

United States Senate

November 24, 2020

VIA ELECTRONIC DELIVERY

The Honorable Ryan McCarthy
Secretary of the Army
U.S. Department of the Army
1600 Army Pentagon
Washington, DC 20310-1600

Dear Secretary McCarthy:

I write to follow up on the status of the U.S. Army's investigation into the use of low-flying military helicopters over large groups of people in Washington, D.C. on June 1, 2020. Shortly after the incident, you and I had a productive conversation where I expressed my deep concern over the incident and reiterated my desire to get answers to a number of questions, including who approved the orders for the helicopters to fly and why.

Several months have passed since then, and while I am pleased that a number of investigations into the incident have been initiated—including one by the Department of the Army—I remain frustrated by the Department of the Army's failure to provide some basic information and documentation that is critical to inform congressional oversight. I understand from public reporting that the Army's initial investigation has been completed and forwarded to the Department of Defense (DoD) Inspector General, where it appears to have been held in the review process for around two months. This was confirmed by Under Secretary McPherson on our call last week. I have also sent a letter to the Acting DoD Inspector General, requesting the release of your investigation.

In the meantime, I request that you provide the following supplementary documentation no later than December 10, 2020:

1. The mission briefing sheets for all Army aircraft flown in the D.C. Metropolitan Flight Restricted Zone (DC FRZ) on June 1, 2020.
2. The risk assessment forms for all Army flights flown in the DC FRZ on June 1, 2020.
3. The post-flight after actions reports (AAR) for all Army flights flown in the DC FRZ on June 1, 2020.
4. The aircrew training records showing pilots and aircrew were properly trained and signed off by a military flight instructor to fly the tactical "persistent pressure" maneuver reported in the media.
5. A copy of the parent unit's flight training program to verify unit training and proficiency of the "persistent pressure" maneuver.
6. The military flight manual detailing the procedures to execute the "persistent pressure" maneuver as well as guidance for its tactical usage.

7. Any information included in questions 4-6 for additional military aerial tactics used to support military flight operations flown in the DC FRZ on June 1, 2020.

Once your Department's investigation is released, I plan to thoroughly review it for answers to the following questions:

1. What military aircraft conducted low-hover operations over large, open-air gatherings of people in Washington, D.C. on the evening of Monday, June 1, 2020?
2. At what location and hover altitude did these aircraft operate over large groups of people?
3. What are the parent units of the aircraft identified in the investigations?
4. What are the qualification levels of the pilots operating these aircraft, how much flight time do they have operating in the National Capitol Region Special Flight Rules Area, to include the DC Metropolitan Flight Restricted Zone, and how much flight time do they have operating rotary-wing aircraft?
5. To what missions were these aircraft assigned?
6. Who authorized the missions?
7. Who authorized the flight operations, if different than the mission authorizer?
8. What were the risk assessments of these missions?
9. Were military tactics used at any time during the duration of the missions? If so, what were they?
10. What was the justification for hovering at low-levels over large gatherings of people?
11. Was there a separate risk assessment conducted for the low-level hover operations? If so, what was the level of risk determined to be?
12. In the event of an engine failure or other catastrophic engine or mechanical failure to the aircraft, what was the pilot's intended course of action, pre-determined flight path and was that pre-briefed to the aircrew?
13. Were there any injuries to people or property damage as a result of the rotor wash from the helicopters hovering at low-levels?
14. Did the military aircraft comply with Federal Aviation Regulation (FAR) 91.119 at all times during their missions?
15. Were the military aircraft exempt from FAR 91.119, and if so, why?
16. Did component-specific aviation policy govern the use of low-level or hover operations over people? If so, what is that component-specific policy?
17. Were there any violations of Federal law, regulation or policy?
18. Were there any violations of DoD or component-specific aviation policy or regulations?

If the investigation report does not address any of these questions, I request that you provide supplementary answers, along with appropriate documentation. To the extent a question refers to the military, the question shall be interpreted to include Reserve and National Guard Forces.

I appreciate the Army's support in appropriately addressing this deeply concerning incident. If you are unable to provide me this information by December 10, 2020, I request an interim update outlining the cause of the delays. Thank you in advance for your attention to this request

Sincerely,

A handwritten signature in blue ink that reads "Tammy Duckworth". The signature is written in a cursive, flowing style.

Tammy Duckworth
United States Senator