

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of)
Application of Section 333 of the Communications)
Act to the Testing of Counter-Unmanned Aircraft)
Systems Technologies)
Unleashing American Drone Dominance) GN Docket No. 26-74

DECLARATORY RULING

Adopted: July 2, 2026

Released: July 2, 2026

By the Chief, Wireless Telecommunications Bureau and the Chief, Office of Engineering and Technology:

I. INTRODUCTION

1. In this Declaratory Ruling, we clarify the circumstances under which non-federal entities may test signal jammers to disable or disrupt radio communications used to control unmanned aircraft systems (UAS) without violating the statutory prohibition against causing willful or malicious interference. This clarification will facilitate the private development of technologies that will help protect the public from the unlawful or dangerous use of UAS, consistent with the policies in the recent Restoring American Airspace Sovereignty Executive Order (Airspace Sovereignty EO). We emphasize that this declaratory ruling addresses only the testing of UAS signal jammers pursuant to an FCC authorization.

II. BACKGROUND

2. Unlawful UAS operations within U.S. airspace, particularly when carried out by foreign adversaries and criminal organizations, pose a growing threat to national security, including critical infrastructure, mass gatherings, and military and sensitive government installations.1 To address this threat, the Airspace Sovereignty EO ordered the creation of a task force to develop and propose solutions to UAS threats, and directed that certain actions be taken to build and operationalize the federal government’s counter-UAS (C-UAS) capacity.2

3. In response to the policies and directives adopted by the Airspace Sovereignty EO, we anticipate that private entities may continue to seek authorization from the Commission to enable the

1 See Executive Order 14305 of June 6, 2025, Restoring American Airspace Sovereignty, 90 Fed. Reg. 24719, 24719 (June 11, 2025) (Airspace Sovereignty EO).

2 See id. at 24719-21. We note that “Congress has exclusively authorized the Departments of Defense, Energy, Justice, and Homeland Security to engage in limited UAS detection and mitigation activities to counter UAS presenting a credible threat to covered facilities or assets, notwithstanding certain otherwise potentially applicable federal criminal laws[.]” FAA, DOJ, FCC, and DHS, Advisory on the Application of Federal Laws to the Acquisition and Use of Technologies to Detect and Mitigate Unmanned Aircraft Systems, at 2 (Aug. 2020), https://docs.fcc.gov/public/attachments/DOC-366222A1.pdf; see also SAFER SKIES Act of 2025, Pub. L. No. 119-213, § 2, 139 Stat. 1582 (2025) (SAFER SKIES Act) (codified as amended at 6 U.S.C. § 124n) (permitting state, local, tribal, and territorial (SLTT) law enforcement to conduct certain C-UAS operations pursuant to specific statutory criteria, and subject to federal training and certification requirements).

development, testing, and demonstration of C-UAS equipment for eventual use by the federal government or by state, local, tribal, and territorial (SLTT) authorities under the SAFER SKIES Act.³ We further anticipate that such equipment may include radio frequency (RF) jamming technologies designed to enable authorized actors to interfere with a drone operator's wireless control over the drone. On April 1, 2026, the Commission issued a Public Notice seeking comment on the companion *Unleashing Drone Dominance EO*,⁴ where the Commission acknowledged that its "current [experimental licensing] rules limit Counter-UAS to research and development purposes—not for operational mitigation or enforcement."⁵ Section 333 of the Communications Act as amended (Act) provides that "[n]o person shall willfully or maliciously interfere with or cause interference to any radio communications of any station licensed or authorized by or under this chapter or operated by the United States Government."⁶

4. We recognize that section 333 may create legal uncertainty regarding RF jamming for C-UAS testing by non-federal entities. The Commission may issue a declaratory ruling to terminate a controversy or remove uncertainty.⁷ Accordingly, to promote the testing and development of equipment that will enable the U.S. government to protect key facilities, the military, the public, and the nation, we take this opportunity to clarify how the prohibition against willful or malicious interference under section 333 of the Act applies in the context of the testing by non-federal entities of certain C-UAS technologies intended for federal use.⁸ In a companion ruling, we take additional steps to remove uncertainty regarding the application of section 333 to C-UAS jamming, confirming that the federal government itself is entirely exempt from the application of section 333, and clarifying conditions under which non-federal entities engaged in either C-UAS testing or operations on behalf of or under the oversight of the federal government, including state, local, tribal, and territorial law enforcement and correctional agency personnel engaging in C-UAS mitigation under the authority of the SAFER SKIES Act⁹ and federal contractors, may receive the benefit of the federal government's section 333 exemption.¹⁰

III. DISCUSSION

5. The FCC has described radio signal jamming as the purposeful disruption of electronic devices, equipment, or systems via RF interference.¹¹ It appears that stakeholders have interpreted section 333 of the Act as generally prohibiting covered persons from engaging in jamming or other forms of

³ See *supra* n.2. Since the publication of the Executive Orders, the Commission has granted a limited number of C-UAS experimental licenses for testing, research and development, design, and demonstration purposes.

⁴ *Unleashing American Drone Dominance*, Exec. Order 14307, 90 Fed. Reg. 24727 (June 6, 2025), <https://www.whitehouse.gov/presidentialactions/2025/06/unleashing-american-drone-dominance/>.

⁵ *FCC Seeks Comment on Unleashing American Drone Dominance*, GN Docket No. 26-74, et al., Public Notice, DA 26-314, 91 FR 20441, 44 (WTB/OET 2026).

⁶ See 47 U.S.C. § 333.

⁷ See 47 CFR § 1.2(a); see also 5 U.S.C. § 554(e).

⁸ We note that authorized testing may also involve the use of jamming technologies in order to test UAS immunity to such attacks. Our clarification applies equally and to the same extent to such situations.

⁹ See National Defense Authorization Act for Fiscal Year 2026, Pub. L. No. 119-60, §§ 8601-8607, 139 Stat. 718, 1938-45 (2025) (SAFER SKIES Act) (codified in large part at 6 U.S.C. § 124n).

¹⁰ *Application of Section 333 of the Communications Act to Development or Operations of Counter-Unmanned Aircraft Systems for the Federal Government and under the SAFER SKIES Act*, GN Docket No. 26-74, Declaratory Ruling, DA 26-655 (WTB July 2, 2026).

¹¹ See *Promoting Technological Solutions to Combat Contraband Wireless Device Use in Correctional Facilities et al.*, GN Docket No. 13-111, Notice of Proposed Rulemaking, 28 FCC Rcd 6603, 6614, para. 18 (2013) (*Contraband NPRM*).

intentional interference with authorized RF-based communications.¹² We clarify, however, that a party with an FCC authorization to test C-UAS signal jamming does not “willfully or maliciously interfere with or cause interference to” authorized radio communications in violation of section 333 when it intentionally disrupts communications between ground and airborne UAS stations that the licensee has authorization to control.¹³ We note that such experimental testing must be conducted under and fully compliant with applicable rules and license parameters and conditions, which will serve to limit the risk of potential interference with any other authorized radio communications.

6. We find that this interpretation of section 333 is supported by the regulatory definition of “interference” under section 2.1 of the Commission’s rules. This definition has been codified in the rules since 1984, was based on generally accepted definitions from the International Telecommunication Union (ITU), and would have influenced Congress’s understanding of the term when it adopted section 333 in 1990.¹⁴ Section 2.1 of the Commission’s rules defines “interference” as “[t]he effect of unwanted energy due to one or a combination of emissions, radiations, or inductions upon reception in a radiocommunication system, manifested by any performance degradation, misinterpretation, or loss of information which could be extracted in the absence of such unwanted energy.”¹⁵ Where all relevant stations are under a licensee’s direct control, the energy that the licensee transmits to intentionally disrupt communications between these stations would not be “unwanted” and, accordingly, we find that it does not constitute interference under section 333.

7. We find that the legislative history of section 333 further supports our conclusion. The House Report for the legislation adding section 333 to the Act explained that Congress was motivated to adopt the provision in order to strengthen the Commission’s role in combatting “a substantial increase in willful and malicious interference to radio communications in various radio services” such as the Amateur and Maritime services, and further noted that federal agencies were also “encountering willful and malicious interference to their communications and have requested Commission assistance.”¹⁶ It observed that “[w]hile such intentional and malicious interference to radio operations has primarily occurred in the radio services mentioned above, more isolated instances of deliberate and malicious interference to radio operations and signals in other services, including public safety, private land mobile, and cable television, also appear to be increasing.”¹⁷ The House Report noted, as examples of the prohibited conduct, specific abuses such as “intentional jamming, deliberate transmission on top of the transmissions of authorized operators already using specific frequencies in order to obstruct their communications, repeated interruptions, and the use and transmission of whistles, tapes, records, or other types of noisemaking devices to interfere with the communications or radio signals of other stations.”¹⁸ It emphasized that, previously, to address these abuses, “the Commission [was] forced to rely upon the more

¹² See *C.T.S. Technology Co., Limited, et al.*, Notice of Apparent Liability for Forfeiture and Order, 29 FCC Rcd 8107, 8111, para. 12 (2014), *forfeiture ordered*, 31 FCC Rcd 6126 (2016); *Contraband NPRM*, 28 FCC Rcd at 6614, para. 19; see also *Ravi’s Import Warehouse, Inc., Dallas, Texas*, Memorandum Opinion and Order, 37 FCC Rcd 1575, 1575, para. 3 (2022) (holding that federal law, including section 333, prohibits signal jamming in the United States and its territories).

¹³ We note that nothing in our interpretation relates to the testing of equipment for jamming of global navigation satellite systems.

¹⁴ See 47 CFR § 2.1(c); cf. *Service Rules for Advanced Wireless Services Service Rules for Advanced Wireless Services H Block—Implementing Section 6401 of the Middle Class Tax Relief and Job Creation Act of 2012 Related to the 1915-1920 MHz and 1995-2000 MHz Bands*, WT Docket No. 12-357, Report and Order, 28 FCC Rcd 9483, 9492-93, paras. 18-19 (2013) (drawing on section 2.1 definitions of “harmful interference” and “interference” to interpret the term “harmful interference” as used in 2012 legislation).

¹⁵ See 47 CFR § 2.1(c).

¹⁶ H.R. Rep. No. 101-316, 101st Cong., 1st Sess. 8 (1990).

¹⁷ *Id.*

¹⁸ *Id.*

limited licensed operator provision of the Act concerning interference.”¹⁹ The House Report concluded that the added provision, “in addition to elevating the gravity of such violations, will increase public awareness of the prohibition against this particularly disruptive type of violation.”²⁰ The discussion reflects that the addition of section 333 was intended to strengthen the Commission’s enforcement efforts to address disruption of authorized wireless services.

8. We emphasize that this Declaratory Ruling addresses only the narrow circumstance of testing of C-UAS signal jammers intended for federal or SLTT use pursuant to an FCC authorization, and only clarifies when such testing will not be deemed as violating section 333 of the Act.²¹ In some cases, geographic licenses (that were previously auctioned and have been returned to the FCC) are in the FCC’s inventory and have no current licensee. These instances are one example of how an experimenter could limit spectrum and geography of a test to remain in compliance with section 333. For example, there are no licensees today for: 600 MHz Block G, PEA332 - Bennettsville, SC; AWS (1710-1755 MHz and 2110-2155 MHz) Block A, CMA332 - Arkansas 9 – Polk; 700 MHz Lower C Block, CMA723 - Puerto Rico 1 – Rincon; and PCS Block C5, BTA359 - Portsmouth, OH.

9. Additionally, we note that any C-UAS testing conducted under our experimental licensing rules will be limited to device development, testing, demonstrations, and customer evaluation.²² Moreover, nothing in this ruling should be read to permit commercial operation, and the clarity provided herein pertains solely to section 333 of the Act. All other statutory provisions and rules, including part 5 rules prohibiting experimental stations from causing harmful interference to any station operating in accordance with the Table of Frequency Allocation and limiting experimental stations’ interference protection rights, remain in force.²³

10. In sum, we find that section 333 is satisfied insofar that: (1) RF signal jamming is conducted solely for purposes of the testing of C-UAS or C-UAS immunity for federal or SLTT use; (2) the same non-federal entity controls and operates both the jamming equipment and the equipment to be jammed; and (3) the non-federal entity does not cause harmful interference to any station licensed or authorized by the Commission or operated by the United States government. In addition to satisfying section 333’s requirements: (1) the non-federal entity must obtain an experimental authorization for such testing pursuant to the Commission’s rules and procedures; and (2) the non-federal entity must fully comply with all applicable rules, conditions, and requirements of that testing authorization. The Office of Engineering and Technology will publish guidance on how applicants may obtain the necessary authorization and provide the relevant documentation to ensure compliance with the scope of this Declaratory Ruling.

IV. ORDERING CLAUSES

11. Accordingly, IT IS ORDERED that, pursuant to sections 303 and 333 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 303, 333, sections 0.131, 0.331, and 1.2 of the Commission’s rules, 47 CFR §§ 0.131, 0.331, 1.2, and section 5(e) of the Administrative Procedure Act, 5 U.S.C. § 554(e), this Declaratory Ruling IS ADOPTED.

¹⁹ *Id.*

²⁰ *Id.* at 9.

²¹ For example, this Declaratory Ruling does not address the scope of federal criminal statutes such as the Aircraft Sabotage Act, *see* 18 U.S.C. § 32.

²² Although 47 CFR Part 5 contains limited market trial opportunities for certain types of experimental licenses, we are not permitting such operations for C-UAS as such devices are not intended for use by the general public to provide services for hire (47 CFR § 5.602a).

²³ 47 CFR § 5.84.

12. IT IS FURTHER ORDERED that this Declaratory Ruling IS EFFECTIVE upon release of this document.

FEDERAL COMMUNICATIONS COMMISSION

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