



Federal Communications Commission
Washington, D.C. 20554

May 22, 2026

DA 26-521

Dafna Bacharach
General Counsel
D-Fend Solutions Ltd.
13 Zarchin Street
Ra'anana, 4366241
Israel

RE: May 11, 2026 Petition for Waiver

Dear Mrs. Bacharach,

We received your May 11, 2026, Petition for Waiver asking for a limited, temporary waiver of sections 2.803(b) and 2.1204(a) of the Federal Communications Commission (“Commission” or “FCC”) rules to permit the importation and marketing of EnforceAir counter-uncrewed aircraft systems (“C-UAS”) equipment manufactured by D-Fend Solutions AD Inc. (“D-Fend”).¹ D-Fend claims that grant of this waiver is required to lawfully equip State, Local, Tribal, and Territorial (“SLTT”) law enforcement and correctional agencies² with C-UAS capabilities as authorized under the SAFER SKIES Act.³ D-Fend also claims that grant of this waiver would advance the public interest by supporting security operations at upcoming mass-gathering events in the United States, including the 2026 FIFA World Cup, America’s 250th anniversary celebrations, and the 2028 Olympic and Paralympic Games.⁴

With this letter, we clarify that waiver of sections 2.803(b) and 2.1204(a) of the Commission’s rules is not required for D-Fend to import and market its C-UAS equipment to SLTT law enforcement agencies trained and certified under the SAFER SKIES Act, to the extent the SLTT law enforcement agencies are deputized and overseen by Federal agencies. Specifically, D-Fend may import their C-UAS equipment that has been authorized under the SAFER SKIES Act,⁵ and D-Fend may market such equipment to SLTT law enforcement agencies that have completed the necessary training and certification required under the SAFER SKIES Act and have been deputized by the Federal government for law enforcement operations during the 2026 FIFA World Cup.⁶ D-Fend must clearly state in its marketing materials that the C-UAS equipment may only be used to the extent and for the duration that

¹ D-Fend Solutions AD Inc. Petition for Waiver (filed May 11, 2026) (D-Fend Petition), <https://www.fcc.gov/ecfs/document/10511061814678/1>.

² While D-Fend expresses a desire to equip SLTT correctional agencies with C-UAS equipment, our guidance at this time is limited to SLTT law enforcement agencies.

³ D-Fend Petition at 1. *See also* National Defense Authorization Act for Fiscal Year 2026, Pub. L. 119-60, §§ 8601-07, 139 Stat. 1938-45 (Dec. 18, 2025) (codified at 6 U.S.C. § 124n).

⁴ D-Fend Petition at 1.

⁵ *See* 6 U.S.C. § 124n(d)(2)(A)(iii) (noting that SLTT law enforcement and correctional agencies may only use C-UAS systems included on the list of authorized technologies maintained jointly by the Department of Justice, the Department of Homeland Security, the Department of War, the Department of Transportation, the FCC, and the National Telecommunications and Information Administration).

⁶ 6 U.S.C. § 124n(d)(2)(A).

SLTT law enforcement agencies are deputized and overseen by Federal agencies.⁷ The SLTT law enforcement agencies meeting the foregoing requirements must also follow all other requirements specified by the SAFER SKIES Act.⁸ Any importation or marketing by D-Fend, or use of C-UAS equipment by SLTT agencies or other non-Federal entities, outside of these narrow circumstances would constitute a violation of Commission rules⁹ and the Communications Act of 1934.¹⁰

Section 2.803 of the Commission’s rules sets forth the conditions under which radio frequency (“RF”) devices may be marketed in the United States.¹¹ In general, no person may market an RF device unless it has been properly tested and authorized under the Commission’s applicable rules.¹² Currently, there are no provisions in the Commission’s rules to test or authorize C-UAS equipment of the type D-Fend seeks to import and market, which utilizes RF-based mitigation techniques and lacks an FCC equipment authorization.¹³ Therefore, D-Fend’s EnforceAir C-UAS equipment does not satisfy the general condition for marketing set forth in section 2.803 of the Commission’s rules. However, section 2.807 of the Commission’s rules provides several exceptions to section 2.803, where marketing RF devices prior to the device receiving FCC equipment authorization is permitted in certain circumstances, including where the devices are to be used “by the Government of the United States or any agency thereof[.]”¹⁴ To the extent that SLTT law enforcement agencies have been trained and certified under the SAFER SKIES Act, and are operating C-UAS equipment under deputation and oversight of a Federal agency,¹⁵ we find that those SLTT agencies, acting in that capacity, fit within the exception in rule 2.807(d). In order to satisfy the requirements of the SAFER SKIES Act, SLTT law enforcement agencies performing C-UAS operations for the 2026 FIFA World Cup must have received the necessary training and certification specified under the SAFER SKIES Act and operate C-UAS equipment through deputation by a Federal agency.¹⁶ Therefore, D-Fend does not require a waiver of rule 2.803(b) to market its EnforceAir C-UAS system to those SLTT law enforcement agencies for C-UAS operations during the 2026 FIFA World Cup. This decision is limited to the facts presented by D-Fend specifically with respect to the 2026 FIFA World Cup. We do not state or imply anything with respect to any future events or other equipment.¹⁷

⁷ 6 U.S.C. § 124n(d)(2)(B).

⁸ *See, e.g.*, 6 U.S.C. § 124n(d)(2)(C).

⁹ 47 CFR §§ 2.803(b), 2.807(d), 2.1204(a).

¹⁰ 47 U.S.C. §§ 302a(b), 333.

¹¹ 47 CFR § 2.803. “Marketing” includes sale, lease, offering for sale or lease, and advertising for sale or lease. *Id.* § 2.803(a).

¹² *Id.* § 2.803(b).

¹³ *See* D-Fend Petition at 1.

¹⁴ 47 CFR § 2.807(d).

¹⁵ *See, e.g.*, 28 CFR § 0.112(b) (detailing the authority of the United States Marshals Service to deputize selected SLTT law enforcement officers when the law enforcement needs of the United States Marshal Service so require).

¹⁶ *See* Douglas Olson, Special Agent in Charge, FBI Portland, *Statement of Special Agent in Charge Douglas Olson to the Senate Appropriations Committee* (Apr. 15, 2026), <https://www.fbi.gov/news/speeches-and-testimony/statement-of-special-agent-in-charge-douglas-olson-to-senate-appropriations> (explaining the FBI’s plan to train, certify, and deputize SLTT law enforcement officials to conduct C-UAS operations during the 2026 FIFA World Cup).

¹⁷ We note that in the recent FBI testimony, they acknowledge that this “task force model” of deputization is being used while the Attorney General finalizes guidelines and issues joint regulations to govern SLTT C-UAS operations conducted under the agencies’ own statutory authority. *Id.* Once those guidelines and regulations are issued, C-UAS

Section 2.1204 of the Commission's rules sets forth the conditions under which RF devices may be imported into the United States.¹⁸ In subsection 2.1204(a), there are eleven conditions under which RF devices may qualify for importation, including the condition that the RF device is being imported for use exclusively by the Federal government.¹⁹ As detailed above, we find that SLTT law enforcement agencies that have been trained and certified under the SAFER SKIES Act, and are operating C-UAS equipment under deputation and oversight by a Federal agency, would be considered deputized members of the Federal government. For that reason, D-Fend's EnforceAir C-UAS system qualifies for importation under rule 2.1204(a)(6). Therefore, D-Fend does not require a waiver of rule 2.1204(a) to import its EnforceAir C-UAS system so long as the equipment will be used exclusively by the Federal government or SLTT law enforcement agencies performing security operations during the 2026 FIFA World Cup using the training, certification, and deputization framework under the SAFER SKIES Act.

Thus, D-Fend's petition for waiver is not necessary to import its EnforceAir C-UAS equipment and market such equipment to SLTT law enforcement agencies provided it follows the detailed guidelines set forth in the SAFER SKIES Act and in the Commission's rules, and the SLTT law enforcement agencies are deputized and overseen by Federal agencies. Importantly, we emphasize that this C-UAS equipment cannot be used by SLTT agencies or any other non-Federal entities outside the narrow circumstances outlined herein. D-Fend will be in violation of Commission rules if it imports or markets this equipment (1) to SLTT agencies who either have not completed their required training and certification under the SAFER SKIES Act or are not deputized and overseen by Federal agencies; or (2) to other non-Federal entities. Similarly, if SLTT agencies or other non-Federal entities use D-Fend's C-UAS equipment without being properly trained, certified, and deputized by a Federal agency, this will constitute a violation of Commission rules. D-Fend should make this point clear and conspicuous in its marketing materials to avoid potential confusion about the scope of C-UAS operations allowable under the SAFER SKIES Act.

For the foregoing reasons, we dismiss as moot D-Fend's Waiver Petition as to the 2026 World Cup FIFA events, dismiss as moot its Petition without prejudice with respect to other events, and to the extent that D-Fend continues to seek guidance with respect to these other events, direct it to file another petition with more specific facts as to why a waiver is necessary for any other such events.

Sincerely,

Andrew C. Hendrickson
Chief
Office of Engineering and Technology
Federal Communications Commission

manufacturers and SLTT agencies may seek additional guidance on how the Commission's rules apply to their operations going forward.

¹⁸ 47 CFR § 2.1204.

¹⁹ *Id.* 2.1204(a)(6).