

United States Senate

WASHINGTON, DC 20510

November 25, 2015

706 HART SENATE OFFICE BUILDING
WASHINGTON, DC 20510
(202) 224-2823
FAX: (202) 224-9673

90 STATE HOUSE SQUARE, TENTH FLOOR
HARTFORD, CT 06103
(860) 258-6940
FAX: (860) 258-6958

915 LAFAYETTE BOULEVARD, ROOM 230
BRIDGEPORT, CT 06604
(203) 330-0598
FAX: (203) 330-0608

<http://blumenthal.senate.gov>

The Honorable Loretta E. Lynch
Attorney General
United States Department of Justice
950 Pennsylvania Avenue, Northwest
Washington, District of Columbia 20530

The Honorable Jeh Johnson
Secretary
United States Department of
Homeland Security
Washington, District of Columbia 20528

The Honorable Michael Huerta
Administrator
Federal Aviation Administration
United States Department of Transportation
800 Independence Avenue, Southwest
Washington, District of Columbia 20591

The Honorable Stephen Ostroff, M.D.
Acting Commissioner
Food and Drug Administration
10903 New Hampshire Avenue
Silver Spring, Maryland 20993

Dear Attorney General Lynch, Secretary Johnson, Administrator Huerta, and Acting Commissioner Ostroff:

So far this year there have been more than 5,300 reports of individuals aiming lasers at aircraft, potentially blinding the pilot and imperiling all on board. The number of reported incidents has skyrocketed since 2005, when there were just 300 reports. This alarming trend could lead to catastrophic consequences, possibly even the downing of a passenger plane, police helicopter or air ambulance. Each of your agencies plays a key, specific role in this area, either prosecuting criminal conduct, protecting the homeland, overseeing the nation's airspace or regulating laser products. I write urging you to formally combine your work together as a task force and take immediate, aggressive action to stop the wave of laser strikes. It is imperative that you do the following working jointly:

- **Pursue stiff and severe penalties against all who jeopardize our skies.** Congress took action in 2012 to address this problem, making it a federal offense to aim a laser pointer at an aircraft. Under the 2012 law, "lasing" can lead to five years imprisonment and a criminal fine of \$250,000. In addition, the FAA can impose civil fines. You have the tools at your disposal to go after those who recklessly endanger aircraft, and I urge you to spare no enforcement tool whatsoever, including new options like placing suspects on the No Fly List. Unfortunately, prosecutions under federal and state law have been limited. Despite thousands of reports since 2005, reports state that only 162 people have been arrested for laser strikes, with just 87 convictions.
- **Educate the public on the dangers and penalties associated with laser strikes.** Despite Congressional action in 2012, the trend in reported incidents is clearly going in

the wrong direction. It is crucial you engage in robust public outreach to provide warnings of what could happen due to a laser strike and the penalties that will come from such action. Your efforts should include every manufacturer and distributor of laser pointer devices, as they all have a responsibility to ensure these devices are used safely.

- **Keep dangerous laser pointers out of the hands of would-be criminals.** Some laser pointer colors have been cited as particularly dangerous, with green being the most common color pilots have reported. Moreover, some laser pointers are tremendously powerful, with those above five milliwatts (mW) being especially lethal. You should redouble your efforts to ensure devices with powerful characteristics stay out of the consumer marketplace – either banning them or taking similar action – and are available only in limited circumstances for those with a genuine scientific or commercial purpose. These devices must stay off the black market, and manufacturers, distributors, and retailers who allow for their illegal sale should be considered as aiding and abetting those who intentionally try to blind pilots.
- **Encourage greater incident reporting.** The FBI provides an incentive of \$10,000 for information that leads to the arrest of an individual engaged in a laser strike. I urge you to consider whether this should be increased as well as other ways of encouraging the public to report on illegal conduct.
- **Develop technology to protect pilots.** Your efforts should include the evaluation of proactive, technological solutions that can mitigate the tremendous risks posed by laser attacks. For example, you should explore whether window glazing, eyewear and other options can be effective countermeasures that abate harm while still allowing pilots to safely operate an aircraft. Likewise, you should explore what technology can be used to lessen the reach and power of a laser pointer.
- **Develop technology to detect strikes.** With planes flying so fast, lasers traveling so far, and the immense amount of space on the ground involved, it can be difficult to detect the location of the perpetrator of a laser strike. I urge you to evaluate technology that can easily identify the specific spot of an attack, thus aiding in the prosecution of these offenses.

As a member of the Senate Commerce, Science and Transportation Committee, I plan to make this problem a chief priority when we craft a new FAA bill early next year, and possibly propose additional prohibitions and penalties. If there are legislative proposals beyond what Congress did in 2012, please provide those so we can consider them as part of the new FAA bill, if not sooner. Likewise, I urge you to let Congress know if your agencies need greater enforcement powers or resources to combat this growing scourge of laser strikes. I appreciate your response to this matter and efforts to address this issue.

Sincerely,



Richard Blumenthal
United States Senate