Well, we changed our security posture. And, of course, I would be glad to discuss that more in closed session. But we drastically changed our security posture throughout the Capitol in terms of methods and staffing.

In this instance that we're talking about today, obviously, as in any instance where an officer has to make a split-second decision to use force or not to save their lives or others' lives, that's what officers are up against every day.

In this particular instance, given all of the ramifications, some of which we discussed in closed session last week, I think they made the appropriate decision.

But that's a challenge that officers face every single day, whether it's on one of their checkpoints, during a traffic stop, when they're stopping people around the campus, et cetera.

Mr. CUMMINGS. Without going into any classified information, tell me this.

This incident that we are talking about today, has that caused you all to change anything about your policies with regard to shoot-downs or lethal force?

Chief DINE. We have not changed anything yet, but it has caused us, like those other seminal moments that you referenced, to reexamine how we do business.

Mr. CUMMINGS. Now, about 2 years ago, in 2013, there was another incident. A woman drove onto the Capitol Grounds, fleeing law enforcement, and the Capitol Police shot and killed her. We learned later that the woman was mentally ill and that she was not armed and that she had a 1-year-old baby in the backseat of the car.

Is that right, Chief Dine?

Chief DINE. Yes, sir.

Mr. CUMMINGS. Now, while some praised the response of the Capitol Police, others criticized.

Chief Dine, what impact, if any, did this incident, that is, this incident that I just talked about, have on your policies for using lethal force?

Chief DINE. Ranking Member Cummings, as you know, that matter is under litigation. But I can tell you every time we face one of these instances it causes us to examine and re-examine how we do business.

And the fact of the matter is, during every one of these instances, it's that police officer on the street that has literally seconds to make a decision about whether their life is in danger or someone else's is in danger, and they do their best to make the best judgment at that time.

Mr. CUMMINGS. Now, it seems clear that, in both cases, the officers had to respond almost instantly, as you said, life-or-death decisions.

With respect to the gyrocopter incident earlier this month, some have suggested that the Capitol Police made a mistake by not shooting him out of the air.

Keeping in mind that this is a public session, can you tell us generally what steps the Capitol Police took with respect to using lethal force against the gyrocopter pilot.

Chief DINE. Yes, sir. Based on the circumstances of that day, literally seconds, having seen it, having observed it land, the manner in which it landed, the geography from the United States Capitol, the compliance of the pilot, and all of those kinds of things, as well as we discussed in closed session the ramifications which officers have to take into consideration as well when they're considering using lethal force, and the ramifications of that force and the impact it may have on others—all of those decisions are processed literally in a matter of seconds.

And that is what happened in this case. And I believe their actions were heroic. They quickly approached, arrested the individual. We screened the vehicle as well K-9-wise and then used additional capabilities after that to make sure everybody was safe.

Mr. CUMMINGS. Just out of curiosity, is there simulation for these types of incidents in the training?

Chief DINE. Well, frankly, that's something that we're all examining because, when airborne vehicles reach the point where they become a law enforcement issue versus a DOD issue—that's a phenomenon that we're all examining.

Mr. CUMMINGS. So you are saying—you didn't answer my question.

That is not a part of simulation right now. Is that what you are trying to tell me?

Chief DINE. Well, we have the capability to do what we need to do and take any vehicle down. I don't know that historically police agencies have practiced shooting at aircrafts.

But that's something that is clearly under—but I want to make it clear we have the capabilities to do what we need to do. I do want to make that clear to the committee.

Mr. CUMMINGS. Just two more questions.

There seems to be a suggestion that the Capitol Police should have just shot him down.

Without disclosing any sensitive information, can you tell us whether the Capitol Police had an opportunity to take down the gyrocopter and, if so, why they didn't.

Chief DINE. I would say in this instance the answer is no based on, again, the manner in which it landed.

Mr. CUMMINGS. You are saying no to what?

Chief DINE. No, sir. They did not literally have the ability to do it based on height and its proximity to other people and all of the ramifications and how quickly it landed and then based on the whole decisionmaking matrix that I mentioned. But there's often a split second or so where an officer has to make that decision.

Mr. CUMMINGS. And last, but not least: Why do you say that the Capitol Police officers made the right decision? You have reiterated that over and over and over again, and I just want to know why you feel so sure about that.

Chief DINE. Because they, in this instance—and each instance is unique when a police officer faces those kinds of challenges. Each and every one is totally unique with a unique set of circumstances.

But in this one, given the timing, given the lack of information about any credible threat, given all of the ramifications that may have taken place had shots been fired, I believe they acted quickly, bravely, and heroically.

Chairman CHAFFETZ. Before the gentleman yields back, I have to ask you a question.

I have asked you directly in closed doors and in here whether or not you had somebody with a gun trained on these people that could take him out of the air. And, yet, when Mr. Cummings asked that same question in a different way, you say no. You told me yes.

What is it?

Chief DINE. We clearly have officers out there with weaponry that are—

Chairman CHAFFETZ. In this instance, with the gyrocopter coming at the Capitol, did you—and it may have been brief. Believe me, I understand you didn't get much advance warning.

Chief DINE. Right.

Chairman CHAFFETZ. But did you or did you not have guns trained on this gyrocopter to take him out of the air if he had continued to fly on?

Chief DINE. They trained guns on him—

Chairman CHAFFETZ. No. No. No.

Did they have guns on him in this instance? Yes or no.

Chief DINE. As he was landing.

Chairman CHAFFETZ. So he was in the air?

Chief DINE. As he landed. I would say as he landed.

Chairman CHAFFETZ. This is why we have got to talk to the people who are actually—

Mr. CUMMINGS. Yes.

Reclaiming my time just very quickly, how far was he from the ground? Picking up on where the chairman left off, how far was he from the ground, if you know, when the Capitol Police had an opportunity to shoot him down?

Chief DINE. I believe the officer first saw him when he was right above Grant statue, which was literally right atop Grant statue, which is seconds from when he landed.

Mr. CUMMINGS. Very well.

I yield back.

Chairman CHAFFETZ. We need further clarification of that.

I now recognize the gentleman from Florida, Mr. Mica, for 5 minutes.

Mr. MICA. Thank you, Mr. Chairman and Ranking Member, for holding this meeting.

What we have experienced with this incident is, again, another horrible communications failure of the system, and this isn't new.

The ranking member just cited back in October 2013 we had the deranged individual, a woman, who actually backed into someone at the White House, came across the entire distance of downtown, metropolitan D.C., went through the barriers, and the communications failed.

Chief Dine, I wrote you on October 8, right after that. I said, "We all appreciate and commend your actions. I am contacting you to request your response about concerns that were highlighted in this tragic act."

No. 1, it is my understanding the Secret Service, Capitol Police, Park Service, and District of Columbia Police, and other agencies have interoperable communications.

You know, when I raise this, there are other things here. We spent a quarter of a billion when we did the Capitol Visitor Center in redoing bollards and all of the things after 9/11, and that failed. Those communication systems failed. Now, they failed again.

I am stunned. I am still—this is how we get a warning. OK? This device still has not gone off to this instance. My office is right down the hall here. My desk faces out. So I could look at the Capitol lawn.

I am sitting there at 1:20 watching what is coming down. And I am on the phone, and I look and there is a police vehicle not on the road, not on the path, but coming up the grass. There is another officer with, I mean, a pretty powerful weapon.

I have got pictures of it. We snapped some of the pictures of it. I said to the staff, "I don't know what is going on, but something's coming down." Well, we never heard a thing.

This is the first communication that I got. Let me get the exact communication. What is the date here? Well, actually, it wasn't until 5:02. There was no notification. This is a message from the Sergeant at Arms. "The Capitol have cleared the police activity." We never knew what was coming down.

Now, granted, a week before, on Saturday, the 11th, we had incredible notice. It was Saturday. Were you here, Mr. Chairman? No. Was anyone here? No one was here.

It was a serious situation. Someone ended up, we found out, committing suicide. It worked very well. This thing went crazy. My annunciator went crazy. I got lots of notice.

But it is working some of the time, not all of the time. Isn't that right, Chief Dine?

Chief DINE. It now will work all the time, sir. And your point is well taken.

Mr. MICA. Well, again, I don't think I got a response from you. I asked the staff, "Where is my letter to Dine from the last incident?"

You know, a lot of people around here wanted to sweep this under the table. It was an embarrassing situation. But it can't happen again.

Mr. Huerta, FAA, a gyrocopter can lift how many pounds?

Mr. HUERTA. A small gyrocopter of this—

Mr. MICA. 254 pounds. Right?

Mr. HUERTA. Its weight is about 250 pounds.

Mr. MICA. But it can lift, I think, that much. It falls into a category.

So you can have a 200-pound individual, right, flying it, we will say?

Mr. HUERTA. Yes.

Mr. MICA. So what capacity does that leave? 50 pounds?

Mr. HUERTA. It is a very small capacity.

Mr. MICA. Mr. Clancy, no one knew what was on that helicopter. You guys didn't know, did you? Did anyone know what was on the helicopter?

We were told some time ago, but nobody connects the dots. But we didn't know whether it was letters to the Congressmen or we didn't know whether it was, in fact, 50 pounds of plastic explosive.

Mr. Clancy, what would 50 pounds of plastic explosive do to the Capitol building? It would be pretty—

Mr. CLANCY. It would be devastating.

Mr. MICA. Devastating.

Nobody knew—wait a second, too. I just heard today you said the FAA domestic network was notified. What time? It went up on the FAA domestic network. Who knows when that was? Huerta or Clancy?

Mr. HUERTA. About 1:34 in the afternoon.

Mr. MICA. That was afterwards?

Mr. HUERTA. After it landed.

Mr. MICA. After it landed.

So there is something wrong there on the domestic FAA notice. There is something wrong with the notice with the Capitol Police.

At 1:23 you had the guy under arrest. We never knew. I mean, I am not afraid. I have been here through 9/11. If they want to take me out, take me out. Give me a chance. Give our staff a chance. Give us notice. Make this thing work. OK?

Again, I don't think it is too much to ask that we get this thing right. And there is a lot at stake, not just saving Members of Congress.

We have got new threats. And I brought up the drone before the drone landed on the White House, the White House. They still don't have—we had another jumper, didn't we, Mr. Clancy, just recently?

Mr. CLANCY. Yes, sir, we did.

Mr. MICA. How long before we get the fence increased? I told you I got the name of a great welder. He has welded my fence in Florida. I will get him up here. I've got the name of ADT. We can get them in here to put in systems.

But we still don't have the fence secure there, do we? It is not heightened. You can still jump over the fence. How long?

Mr. CLANCY. Sir, in the summer. The attachment will be attached this summer.

Mr. MICA. OK.

Yield back the balance of my time.

Chairman CHAFFETZ. Thank the gentleman.

I will now recognize the gentleman from Massachusetts, Mr. Lynch, for 5 minutes.

Mr. MICA. Mr. Chairman, before you do that, this letter has to be in the record at some point. This is my letter to Chief Dine from some time ago.

Chairman CHAFFETZ. Ask unanimous consent to do that. Without objection, it is ordered.

Mr. MICA. It is the only email I got at 5, after it was all over.

And one more thing. Would you yield for just a second for the benefit of members.

I sent you back—and I was told afterwards the staff said you didn't get it. "I have searched my messages to see if an alert was sent out on this incident. Was one sent? Congressman John Mica." The staff told me we can't respond to you, that you only send these alerts out.

So I sent this out the same day after the—well, the day after the incident, finding out if anything had been sent, and I missed it. But there is no way for us to contact you. We need a way to contact you.

Thank you.

Chairman CHAFFETZ. Thank the gentleman.

We are going to recognize, I guess, the gentlewoman from the District of Columbia, Ms. Norton, first for 5 minutes.

Ms. NORTON. Thank you very much, Mr. Chairman.

This is an important hearing. You can't have an incident like this and not have a hearing. And I know that witnesses understand this. I certainly appreciate the work they do.

And I think, essentially, gentlemen, the problem you are facing is getting ahead of risks and threats that may be unbelievable, but that is what the Congress and, for that matter, the public expects you to do.

I mean, we are fortunate that that gyrocopter didn't have a chemical or an explosive in it. And, of course, we know that you knew it did not. And we know—and this is why I have question first for Mr. Huerta.

I believe we know that it was not possible for existing technology that keeps the violation of an airspace—that we can go, we can catch a helicopter, we can catch a small plane.

But, technically, do we have the technology to capture “wigamadoos” that fly below that airspace that is more typical?

Mr. HUERTA. Congresswoman Norton, what the FAA provides to the surveillance capability is radar feeds. And radar that the FAA uses for our purposes to separate air traffic is filtered to ensure that a controller is able to safely separate traffic transiting the region’s airports and the region’s airspace.

This very small aircraft flying through is not something that a controller would ordinarily pick up in the course of carrying out their aircraft separation activities.

Ms. NORTON. So, you see, I am not going to ask law enforcement on the ground to do the impossible, but I am going to ask law enforcement on the ground to tell us ahead of time what the impossible is.

I mean, we are asking you to do Star Wars-type thinking about who could fly like you fly a kite. And if we don’t think about it, we know who will be thinking about it. So I am interested in separating out what is technically possible and what is technically not possible.

And I want to know, Mr. Huerta, why Congress hasn’t been asked for the capability to fly below that usual airspace where, by the way, if anybody gets into that airspace, we send National Guard planes up in the air right way, instantly.

If we don’t have the ability to do something tantamount to that, then the only people who really know it, who can get ahead of the game for us, are those of you who are on the ground who don’t have that capability.

And we, therefore, have to think about risks that only law enforcement, frankly, has the capability to envision. And I want to know why the Congress hasn’t been asked for the means to provide that capability.

Mr. HUERTA. Congresswoman Norton, what I was referring to is the FAA’s surveillance capability that is provided to this whole government effort. But the entire government surveillance network is not limited to that, and I would defer to my colleagues from DOD.

Admiral GORTNEY. Ma’am, I’m prepared to answer that question for you, the investments that Congress has made, but I need to do that in a closed session.

Ms. NORTON. Thank you.

It would be very important for Congress to know can we do it. To say to people on the ground to do it, as Chief Dine says, you see it in a few seconds, take it down, that is not what happens if I try to fly a helicopter into the airspace.

So I want to give you the same capability the same time that those who have tried to pierce our airspace have found they just can’t do it so we don’t see you having to shoot down much up there because you have the technology to do it. And in closed session, we need to know that, and we need to know it now.

And one of the reasons we need to know it now is the first thing I find that officials do when they don’t have the capability is they keep the public out. They say, “We know how to make sure nobody gets hurt. Nobody gets in.” And I am not accusing you of doing that, but I have to tell you it has been often the first reflex.

We seem to work on a case-by-case basis. Now we know probably that Chief Dine, that our police officers—because he said they saw it only a few seconds and then they had to get themselves together. But the case-by-case way to go at security assures us that there will be a terrible thing to happen and then we will take care of it.

So what I am trying to find out is if we can get the capabilities before you have the obligation even to do something about it because it hasn't occurred yet. And I will be interested in that in closed session.

But I am interested in closing down the Capitol. When anthrax occurred, I had to go on the House floor and literally embarrass the police to get the Capitol open. It was closed for months because the Capitol Police couldn't think of a way to keep it open.

It was terrible to have the Capitol itself closed. And I want to make sure—I have seen no evidence that the Capitol is being closed, that those grounds are being closed, and I want assurance that that is not taking place.

Chairman CHAFFETZ. Thank the gentlewoman.

Does anybody care to comment on that?

Ms. NORTON. Could I have an answer at least?

Chairman CHAFFETZ. Sure.

Ms. NORTON. Can people still go where they were able to go before, Chief Dine?

Chief DINE. Yes, ma'am. The Capitol is open right now.

Ms. NORTON. Thank you very much.

Chairman CHAFFETZ. Recognize the gentleman from Michigan, Mr. Walberg, for 5 minutes.

Mr. WALBERG. Thank you, Mr. Chairman.

And thanks to the panel for being here. I think we all understand you have to be right all of the time. They have to be right once. And so we appreciate the fact of what you deal with. I just have relatively few questions that could be asked without going into some closed session.

But, first of all, to Director Clancy, I am having a hard time wrapping my mind around the fact that Secret Service had the recognition of this gentleman and his intentions to fly here and to land, as I understand it, on the Capitol sometime before, in 2014, in fact, early 2014, and that Secret Service interviewed Mr. Hughes based on some information he was putting out back in August, September, and October 2013.

So with that in mind, with that lead up to it, plus the day of the flight there was also phone calls made from the Tampa newspaper to Secret Service, my question is: Did the Secret Service share all the information that it should have with other relevant law enforcement agencies with responsibility for the D.C. Airspace?

Mr. CLANCY. Yes, Congressman. On October 4, our Denver field office did get a call from an individual who knew of Mr. Hughes' plan. This is October 2013.

We relayed that information to our partners at Capitol Police, and that day we also—that following day we went and interviewed that individual to get more details. As we got more details, we realized that Mr. Hughes, the subject here, lived in Tampa Bay.

We sent our Tampa Bay office agents down there to interview him. He denied any interest in any of our protectees, denied any

interest in the White House, and he had no indication that he would be flying up into the Washington, DC, area.

We did do additional interviews with additional associates who corroborated the first call that we received in Denver that he did have some aspirations to do this. But, again, there was no indication that any of our protectees or any of our protected facilities were—that he had the intent to do this. But we did share the information.

Mr. WALBERG. But you shared it with them.

So, Chief Dine, you had that information back in early 2014, that there was an individual of interest, at least, that had some idea to fly and bring letters to Congress in a very unusual way?

Chief DINE. Yes, sir. The Secret Service shared that information with us. Yes, sir.

Mr. WALBERG. What did Capitol Police know about Mr. Hughes and his intentions prior to him landing on the Capitol Grounds subsequent to getting this information? What else came through that should have highlighted something happening?

Chief DINE. Subsequent to that case being essentially closed or suspended by us and the Secret Service, nothing up until minutes before he landed. As I had mentioned earlier, we got a fairly cryptic email and a phone call that was not date-or time-specific, talking about whether or not—were we aware of this and whether or not he had a permit. That was literally minutes before he landed.

Mr. WALBERG. But April 15, as I am seeing a time line here, an individual made a call to Secret Service's Tampa field office to warn of Hughes' plan.

Was that information shared with you?

Mr. CLANCY. Sir, on October 15, we received a call from an individual who did not give any time or date or specifics regarding—

Mr. WALBERG. This was April 15 that I have here.

Mr. CLANCY. April 15. Yes, sir.

Just an individual had called our Tampa Bay office and asked specifically for a specific agent, and we said the agent is no longer assigned to the office. And this individual said, "Well, just let him know I called." There was no specifics to Mr. Hughes or to this flight.

Mr. WALBERG. So the Tampa Bay Times, then, reporter called Secret Service on April 15 at 1.

Mr. CLANCY. That's correct, sir.

Mr. WALBERG. He landed at 1:23. So we have got 23 minutes still.

Let me ask Chief MacLean to join in here as well.

Was there any notification of all the entities that someone, indeed, is starting this flight, is on his way, he is live-streaming it, he may be coming over your territory? Is there any action that can be taken even with the Park Service in stopping someone flying low?

Chief MACLEAN. To answer the first part of your question, the United States Park Police did not have any actionable information—let me correct that—no information regarding Mr. Hughes coming to this area prior to our officer patrolling witnessing the aircraft.

Mr. WALBERG. Well, Mr. Chairman, I guess it leaves me with great concern that, when information is given, crackpot or otherwise, and then the day that the event takes place we had information that is given and still this person is able to make it all those miles and, more importantly, across the restricted airspace, coming across our monument area, leading up to our Capitol itself and then lands, and nothing happens until this person is on the ground.

I yield back.

Chairman CHAFFETZ. I thank the gentleman.

I now recognize the gentleman from Massachusetts, Mr. Lynch, for 5 minutes.

Mr. LYNCH. Thank you, Mr. Chairman.

And I thank the ranking member.

This is not good. I mean, this is on top of a lot of other incidents that we have been talking about at the White House as well.

You know, I get the feeling that, just as before 9/11, if you visited an airport in the United States, we had very little security going on. Yet, if you visited Ben Gurion Airport or Leonardo da Vinci Airport or Heathrow, those countries had dealt with terrorism before us and they were all tooled up. They were ready. They had heavy weapons. They had metal detectors.

And, yet, we were lulled into a false sense of security. I get the sense that we are behind the curve again. You know, you visit any of these—the committee's involved in hardening our facilities overseas. And you go into any major capital in Europe or the Middle East or Africa and they are taking precautions that we are not.

And I know there is a balance between public access and security, but we have gotten to the point where I am worried about the President. I am worried about his family. I am worried about the security on the grounds here at the Capitol. I am worried about the Supreme Court across the street.

And I just have to say that we had advanced notice, albeit you had to connect the dots and you had to talk to each other. This was not good, that a fellow was able to fly in here and land a gyrocopter on the lawn. It is not good. And I know we have got a bunch of reasons why it happened, and it seems like we have got some excuses. But that is just not good enough.

And I have a lot of respect for the panel individually. And I don't know if it is a lack of communication between departments, but we have got to do better. Dear God, we have got to do better.

Since this guy landed the gyrocopter on the lawn, is there anything that we have done that we would do differently if that were to happen today and someone with nefarious intent, a terrorist, were to do the same damn thing? Anybody? OK.

So we are doing basically the same thing that we were doing when this guy did his thing. We need change. We need change.

And I don't know—you know, Mr. Clancy, I have got enormous respect for you and the job that you do. I really do.

But can you tell me what you need to make the White House safe, the Capitol safe, the Supreme Court safe, with respect to the airspace that you are charged to guard.

Mr. CLANCY. Yes, sir. Before I address that, I would just like to say, in this particular incident, we believe—and this is a team effort, certainly among the members here on the panel, but certainly

among the American people, too. And the Department of Homeland Security has this initiative for see something, say something. And we feel very strongly that Americans need to——

Mr. LYNCH. But people said something. People said something. A few people said something. And we all saw something. And some of your colleagues saw things or their employees saw things. And this still went forward, right to the door of the Capitol.

That is what gets me. And there were a lot of the public that were, you know, exposed to potential danger, people bringing their families here. So it is not just, you know, self-preservation here among Members of Congress. We are worried about the general public as well.

Mr. CLANCY. Yes, sir. And you're exactly right, sir.

I think if, for example, the Tampa Bay Times had informed us prior to departure of this aircraft, we could have had a response team at Gettysburg or law enforcement would have. Or if we were notified a day in advance, days in advance, we could have had law enforcement down in Florida. So I think that's part of that team effort.

But in terms of your second question, sir—I'm sorry.

Mr. LYNCH. Well, look, if your officers are on the ground or your agents are on the ground and they see—what are the orders—just at a very basic level, what are the orders for a Capitol Police officer or a Secret Service agent that there is an object flying toward the Capitol? Are we still stand and watch? Are we still passive or are they under orders to do something?

Mr. CLANCY. Sir, for the Secret Service, I'll just say that, first, it's communication and then we take a defensive posture.

We rely on the radar that we see and the communication to take a defensive posture if we need to move any of our protectees or any of the guests by our protected facilities. So that's our first move, cover and evacuate.

Mr. LYNCH. That doesn't work very well with a suicide bomber or something like that, though. I mean, obviously, you shelter in place to the degree you can, but——

Mr. CLANCY. Yes, sir.

Mr. LYNCH. I don't know. I just think maybe we have got to talk about this more in a classified briefing. But this cannot stand.

I yield back.

Mr. CUMMINGS. Will the gentleman yield?

Mr. LYNCH. Sure.

Mr. CUMMINGS. Thank you very much.

I have got to ask you this. This is getting to be very painful.

Mr. Clancy, you said that it is a team effort. I agree. But the gentleman just asked a question, and the silence was chilling.

He asked a question—and I am talking to all of you now—are we doing—and I just—if it is classified information, tell us, and we will deal with it. But I do need to know a yes or no.

Have we done things now that put us in a better position than where we were on the day of this offense? And I don't want silence. It is not good enough.

Chief DINE. Sir, the answer is yes. And I would be glad to discuss that in a closed session.

Mr. CUMMINGS. And has that been a team effort?

Chief DINE. Yes, sir.

Mr. CUMMINGS. Very well. Thank you.

Chairman CHAFFETZ. I now recognize the gentleman from North Carolina, Mr. Meadows, for 5 minutes.

Mr. MEADOWS. Thank you, Mr. Chairman.

So let me pick up on this team environment. Prior to this incident, how many times have all of you met as an agency to discuss new technology that may be a threat to the Capitol or the White House or to other assets? How many times have you all met together prior to this incident to discuss that?

Mr. SALESSES. Congressman, if I can take that, individually, I can't say that we have all met frequently at all. But there is a lot of working done among the Federal departments.

Mr. MEADOWS. So it is not frequent. So how often? How many times have you done it, where all of you have gotten together? You are the team. You talk about the team. Now, we know a lot about teams. The Bad News Bears were a team, too, and they didn't do real well.

Mr. SALESSES. But, Congressman, if I could, our staffs work together.

Mr. MEADOWS. So have your staffs all been in a room to discuss that prior to this incident? And, if so, how many times?

Mr. SALESSES. Sir, first of all—

Mr. MEADOWS. Do you know how many times?

Mr. MEADOWS. Do you know how many times?

Mr. SALESSES. Yes, sir. That is twice-a-month meetings with our staff.

Mr. MEADOWS. To discuss the technology and what is different?

Mr. SALESSES. Yes, sir. And, if I could, I'd like to just take a little—what has been going on, Congressman, is there is a national effort. The National Security Staff has been leading an effort over the last year to look at UAVs in particular, what we refer to as nontraditional aircraft, whether they are gyrocopters, UAVs or—

Mr. MEADOWS. So you just haven't come up with an answer?

Mr. SALESSES. No. No, sir. I want to—

Mr. MEADOWS. But we can put a man on the moon. We can fly a rover to Mars.

Can't we figure out how to stop a postal worker with a gyrocopter coming in to the grounds?

Mr. SALESSES. Sir, the work that is being done between the Department of Homeland Security, the Department of Defense, the Department of Transportation, and recently the National Science and Technology Council fast-track looking at technologies that could help. Again—

Mr. MEADOWS. So when will we have a plan? Admiral, when will we have a plan? You said you are the guy in charge. When will we have a plan to make sure that this doesn't happen in case there is 50 pounds of plastic explosives?

Admiral GORTNEY. Sir, when we go to closed session, I will show you what we have, what we are testing, and when we will—

Mr. MEADOWS. I am not asking what the plan is. I said when will we have it.

Admiral GORTNEY. Sir, I need to do that in a closed session.

Mr. MEADOWS. All right. So let me ask you a different question. Because the silence a deafening.

So if you get together twice a month, your staff, how many times have most of you or all of you gotten together to discuss your responses to this hearing? Did you meet as a group to discuss your responses to this hearing?

Mr. SALESSES. Yes, sir, we did. Yesterday. Yes, sir.

Mr. MEADOWS. So what you are saying is you all got together to discuss your response to this hearing, but, yet, you all don't get together necessarily individually, your staffs do, to discuss the protection of assets here?

Mr. SALESSES. Congressman, we also—

Mr. MEADOWS. Yes or no?

Mr. SALESSES. No, sir. We do at the White House. We have deputy-level meetings and—

Mr. MEADOWS. So all of you got together to discuss your responses to this hearing? When did you do that?

Mr. SALESSES. Yesterday, sir.

Mr. MEADOWS. Why would you do that? If you were just wanting to be transparent, why would you try to coordinate your answers to this hearing? Are you more afraid of the Government oversight than you are of protecting the people?

Mr. SALESSES. No, sir, we are not.

Mr. MEADOWS. So why would you have gotten together to discuss you responses if they were individual responses there?

Mr. SALESSES. To talk about some of the lessons we learned, sir.

Mr. MEADOWS. Talk about the lessons before you testify? Is that what you were doing—

Mr. SALESSES. No, sir.

Mr. MEADOWS [continuing]. Preparing your testimony?

Mr. SALESSES. No, sir. We were talking—

Mr. MEADOWS. So none of you prepared your testimony.

Mr. Clancy, is that your sworn testimony today, that you didn't talk about how you would testify before this hearing?

Mr. CLANCY. Sir, we did talk about what we could talk about in the open hearing as opposed to a closed hearing, and we wanted to make sure—

Mr. MEADOWS. So was there any strategy to those discussions on what you would say and what you wouldn't say in terms of how you would look, Mr. Clancy, before this hearing?

Mr. CLANCY. Sir, the discussion was, again, what could be talked about in the open hearing and what could not be talked about in the open hearing.

Mr. MEADOWS. Well, my understanding is that it was a lot more strategic than that.

Am I wrong, Mr. Huerta? You and I have a good relationship, an honest relationship. Was that discussed in terms of what you would say and what you would not say in terms of response to the questions?

Mr. HUERTA. No, it was not.

Mr. MEADOWS. All right. So what was discussed?

Mr. HUERTA. I think, as you've heard from these other two gentlemen, it was simply a discussion of what could be said in open versus—

Mr. MEADOWS. What I find very concerning, Mr. Chairman—what I find very concerning is all of you are willing to get together to discuss your testimony before coming here to be honest and, yet, the American people expect just honesty and, yet, what we have is a coordinated effort to be a stone wall. That is concerning, Mr. Chairman.

I yield back.

Chairman CHAFFETZ. I thank the gentleman.

I need to add—and I said it in my opening—when we asked you all to come privately brief four committees of Congress, more than half of you said no. I don't understand that. I really don't understand that.

You can sit here in public testimony and say, "We are doing everything we can." This is the way our system works. It is inexcusable to me that you would refuse to come to Congress a week after the attack and give us a brief. Three of you did, but four of you didn't. And that is why you get questions like that, because the time you did get together, nobody was in the room.

Sounds like you all coordinated on how to message this and you spent more time doing that than you did briefing Congress, being candid with us.

I now recognize the gentleman from Pennsylvania, Mr. Cartwright, for 5 minutes.

Mr. CARTWRIGHT. Thank you, Mr. Chairman.

I thank also my colleague from Massachusetts, and I wish to associate myself with his remarks.

He talked about that this is not a question of self-preservation for Members of Congress. We think about not only ourselves, but we think about the people who come to visit us from our districts. We think about the young people who help enable us to do the work that we do. We are talking about thousands and thousands of young people, interns and fellows and employees on Capitol Hill here, and we feel responsible to them and their families and their parents to keep them safe.

All of these people are within the special flight rules area, the SFRA, that you have discussed. They are all within the national capital region flight area that you have been talking about. And, more than that, the visitors who come and visit our national memorials, the World War II Memorial, the Jefferson Memorial.

We just had the National Cherry Blossom Festival a couple of weeks ago. There had to be well over 100,000 Americans visiting. All of those areas and the Tidal Basin are within the special flight rules area; are they not? That is correct. An area that was traversed by this knucklehead with a gyrocopter who could easily have been a terrorist.

And so we take seriously a hearing like this. It isn't about ourselves. It is about the huge number of Americans who are in this special flight rules area and the national capital region. And it is not just about gyrocopters either. It is about drone as well. We have heard a lot in the past months about drones and the threat they could cause to our national security.

You know, Admiral Gortney, your testimony was—you said this: What we now understand is that the gyrocopter was detected by several of the integrated sensors as it approached and transited

through the SFRA, the special flight rules area. However, the aircraft's flight parameters fell below the threshold necessary to differentiate aircraft from weather, terrain, birds, and other slow-flying objects so as to ensure that the systems and those operating them focus on that which poses the greatest threat.

You said: We are in the early stages of conducting a thorough reconstruction and analysis of all aspects of this incident, including time lines, communication, and sensor data.

And you said: Identifying low-altitude and slow-speed aerial vehicles from other objects is a technical and operational challenge.

Have I read that correctly, Admiral?

Admiral GORTNEY. That is correct, sir. And I can go into greater detail in answering some of those questions in closed session.

Mr. CARTWRIGHT. Well, here is my problem. Like my colleagues up here on the dais and the public, I find the lack of planning on how to respond to gyrocopters and drones surprising and disappointing. These things are hardly new. The British Army flew a drone as early as 1917. And here we are nearly 100 years later and we are just starting to tackle the problem.

I want to invite Mr. Huerta—your attention to this question: When did the FAA first begin to think that drones may be a security concern?

Mr. HUERTA. Well, the FAA has specific direction from Congress to swiftly integrate unmanned aircraft into the national airspace system. That was included in the FAA Authorization Act of 2012.

Since then, we have published a road map for their integration and we have embarked upon a stage integration process to find ways to integrate these into the national airspace system.

But we do cooperate with our interagency partners on the larger question of what they may pose as a security threat. Our mandate and our direction is to find a way to integrate them so that they don't pose a safety of flight issue.

Mr. CARTWRIGHT. Well, back to you, Admiral Gortney.

You said: Identifying these vehicles is a technical and operational challenge. "Challenge" is a nice word for "problem," something that we are really having a hard time with.

So the question is: How long have you known this was a challenge, Admiral?

Admiral GORTNEY. Sir, we've been working against the low-radar cross-section target for probably over 25 years. I've been in the aviation business for over 38. So we understand the problem. We understand the technical challenges.

And if we go to closed session, we can show you the solutions that we have in place and we are currently testing, but I can't do it in an open session.

Mr. CARTWRIGHT. On a scale of 1 to 10, 10 being the most urgent, how urgent is this, gentlemen?

Mr. SALESSES. Very.

Admiral GORTNEY. In the protection of the United States and Canada and the homeland defense and my role as the NORAD commander, it is my primary responsibility. On a scale of 1 to 10, it's on about a 50.

Mr. CARTWRIGHT. I look forward to the closed session. Thank you.

I yield back, Mr. Chairman.

Chairman CHAFFETZ. I thank the gentleman.

I now recognize the gentleman from South Carolina, Mr. Mulvaney, for 5 minutes.

Mr. MULVANEY. Thank you, Mr. Chairman.

I am going to go about this a little bit differently, a little bit more straightforward.

At any time did we have the ability to interdict and to shoot this guy down? Mr. Gortney? Admiral?

Admiral GORTNEY. No, sir. We did not because we did not have a detection, our ability to track it or positively identify it to queue our sensors. If we had—I can't go any farther.

Mr. MULVANEY. That is fine. That is fine. I obviously don't want to know anything that we can't do in public session. I am just curious.

Admiral GORTNEY. But I have that answer for you.

Mr. MULVANEY. We hear around here that we had the ability, but chose not to.

But you telling me that is not accurate?

Admiral GORTNEY. I need to go to closed session.

Mr. MULVANEY. Thanks very much.

So, then, I guess the same answer regarding, if the gentleman had wanted to, he could have crashed this into the Capitol building. Correct?

Admiral GORTNEY. Yes, sir.

Mr. MULVANEY. And the same is true for the White House or the museums?

Admiral GORTNEY. If there was an intent, yes, sir.

Mr. MULVANEY. Would it have been different if it was a small single-seat airplane?

Admiral GORTNEY. Yes, sir. A small single-seat airplane, the size of a Cessna or smaller, we'd probably be able to track that.

Mr. MULVANEY. Got you.

Admiral GORTNEY. We would—we do it every—we track them and we have two incidents a month where we actually launch our helicopters on those sorts of things.

Mr. MULVANEY. OK. A similar result had it been a drone or something smaller than a gyrocopter?

Admiral GORTNEY. That's correct.

Mr. MULVANEY. Who saw it first?

Mr. MACLEAN. An officer with the United States Park Police saw it first.

Mr. MULVANEY. And it is fair to say that you were the only one at the table who didn't know about this guy in advance. Right?

Admiral GORTNEY. We did not.

Mr. CLANCY. The Secret Service did not.

Mr. HUERTA. We did not.

Mr. MULVANEY. NORAD didn't?

Admiral GORTNEY. We did not.

Mr. MULVANEY. OK. So the Secret Service knew.

Who else knew about this guy in advance, then? Park, Capitol Police. But the Park Police did know about the guy. OK.

Let me figure out why he left from Gettysburg. Given that any thought? Why would a guy drive from Florida to Pennsylvania to

do this? Does anybody have any thoughts on that? Does that make sense to anybody? There is a lot of private airports, small airports, between Florida and Gettysburg.

Admiral GORTNEY. I think with an ongoing investigation, both legal and technical, it is difficult for us to answer that question.

Mr. MULVANEY. Fair enough. All right.

Here is my last question, then. Because it sounds like most of the stuff I want to know we will have to deal with in closed setting.

Admiral Gortney, were you advised not to come here today? Did anybody suggest to you not to come here today?

Admiral GORTNEY. No, sir.

Mr. MULVANEY. Did anybody suggest that you not come to the briefing a couple weeks ago?

Admiral GORTNEY. We were seeking permission and did not receive the permission. Why that happened I'm not sure, sir.

Mr. MULVANEY. From whom do you seek permission for that, sir?

Admiral GORTNEY. We go through the Department of Defense.

Mr. MULVANEY. And who would the next person up the ladder from you be in that—

Admiral GORTNEY. My chain of command goes from myself to the Secretary of Defense to the President.

Mr. MULVANEY. OK. Mr. Saleses, the same question.

Mr. SALESSES. Sir, I don't have a good answer for why we didn't show. And I apologize for not showing. Because that's not something the Department normally does.

Mr. MULVANEY. Did you seek permission to show and just—

Mr. SALESSES. I was not aware that you were trying to have—me personally, I was not aware of it.

Mr. MULVANEY. OK. Mr. Huerta?

Mr. HUERTA. We were—I understood it to be a scheduling issue. We had offered an alternative time the following afternoon, and we did not hear back.

Mr. MULVANEY. Mr. Clancy, I think you were one of the ones who did agree to come. Right?

Mr. CLANCY. Yes, sir.

Mr. MULVANEY. With that, I will yield my time to the chairman.

I guess we ask Mr. MacLean and Chief Dine the same question, but I assume I know the answer there.

So go ahead, sir.

Chief MACLEAN. Yes, sir. I'm an employee of the United States Department of the Interior. And they were planning to schedule a properly—a proper witness to come and attend, and I did attend the following day.

Mr. MULVANEY. OK. Chief Dine?

Chief DINE. Yes, sir. I was here last week. And, of course, I am glad to be here today.

Mr. MULVANEY. I yield the balance of my time to the chairman.

Chairman CHAFFETZ. I thank the gentleman.

I now recognize the gentleman from North Carolina, Mr. Walker, for 5 minutes.

Mr. WALKER. Thank you, Mr. Chairman.

I want to look at the time line again and make sure that I am clear on it. But let me back up just for a second.

How many different agencies or departments were contacted at some point past or during the week of by the Tampa Bay Times reporter? Just by a show of hands, who did he reach out to at any point? Secret Service? OK.

Chief Dine, when did you first get contacted by the Tampa Bay Times?

Chief DINE. That same day, a few minutes before he landed.

Mr. WALKER. When you say "a few minutes before," is that the 1 p.m. Timeframe again?

Chief DINE. Well, 12:59. Yes, sir. And then at 1 p.m.

Mr. WALKER. 12:59. And he lands at 1:24, 1:22?

Chief DINE. 1:23-ish.

Mr. WALKER. 1:23.

So can you walk me through what you did in those 22, 23 minutes. Can you sort of give me a time line. What is your first call? Just for my own education here.

Chief DINE. Yes, sir. 12:59 was the email. That email was quickly sent to our Investigative Division, who began to try to pull up information. Then a minute later he called our Command Center. They talked to him a little bit. And then that information was provided to our investigators as well.

Mr. WALKER. When you say provided to your investigators, what—when you have somebody that is approaching the Capitol in this unidentified flying object, for lack of a better expression, what do you do when you hear that information, that this is something that could be encroaching into the airspace? What happens? What is your next step?

Chief DINE. Well, what happened in this case was there was no information that this was happening as they spoke or that it was imminent. There was no time or day provided.

What they did do was do some research into the individual himself and, also, check to see—one of the questions was was there a waiver provided. So we have a system to access that as well.

Mr. WALKER. So are any of these agencies that you contact once you hear that this is a possible situation—is there any communication between the different departments or agencies that this is a concern?

Chief DINE. In this instance, we contacted the NCRCC once it came to fruition.

Mr. WALKER. Mr. Clancy, you said you got information on this as well? Is that correct?

Mr. CLANCY. Sir, Tampa Bay Times called our Tampa Bay office on April 13, but there was no specification regarding Mr. Hughes, the gyrocopter.

The question was simply would we be involved in civil disobedience displays by individuals, and we said we would be if it involved our protectee or one of our protected facilities. There was nothing specific.

Mr. WALKER. One of the opening remarks—and I am trying to remember specifically who talked about this—talked about on the radar, distinguishable versus undistinguishable.

Can someone speak to that as far as—help me understand that.

Mr. HUERTA. An unfiltered radar feed picks up everything. It is cluttered with—in addition to aircraft, will include things such as

traffic on the streets. It will include birds, anything that is moving around.

And so, for our purposes at the FAA, we filter it for what our primary function is, which is to safely separate aircraft, and that means we filter out small things that might be a distraction to a controller.

Now, what our forensic analysis showed was that the radar did indicate something after the fact that we were able to piece together as most likely the flight of the gyrocopter.

Mr. WALKER. But would you agree that after the fact may not be a good scenario?

Mr. HUERTA. No. I would agree with that. But the point being an air traffic controller can't do his job with a very cluttered screen. And so what we are very focused on is how can we ensure that a controller is able to safely separate air traffic in our case.

Admiral GORTNEY. Sir, if I could—

Mr. WALKER. Yes. I will come to the Admiral in just a second.

Can you answer your own question there? How can that be more safety conscious as far as being able to get through the clutter on his own screen?

Mr. HUERTA. What we do is—because the things that we are filtering out are things like birds or weather systems or small things that do not pose a threat to aviation safety.

Now, we do provide the unfiltered radar to our partners across the Government, and each of the individual participants filters it for their own purposes.

Mr. WALKER. And I want to have time for the Admiral here. But help me understand this.

Is there not—and you would know this, being the expert. If someone is flying a gyrocopter, isn't that a different pattern than what birds or other things may be flying around on a radar or an FAA system?

Mr. HUERTA. As I testified to earlier, it appeared and disappeared. It actually had much more in common with a weather system.

Mr. WALKER. OK. Admiral?

Admiral GORTNEY. Sir, the characteristics on radar of an aircraft of this size, flying the speed and the altitude—it has the same characteristics of birds—of flocks of birds. It can appear the same way.

And so we adjust. We take the feeds from the FAA as well as our own sensors, and then we adjust those filters based on the environmental factors that would give us the highest probability to pick up the smallest possible target that's a real target.

Mr. WALKER. Thank you, Admiral. My time has expired.

I yield back, Mr. Chairman.

Chairman CHAFFETZ. I recognize the gentleman from Georgia, Mr. Carter, for 5 minutes.

Mr. CARTER. Thank you, Mr. Chairman.

Thank all of you for being here. We appreciate the work that you do. I have just three very quick questions for you or maybe comments.

First of all, Mr. Clancy, thank you for being here. I believe you were here a couple of weeks ago and I closed my comments with

saying that I hoped I didn't see you anytime soon. Here we are again.

Mr. CLANCY. Yes, sir.

Mr. CARTER. Chief Dine, I want to ask you—we had an incident in Cannon—I believe it was last week—where there was a suspicious powder that was found. I know that my staff had four emails sent to them during that time. Yet, in this situation with the gyrocopter, we only had one email sent to us, and that was after the fact.

Why the difference there? What different scenario lead us to that situation?

Chief DINE. The answer is that the systems we had in place failed and we immediately fixed them. And I certainly understand your concern.

So messages will be sent immediately now. And I appreciate the fact that you acknowledge that we sent them in those other instances.

Mr. CARTER. We sent them in those other instances, but we didn't with the gyrocopter?

Chief DINE. We sent some out, but clearly it was not comprehensive enough. Yes, sir. You're correct.

Mr. CARTER. Gentlemen, it just appears to me that we are not keeping up with the times. I have been sitting here and I hear what you say, that this needs to be discussed in a confidential hearing, and I get that. But I am still not confident—and I think the people want to be confident—that we are keeping up with the times.

Drones aren't anything new. They have been around. And, yet, all of a sudden we are having all these incidents. We read about the incident in Japan with the Prime Minister and the radioactive material that was sent there. That is scary. It is scary for me and scary for everyone.

Are you comfortable and confident—and I want you to assure the American people that you are—that we have got this under control?

Admiral GORTNEY. Sir, we can assure the American people that all of us at this table and the whole of Government is working their very best to protect this Nation and its citizens against the many threats that happen to be out there. In closed session, I'll tell you what we're doing about this particular threat.

Mr. CARTER. Does that mean it is not going to happen again?

Admiral GORTNEY. I can never say it is not going to happen again, sir.

Mr. CARTER. I understand, that.

The last thing is the communication particularly among all of you. You know, look, I am a freshman rep. I have been up here for 4 months. But I have been in business for many years, and I know that communication is the key and you have to surround yourself with good people and you have to make sure everybody is talking to each other.

But I am just not getting that warm and fuzzy feeling here today after listening to all of this that that is happening with you all. And I just want you to assure me, if that has not been the case up to this point, that it will be the case in the future.

Admiral GORTNEY. Sir, on the morning of 9/11, a network, a telephone line, went into effect, and it has never been hung up since. And it includes—we call it the DEN—it includes over 200 mission partners that protect the American people for this particular threat—for the air threat. It is called the DEN.

And it is exercised and it operates every single day. Twice a day just for the national capital region every one of those 200 mission partners are dealing with a penetration to our special flight—the SFR. Twice a day it occurs. And once a week we actually launch the Coast Guard helicopters in order to do it. So not only is it operating, it is exercised, it is utilized, every single day.

Mr. SALESSES. Congressman, if I could, too, there is an effort underway by the White House and the National Security Council to bring all the Federal departments together to look at these issues, in particular, technologies that are currently available, technologies that are being in development, and looking at possible procedural changes when we encounter these kinds of situations.

Mr. CARTER. Again, gentlemen, I want to thank you for the work that you do and encourage you. Please, this is extremely important and we really need you. So thank you for being on top of your game.

Mr. Chairman, I yield back.

Chairman CHAFFETZ. I thank the gentleman.

I recognize the ranking member.

Mr. CUMMINGS. Thank you very much.

I want to thank all of you for being here. But I just have three issues that I want to raise, and Mr. Carter mentioned one of them. You know, as I sit here, I cannot help but be concerned about the communication situation here.

Mr. Saleses, you said that you didn't even know that the ranking—the chairman and ranking member, four committees, wanted you to be here the other day?

Mr. SALESSES. Sir, I did not personally know.

Mr. CUMMINGS. There is something wrong with that picture. There is something wrong with that picture. And let me tell you what I tell my staff. When something goes wrong and I find out about it, I wonder what I don't know about. And so, if you recall, at the beginning of the hearing, I said people talk about when the rubber meets the road and then we discover there is no road. So communication is basic stuff.

And then I want to just—and this is directly connected. You know, one of the things that we have noticed in a lot of committees—not just this committee, but other committees—is that folks seem to operate and want to operate in silos, silos. You are doing something over here. I am doing something over here. I have got my turf. You have got your turf. And it works against effectiveness and efficiency. And I just want to make sure that you all assure us that you truly are working together. I just think we—this is of such urgency.

And my final point. I know you said that your staffs get together, top-level staff. I guess that is what you all are saying. You all need to get together, and it should not be just to prepare—to get your notes together for a hearing.

I mean, you all are—I mean, you are there. You are paid to do a certain job. And, I mean, this is with all the respect that I have for you, and it is tremendous respect. But it is not about your deputy or whatever. It is you all. We look to you all. You are the experts. You are the ones who give your blood, sweat, and tears, and you all are the brilliant minds that we rely on every day to keep us safe.

And I think you all need to be meeting. I know somebody said that the White House is trying to put something together where folks get together. I mean, that is just—I mean, that just comes from you, you, particularly after we have an incident like the one that happened here.

And so, you know, I am anxiously looking forward, Mr. Chairman, to the closed session. And I know you are going to talk about that in a minute so that we can get some answers.

And if there are things that you could not answer—I hope you all took notes about the things that you said that we have to discuss in closed session, and then we'll do that. But, again, I want to thank you for being here today. And we are going to press forward.

Mr. Chairman, thank you.

Chairman CHAFFETZ. I thank you.

And this has been a good, productive hearing, but we will go to a closed hearing at another date. We have two other subcommittee hearings. We got backed up with the Prime Minister. We appreciate your patience. You all have important jobs to do as well. So we will work together at another time.

I do have a few more questions. The Tampa Bay Times published stories prior to this incident. The guy in the gyrocopter was live-feeding a stream. I have heard a story from one of the major networks where they were watching it in New York, called down to the Capitol, and had staff reporters and producers go down on the grass to watch it happen.

Do you all not monitor social media? Is Twitter like a new thing for you? I mean, this stuff is out there. Try Google Alerts. It is there. If it is not showing up on the radar, it was showing up on the media's radar. And I don't understand why you aren't able to pick up that sort of signal.

Because if you say that there is never any exposure in advance, we have got to become more technically savvy, if you can truly have somebody read a story online, get it to the appropriate person in New York, send a producer, she walks down on the grass and watches this land, and you all have billions of dollars, billions, and you don't see a dude in a gyrocopter flying over.

We deal with this on the border every single day. If I get Customs and Border Patrol up here, they would tell you about how they are detecting these. They will tell you how the incursions are working. They have got special things that I can't talk about right here. I have been in them. I have seen them. They are very candid and open.

And they are in the same Department. That is why we had Homeland Security. After 9/11, we formed Homeland Security to communicate, to coordinate. And the only time you all seven can

get together is when you get called to the Oversight and Government Reform Committee. That is in excusable.

If the major networks can watch it live on television, I expect you to watch it on live television and do something about it. And I still have huge questions about what you would actually do. I want the men and women who are out there on the front line that have their hands on those triggers to know we have got their back.

We don't know if the person has mental capacity. I am going to assume they do. But you cannot come into the capital region. You are not going to go on that Lincoln Memorial. You are not coming to the White House. You are not coming into the United States Capitol unimpeded. We are going to take you down. That is the prevailing attitude.

We can get all these sob stories about how nice we want to be. But until we project force, until we let people know that, "If you come here, you are going to go down. Then we will figure out your disposition," then we are sending all the wrong signals. We are sending all the wrong signals.

And so every time we have an incursion and they are not taken down fast and hard, some other-job is going to get an idea and terrorists are going to get more ideas. Figure it out. We pay you a lot of money, billions of dollars, and it has been a long time since 9/11. Figure it out.

To the men and women who are doing this, God bless them. I cannot thank them enough. They do amazing things.

Two more questions and then I will be done. I would like after this hearing to get your comments or your reaction, if you are allowed, on the charges that were brought against this.

One of the things I hope I can work with the ranking member and others on—this gentleman was charged with a misdemeanor. This is a misdemeanor offense. The more stringent offense was his flying of a gyrocopter. But an incursion into the airspace, we have to look at that as a Congress.

Finally, I have got to ask you, Mr. Clancy: Is A.T. Smith still on the Secret Service payroll?

Mr. CLANCY. Yes, sir. He's a detailee to another Homeland department.

Chairman CHAFFETZ. Where does he work? What is his title?

Mr. CLANCY. Sir, I am not aware of his title, but he works for the CBP.

Chairman CHAFFETZ. Is he your Chief of Staff?

Mr. CLANCY. No, sir.

Mr. CHAFFETZ. He doesn't hold the title of Chief of Staff?

Mr. CLANCY. Sir, he's not—I don't know what his title is. He has not been—

Mr. CHAFFETZ. Does he work in the Secret Service building?

Mr. CLANCY. No, sir.

Chairman CHAFFETZ. Does he have a Secret Service vehicle?

Mr. CLANCY. Not that I am aware of. No, sir.

Chairman CHAFFETZ. You will get back to me on that and confirm that?

Mr. CLANCY. Yes, sir.

Chairman CHAFFETZ. Whose decision was it—yours or Secretary Johnson's—to detail Smith rather than transfer him out of the agency?

Mr. CLANCY. Sir, it was my decision.

Chairman CHAFFETZ. So why do you keep him in the Secret Service? You sent out a press release that says he accepted a position within the Department of Homeland Security effective Tuesday, February 10, 2015, but he still works for the Secret Service.

Mr. CLANCY. Sir, he's detailed to—he is on our payroll. Yes, sir. Chairman CHAFFETZ. Why?

Mr. CLANCY. Sir—

Chairman CHAFFETZ. You told me, you told the ranking member, you told the world—you all sent out a press release saying he was being transferred. But he still works for the Secret Service, doesn't he? He still gets a Secret Service—

Mr. CLANCY. He gets a Secret Service paycheck. Yes, sir.

Chairman CHAFFETZ. How long is he detailed for?

Mr. CLANCY. Sir, it has not been defined, the time limit.

Chairman CHAFFETZ. It has been since February.

Mr. CLANCY. Yes, sir.

Chairman CHAFFETZ. Ranking Member Cummings.

Mr. CUMMINGS. Does the chairman yield?

Mr. Clancy, just following up on that, so is he actually working—I mean, I know he gets a Secret Service paycheck.

But is he actually working for the Secret Service in his detailed type of position?

Mr. CLANCY. No, sir. I have no contact with Mr. Smith.

Mr. CUMMINGS. None?

Mr. CLANCY. None, sir.

Mr. CUMMINGS. And we have details up here, too. So they have a limited time that they are with us.

Can you tell us what the limitations are, wherever he is, and can you get that information to us?

Mr. CLANCY. Sir, I'll have to get back to you on that. Yes, sir.

Mr. CUMMINGS. All right. Thank you very much, Mr. Chairman. I yield back.

Chairman CHAFFETZ. You have done, Mr. Clancy, a very good job of building trust and confidence. It is flushed down the toilet when I read and hear about these things.

You said to us, to me personally, multiple times, the White House did, Homeland Security did, Secretary Johnson did, Mr. Mayorkas did, that you are implementing fundamental changes.

Mr. CLANCY. Yes, sir.

Chairman CHAFFETZ. And this guy is still on the payroll. You sent out a press release touting that he was going to another department and agency and he does no work for the Secret Service, and, yet, he is on your payroll.

Don't ever come back here to Congress and tell me that you have a financial problem when you have got A.T. Smith on your payroll and you say you don't have enough money. You shouldn't have to pay for that out of your budget. He is a very, very senior person.

You personally promised that he was being moved and transferred out of the Department, and he hasn't. I am not buying this unlimited detail thing. This is just classic Homeland Security shuf-

fling around, and every one of your employees knows it. How do you think I know it? I don't go to work there. Your employees know it. And you lose their trust and confidence that you are actually implementing the change that you say you are going to.

There was no consequence to all these things we have talked about if he can keep his job, have a great title, get the same paycheck, you know, get a detailee, when waters calm down, then we will sort things out.

With that, the committee stands adjourned.

Mr. CUMMINGS. Mr. Chairman, 1 second. I just want to ask one more question. Because the things you just said concern me, and I just wanted Mr. Clancy to have an opportunity to respond to that.

If you want to. You may not want to. Those were some strong accusations, and I am just wondering, do you have a response?

Mr. CLANCY. Sir, Mr. Chairman, all I can say is that I was looking for a fresh perspective in our leadership team, and we thought this was one opportunity to do that.

And I am very pleased with the team that we have in place today. We have not gone back to those individuals who have taken these detailee positions. So I didn't have any other comment, sir.

Mr. CUMMINGS. Is it unusual for you to detail people—I mean, the Secret Service to detail people?

Mr. CLANCY. No, sir. We have detailees certainly up here in Congress. We are the beneficiary of detailees as well.

Mr. CUMMINGS. Thank you very much.

Chairman CHAFFETZ. Reclaiming my time, one more time, I have got to tell you, you tried to tell the men and women of the Secret Service, you tried to tell Congress, you tried to tell the world, that you were making changes. And everybody can look this up. It is public knowledge.

But here is \$183,000 that comes out of your budget that could have gone to somebody else. Hire a new, fresh person. Promote somebody within the agency. Do whatever you might. But then you are going to come crawling back to Congress, saying, "I need more money. I need more money."

The four assistant directors that you also released, that were transferred away, are they also detailees or are they still on the Secret Service payroll?

Mr. CLANCY. Sir, there is one—one is a detailee on our payroll. Yes, sir.

Chairman CHAFFETZ. And where is he detailed to?

Mr. CLANCY. Sir, he is also with—he is with ICE, sir.

Chairman CHAFFETZ. What do they do at ICE?

Mr. CLANCY. And they can correct me if I'm wrong here.

I believe he's in a training position.

Chairman CHAFFETZ. Will you provide to this committee by the week's end the disposition of each of the people that you supposedly—you know, you were cleaning house. You were making changes. You were touting that. You were telling the committee that.

Tell us exactly with each and every one of them where they are, how long the detail it, how much they make, all the relevant details that our staff asked for.

Is that fair enough? Can you do that by the end of the week?

Mr. CLANCY. Yes, Mr. Chairman.

Chairman CHAFFETZ. Thank you.

We now stand adjourned.

[Whereupon, at 2:11 p.m., the committee was adjourned.]



## **APPENDIX**

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MATERIAL SUBMITTED FOR THE HEARING RECORD

JOHN L. MICA  
7th District, Florida

Congress of the United States  
House of Representatives  
Washington, DC 20515-0907  
October 8, 2013

Mr. Kim Dine  
Chief  
U.S. Capitol Police  
119 D Street, NE  
Washington, DC 20510

Dear Chief Dine:

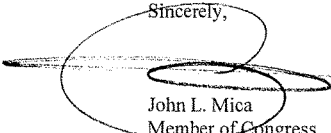
While we all appreciate and commend the actions of those law enforcement officers during the incident of October 3, 2013, I am contacting you to request your response about concerns that were highlighted by this tragic act.

1. It is my understanding that Secret Service, Capitol Police, Park Service Police and District of Columbia Police in the immediate D.C. area do not have interoperable communications. Is that communications deficit being addressed and on what timetable?
2. We have expended hundreds of millions of dollars on barriers and security enhancements around the U.S. Capitol. How could we not deploy our pop up street barriers in time to prevent access to the Capitol Complex?
3. While this incident only involved one deranged individual, if that vehicle was controlled by those who possessed significant skill, explosives or more serious destructive intent, what new measures or protocols do you plan to implement to protect the Capitol Complex?

Your prompt response to this inquiry will be most appreciated.

Again, I appreciate your service and work and hope these questions can be addressed as you review and evaluate the incident response by various agencies.

With my regards and best wishes, I remain

Sincerely,  
  
John L. Mica  
Member of Congress

cc: **The Honorable John Boehner**, Speaker of the House, U.S. House of Representatives;  
**The Honorable Harry Reid**, Majority Leader, U.S. Senate;  
**The Honorable Michael McCaul**, Chairman, House Committee on Homeland Security;

**The Honorable Bennie Thompson**, Ranking Member, House Committee on Homeland Security;  
**The Honorable Candice Miller**, Chairman, House Administration Committee  
**The Honorable Robert Brady**, Ranking Member, House Administration Committee  
**The Honorable Charles Schumer**, Chairman, Senate Rules & Administration Committee  
**The Honorable Pat Roberts**, Ranking Member, Senate Rules & Administration Committee  
**The Honorable Rand Beers**, Acting Secretary, U.S. Department of Homeland Security;  
**The Honorable Sally Jewell**, Secretary, U.S. Department of the Interior;  
**The Honorable Jonathan Jarvis**, Director, National Park Service;  
**The Honorable Julia Pierson**, Director, U.S. Secret Service;  
**Mr. Kim Dine**, Chief, U.S. Capitol Police;  
**Ms. Cathy Lanier**, Chief of Police, Washington, D.C.

**Re: Follow up to the Police Activity on  
the West Front of the Capitol Building**

Mica, John

**Sent:** Thursday, April 16, 2015 7:35 PM

**To:** House Alert 1

I have searched my messages to see if an alert was sent out on this incident. Was one sent ?

Congressman John Mica

House Alert 1 <HouseAlert1@mail.house.gov>  
wrote:

This is a message from the House Sergeant at Arms.

The U.S. Capitol Police have cleared the police activity on the West Front of the U.S. Capitol Building. All temporary road closures have been released. The U.S. Capitol Complex has returned to normal operation.

Subject: Follow up to the Police Activity on the West Front of the Capitol Building

From: House Alert 1  
<[HouseAlert1@mail.house.gov](mailto:HouseAlert1@mail.house.gov)>

Date: Apr 15, 2015, 5:02 PM

To:  
This is a message from the House Sergeant at Arms.

The U.S. Capitol Police have cleared the police activity on the West Front of the U.S. Capitol Building. All temporary road closures have been released. The U.S. Capitol Complex has returned to normal operation.

**Congressman Gerald E. Connolly (VA-11)**  
**Committee on Oversight and Government Reform**  
***Flying Under the Radar: Securing Washington, D.C. Airspace***  
**April 29, 2015**

The National Capital Region (NCR) has been in a state of heightened alert since terrorists attacked the Pentagon and the World Trade Center on that terrible morning of September 11, 2001. As a Member with the privilege of representing the men and women of the Commonwealth of Virginia's 11th Congressional District, I have experienced firsthand the multitude of dangerous incidents that have elevated the threat level posed to residents of the NCR, from the deadly anthrax attacks, to 2002 sniper attack, to the horrific Washington Navy Yard shooting, to the tragic, yet understandable, fatal shooting of Miriam Carey in 2013.

The one thread tying these dangerous and unpredictable events together is the reality that our Federal law enforcement officers face the incredibly daunting challenge of making split-second, life or death decisions in chaotic environments. It is a thin line separating appropriate action and a deadly mistake when it comes to defending our Nation's Capital. The dedicated men and women who serve in the ranks of the Capitol Police face a particularly daunting challenge in preserving the Legislative Branch's unprecedented openness and accessibility – a defining characteristic of the American Congress – while simultaneously taking prudent steps to identify risks and implement reasonable security policies and protocols.

The United States Secret Service received justified criticism over the agency's mistakes in responding to the White House fence jumper Omar Gonzalez. However, lost in much of the consternation and calls to simply shoot any individual who dares trespass the White House fence, is that even recognizing the Secret Service must dramatically improve its protective mission performance; on balance, it is positive that the Secret Service was able to apprehend, rather than kill, an American combat veteran suffering from serious mental illness.

Similarly, while the Committee should use this hearing to learn more about the decision making processes utilized by Federal law enforcement agencies to make the risk-based determination that the 61 year old postal employee Doug Hughes posed no threat to the Capitol complex, we must also recognize that in this specific instance, the Capitol Police appear to have made the right decision and deescalated the situation in a calm and orderly manner, averting another justified, yet heartbreaking, deadly incident involving an individual who does not pose a serious national security threat.

This Committee will no doubt uncover shortcomings in the response to the gyrocopter incident. However, rather than solely dwell on mistakes, my hope is that we will work in a bipartisan fashion to carefully examine how Congress can work in pragmatic and proactive manner with Federal, State, and local entities to enhance coordination and strengthen the security posture of the NCR.

-END-