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Subject: DUE DATE: December 22, 2025; ACTION: Implementation of the American Secure Drone Act (ASDA) and OMB Memo M-26-02

To the Attention of Division Administrators and Division Directors:

This email serves as notification regarding the immediate implementation of the **American Security Drone Act of 2023 (ASDA)** and the recently issued **OMB Memorandum M-26-02** ([link](#)).

Effective **December 22, 2025**, new regulations will prohibit the purchase, operation, and funding of drones (UAS) manufactured by specific foreign entities. These restrictions apply to both **FHWA internal operations** and all **federally funded programs**.

Division Offices:

- FHWA is prohibited from obligating or expending federal funds (including grants, loans, or cooperative agreements) for the procurement or operation of covered UAS. This restriction extends to State DOTs and other non-federal entities utilizing FHWA funds. Division Offices must notify recipients of these restrictions prior to December 22, 2025.

All FHWA Offices:

- FHWA staff and contractors are prohibited from operating any covered UAS (including equipment from DJI, Autel, and other listed entities) for agency business or utilizing FHWA funding.

Immediate Actions Required:

1. **Notification to Recipients of Funds:** Provide notification to all recipients of FHWA funds of these new restrictions. (see *attached 'Draft UAS Notification Template.docx'*)
2. **Cease Operations:** Ensure all covered UAS are grounded effective December 22, 2025.
3. **Review Programs:** FHWA Staff should prepare to communicate these restrictions to recipients of Federal Funds to prevent unallowable costs.
4. **Inventory Check:** Verify that no pending procurements include prohibited technologies.

Additional Information:

Statutory Authority

- **American Security Drone Act of 2023:** Enacted as Title XVIII, Subtitle B of the FY24 National Defense Authorization Act (NDAA).

- **OMB Memo M-26-02: *Ensuring Government Use of Secure Unmanned Aircraft Systems and Supporting United States Producers*** (Issued November 21, 2025).

Critical Deadlines & Requirements

1. Operational & Funding Ban (Effective December 22, 2025)

- **Internal Operations:** FHWA staff and contractors are prohibited from operating any covered UAS (including equipment from DJI, Autel, and other listed entities) for agency business.
- **Federal Funds Prohibition:** FHWA is prohibited from obligating or expending federal funds (including grants, loans, or cooperative agreements) for the procurement or operation of covered UAS. This restriction extends to State DOTs and other non-federal entities utilizing FHWA funds and applies to the unmanned aircraft and all associated elements, including ground controllers, communication links, cameras, and gimbals manufactured by covered entities.

2. Policy Compliance & Reporting (Deadline May 20, 2026)

Per OMB Memo M-26-02, agencies have 180 days from issuance to finalize specific compliance actions. By this date, FHWA must ensure:

- Full alignment of agency UAS policies with ASDA standards.
- Implementation of robust inventory tracking to ensure ongoing compliance.
- Confirmation that all terms and conditions reflect the new funding prohibitions.

For questions regarding specific equipment eligibility or grant language, **please contact the UAS Program Manager James Gray**, James.Gray@dot.gov, directly.

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