

**Comments of Senator Mike Folmer
On Unmanned Aerial Vehicles
Senate Majority Policy Committee
9:00 a.m., Tuesday, March 15
Hearing Room #1, North Office Building, Main Capitol**

THANK YOU for the opportunity to offer comments on Unmanned Aerial Vehicles, also called “drones”, which has long been of both interest and concern to me.

During my tenure as chair of the Senate Communications & Technology Committee, I recognized the importance of technology its importance in improving our lives. At the same time, I realized the use of some technologies require a balance between the knowhow and our Constitutional rights.

That’s why I introduced Senate Bill 875 in 2013 and Senate Bill 971 last year: to place a two-year Pennsylvania moratorium on the use of government unmanned aircraft. I believe there needs to be a balance between our 4th Amendment rights and the use of so-called drones for government purposes – especially surveillance.

The 4th Amendment to the United States Constitution guarantees:

“The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.”

I fear these rights are threatened by 21st Century technologies like unmanned aerial vehicles – aerial instruments that do not carry a human operator, use aerodynamic forces to provide vehicle lift, fly autonomously or are piloted remotely, can be expandable or recoverable, and can carry lethal or nonlethal payloads.

Senate Bills 875 of 2013 and 971 of 2015 are identical but for one provision: SB 971 allows the use of weaponized unmanned aircraft systems only after government agencies obtain a warrant permitting such use.

While SB 875 was largely ignored and never even considered in Committee, SB 971 has engendered considerable attention – unfortunately, much of it erroneous. A number of media outlets misrepresented the goal of SB 971 by characterizing it as a ban on unmanned aerial vehicles. SB 971 does no such thing.

Meanwhile, certain groups who say they exist to protect and advance the founding principles of our Constitutional Republic also mischaracterized SB 971. Especially distressing to me was the rhetoric used by the Campaign for Liberty, founded by Dr. Ron Paul, an individual who I previously thought reflected my principles.

The Campaign for Liberty reported SB 971 would give government “unfettered access to everything you do” through incorrect claims my legislation “authorizes the arming of police drones with weapons.” Nothing could be further from the truth.

As previously noted, SB 971, modeled after Virginia law, simply establishes a two-year moratorium on the use of government drones over private properties – with a number of notable exceptions, which include:

- Requiring law enforcement to obtain warrants for the use of this technology;
- Recognizing PA National Guard and/or Department of Defense training;
- Allowing damage or traffic assessments, such as floods and wildfires, and;
- Including emergencies, like Amber Alerts and search and rescue missions

Thanks to the leadership of Senator Argall as chair of the Senate Aviation Caucus, many of the misperceptions with Senate Bill 971 were refuted. At the same time, the roundtable discussion of the Senate Aviation Caucus made me realize the issue of unmanned aerial vehicles includes a host of other issues. That’s why I appreciate this hearing.

I hope we will be able to highlight issues that go beyond government use of technologies and their potential impact on privacy, such things as:

- Use of drones by hobbyists
- Unmanned Aerial Vehicles around airports
- Use by private companies like Amazon.com who want to use such technologies for deliveries

This is why I was also pleased to work with Senator Williams to draft and report Senate Resolution 238 from the Senate State Government Committee, which we chair. SR 238 was unanimously adopted by the full Senate and calls for the Joint State Government Committee to conduct a study on the use of unmanned drones by state and local agencies – including law enforcement.

I’m hopeful that study, plus this hearing, will better identify the many issues involving 21st Century technologies.

Thank you for the opportunity to share my thoughts on this important issue.