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Docket Management System
Bureau of Industry and Security
U.S. Department of Commerce

Re: Commercial Drone Alliance and Consumer Technology Association Comments on the Bureau of Industry and Security, U.S. Department of Commerce Interim Final Rule on Streamlining Export Controls for Drone Exports [Docket No. 251222-0187; RIN 0694-AK30]

Dear Undersecretary Kessler:

The Commercial Drone Alliance ("CDA") and Consumer Technology Association ("CTA") appreciate the opportunity to comment on the Bureau of Industry and Security ("BIS"), U.S. Department of Commerce ("DOC") Interim Final Rule titled "Streamlining Export Controls for Drone Exports," which was published in the Federal Register on January 21, 2026 (the "January 21 IFR").[1]

The CDA is an independent non-profit organization led by key members of the commercial drone industry. The CDA advocates for U.S. leadership in advanced aviation and actively participates in legislative, regulatory, and policy efforts to facilitate the safe and secure development and expansion of domestic commercial drone operations. The CDA works with all levels of government to collaborate on policies for industry growth and educates the public on the safe and responsible use of commercial drones to achieve economic benefits and humanitarian gains. We bring together commercial drone manufacturers, end-users, service providers, advanced air mobility companies, drone security companies, and vertical markets including oil and gas, precision agriculture, construction, security, communications technology, infrastructure, newsgathering, filmmaking, and more.[2]

CTA represents the more than $537 billion U.S. consumer technology industry which supports more than 18 million U.S. jobs. CTA's members include over 1200

[1] 91 Fed. Reg. 2467 (January 21, 2026).

[2] Learn more at www.commercialdronealliance.org.

companies from every facet of the consumer technology industry, including manufacturers, distributors, developers, retailers, and integrators, with 80 percent of CTA members being start-ups or small and mid-sized companies. CTA also owns and produces CES®, which showcases technology innovation and serves as a premier forum for technology policy discussions, including trade and investment. Over 148,000 people attended CES 2026, including more than 55,000 from outside the United States.

I. Accomplishing the Administration's Goal of Streamlining Drone Exports

BIS's January 21 IFR implements directives from Executive Order ("EO") 14307 ("Unleashing American Drone Dominance") (June 6, 2025), which instructed Commerce to amend the Export Administration Regulations ("EAR") to enable expedited exports, reexports, and transfers (in-country) of US-manufactured civil Unmanned Aerial Vehicles ("UAVs") to trusted foreign partners, provided the transactions pose no diversion or national security risk.

The CDA and CTA support BIS's interest in determining the most appropriate and effective means to accomplish the directives of EO 14307, and agree with the statement in Section I of the January 21 IFR that "relevant export controls have not kept pace with the advancement of the commercial UAV market." We understand that BIS is using this comment period to better understand and evaluate whether the regulatory changes proposed in Section II of the January 21 IFR will address these challenges in a meaningful way.

Although we appreciate the effort and intention behind the regulatory changes in the January 21 IFR, we note that BIS has estimated that they will result in only 30 fewer license applications submitted annually to BIS.[3] The CDA and CTA therefore respectfully submit the true thrust of EO 14037 - enabling the expedited export of United States-manufactured civil Unmanned Aerial Systems ("UAS") to trusted foreign partners - is best accomplished by updating how small UAVs are controlled under the EAR. We have prepared several suggestions on how to modify the entries in Export Control Classification Number ("ECCN") 9A012 to accomplish this goal.

II. Updating the 'Endurance' Requirements for UAVs and Related Equipment and "Components" Controlled under ECCN 9A012

ECCN 9A012.a controls drones that have a maximum 'endurance' either greater than or equal to 30 minutes but less than 1 hour (ECCN 9A012.a.1); or a maximum 'endurance' of 1 hour or greater (ECCN 9A012.a.2). Technical Note 2 to ECCN 9A012.a states that for the purposes of these entries, "'endurance' is to be calculated for ISA conditions (ISO 2533:1975) at sea level in zero wind." ECCN 9A012.b controls equipment and "components" (as that term is defined in Section 772.1 of the EAR) that are related to the UAVs controlled under ECCN 9A012.a.

[3] See paragraph 2 of the "Rulemaking Requirements" section of the January 21 IFR, 21 Fed. Reg 2469 (January 21, 2026).

We urge BIS to reflect current commercial standards and update the ‘endurance’ requirements for UAVs and related equipment and “components” controlled under ECCN 9A012 to be three hours. Endurance is no longer a sensitive military capability; it directly correlates to battery capacity, a globally commoditized technology. Because flight time is determined by the size of standard commercial batteries, it represents a basic hardware spec rather than advanced technology. With foreign platforms already boasting flight times of nearly three hours, imposing strict export controls on American companies for crossing an arbitrary 60-minute threshold inhibits competitiveness without protecting any actual sensitive technology. The current regulations seem to use "duration" as a proxy for "range" (derived from the Missile Technology Control Regime), but this math is outdated for UAVs. The Department of Commerce should raise the flight duration control threshold in ECCN 9A012 to three hours to reflect the reality of modern commercial technology. Increasing the limit to three hours acknowledges that loitering capability or long-distance flight is now a standard feature of civilian security and inspection, not just military targeting. To inspect hundreds of miles of transmission lines, pipelines, or rail tracks, or to provide persistent security over a large facility, drones need to stay airborne longer.

We urge BIS to act on the statement in the January 21 IFR that “capabilities that once provided a military advantage have become increasingly available to consumers at significantly reduced costs” by raising the flight duration control threshold in ECCN 9A012 to three hours.

III. Removing the Wind Gust Requirements for UAVs Controlled under ECCN 9A012.a.1

ECCN 9A012.a.1 controls drones that have both a maximum ‘endurance’ greater than or equal to 30 minutes but less than 1 hour (ECCN 9A012.a.1.a), and that are “[d]esigned to take-off and have stable controlled flight in wind gusts equal to or exceeding 46.3 km/h (25 knots)” (ECCN 9A012.a.1.b). However, these wind gust requirements inhibit the safety efficacy of American-made drones, since they discourage engineers from building robust drones for critical tasks like bridge inspections or search-and-rescue in bad weather.

The ability to maintain stable flight in windy conditions is a fundamental matter of basic airworthiness and reliability, not a sensitive military capability. Wind tolerance is achieved through standard propulsion power and commercially available flight control software, not sensitive technologies. By regulating stability as if it were a weaponizable

trait, we risk restricting the very safety features that prevent accidents in civilian airspace, without effectively limiting any adversary's combat potential.

We urge BIS to pursue the stated goal in EO 14037 of “accelerat[ing] the safe commercialization of drone technologies and fully integrate[ing] UAS into the National Airspace System” by removing the wind gust requirements in ECCN 9A012.a.1.b entirely.

IV. Add a Note to Clarify ECCN 3A611.a (“Specially Designed”)

Current interpretations of ECCN 3A611.a aggressively capture commercial drones as 'specially designed for military applications' based on trivial modifications (like updating a user interface). This acts as a blunt instrument, conflating minor usability tweaks with the development of sensitive military technology. By trapping benign modifications under strict controls, the rules inadvertently capture commoditized and non-sensitive tweaks. It is important that we distinguish between adapting a tool for the field and designing a weapon of war.

We are not seeking to deregulate sensitive capabilities. Instead, our solution is specific and limited: add an explanatory note for small UAS within ECCN 3A611.a. This note would clarify that modifications requested by military end-users do not trigger 'specially designed' status if the resulting features remain consistent with civilian capabilities, confer no decisive military advantage, and are not otherwise controlled.

V. Remove Obsolete Regulations on Software and Technology for Drones

To the extent BIS does not agree with our recommendations in Section II and Section III, we recommend updating ECCNs 9D004.e and 9E001 as they do not currently reflect the reality of modern software development. The current controls are misaligned with today’s technology, as they restrict software based on parameters that are no longer unique to sensitive systems, penalizing American industry with high compliance costs for technology that is already standard worldwide. They generate significant friction for domestic innovation without achieving their intended non-proliferation goals.

ECCN 9D004.e controls software "specially designed" for operating UAVs controlled by 9A012. Controlling software based on hardware endurance is a significant misalignment. The operating code for a drone is generally identical regardless of its flight time; endurance is a function of battery capacity, not software sophistication. Since modern control systems are often designed to be universal across different airframes, developers generally do not distinguish between code for a small drone and code for a long-endurance variant. Penalizing software for a hardware attribute creates unnecessary uncertainty and fails to target actual sensitive technology.

Similarly, ECCN 9E001 controls "technology" for the development of items in 9A012. Yet, from an engineering perspective, there is no distinct sensitive 'technology' required to exceed a 30-minute flight time or withstand 25-knot gusts. As explained above in Sections II and III, performance metrics are not achieved through highly sensitive breakthroughs, but through the application of standard aerodynamic principles and

higher-capacity commercial batteries. By treating basic engineering tradecraft as controlled technology, the control restricts the sharing of knowledge that is already ubiquitous in the commercial sector.

Accordingly, we urge BIS to remove the applicability of ECCN 9D004.e and 9E001 to small UAS via a national interest determination, or create a licensing policy or license exception that achieves the same effect.

VI. Conclusion

The CDA and CTA appreciate this opportunity to comment on the BIS's January 21, 2026 IFR regarding streamlining export controls for UAVs, and we hope that the BIS will continue to consider the important perspectives of the UAS industry. We look forward to continuing to work with the BIS to expand the export of American-manufactured UAS technologies to trusted partners in global markets.

Respectfully submitted,

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