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Evolving Threats to the Homeland
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Chairman Johnson, Senator McCaskill, and Members of the Committee, thank you for the opportunity to testify today on emerging and evolving threats to homeland security. As the Committee requested, I will focus my testimony today on the significant and rising threat posed by the malicious use of unmanned aerial vehicles, or drones, to large gatherings of people, including major sporting events.

As you may know, I joined the National Football League in September 2016 after more than 26 years in local law enforcement in the District of Columbia. At the NFL, I oversee the security policies and procedures that protect the 1,700 professional players, the hundreds of coaches and other staff associated with our 32 clubs, and the 17 million fans who attend our games each year. Club security officials and I work closely with local law enforcement officials, federal authorities, stadium owners, and many others to provide a safe and secure environment for our fans to enjoy the games. In addition, I serve on the Homeland Security Advisory Council, participate in the Department of Homeland Security's Critical Infrastructure Partnership Advisory Council Working Groups, and have a leading role related to security efforts and recommendations for large-scale sporting events.

In the two years that I have been at the NFL, we have observed a dramatic increase in the number of threats, incidents, and incursions by drones. Fewer than ten miles from here, a drone flew over FedEx Field during pregame activities for Monday Night Football in 2014. That operation violated the national security airspace around Washington, D.C., in addition to violating the airspace restriction over NFL games. In 2018, the NFL recorded about a dozen intrusions by drones at stadiums during games. And the NFL is not alone. In May 2017, a drone flew through Petco Park in San Diego and then crashed during the seventh inning of a game between the San Diego Padres and Arizona Diamondbacks.

An incident involving two NFL stadiums on November 26, 2017, dramatically demonstrates the threat. On that day, I received a call from the stadium security director at Levi Stadium, alerting me that a drone had just dropped leaflets over the seating bowl near one of the

end zones. The NFL's game day operations center alerted other stadiums, including the nearby Oakland Raiders, which also had a game the same day. When the operator sought to fly the drone over the Oakland Coliseum, local law enforcement was ready for him. They quickly identified the operator and arrested him. The subsequent investigation revealed that the operator had undertaken extensive efforts and planning in advance of the incident. The operator had customized the drone for dropping leaflets, and he had conducted test flights to refine the drone's operations.

We are all very fortunate that the drone over Levi's Stadium dropped only leaflets. Drones today are capable of inflicting much greater damage. In 2015, the Federal Aviation Administration and Connecticut police investigated a drone equipped with a handgun. In 2017, ISIS reportedly used drones armed with grenades against Iraqi armed forces. Last year, Mexican authorities seized a drone equipped with a significant amount of explosives and a remote detonator.

As the Committee knows, various threat assessments conducted by the U.S. government and others have recognized that large gatherings of people are enticing targets for malicious actors. Consistent with those assessments, the Federal Aviation Administration and Congress have imposed restrictions on the airspace above large sporting events.

Following the terrorist attacks of September 11, 2001, the Federal Aviation Administration established flight restrictions over stadiums and other large gatherings. Congress subsequently strengthened and codified these requirements. The current version of the temporary flight restriction prohibits all aircraft operations over certain sporting events for one hour before until one hour after the event, from ground level to 3,000 feet, and within a radius of three nautical miles. In addition to NFL games, this flight restriction applies to Major League Baseball games, NCAA Division One football games, and NASCAR Sprint Cup, Indy Car, and Champ Series races. The flight restrictions designate the airspace as National Defense Airspace, and any operator who knowing or willfully violates the flight restriction may be subject to criminal penalties.

The temporary flight restrictions above stadiums and other sporting events apply broadly to all aircraft operations, including both general aviation and commercial aircraft, and flights under both visual flight rules and instrument flight rules. Importantly, the flight restrictions apply to all aircraft, whether manned or unmanned. The Federal Aviation Administration has worked extensively to educate the aviation community about the flight restrictions. Air traffic control personnel and licensed pilots have worked cooperatively to respect this protected airspace. As a result, the temporary flight restrictions over sports events have largely worked as intended, keeping commercial and civil aircraft away from stadiums during games.

Unfortunately, in my experience, drones present an entirely different challenge. Unlike traditional aircraft, unregulated drones can be acquired easily and cheaply by anyone, anywhere, anytime. Highly sophisticated drones are widely available at retail stores and online. Drones are sold to the general population for use by unlicensed individuals, often with no awareness of airspace rules, flight restrictions, or many other regulatory requirements related to aircraft. Drones are sold broadly without regard to applicable flight restrictions. For example, although drone flights are prohibited throughout Washington, D.C., numerous electronics stores and other

retailers market drones in the city without notifying customers that a local flight would break the law. Unlike licensed pilots who must undergo specific training and are required to check for flight restrictions before each flight, many drone operators are untrained and simply unaware of the flight restrictions that apply to stadiums.

In our experience, the vast majority of game-day drone incursions are caused by hobbyists seeking to obtain a unique picture or video, perhaps to post on social media. Some of these operators know that their actions are unlawful, but others do not. Even if the operator is not set on causing harm, drone operations at stadiums present significant risks. For example, the Federal Aviation Administration generally prohibits drone operations over people because a wayward or malfunctioning drone can cause serious bodily injury if it crashes into a crowd. Drones can also cause confusion for fans who do not know whether a drone is a threat or part of the program. Ironically, after the incident at the 49ers game last November, some fans reported that they thought the drone was dropping free merchandise and they rushed toward it.

Stopping unauthorized drone flights at stadiums is extremely challenging. Drones are small and easily portable. Unlike manned aircraft, drones can be launched quickly and in close proximity to a stadium, such as from a stadium parking lot. The Federal Aviation Administration established the three-mile radius of the stadium flight restriction to allow authorities to have some warning about an aircraft that was purposefully violating the airspace, hopefully before the aircraft was in a position to threaten the stadium and fans.

Several stadium security directors have told me that they are regularly approached by vendors selling drone countermeasure equipment. The vendors acknowledge, and the security directors readily know, that using such devices is illegal. The current state of the law, however, leaves security officials with an unenviable choice: Procure equipment whose use would be illegal, or remain unequipped to respond to a security threat that could endanger tens of thousands of people.

To help the clubs in this difficult environment, the NFL has developed and published best practices and standards for responding to drone incidents. These best practices, which are incorporated into our overall best practices for stadium security, include suggested procedures for notifying local and federal authorities, strategies for locating the operator, and recommended safety procedures if the device lands on the field or in the stands.

In addition, the NFL has increasingly engaged the Federal Aviation Administration and other policymakers on the development of new policies, procedures, and approaches related to reducing the threat posed by drones. We support the Federal Aviation Administration's efforts to adopt and implement a remote identification requirement for all, or nearly all, drones sold or operated in the United States. Federal officials, air traffic control operators, and local law enforcement officers need a simple and easy method to identify a drone and its operator when a device is spotted in a dangerous location or in violation of an established flight restriction. Any class of drones excluded from such a requirement must be very narrow and limited to drones that do not present any possible security threat to a large gathering of people. In addition, for the FAA to implement such a robust remote identification requirement, Congress must revise the hobbyist exemption in section 336 of the FAA Modernization and Reform Act of 2012. Although this provision was undoubtedly well intentioned at the time it was adopted, it is too

broad for today's environment. The current hobbyist exemption permits far too many drones to be flown by far too many unlicensed and untrained pilots. As I noted earlier, the vast majority of the incursions at NFL stadiums are by such hobbyists.

Further, we supported the aims of S. 2836, the Preventing Emerging Threats Act of 2018, which would extend drone interdicting authority to the Department of Homeland Security and the Department of Justice. The bill represents an important step forward in helping to provide greater protections of our homeland.

Under the legislation, the Department of Homeland Security would be required to conduct research, testing, training, and evaluation of counter-drone equipment. This will promote and accelerate technologies that will help law enforcement identify, mitigate, and interdict illicit or hostile drones that threaten security, including in environments that present geographic challenges – such as densely populated, urban areas.

The bill also provides federal law enforcement officials at the Department of Homeland Security and the Department of Justice the authority to take the necessary steps to mitigate and counteract the threat posed by drones in certain circumstances. Such circumstances include when a governor or state attorney general requests that federal law enforcement officials provide support for state, local, or tribal law enforcement to ensure the security of mass gatherings. This provision correctly recognizes that local law enforcement officers stand at the frontlines and are primarily responsible for providing safety and security at locations where drones present risks, including large amateur and professional sporting events, such as NFL games.

Importantly, however, this provision only permits local officials to request assistance from federal officials, and experience has taught us that there simply are not enough federal resources and personnel to provide security at all events that need protection, including the 256 NFL games that occur across the country in a season. For example, the Department of Homeland Security reviews between 12,000 and 15,000 events annually for a Special Event Assessment Rating (SEAR), and the Department has historically approved fewer than 20 events annually for SEAR 1 or SEAR 2. Notably, the Super Bowl has been a SEAR 1 event.

In my experience in Washington after the September 11 terrorist attacks, I observed a similar challenge – there simply were not enough federal resources to handle the significant increase in antiterrorism initiatives and activities. After September 11, we were able to solve that problem by expanding our use of joint terrorism task forces. The task forces permitted local law enforcement officials to exercise authorities as if they were federal officials. We need a similar approach to drone interdiction authorities.

The NFL, therefore, believes that expanding federal drone interdiction authority is an important step, but it is insufficient to address the security needs of the NFL in protecting our stadiums and fans from the threat posed by drones. The NFL strongly encourages Congress to consider additional reforms that would provide authorities to local law enforcement officers, with appropriate training and expertise, to detect and intercept drones that pose a known and identifiable threat to an NFL game in violation of the flight restrictions that Congress and the Federal Aviation Administration have established. Additional reforms could include the following:

- Permit the Attorney General or the Secretary of Homeland Security to delegate drone countermeasure authorities to state and local law enforcement protecting a large sporting event covered by a temporary flight restriction.
- Require the Attorney General and the Secretary of Homeland Security to consult with state and local law enforcement, and incorporate state and local law enforcement personnel into the implementation of drone countermeasure programs.
- Establish a pilot program to include state and local law enforcement personnel in the programs developed pursuant to the legislation.

The NFL looks forward to continuing to work with Congress, the Federal Aviation Administration, and others on our shared goal of ensuring the safety and security of the players, coaches, fans, and staff who attend our games. Thank you for the opportunity to be here today, and I would be pleased to answer your questions.