

October 7, 2024

The Honorable Pete Buttigieg  
Secretary of Transportation  
U.S. Department of Transportation  
1200 New Jersey Ave, SE  
Washington, DC 20590

Dear Secretary Buttigieg:

The undersigned organizations representing industry and law enforcement respectfully request that the Federal Aviation Administration (FAA) propose rules, pursuant to Section 2209 of the FAA Extension, Safety, and Security Act of 2016, to restrict the operation of unmanned aircraft systems (UAS) near sensitive fixed site facilities.

Action by FAA is long overdue.

We are disappointed that the FAA has failed to propose a rule in the eight years since Congress directed the FAA to address potential threats posed by UAS near sensitive facilities.

We supported provisions of the “FAA Reauthorization Act of 2024,” recent legislation that President Biden signed on May 16, 2024, requiring the FAA, within 90 days of enactment, to propose a rule implementing Section 2209. It appears FAA will miss this deadline and, according to the Office of Management and Budget, a rule is not likely to be proposed before January 1, 2025.

We believe it is not only appropriate, but imperative for FAA to regulate in this area. In particular, the conflicts in Ukraine and across the Middle East have highlighted the novel risks posed by drones to national and homeland security, particularly to critical infrastructure and other sensitive sites.

In lieu of FAA action, approximately two dozen states have enacted legislation that would establish restrictions, which is creating a confusing patchwork of state laws that hinders FAA’s oversight over the national airspace system.

We remain deeply concerned over the FAA’s continued delay in proposing the Section 2209 rule. As owners of fixed-site critical infrastructure, correctional facilities, and the drone industry, we strongly urge FAA to promptly issue an NPRM restricting UAS operations over fixed site facilities. As Congress has directed, and as many stakeholders have urged, this rulemaking should be a priority for the FAA.

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

Sincerely,

American Chemistry Council  
American Correctional Association  
American Fuel and Petrochemical Manufacturers  
American Gas Association  
American Petroleum Institute  
Association of American Railroads  
Edison Electric Institute  
IAAPA – The Global Association for the Attractions Industry  
Interstate Natural Gas Association of America  
Major County Sheriffs  
U.S. Chamber of Commerce

cc: The Honorable Michael Whitaker, Administrator, Federal Aviation Administration  
The Honorable Alejandro Mayorkas, Secretary, U.S. Department of Homeland Security  
The Honorable Merrick B. Garland, Attorney General, U.S. Department of Justice  
The Honorable Jake Sullivan, National Security Advisor, Executive Office of the President  
The Honorable Shalanda Young, Director, Office of Management and Budget