

FCC Seeks to Expand Deployment of U.S.-Made Drones and Dedicated Spectrum for Drones

April 2, 2026

On April 1, 2026, the Federal Communications Commission's (FCC) Wireless Telecommunications Bureau (WTB) and Office of Engineering and Technology (OET) released a Public Notice seeking comment on actions to advance the production, deployment, and export of American uncrewed aircraft systems (UAS or drones). The Public Notice follows two Executive Orders released on June 6, 2025 by the Trump Administration, titled *Unleashing American Drone Dominance* and *Restoring American Airspace Sovereignty*, that seek to establish U.S. drone leadership to support both the U.S. economy and U.S. national security. Comments are due May 1, 2026 and reply comments are due May 18, 2026.

WTB and OET seek input on several reforms to "establish American drone dominance," including in the following areas:

Current Spectrum for UAS. The Public Notice explains that most drones in the United States have relied on unlicensed spectrum, or the same frequencies used by Wi-Fi routers and other consumer devices, for their command-and-control communications, including the 900 MHz band (902-928 MHz), 2.4 GHz band (2400-2500 MHz), 5.2 GHz band (5000-5725 MHz), and 5.8 GHz band (5725-5875 MHz). WTB and OET ask about the ongoing viability of the unlicensed bands for UAS operations, recognizing the potential for interference from other users.

Future Spectrum for UAS. The Public Notice seeks comment on permitting more intensive UAS operations in flexible-use terrestrial bands typically relied upon for mobile broadband, seeking comment

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on the scope and scale of current UAS deployments on licensed flexible-use spectrum and how these bands can support more intensive aerial operations. WTB and OET invite further comment on certain bands that prohibit aeronautical mobile use (including some or all of the 1670-1675 MHz, 1.4 GHz, 2.3 GHz, 3.7 GHz, and CBRS bands) and the viability of these bands for UAS.

Acknowledging that the FCC adopted initial rules for UAS deployment in the 5030-5091 MHz band but has not yet taken the necessary implementing steps to put the spectrum into use, the Public Notice asks about how to expedite implementation and allow more robust UAS operations in the band. WTB and OET also ask whether to revisit the FCC's prior determination that the 960-1164 MHz band should not be made available for UAS operations, and invite discussion on pending proposals before the Commission to open specific frequencies for UAS-related activities (i.e., Aura's petition to modify technical rules in the 450 MHz band consistent with a waiver it holds for those frequencies, and Echodyne's petition to use the 24.45–24.65 GHz band for federal and non-federal radiolocation operations that would better facilitate the detection of UAS).

Lastly, the Public Notice seeks comment on how the FCC can support the Advanced Air Mobility National Strategy and National Defense Authorization Act for Fiscal Year 2026 provisions related to spectrum access for UAS and counter-UAS operations – and how the agency can facilitate spectrum access for these initiatives as needed.

Experimental UAS Licensing. WTB and OET ask how to modernize and streamline the FCC's experimental licensing process specifically for UAS-related testing, including whether to establish a dedicated UAS experimental license category with more flexible terms and expedited renewals. The Public Notice also invites comment on whether to explore a blanket experimental authorization for qualified drone developers operating within specified frequency bands and safety parameters.

Testbeds and Innovation Zones. The Public Notice seeks input on the success of the FCC's Innovation Zone program, known as the Aerial Experimentation and Research Platform for Advanced Wireless (AERPAW), and asks whether the testbed site provides sufficient flexibility or capacity to develop UAS technologies at meaningful scale.

Clarifying the Permissible Use of Counter-UAS. WTB and OET request comment about statutory and regulatory barriers to Counter-UAS deployment and how to address them, including Section 333 of the Communications Act of 1934, which provides that “[n]o person shall willfully or maliciously interfere with or cause interference to any radio communications of any station licensed or authorized by or under this chapter.”

Modernizing Coordination. The Public Notice asks how rules designed to prevent harmful interference restrict the use of UAS operations and whether it would be feasible to streamline the FCC's coordination requirements to enable more intensive use of aerial technologies.

Law Enforcement Use of UAS. WTB and OET seek input on how to coordinate with state, local, tribal, and territorial (SLTT) law enforcement agencies that frequently procure UAS, whether SLTT agencies procure UAS from foreign adversary entities, and how to encourage SLTT partners to prioritize the use of U.S.-made drones.

The Public Notice follows significant activity from the FCC on foreign-made drones. In December 2025, an Executive branch interagency body determined that UAS and UAS critical components produced in a foreign country pose an unacceptable risk to the national security of the United States and should be added to the FCC's Covered List. The FCC has since issued "Conditional Approvals" to exempt certain foreign-produced UAS and UAS critical components from the Covered List, a blanket waiver to previously authorized covered UAS and UAS critical components to allow certain Class I permissive changes, and revocations of authorizations for certain drone manufacturers, among other developments.

Our experienced Telecommunications, Media & Technology, National Security, and International Trade practitioners have the substantive knowledge, institutional experience, and forward thinking to help your company navigate the complex environment for drone regulations. Please contact one of the authors on this alert for assistance with responding to the Public Notice.