



Part 108 and BVLOS

What the Final Rule Will Change — and What Is Still Being Fought Over



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A View From Inside the Room

Where my perspective on this rule comes from

2021–22

BVLOS Aviation Rulemaking Committee

Served on the FAA's BVLOS ARC. The committee delivered its final report on March 10, 2022 — the document that seeded most of what became Part 108.

2022

Endorsed the ARC report for Choctaw Nation

CNO filed comments on the ARC Final Report in June 2022 and urged the FAA to move expeditiously to a rule.

2025–26

Filed CNO's comments on the NPRM

Choctaw Nation comments filed October 3, 2025, and again February 6, 2026 in the reopened electronic conspicuity docket.

Today

BEYOND electronic conspicuity working group

Leading the FAA BEYOND Program's Electronic Conspicuity working group — the exact issue now holding up the final rule.



Who Choctaw Nation Is in This Industry

Test site · operator · manufacturer · large-scale end user · prospective ADSP

225,000+

tribal members

11,000

square miles of reservation

377 sq mi

FAA-coordinated BVLOS corridor

44,600+

acres at the Emerging Aviation Technology Center

THE CHOCTAW NATION OF OKLAHOMA



The only tribal government lead participant in the FAA UAS Integration Pilot Program and the BEYOND program — and the first and only tribal government-led, tribal-managed FAA-designated UAS Test Site. More than three years of BVLOS operations under FAA waiver.

Sources: CNO comments to Docket FAA-2025-1908 (Oct. 3, 2025 and Feb. 6, 2026); FAA Waiver 107W-2024-04286.



Where We're Going

45 minutes, five questions

01

How we got here

From the BVLOS ARC in 2021 to a rule sitting at the White House today

02

What Part 108 actually does

Permits, certificates, population categories, and airworthiness by declaration

03

The two fights

Right-of-way and electronic conspicuity — and the manufacturing rules nobody is arguing about

04

What comes next

Section 2209, the security overlay, and what I expect to change

05

What to do in the next 90 days

Practical steps before the rule lands



01

How We Got Here

Five years, two executive orders, one statutory mandate, and every deadline missed



The Road to Part 108

Docket FAA-2025-1908 · RIN 2120-AL82 (FAA) and 1652-AA80 (TSA)

- ◆ **Jun 2021**
FAA charts the BVLOS Aviation Rulemaking Committee
- ◆ **Mar 10, 2022**
ARC delivers its final report to the FAA
- ◆ **May 16, 2024**
FAA Reauthorization Act § 930 sets a four-month NPRM deadline
- ◆ **Jun 6, 2025**
EO 14307 orders a final rule within 240 days
- ◆ **Aug 7, 2025**
NPRM published: 90 FR 38212
- ◆ **Oct 6, 2025**
Comment period closes — approximately 3,100 comments
- ◆ **Jan 28, 2026**
Comment period reopened on electronic conspicuity
- ◆ **Feb 11, 2026**
Reopened period closes; a further extension is denied
- ◆ **Jul 10, 2026**
Final rule delivered to the White House OIRA for EO 12866 review
- ◆ **Oct 2026**
Final rule expected

Sources: Federal Register 90 FR 38212 (Aug. 7, 2025); 91 FR 3695 (Jan. 28, 2026); 91 FR 5880 (Feb. 10, 2026); reginfo.gov EO 12866 review docket.



Every Deadline Missed — On Purpose

The FAA is late. The Department of Transportation says that is the point.

325

days late

NPRM vs. the §930 statutory deadline of Sept. 16, 2024

196

days overdue

Final rule vs. EO 14307's 240-day deadline of Feb. 1, 2026

37

days at OIRA

Under White House review since July 10, 2026

“There was pressure to get the rule out”

...but the Department took the time to avoid “locking ourselves into technology.” “The Secretary certainly doesn't want lock-in protection for incumbents.”

Pete Meachum, DOT Chief of Staff — Commercial Drone Alliance event, July 31, 2026

- ◆ The counter-argument from the people writing the checks: Zipline's CEO warns that regulatory uncertainty is "the fastest way" to freeze private investment.
- ◆ Both things are true. A rule that hard-codes 2025 technology is worse than one that lands late. But industry has planned against a moving target for two years.

Sources: FedScoop and DroneXL reporting, July 31 – Aug. 1, 2026; EO 14307 (90 FR 24727); FAA Reauthorization Act of 2024 §930; reginfo.gov.



Why the Waiver Era Has to End

Waivers proved BVLOS is safe. They cannot make it routine.

~920

active BVLOS waivers as of May 2026, with 2025 approvals running at nearly double the prior year

3 + yrs

of safe, increasingly complex Choctaw Nation BVLOS operations under a single Part 107 waiver

What a waiver cannot do

- ◆ It is bespoke. Every operator negotiates conditions from scratch, and no two approvals are alike.
- ◆ It is not transferable and not bankable — you cannot raise capital against a document the FAA can decline to renew.
- ◆ It does not create a market. There is no way for a manufacturer to build to a standard, or for a service provider to sell to a defined class of customers.
- ◆ Under Part 108, BVLOS waivers under Part 107 close, and commercial package delivery moves out of Part 107 entirely.

Sources: AUVSI XPONENTIAL 2026 community address (May 12, 2026); CNO comments, Docket FAA-2025-1908; 90 FR 38212.



02

What Part 108 Actually Does

Two new parts, amendments to twelve existing ones, and a genuinely different theory of oversight



The Architecture

Not one new rule — a restructuring of how low-altitude aviation is governed

Part 108

BVLOS Operations

Subparts A–H: general rules, operating rules, personnel, operating permits, operating certificates, procedures for airworthiness acceptance, and design and testing requirements.

Part 146

Automated Data Service Providers

A brand-new certificate for third parties that supply strategic deconfliction, conformance monitoring, and other automated data services — the UTM layer, made regulatory.

Plus amendments to 14 CFR parts 36, 43, 45, 48, 89, 91, 107, 119, 133, 135 and 137 — and to TSA's 49 CFR parts 1540 and 1544.

400 ft

AGL ceiling

1,320 lb

max weight

25 ft

max span

87 kt

max ground speed

Proposed § 108.805, size, weight and speed — "unless otherwise authorized by the Administrator."

Source: Notice of Proposed Rulemaking, 90 FR 38212 (Aug. 7, 2025), §§ 108.805, 108.170; proposed part 146.



Two Doors: Permits and Certificates

Which door you walk through determines almost everything else

Permit type	Max weight	Fleet size	Max population category	Additional limitations
Package delivery	55 lb	100 aircraft	Cat 3	No hazardous materials
Agricultural	1,320 lb	10 aircraft	Cat 1	No dispensing over people
Aerial surveying	110 lb	25 aircraft	Cat 3	—
Civic interest	110 lb	25 aircraft	Cat 3	Must be under contract to Federal, State, local or Tribal government
UA operations training	1,320 lb	10 aircraft	Cat 1	—
Demonstrations	110 lb	50 aircraft	Cat 2	—
Flight test	1,320 lb	No limit	Cat 1	—
Recreational	55 lb	1 aircraft	Cat 3	—

Operating certificate — required for Category 4 and 5 areas and for larger operations. Four operation types: package delivery, agriculture, aerial surveying and civic interest. Adds a safety management system, FAA-approved manuals and training programs, validation testing, and routine FAA surveillance.

Source: 90 FR 38212, Table 4 — Limitations on Permitted Operations by Operation Type; proposed subparts D and E.



Five Categories From a Population Dataset

Proposed § 108.185 — built on LandScan USA data

		Added mitigation
Cat 1	Farther than 1 statute mile from any LandScan cell containing 10 or more people	
Cat 2	Within 1 statute mile of a cell containing 10 or more people	No unlicensed spectrum for command and control
Cat 3	Within 1 statute mile of a cell containing 25 or more people	Strategic deconfliction required
Cat 4	Within 0.5 statute mile of a cell containing 100 or more people	Operating certificate required
Cat 5	Within 0.5 statute mile of a cell containing 2,500 or more people	Detect-and-avoid for non-cooperative aircraft

Operations over open-air assemblies of persons remain prohibited unless specifically authorized.

A reality check from our corridor: Choctaw Nation's BVLOS corridor is overwhelmingly Category 1. But McAlester (pop. 18,171) falls into Category 3 and Atoka (pop. 3,195) into Category 4. A medical-specimen flight that spends 95% of its route over empty land inherits the requirements of its worst mile.



Nobody Gets a Pilot Certificate

The most under-discussed change in the rule: responsibility moves from the individual to the enterprise

Operations Supervisor

Holds final authority for the safe and secure operation of all unmanned aircraft. Qualification is determined by the operator, not by the FAA.

No airman certificate. No part 67 medical certificate.

Flight Coordinator

Tactical oversight of the flight. Five hours on the specific make and model to qualify, and five hours in the preceding twelve calendar months to stay current.

One aircraft per coordinator, unless the FAA accepts another method (§ 108.210).

And then there is TSA.

- ◆ Proposed § 108.335 would require a TSA Level 3 Security Threat Assessment for every "covered person" — anyone with unescorted access to a UAS or ground control station.
- ◆ CNO's objection: over 12,000 associates would fall inside that definition, and the nearest TSA enrollment center is more than 100 miles from the reservation.
- ◆ Our ask: narrow "covered persons" to operations supervisors and flight coordinators — or withdraw it and rewrite it with the industry.



Airworthiness by Declaration

Subpart G — the FAA accepts an aircraft. It does not certify one.

1

Consensus standard

Industry develops it

2

Means of compliance

§§ 108.705 / 108.710 — FAA accepts

3

Declaration of compliance

§ 108.715 — manufacturer declares

4

Production acceptance

§ 108.735 — inspection and test

5

Continued operational safety

§ 108.740, with audits under 108.745

- ◆ No type certificate. No production certificate. No FAA evaluation of an individual aircraft.
- ◆ Because the FAA never examines the aircraft itself, § 108.720 makes the manufacturer's operating limitations binding on the operator.
- ◆ Oversight shifts downstream: reliability data reporting, service difficulty reports, a continued operational safety program, and FAA access to facilities, data and documentation.
- ◆ Subpart H then sets the design and testing requirements — §§ 108.800 through 108.935 — covering command-and-control link, navigation, collision avoidance, software, cybersecurity, lighting, noise, and function and reliability testing.

This is the single biggest philosophical shift in the rule — and it is the part I have the most concern about.



Part 146 Is the Sleeper

A certificated market for third-party airspace services — created out of nothing

- ◆ Automated Data Service Providers would be certificated to supply strategic deconfliction, conformance monitoring, and other automated data services that operators use to mitigate risk they introduce into the airspace.
- ◆ Under § 108.190(e), certain operations must obtain these capabilities through a certificated ADSP — the FAA is not building this layer itself.
- ◆ Choctaw Nation intends to be one. We have already invested in multiple layers of ground-based radar, weather observation and sensing networks, and related safety infrastructure across the reservation.
- ◆ That is the investment signal. A certificated service class tells capital that the customers, the standards, and the liability boundaries will exist.

What we still need the FAA to clarify

- ◆ Exactly which UTM services fall inside part 146, and which sit outside it — the preamble's boundary is still ambiguous for a prospective provider planning resources.
- ◆ What an ADSP's obligations are with respect to non-cooperative aircraft, including whether law enforcement and defense tracks must be filtered or anonymized.
- ◆ A transition period. We asked for 36 months so today's UAS Service Suppliers can keep operating while they certificate.



What This Rule Gets Right

Before the criticism — this proposal is a genuine achievement

◆ Performance-based, not prescriptive

The FAA set outcomes and left the technology open. That is exactly what the ARC asked for in 2022.

◆ Consensus standards for airworthiness

Lets the standard move at the speed of the technology instead of the speed of a rulemaking.

◆ Corporate responsibility model

Recognizes that the safety-critical unit in an automated operation is the organization, not the individual.

◆ Tribal governments named in the rule

The civic interest permit explicitly contemplates contracts with Tribal governments alongside Federal, State and local.

◆ A path from experiment to enterprise

For the first time, an operator can plan a business against a rule instead of against a waiver renewal.

◆ A market for safety infrastructure

Third-party services get a certificate, a standard, and a customer base.

Choctaw Nation's central message to the FAA: this proposal needs substantial edits — but the framework underneath it is sound, and the cost of another delay falls hardest on rural and tribal communities where BVLOS is operationally necessary, not a convenience.

Source: Choctaw Nation comments, Docket FAA-2025-1908 (Oct. 3, 2025).



03

The Two Fights

One is loud and public. The other will decide whether anyone can afford to build the aircraft.



Fight One: Who Yields

Proposed § 108.195 — the most-commented provision in the docket

A part 108 unmanned aircraft must yield the right-of-way to aircraft that are —

- ◆ departing from or arriving at an airport or heliport; or
- ◆ equipped and broadcasting location using ADS-B Out meeting § 91.227, or electronic conspicuity equipment broadcasting on 978 MHz Universal Access Transceiver in a § 91.227-compliant message format.
- ◆ Separately, unmanned aircraft must yield in Class B and Class C airspace and over Category 5 population areas.

Everywhere else, the drone has the right of way. The FAA's own words in the reopening notice: part 108 operators would have “presumptive right-of-way over manned aircraft.”

More than half

of the approximately 3,100 comments the FAA received on the NPRM discussed the right-of-way proposal in some capacity. It is the reason the docket was reopened, and it is the most likely reason the final rule is still at the White House.

Sources: 90 FR 38212, proposed § 108.195 and conforming amendment to § 91.113; 91 FR 3695 (Jan. 28, 2026).



The Asymmetry at the Heart of It

Drones must listen. Crewed aircraft must talk. Drones are not allowed to talk.

Unmanned

- ◆ Must be able to detect aircraft broadcasting ADS-B Out — extended even into Class G airspace.
- ◆ May not transmit ADS-B Out. The § 107.53 prohibition carries forward into part 108, on spectrum-saturation grounds.
- ◆ Must broadcast Remote ID and carry conforming anti-collision lighting.
- ◆ Detect-and-avoid for non-cooperative aircraft is required only in Class B and C airspace and over Category 5 areas.

Crewed

- ◆ Retains right-of-way only by broadcasting — ADS-B Out, or a new class of low-cost portable electronic conspicuity device.
- ◆ That device class does not exist yet in the United States. The FAA would have to define it, and a standard would have to be approved.
- ◆ Roughly 17,000 U.S. aircraft have no electrical system at all and cannot equip, according to AOPA.
- ◆ The FAA considered mandating ADS-B Out below 500 feet and declined, citing cost and burden.

The FAA is trying to buy airspace integration with equipment it has not yet required, using a device it has not yet defined, against a standard it has not yet approved. That is the whole fight in one sentence.



Where Everyone Lined Up

Ten crewed-aviation groups signed a joint statement. The UAS industry answered from the opposite direction.

Crewed aviation

AOPA · EAA · Vertical Aviation International · NATA · National Agricultural Aviation Association · Balloon Federation · Alaska Airmen · USPA · Pilot Institute · United Aerial Firefighters

- ◆ Unmanned aircraft should yield to crewed aircraft in all cases, full stop.
- ◆ Detect-and-avoid should be required in every class of airspace, not just Class B and C.
- ◆ Balloons, ultralights and aircraft without electrical systems cannot maneuver or equip.
- ◆ AOPA: requiring general aviation to equip “because DAA capabilities for drones are too expensive is stunningly inequitable and unsafe.”

UAS industry

AUVSI · Commercial Drone Alliance · Amazon Prime Air · Wing · Small UAV Coalition · Skydio · DroneDeploy · Qualcomm

- ◆ Equip to be seen. Require ADS-B Out or approved electronic conspicuity for crewed aircraft in low-altitude airspace.
- ◆ Non-cooperative detect-and-avoid is cost-prohibitive and not yet validated at low altitude.
- ◆ CDA's arithmetic: ground-based radar runs \$1,000 to \$30,000 per square mile of coverage; an electronic conspicuity device runs about \$700.
- ◆ Drop population-density-based right-of-way — a pilot cannot determine a dynamic population category in flight.

Note what both sides agree on: population-density-based right-of-way is unworkable. When your opponents attack the same provision from opposite directions, that provision does not survive.



The FAA Reopened the Docket

Fourteen days: January 28 to February 11, 2026 · 91 FR 3695, Notice No. 25-07B

Seven questions. Every one of them about electronic conspicuity devices.

- 1** Do compliant alternate EC devices exist today? Who makes them? Can they tell the pilot they have failed?
- 2** Are they approved for the same purpose as ADS-B Out? Do they offer anonymity?
- 3** If they do not exist, how fast could they reach the U.S. market once a standard is approved?
- 4** Should the § 91.227 ADS-B Out performance requirements apply to them?
- 5** Is RTCA DO-282C the right standard — or is there another consensus standard the FAA should accept?
- 6** What is the downside of requiring a malfunction indicator?
- 7** What other technologies could let crewed operators be electronically detectable?

An extension to February 28 was requested on January 31 and denied on February 10. The FAA said the topics were limited, that roughly 3,100 comments had already covered them, and that delay would prejudice operators, manufacturers, standards bodies and service providers.



Choctaw Nation's Position

Universal electronic conspicuity — and the arithmetic behind why we care

Make the rules consistent below 500 feet.

- ◆ Require all unmanned aircraft to give way to electronically conspicuous aircraft below 500 feet, and require all crewed aircraft operating there to be electronically conspicuous. Everyone should know who has right-of-way at takeoff, not have to recalculate it in flight.

Keep it performance-based and technology-neutral.

- ◆ Prescriptive mandates tied to a specific technology disadvantage tribal governments and public entities operating on constrained budgets in difficult terrain. Publish the performance specification and let a competitive market drive the cost down.

\$400,000

buys Choctaw Nation an 18-nautical-mile radius of ground-based radar coverage — at higher altitudes. Covering low altitude across the same terrain costs substantially more, because the terrain is in the way. Multiply that by every rural operator in America and you have the real cost of solving conspicuity from the drone's side.

We also support full ADS-B equipage under the existing requirements — with the honest expectation that ADS-B will not solve everything, and functions as one layer in a multi-layer safety strategy.

Sources: Choctaw Nation comments to Docket FAA-2025-1908, Oct. 3, 2025 and Feb. 6, 2026.



Fight Two: The One Nobody Is Having

Subparts G and H are written for a factory that ships hundreds of aircraft a year

561

aircraft

Boeing deliveries, 2024

826

aircraft

Airbus deliveries, 2024

4.5M

drones

Ukraine's stated production target for 2025

Design life is the other half of the mismatch.

- ◆ A 737 is designed for twenty to thirty years of service. A small unmanned aircraft under part 108 may have a two-to-five-year life. That difference changes everything about what reliability engineering should look like.
- ◆ Small UAS are not subject to the cyclic fatigue regime that shaped legacy aircraft manufacturing rules — there is no pressurized cabin and no high-altitude cycle.
- ◆ For most aircraft under 55 pounds, the production process looks like modern electronics manufacturing, not aircraft manufacturing. Flight controllers, batteries and propellers are mass-produced parts.

A final rule must not inherit manufacturing mindsets that are already obsolete.



Where the Manufacturing Rules Break

Six provisions, and what the docket asked for instead

Proposed provision	What the docket asked for instead
§ 108.715 A declaration of compliance for every aircraft produced	◆ Declare by model or series; keep serial-number records at the manufacturer
§ 108.735 Production acceptance inspection and test on each aircraft	◆ End-of-line functional test plus risk-based statistical sampling
§ 108.745(c) Mandatory third-party audits of the manufacturer	◆ FAA inspection is sufficient; audits add cost, queuing delay and IP exposure
§ 108.700 Eligibility limited to U.S. manufacture or a bilateral agreement country	◆ No bilateral airworthiness agreement covers unmanned aircraft today — this excludes most of the existing fleet
§§ 108.840/845 Single-failure and redundancy requirements	◆ As written, functionally prohibits small multirotor designs that fly safely today
§ 108.910 Noise standards drawn from 14 CFR part 36	◆ No UAS noise test standard exists; industry calls the requirement premature

Sources: Comments of Choctaw Nation, Commercial Drone Alliance, AUVSI, Skydio, DroneDeploy and DJI to Docket FAA-2025-1908 (Oct. 2025).



The Right Analogy Is a Cell Phone Factory

Not because drones are toys — because that is how they are actually built

What legacy aviation manufacturing assumes

- ◆ Hundreds of units per year, each one individually examined
- ◆ Twenty-to-thirty-year service life with pressurization cycles
- ◆ Bespoke avionics and flight control systems
- ◆ Human-centric inspection as the primary quality gate
- ◆ Physical test articles as the primary source of design confidence

What small UAS manufacturing actually is

- ◆ Thousands to tens of thousands of units per month
- ◆ Two-to-five-year service life, no fatigue cycle regime
- ◆ Mass-produced flight controllers, batteries and propellers
- ◆ Automated production lines governed by ISO 9001 and IPC-A-610
- ◆ Simulation and modeling that characterize a design before a unit is ever built

Batch testing and sampling are not a lowering of standards. In high-volume electronics they are the standard — and they catch systematic defects that per-unit inspection at scale would miss.



04

What Comes Next

The rule at OIRA, the Section 2209 rule right behind it, and four security chokepoints nobody is harmonizing



Where the Rule Sits Today

As of the morning of August 16, 2026

Delivered to OIRA	July 10, 2026	Docket	FAA-2025-1908
Days under review	37 and counting	RIN	2120-AL82 (FAA) · 1652-AA80 (TSA)
EO 12866 review clock	90 days, extendable once by 30	OIRA classification	Other Significant

On length: the proposal ran 180 Federal Register pages — over 700 pages in the FAA's own pre-publication document. The final rule is expected to be considerably longer, on the order of 1,600 pages. That is not padding: it is the FAA answering roughly 3,100 comments on the record, and it is a signal of how seriously the docket was taken.

If the review runs the full standard clock, publication lands in early October 2026. There is no FAA commitment to any date — check [reginfo.gov](https://www.reginfo.gov) before you plan against one.

Sources: [reginfo.gov](https://www.reginfo.gov) EO 12866 review dashboard; Unified Agenda entry, RIN 2120-AL82; 90 FR 38212.



What I Expect to Change

Informed judgment — not inside information. Nobody outside OIRA has seen the text.

Likely to move

- ◆ A defined class of alternate electronic conspicuity device, with a named standard
- ◆ The presumptive right-of-way construct, softened or restructured
- ◆ Population-density-based right-of-way — attacked from both directions
- ◆ Explicit transition provisions for existing waivers and exemptions

Likely to survive largely intact

- ◆ The permit-and-certificate architecture
- ◆ Airworthiness acceptance by declaration of compliance
- ◆ The operations supervisor and flight coordinator model
- ◆ Part 146 certification of automated data service providers

“What's been out in the public is very much what's coming, what's going to be published.”

Pete Meachum, DOT Chief of Staff, July 31, 2026

Watch closely: the TSA provisions, the § 108.700 country-of-manufacture gate, and whether the redundancy requirements get scaled by aircraft class. Any of the three could quietly decide who is allowed to build for this market.



Section 2209: The Other Half of the Story

Operational rules and security rules finally moving in step

- ◆ Statutory basis: § 2209 of the FAA Extension, Safety, and Security Act of 2016, amended in 2018 and again in 2024. The rulemaking deadline was March 31, 2019.
- ◆ NPRM published May 6, 2026 — Docket FAA-2026-4558, RIN 2120-AL33. The comment period, extended thirty days at the request of the New York Attorney General, closed August 5, 2026.
- ◆ A final rule is expected within months, and the FAA is in comment adjudication now.

Standard UAFR (§ 74.5)

Open to operators of fixed-site facilities across sixteen critical infrastructure sectors. Default ceiling of 400 feet AGL, bounded by the smallest practicable polygon, continuous or part-time up to 290 consecutive days a year.

Special UAFR (§ 74.6)

Federal security and intelligence agencies, military departments, and federally sponsored facilities facing credible threats. Five-year designations, and may be designated national defense airspace carrying criminal penalties.

Why the timing matters: a BVLOS route that is legal under part 108 and blocked under part 74 is not a route. Corridor design and the economics of a delivery network depend on these two rules landing in alignment.



Four Chokepoints. No Harmonization.

Four agencies, four different scopes — clear one and you can still be blocked

§ 108.700

FAA

Airworthiness acceptance limited to U.S. manufacture or a country with a bilateral airworthiness agreement — and none covers unmanned aircraft.

FCC Covered List

FCC

December 2025: all foreign-produced UAS and UAS critical components added, along with DJI and Autel equipment. Blocks new equipment authorizations.

NDAA FY25 § 1709 and § 848

Congress / DoD

Blue UAS and covered-equipment restrictions gate federal procurement and drive component-origin requirements down the supply chain.

American Security Drone Act

Federal agencies

Restricts federal and federally funded procurement and operation of covered unmanned aircraft.

And none of it addresses the actual adversary: a malicious operator does not broadcast Remote ID, and does not yield right-of-way.



What This Unlocks

Why rural and tribal communities have more at stake in this rule than anyone

◆ Medical logistics

Transporting specimens between the Choctaw Nation Health Services Authority's community clinics across the reservation. At scale this is hundreds of missions a day — supported in part by a U.S. DOT SMART grant.

◆ Fewer vehicles on rural roads

Rural two-lane highways carry disproportionately high fatality rates. Every routine courier run moved into the air is a vehicle taken off those roads. That is a safety case the rulemaking barely counts.

◆ Infrastructure and agriculture

Powerline, pipeline and rail inspection across 11,000 square miles. Agricultural operations at 1,320 pounds under a permit. Emergency response over terrain that ground vehicles reach slowly.

◆ Sovereignty and self-determination

Tribal governments are recognized as public operators with essential safety and service missions. Regulations should preserve implementation flexibility and avoid unfunded mandates on tribal operators.



What to Do in the Next Ninety Days

Before the rule lands, not after

1

Read subparts G and H

If you build anything, that is where your costs live. Most operators have read the operating rules and skipped the manufacturing ones.

2

Inventory your waivers and exemptions

Map every condition in every approval to a part 108 permit or certificate category. Find out today which ones have no home.

3

Decide which door you're walking through

Category 4 is the cliff. If any part of your operation crosses it, you are building a safety management system and FAA-approved manuals.

4

Watch the EC device standard

If you fly crewed and low, a device class is coming. Equipping early will be cheaper than equipping late — and it protects your right-of-way.

5

Engage on Section 2209 designations

Restrictions near your operating area are being drawn now. Petitions come from facility operators — including tribal utilities and enterprises.

6

Ask for the transition period in writing

Choctaw Nation asked for two to three years for operators, and thirty-six months for service suppliers becoming ADSPs. Put your number on the record.



Yakoke

"Thank you"



The final rule will not be perfect. It will be the first real one — and for the communities I represent, that is worth more than perfect and late.

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Sources and Primary Documents

Everything in this presentation is traceable to a public record

- ◆ Normalizing Unmanned Aircraft Systems Beyond Visual Line of Sight Operations, NPRM — 90 FR 38212 (Aug. 7, 2025). Docket FAA-2025-1908; RIN 2120-AL82 / 1652-AA80.
- ◆ Reopening of Comment Period — 91 FR 3695 (Jan. 28, 2026), Notice No. 25-07B.
- ◆ Denial of Extension — 91 FR 5880 (Feb. 10, 2026), Notice No. 25-07C.
- ◆ UAS BVLOS Aviation Rulemaking Committee Final Report (Mar. 10, 2022).
- ◆ Designation to Restrict the Operation of Unmanned Aircraft in Close Proximity to a Fixed Site Facility, NPRM (May 6, 2026). Docket FAA-2026-4558; RIN 2120-AL33.
- ◆ Executive Order 14307, Unleashing American Drone Dominance (June 6, 2025).
- ◆ FAA Reauthorization Act of 2024, Pub. L. 118-63, § 930.
- ◆ Choctaw Nation of Oklahoma comments to Docket FAA-2025-1908 (Oct. 3, 2025 and Feb. 6, 2026).
- ◆ Commercial Drone Alliance, AUVSI, AOPA, EAA, Vertical Aviation International, Skydio, DroneDeploy and Amazon Prime Air comments to Docket FAA-2025-1908.
- ◆ OIRA EO 12866 review dashboard, [reginfo.gov](https://www.reginfo.gov) — status verified August 16, 2026.