

Response to Question for the Record from Rep. Troy Nehls from Dr. Ryan Wallace

Unmanned and Unchecked: Confronting the Rising Threat of Malicious Drone Use in America

September 16, 2025

Inquiry:

Thank you all for your testimony today. As we've heard, there are significant concerns about increasing drone activity at smaller public venues and large non-sporting event gatherings that fall below the FAA's 30,000-seat threshold and don't qualify for automatic sporting event flight restrictions. These venues face the same safety risks we've discussed—from both malicious actors and unintentional safety hazards from hobbyists.

Given your expertise in this field, how do you believe we can address these security gaps at smaller venues and non-sporting events while ensuring we don't create unnecessary barriers or restrictions that would harm legitimate commercial drone operations, including delivery services, infrastructure inspection, emergency response, and other beneficial uses of drone technology?

What specific policy mechanisms or technological solutions would you recommend that could distinguish between authorized commercial operations and potential security threats, allowing legitimate drone commerce to flourish while protecting public safety at these currently unprotected venues?

Response:

Thank you for your question, Rep. Nehls. You have identified a current challenge related to our nation's existing protections from potentially malicious UAS use. It is my opinion that the following factors directly influence this problem:

- Limited authority for issuance of temporary flight restrictions (TFR) for certain populous events and venues
- Limited available federal manpower and resources to provide TFR airspace protection and enforcement from potential drone threats
- Limited consistent state and local statutes in which state, local, territorial, and tribal (SLTT) law enforcement personnel can effectively charge UAS operator violations within their jurisdictions
- Limited existing authority to deputize SLTT law enforcement to enforce FAA regulations applicable to TFR incursions and UAS operational violations
- Limited knowledge and training for SLTT law enforcement personnel to appropriately effect enforcement of TFR or UAS operational violations
- Unclear authority to operate detection, tracking, and identification (DTI) equipment in support of public safety and TFR airspace security
- Expiration of Department of Homeland Security (DHS) and Department of Justice (DOJ) federal authority to detect, track, identify, and mitigate UAS authorized under the Preventing Emerging Threats Act

According to Christopher Hardee of the Department of Justice and Michael Torphy from the Federal Bureau of Investigation (FBI) articulated during testimony to the United States Senate, Committee on the Judiciary at July 22, 2025 hearing, both witnesses stated that the FBI is only capable of covering a small fraction of mass gatherings and other covered events. Torphy and Hardee further explain that the FBI was only able to cover 0.05% of the more than 240,000 special events during that time for which potential C-UAS protection could have been authorized under §124n. In my opinion, the only viable means of expanding C-UAS protection capacity rests with enlisting the resources of SLTT and other public safety agencies. As indicated in my original testimony, all UAS incidents are local incidents first and foremost—and the organizations that reside within these communities represent both the first- and last-line of defense against potential UAS threats.

As indicated in your question, *in addition to covered events*, there are many more events and venues that do not meet the requirements for either §124n C-UAS protection, or qualify for issuance of TFRs under Federal Aviation Administration (FAA) Title 14 regulations.

Currently, the FAA issues temporary flight restrictions for the following purposes:

- Vicinity of Disaster/Hazard Areas (14 CFR §91.137)
- National Disaster Areas in the State of Hawaii (14 CFR 91.138)
- Emergency Air Traffic Rules (14 CFR §91.139)
- Flight Restrictions in Proximity of the Presidential and Other Parties (14 CFR §91.141)
- Flight Limitation in the Proximity of Space Flight Operations (14 CFR §91.143)
- Management of Aircraft Operations in the Vicinity of Aerial Demonstrations and Major Sporting Events (14 CFR §91.145)
- Special Security Instructions (14 CFR §99.7)

Some efforts have been made to expand these authorities. Sens. Blackburn, Markey, and Alexander proposed the *Stadiums Under New Guidance (SONG) Act* in 2019 ([S.B. 2820](#)), which called for modification of 14 CFR 91.145 to expand the types of major events that could be eligible for temporary flight restriction coverage. Similarly, Rep Raul Ruiz introduced legislation in the *Protecting Outdoor Concerts Act* in 2024 ([H.R. 9949](#)) and again in 2025 ([H.R. 2887](#)) to expand temporary flight restriction authority to cover outdoor concerts or music festivals with a daily attendance of 30,000 people or more, referred to the Subcommittee on Aviation. Similarly, Rep. Gregory Steube introduced the *Disabling Enemy Flight Entry and Neutralizing Suspected Equipment (DEFENSE) Act* of 2025 ([H.R. 3207](#)) which authorizes SLTT law enforcement deputation for protection of flight restriction sites and large public gatherings; this proposed legislation was also referred to the Subcommittee on Aviation.

In addition to expanding venues eligible for TFR protection, there is also a need to augment the manpower and resources to support enforcement of airspace restrictions. In 2023, Sen. Gary Peters introduced the *Safeguarding the Homeland from the Threats Posed by Unmanned Aircraft Systems Act* ([S. 1631](#)), which called for expansion of facilities eligible for counter-UAS protections, additional delegated authority for operation of non-mitigation UAS DTI technology, and establishment of a pilot program of selected SLTT law enforcement agencies to evaluate the feasibility of delegated UAS mitigation authority. Rep. Mark Green introduced the *Counter-UAS Authority Security, Safety, and Reauthorization Act* ([H.R. 8610](#)) in 2024, which also called for additional DTI authority, as well as the establishment of a law enforcement pilot program for delegated mitigation authority, in addition to a

number of other related topics. It is notable that *all* the proposed legislation identified in the previous paragraphs have either expired in committee, or remain under respective committee consideration—none have become law. The limited progress in advancing legislation on this important issue raises concerns about potential vulnerabilities in our nation’s ability to address drone-related threats.

Recognizing the potential adverse effects created by drone misuse or malicious use, the executive branch has also responded with a series of initiatives. In April 2022, the Biden Administration White House released a framework for UAS security, dubbed the [*Domestic Counter-Unmanned Aircraft Systems National Action Plan*](#), which codified a series of eight recommendations, which included a call for Congress to approve expanded SLTT counter-UAS authorities, equipment approval, training, incident tracking, research, and related initiatives. Similarly, in June 2025, the Trump Administration released guidance, Restoring American Airspace Sovereignty ([EO 14305](#)), intended to enhance domestic public safety from potential threats posed by drones. Each of these prior legislative and executive endeavors have both merit and challenges.

As discussed by both members of the House Judiciary Committee, Subcommittee on Crime and Government Surveillance, as well as the witnesses who testified during the September 16, 2025 hearing, “Unmanned and Unchecked: Confronting the Rising Threat of Malicious Drone Use in America,” the need is most urgent to restore counter-UAS authority granted by the Preventing Emerging Threats Act to both the Departments of Justice and Homeland Security, which expired on September 30, 2025.

It is my opinion that the following additional actions are needed to address your specific inquiry, to provide UAS protection to smaller public venues and large non-sporting event gatherings that currently fall outside the qualification criteria for TFR issuance or §124n C-UAS protection.

- Restore counter-UAS authority to DHS and DOJ previously granted under the Preventing Emerging Threats Act.
- Expand TFR venue eligibility to be inclusive to *all* venues, regardless of organization or purpose that meet certain population or attendance thresholds that constitute a mass gathering.
- Reduce venue attendance thresholds for issuance of UAS-only TFR restrictions to 10,000 persons.
- Enable deputation of SLTT within the jurisdiction of an approved TFR to enforce federal rules for airspace restrictions under the authority of the FAA.
- Clarify authority of SLTT to operate DTI technologies for the purpose of enforcing public safety and airspace security of venues under the protection of a TFR.
- Provide appropriate training and certification for SLTT personnel conducting TFR safety and security enforcement duties.

I am happy to provide clarification on any of these recommendations, as needed.

Respectfully submitted.

Ryan J. Wallace, Ed.D.