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United States Senate

COMMITTEE ON COMMERCE, SCIENCE,
AND TRANSPORTATION

WASHINGTON, DC 20510-6125

WEBSITE: <https://commerce.senate.gov>

March 11, 2026

The Honorable Pete Hegseth
Secretary
U.S. Department of Defense
1000 Defense Pentagon
Washington, D.C. 20301

The Honorable Sean Duffy
Secretary
U.S. Department of Transportation
1200 New Jersey Avenue, SE
Washington, D.C. 20590

The Honorable Bryan Bedford
Administrator
Federal Aviation Administration
800 Independence Avenue, SW
Washington, D.C. 20591

The Honorable Pamela J. Bondi
Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, D.C. 20530

The Honorable Kristi Noem
Secretary
U.S. Department of Homeland Security
2707 Martin Luther King Jr. Avenue, SE
Washington, D.C. 20528

Secretary Hegseth, Attorney General Bondi, Secretary Duffy, Secretary Noem, and Administrator Bedford:

The Federal Aviation Administration (FAA) has exclusive authority to ensure the safety of the national airspace system and efficient use of the nation's airspace.¹ Each Federal agency granted counter-drone authorities to detect, identify, mitigate, or neutralize drone threats is required under Federal law to coordinate with the FAA so the FAA can ensure that the use of counter-drone technologies or systems do not adversely impact or interfere with the safe and efficient operation of the national airspace system.^{2,3} Congress required relevant agencies to coordinate with the FAA because counter-drone actions may result in unintended risks to aviation safety if not conducted responsibly. These statutory interagency coordination requirements must not be relegated to mere box-checking exercises.

¹ 49 U.S.C. 40103

² 10 U.S.C. 130i; 6 U.S.C. 124n; 50 U.S.C. 2661.

³ 49 U.S.C. 44810

The Federal interagency coordination process for counter-drone activities is clearly broken. In the past month, federal officials deployed a novel counter-drone high-energy laser near the Texas-Mexico border on multiple occasions. It does not appear these actions served their intended purpose of mitigating specific drone threats. Instead, these incidents highlighted serious process failures that expose the flying public to unacceptable safety risks. With the number and type of drone incursions into the United States potentially expected to increase significantly, your agencies must resolve these deficiencies without delay.

Following a March 4, 2026 classified briefing from relevant agencies, I am deeply concerned about the lack of a clear and effective coordination plan for the responsible use of counter-drone systems. During the briefing, leadership of the Department of Defense (DoD), Department of Homeland Security (DHS), and the FAA acknowledged that serious interagency failures and missteps impacted last month's incidents related to the use or potential use of counter-drone high energy laser systems near El Paso, Texas, Santa Teresa, New Mexico, and Fort Hancock, Texas. The shutting down of the El Paso and Santa Teresa airspace made the public and Congress aware of the first known domestic use of a counter-drone laser system outside of controlled environments. It is unacceptable that this system was deployed without adequate coordination with FAA, which likely violated the law.⁴ And it is unacceptable that yet another incident occurred just two weeks later when DHS Customs and Border Protection (CBP) failed to notify the military about its own drone operations in DoD's vicinity, leading to the military downing a CBP drone near Fort Hancock.⁵

Both incidents highlight fundamental coordination and communication failings that resulted in unnecessary risks to the national airspace system. Simply put – the current interagency process is not working. This leads me to question who should have authority to use the high-energy laser technology and whether the federal government is prepared to properly execute its responsibilities with state and local authorities on the use of counter-drone technologies and systems that Congress recently granted in the 2026 National Defense Authorization Act.⁶ In extending these authorities, Congress required DHS and the Department of Justice to issue regulations governing personnel training and certification to ensure anyone operating counter-drone systems below the Federal level knows how to properly identify drone threats and safely mitigate those threats without putting civilian aircraft at risk. With the 2026 FIFA World Cup events – including six matches that will be hosted in Seattle this June and July – and the 2028 Los Angeles Olympics fast approaching, each agency with counter-drone responsibilities needs to be prepared now to act swiftly in the face of any such threat without jeopardizing aviation safety.

⁴ 10 U.S.C. 130i; 6 U.S.C. 124n; *see also* Demirjian, Karoun, Kate Kelly, Eric Schmitt, and Tyler Pager, "Inside the Debacle That Led to the Closure of El Paso's Airspace," *The New York Times*, February 14, 2026, available at: <https://www.nytimes.com/2026/02/14/us/politics/el-paso-airspace-closure-faa-pentagon.html?smid=nytcore-ios-share>.

⁵ Craw, Victoria and Alex Horton, "U.S. military used a laser to shoot down a Border Protection drone," *The Washington Post*, February, 27, 2026, available at: <https://www.washingtonpost.com/national-security/2026/02/27/cbp-drone-us-military-faa-texas/>.

⁶ Title LXXXVI – Securing the Airspace, Facilitating Emergency Response, and Safeguarding Key Infrastructure, Entertainment Venues, and Stadiums, S. 1071, *National Defense Authorization Act for Fiscal Year 2026*.

We need leadership at your respective agencies to allocate appropriate resources and attention to fix these coordination problems without delay—before a preventable tragedy occurs.

Your agencies have indicated they are actively working to address the process failures that contributed to last month's incidents. To ensure rapid progress is being made, I request that you brief the Senate Commerce, Science, and Transportation Committee on the actions you have taken or plan to take to fix the interagency coordination process, your plans for implementing the new counter-drone authorities at the state and local level, the results of FAA's safety risk management analysis of DoD's counter-drone high-energy laser technology, and other relevant updates. I request that this briefing occur no later than March 25, 2026.

Sincerely,



Maria Cantwell
United States Senator
Ranking Member, Committee on Commerce, Science, and Transportation