

June 3, 2025

Jeffrey Clark
Acting Administrator
Office of Information and Regulatory Affairs
Office of Management and Budget
Washington, DC 20503

Dear Acting Administrator Clark:

The undersigned organizations respectfully request that the Office of Management Budget (“OMB”)’s Office of Information and Regulatory Affairs (“OIRA”) promptly conduct and complete the interagency review process for U.S. Department of Transportation’s (“DOT”) Notice of Proposed Rulemaking (NPRM) on *Designation - Restrict the Operation of an Unmanned Aircraft in Close Proximity to a Fixed Site Facility* (“Section 2209 Rule”). The undersigned organizations represent industry and law enforcement that would benefit from a final Section 2209 Rule. The Section 2209 Rule would satisfy Congress’ long-standing directive in the FAA Reauthorization Act of 2024 and in other laws and ensure homeland security through protecting sensitive fixed site facilities from unmanned aircraft systems (UAS or drones).

In Section 2209 of the FAA Extension, Safety, and Security Act of 2016 (“FESSA”), Congress directed the Federal Aviation Administration (“FAA”) to establish a process to enable operators and proprietors of certain fixed site facilities to apply for and receive airspace restrictions or prohibitions to prevent UAS from operating adjacent to their facilities. Congress, in the FAA Reauthorization Act of 2018, expanded the scope of covered facilities and required the FAA to issue an NPRM for the Section 2209 Rule by March 31, 2019, and a final rule one year later. And in the FAA Reauthorization of 2024, the FAA was required to issue an NPRM by last Fall and again missed Congress’ statutory deadline. The Trump administration now has an opportunity to produce an NPRM in a timely fashion and meet Congress’ repeated directives to finalize a Section 2209 Rule.

The Section 2209 Rule is critical to advance homeland security and enable a nationwide framework to protect against illicit drone operations. The use of drones in conflicts in Ukraine and across the Middle East has underscored the vulnerabilities of energy, chemical, rail, electric utility, amusement parks and other sensitive sites to drones.¹ Domestically, these risks are not hypothetical, given the number of close calls and sightings adjacent to sensitive sites including electric utility infrastructure, oil

¹ Russian Drones Attack Critical Infrastructure in Ukraine's West, Air Force Says, REUTERS (Dec. 2, 2024), <https://www.reuters.com/world/europe/russian-drone-attack-leaves-parts-ukraines-ternopil-without-power-military-says-2024-12-03/>.

refineries, chemical facilities, and correctional facilities.² In lieu of federal action, approximately two dozen states have enacted legislation that would establish restrictions, which creates a confusing patchwork of state laws for the drone and critical infrastructure industries and hinders FAA's oversight over the national airspace system. A Section 2209 Rule would ameliorate these issues by providing a single, nationwide program to protect critical infrastructure and other sensitive sites.

Further, implementing Section 2209 is foundational to U.S. government and Congressional efforts to establish a nationwide counter-drone program because a system of no-fly zones would clearly establish where counter-drone mitigation technology can be utilized.

Finally, the Section 2209 Rule can be issued consistent with the Administration's deregulatory agenda. A single, nationwide program would replace a confusing patchwork of state laws and provide clarity to the drone industry and critical infrastructure owners and operators alike. It would also reduce risk of a potential catastrophic incident at a sensitive site that could cause significant loss of human life and property damage. Furthermore, the Section 2209 Rule directly pertains to homeland and national security and consequently falls under the exemptions provided by section 7(a) of Executive Order 14219, *Ensuring Lawful Governance and Implementing the President's "Department of Government Efficiency" Deregulatory Initiative*, and section 5(a) of Executive Order 14192, *Unleashing Prosperity Through Deregulation*.

We appreciate your attention to this matter, and please reach out to Matt Furlow at mfurlow@uschamber.com if you have any questions.

Sincerely,

American Chemistry Council
American Fuel & Petrochemical Manufacturers
American Petroleum Institute

² Sara Ruberg, Man Planned to Use Drone With Explosive to Attack Substation, U.S. Says, THE NEW YORK TIMES (Nov. 4, 2024), <https://www.nytimes.com/2024/11/04/us/columbia-energy-facility-weapon-mass-destruction.html>; James Tutton, FBI Investigates After Large Drones Seen Flying Near Military Base and Trump's Bedminster Golf Club, WFTV9 (Dec. 4, 2024), <https://www.wftv.com/news/local/fbi-investigates-after-large-drones-seen-flying-near-military-base-trumps-bedminster-golf-club/UU7NO62Y6VAZNCMIBN3GD7XYT4/>; Russian Drones Attack Critical Infrastructure in Ukraine's West, Air Force Says, REUTERS (Dec. 2, 2024), <https://www.reuters.com/world/europe/russian-drone-attack-leaves-parts-ukraines-ternopil-without-power-military-says-2024-12-03/>; Joe Russo et al., Countering the Emerging Drone Threat to Correctional Security, RAND (Mar. 13, 2024), https://www.rand.org/pubs/research_reports/RRA108-21.html.

Association of American Railroads
Edison Electric Institute
IAAPA – The Global Association for the Attractions Industry
Interstate Natural Gas Association of America
Major County Sheriffs of America
U.S. Chamber of Commerce

cc: The Honorable Russell Vought, Director, Office of Management and Budget
The Honorable Sean Duffy, Secretary, U.S. Department of Transportation
The Honorable Christopher Rocheleau, Acting Administrator, Federal Aviation
Administration
The Honorable Kristi Noem, Secretary, U.S. Department of Homeland Security
The Honorable Pam Bondi, Attorney General, U.S. Department of Justice
The Honorable Marco Rubio, Acting National Security Advisor, Executive Office
of the President