

ALERT

New Drone Executive Orders Seek to Bolster U.S. Innovation and Airspace Security

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On June 6, 2025, the Trump Administration released two Executive Orders directed at uncrewed aircraft systems (UAS). In broad terms, the two Executive Orders seek to expand the ability to produce and use UAS and electric Vertical Takeoff and Landing (eVTOL) aircraft in the United States, find ways to safeguard critical infrastructure, expand federal authority to engage in counter UAS, and make it easier for state and local authorities to detect and identify UAS operations. The first, “Unleashing American Drone Dominance” (Industry EO), is focused on promoting American “development, commercialization, and export” of UAS and eVTOL technologies. The second, “Restoring American Airspace Sovereignty” (Airspace EO) is intended to promote responsible UAS use to ensure safety for “critical infrastructure, mass gatherings, and military and sensitive government installations.”

The EOs break new ground in some areas (such as a new eVTOL pilot program and potential expansion of counter-UAS authorities) and set more aggressive deadlines for actions that are already underway (such as the long-awaited Section 2209 critical infrastructure restrictions mandated by Congress in 2016). More broadly, the EOs signal greater interest from the White House in promoting and securing UAS use.

Below we summarize the key actions directed by the EOs, organized by topic.

Fostering U.S. Drone Production and Industry (Industry EO)

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Reducing Barriers to BVLOS and High Seas Operation

The Industry EO directs the Administrator of the Federal Aviation Administration (FAA) to issue a proposed rule within 30 days to enable routine Beyond Visual Line-of-Sight (BVLOS) operations “for commercial and public safety purposes,” with a final rule required within 240 days, “as appropriate.” A rulemaking on this topic has been pending at the FAA for some time and has recently been submitted to the Office of Information and Regulatory Affairs (OIRA) at the White House’s Office of Management and Budget. The deadline in the Industry EO may spur quicker action on this item.

The EO further requires that the Administrator of the FAA immediately explore strategies to allow domestic flights or U.S.-owned facilities “in the high seas [to] operate without being subject to requirements in the Convention on International Civil Aviation.”

Providing Clarity on Regulatory Implementation

The Industry EO directs the FAA Administrator to establish metrics for assessing the performance and safety of BVLOS operations and to provide recommendations to the President through the Director of the Office of Science and Technology Policy (OSTP) to address regulatory barriers to BVLOS implementation and inform future policy actions.

The Industry EO directs the Secretary of Transportation, through the Administrator of the FAA, to provide an “updated roadmap for the integration of civil UAS into the National Airspace System.”

Creating Efficiencies in Waiver Applications and Generation of Safety Data

The Industry EO requires that the Administrator of the FAA launch the use of AI tools, within 120 days, “to assist in and expedite review of UAS waiver applications under 14 C.F.R. part 107.” These tools are required to be used for “performance- and risk-based” assessments; to “identify materially similar precedents and recommend consistent mitigation measures”; to identify “categories of operations with sufficient safety data or recurring approval patterns that may warrant further rulemaking to eliminate the need for individualized waivers”; and should conform to federal AI use guidelines.

The Industry EO further requires the Secretary of Transportation, through the FAA Administrator, to ensure that all UAS test ranges are utilized fully for supporting development, testing and scaling of drone technology, focused on BVLOS operations, autonomous operations, advanced air mobility, “and other advanced operations.” The industry EO requires that the Secretary prioritize “generation of safety and performance data...to inform FAA rulemaking, identify regulatory gaps and operational challenges, and support integration of emerging UAS capabilities into the National Airspace System.”

Empowering State and Local Governments to Assist in Developing and Using eVTOL Technologies

The Industry EO also directs the FAA (working with OSTP) to establish the eVTOL Integration Pilot Program (eIPP), as an extension of the BEYOND program, to run for three years from the date the first pilot program becomes operational “unless the Secretary of Transportation determines an extension is warranted in the

national interest.” The EO contemplates that the Secretary of Transportation could expand this program to “other advanced aircraft as warranted” in coordination with the Director of OSTP. The EO defines the eIPP program parameters as follows:

- A 90-day request for proposal period for state, local, tribal, and territorial governments (SLTTs); and a 90-day period for proposal submission.
- Each submitting SLTT is required to include a “private sector partner with demonstrated experience in eVTOL aircraft development, manufacturing, and operations.”
- Selection of at least five pilot projects, with project operations beginning within 90 days after pilot project agreements are established, with selection criteria including, at minimum:
 - The use of “eVTOL aircraft and technologies developed or offered by a United States-based entity”;
 - Overall representation of “economic and geographic operations and proposed models of public-private partnership”; and
 - Overall representation of “the operations to be conducted, including advanced air mobility, medical response, cargo transport, and rural access.”
- Agreements between the FAA and selected applicants are required to outline project goals, regulatory needs, timelines, information sharing and data exchange mechanisms, and responsibilities.
- The Secretary of Transportation, through the Administrator of the FAA, is directed to use his full authority “to support safe and timely operations under eIPP.”

The Industry EO also directs the Secretary of Transportation to submit a number of reports as the eIPP progresses, including:

- An “initial implementation report” to the President through the Director of OSTP within 180 days following the selection of participants, summarizing “early-stage planning, interagency coordination, and any immediate regulatory or legislative challenges.”
- An annual report and a final report upon conclusion of the eIPP, providing an “evaluation of program goals and outcomes; recommendations for the permanent integration of eVTOL operations into national airspace; and any proposed future initiatives to maintain United States leadership in eVTOL flight.”

The EO additionally requires that the Transportation Secretary “before and after conclusion” use information and experience gained from the program to inform policy to further safe eVTOL operations, and share such information with the Secretary of Defense, the Attorney General, the Secretary of Homeland Security, and “the heads of other relevant agencies.”

Facilitating Export Trade and Government Procurement of U.S. Drones (Industry EO)

Facilitating Export Trade

The Industry EO directs, within 90 days, the Secretary of Commerce to coordinate with the Secretaries of State, Defense, and Energy to review and amend export control regulations, “as appropriate and consistent with applicable law,” to facilitate expedited export of U.S.-made civil UAS to foreign partners – so long as end users and recipient countries are not foreign adversaries, the export does not pose a risk of diversion to programs of concern, and the export is not otherwise restricted under applicable law. The EO further directs the Secretary of Commerce to designate U.S.-made civil UAS as an export priority area and to coordinate initiatives with other agencies to “expand market access, reduce foreign trade barriers, and promote international interoperability.”

The Industry EO further directs the Secretary of Defense, the President of the Export-Import Bank of the United States, the CEO of the U.S. International Development Finance Corporation, and the Director of the Trade and Development Agency to promote the prioritization of U.S.-made civil UAS and “related systems” by providing “direct loans and loan guarantees; equity investments and co-financing; political risk insurance and credit guarantees; technical assistance, feasibility studies, and grant mechanisms; market access facilitation; and any other incentive mechanisms authorized by law.”

Encouraging Federal Procurement of U.S. Drones

To encourage U.S. government procurement of U.S.-made drones, the Industry EO directs all federal agencies to prioritize U.S.-made drones “to the maximum extent permitted by law.”

The Industry EO directs the Secretary of Defense to “ensure the Blue List [of pre-approved UAS] operates on all military installations or ranges without requiring an exception to policy.” The EO further directs the Secretary of Defense, within 90 days, to “expand the Blue List to include all drones and critical components that comply with Section 848 of the National Defense Authorization Act for Fiscal Year 2020,” and to make updates monthly. It further directs the Secretary of Defense to prioritize procuring Section 848-compliant and U.S.-made UAS “to the maximum extent practicable,” and to provide exemptions only when “absolutely necessary to accomplish the mission.”

The Industry EO further directs the Secretary of Defense to task each military department secretary “to identify programs that would be more cost efficient or lethal if replaced by UAS” and to submit a report on their findings to the President through the Assistant to the President for National Security Affairs (APNSA).

Discouraging Procurement of Adversary Drones

To discourage procurement of adversary drones, the Industry EO requires that within 30 days, the Federal Acquisition Security Council publish a Covered Foreign Entity List to “identify[] companies that pose supply chain risks.” Creation of this list was already mandated by the 2024 NDAA, but the EO appears intended to pull the completion of this list forward.

The EO further directs the Secretary of Commerce to take actions through rulemakings and investigations, within 90 days, addressing the security of the “United States drone supply chain against foreign control or exploitation.” Here, too, the Department of Commerce already has a regulatory action pending; the EO may

speed the adoption of the final rule in this proceeding.

Expanding the Domestic Market for U.S. Drones

To further expand the market for U.S.-made drones, the Industry EO directs the Secretary of Defense, within 90 days, to coordinate with the Secretary of Transportation, through the Administrator of the FAA, “to streamline the approval processes to expand access to airspace for conducting UAS training.”

It also directs, within 90 days, the Secretary of Defense to work with the Secretary of Commerce and the Chairman of the FCC to report to the President, through the APNSA, “any unnecessary barriers to accessing spectrum for UAS training.”

Critical Infrastructure (Airspace EO)

The Airspace EO takes steps to facilitate the long-delayed implementation of Section 2209(f) of the FAA Extension, Safety, and Security Act of 2016 (the Act). To that end, the Airspace EO directs the FAA Administrator to:

- Issue a notice of proposed rulemaking to OMB and the Federal Task Force to Restore American Airspace Sovereignty, establishing a process for “restricting” UAS flight over fixed site facilities as required by the Act; and interpreting critical infrastructure consistent with the EO’s provided definition, “to the extent appropriate” and promulgate a final rule “as soon as practicable.”
 - The term “critical infrastructure,” as defined in the EO, “has the meaning given in 42 U.S.C. 5195c (e), and includes systems and assets in all of the designated critical infrastructure sectors identified in National Security Memorandum 22 of April 30, 2024 (Critical Infrastructure Security and Resilience) (NSM-22).”
- Make national security assessments, in coordination with Sector Risk Management Agencies, the Secretary of Defense, the Secretary of Homeland Security, or the Attorney General, “as appropriate,” as well as the Secretary of Defense if military installations or operations are implicated.
- Within 180 days, make Notices to Airmen (NOTAMs) and Temporary Flight Restrictions (TFRs) freely available online, “in open format easily accepted for drone geofencing and Aircraft Navigation and Guidance system purposes.” (But the EO notes that this should act as a supplement to current promulgation methods.)
- As with BVLOS, the FAA has recently submitted a rulemaking to OIRA at the OMB; although the text of this rule is not yet public, it presumably addresses most, or all of the topics covered by this section of the Airspace EO.

Promoting Responsible Use of UAS (Airspace EO)

Expanded Use of Counter UAS Authority

The Airspace EO also directs the Secretary of Homeland Security, the Attorney General, the Secretary of Defense, and the Secretary of Transportation, to recommend within 90 days to the President, through APNSA, whether U.S. “northern and southern land borders; large airports; federal facilities; critical infrastructure; and military installations, facilities, and assets should be designated facilities or assets under 6 U.S.C. 124n and 10 U.S.C. 130i,” which are the sections of the U.S. Code that give various federal agencies the authority to engage in counter-UAS activities. The recommendation is required to also include an assessment regarding any changes to law necessary for such designation.

The Airspace EO established the Federal Task Force to Restore American Airspace Sovereignty (the Task Force), chaired by the APNSA or a designee. The Task Force is directed to:

- Include membership “from appropriate executive departments and agencies as identified by the APNSA”;
- Evaluate operational, technical, and regulatory frameworks;
- “Develop and propose solutions to UAS threats, as appropriate and consistent with applicable law”; and
- Provide recommendations concerning implementing “all actions identified” in the EO.

The Airspace EO directs, within 30 days, the Attorney General and Secretary of Homeland Security to “explore integrating counter-UAS responses as part of the Joint Terrorism Task Forces” to protect mass gatherings.

It further directs the Attorney General, Secretary of Defense, the Secretary of Transportation through the Administrator of the FAA, and the Secretary of Homeland Security to “promptly” implement “recommendations of the March 2022 Feasibility Report to Congress with regard to the creation of the National Training Center for Counter-Unmanned Aircraft Systems (Center).” This EO additionally requires that after the Center is established, the provided training focuses on “Federal and SLTT capabilities to secure major upcoming national and international sporting events ... such as the FIFA World Cup of 2026 and the 2028 Summer Olympics.”

State and Local Government Involvement in Airspace Security (Airspace EO)

Detection and Identification of UAS

The Airspace EO also directs the Attorney General and Secretary of Homeland Security, to the extent permitted by law, to ensure their respective grant programs will permit eligible state, local, tribal, and territorial agencies (SLTTs) to receive funds for UAS, “equipment or services for detection, tracking, or identification” of UAS or their signals, “consistent with legal authorities of SLTTs.” The Airspace EO further directs all Executive agencies to use their respective authorities to “employ equipment to detect, track, and identify drones and drone signals,” where permitted by law and not in violation of the Fourth Amendment.

Data Sharing

The Airspace EO requires, within 60 days, the Administrator of the FAA to “provide automated real-time access to personal identifying information associated with UAS remote identification signals to appropriate executive departments and agencies,” as well as SLTTs for enforcing federal and state law, to the extent permitted by law (including the Privacy Act), “with appropriate national security and privacy safeguards.”

Updating Guidance

The Airspace EO also directs, within 30 days, the Attorney General, the Secretary of Transportation, the Secretary of Homeland Security, and the Chairman of the FCC to update the “Advisory on the Application of Federal Laws to the Acquisition and Use of Technology to Detect and Mitigate Unmanned Aircraft Systems” to be consistent with current law and regulations. The EO requires, within 60 days, the Secretary of Homeland Security and the Administrator of the FAA, in coordination with SRMAs, to issue guidance regarding the use of “technology for detecting, tracking, and identifying” UAS and UAS signals for owners and operators of critical infrastructure.

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Samantha Ginsburg, a Wiley 2025 Summer Associate, contributed to this alert.