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

In the Matter of	)	
	)	
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	)	
	)	
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:

I. INTRODUCTION

1. In this Declaratory Ruling, we take further steps to remove legal uncertainty that would frustrate the development and operation of technologies that will protect the public against the negligent or malicious use of unmanned aircraft systems (UAS). First, we clarify that the prohibition against willful or malicious interference with authorized communications under section 333 of the Communications Act of 1934, as amended (Act), does not apply to the testing and use of Counter-Unmanned Aircraft System (C-UAS) technologies by the federal government, including C-UAS mitigation technologies that cause intentional interference such as signal jammers. Second, because the federal government will rely in part on non-federal entities for the development and operation of C-UAS technologies, we identify conditions under which non-federal entities testing or using interference-causing C-UAS technologies on behalf of or under the oversight of the United States government will have derivative immunity from liability under section 333. In particular, we clarify that (1) state, local, tribal, and territorial (SLTT) law enforcement and correctional agency personnel engaging in C-UAS mitigation under the authority of the SAFER SKIES Act[1] codified at 6 U.S.C. § 124n(a)(2) will meet the conditions for such immunity, and (2) any non-federal party that is acting on behalf of a federal agency with authority to engage in C-UAS actions, such as a federal contractor, and that meets National Telecommunications and Information Administration standards for when a station operated by a non-federal party qualifies as a federal station would also satisfy the requirements for derivative immunity.

II. BACKGROUND

2. On June 6, 2025, the Administration released two executive orders addressing Administration policy for UAS in the United States. One order adopted various measures "to ensure continued American leadership in the development, commercialization, and export of UAS" (*Drone Dominance EO*).[2] The other, addressing a substantial and growing threat from the misuse of UAS,

[1] *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).

[2] *See Unleashing American Drone Dominance*, Exec. Order 14307, 90 Fed. Reg. 24727 (June 6, 2025) (*Drone Dominance EO*).

established that it is the policy of the United States "to ensure control over our national airspace and to protect the public, critical infrastructure, mass gathering events, and military and sensitive government installations and operations from threats posed by the careless or unlawful use of UAS" (*Airspace Sovereignty EO*).[3] The *Airspace Sovereignty EO* included several directives in furtherance of this policy, including promoting the building of C-UAS capacity and a direction to the Attorney General and the Secretary of Homeland Security to explore C-UAS operational responses for the purpose of protecting mass gathering events.[4]

3. One important C-UAS approach involves the use of radio frequency (RF) jamming or communications-intercepting technologies to interfere with a drone operator's wireless control over the drone. This C-UAS approach is addressed by the SAFER SKIES Act, which, as codified in 6 U.S.C. § 124n(a)(2), provides authority to SLTT law enforcement and correctional agencies, conditioned on the training and certification by the Department of Justice as well as certain notification, oversight, and other requirements, to conduct specified C-UAS operations "to mitigate a credible threat that an unmanned aircraft system or unmanned aircraft poses to the safety or security of people, facilities, and assets, a venue or set of venues used for large-scale public gatherings or events, critical infrastructure, or correctional facilities."[5] Authorized mitigation measures include "[d]isrupt[ing] control" of the UAS by "interfering, or causing interference with . . . radio communications used to control" the UAS.[6]

4. Testing or use of signal jammers or other technology designed to cause intentional interference, however, also implicates section 333 of the Act, which 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."[7] While subsection 124n(a)(2) expressly exempts SLLT agencies that take C-UAS actions under the authority of that provision from a number of laws that might otherwise render such actions unlawful, it does not provide any express exemption from the prohibition against willful or malicious interference with authorized communications under section 333 of the Act.[8]

5. On April 1, 2026, the Wireless Telecommunications Bureau and Office of Engineering and Technology released a Public Notice seeking comment on any barriers to C-UAS deployment posed by section 333, along with a number of other issues and reforms that could advance the Administration's policies on UAS and C-UAS (*Drone Dominance PN*).[9] Specifically, the *Drone Dominance PN* observed that certain provisions of the Communications Act and FCC regulations may pose barriers to C-UAS deployment, and sought comment on any such barriers and reforms to address them, including section 333 of the Act.[10]

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[3] *See Restoring American Airspace Sovereignty*, Exec. Order 14305, 90 Fed. Reg. 24719, 24719 (June 6, 2025) (*Airspace Sovereignty EO*).

[4] *See id.* at 24721.

[5] 6 U.S.C. § 124n(a)(2).

[6] 6 U.S.C. § 124n(b)(1)(C).

[7] 47 U.S.C. § 333.

[8] *See* 6 U.S.C. § 124n(a)(2) (providing that SLTT agency personnel may exercise C-UAS authority under this section "[n]otwithstanding section 46502 of title 49 or sections 32, 1030, 1367 and chapters 119 and 206 of title 18 [and] notwithstanding the laws of any particular State, local, Tribal, or territorial jurisdiction").

[9] *See FCC Seeks Comment on Unleashing American Drone Dominance*, GN Docket No. 26-74 et al., Public Notice, DA 26-314 (OET & WTB rel. Apr. 1, 2026) (*Drone Dominance PN*).

[10] *See id.* at 9.

6. In response, several commenters argue that section 333 of the Act presents a barrier to the development of needed C-UAS measures and request FCC action to address the problem.[11] Commenters indicate that there is uncertainty regarding whether and in what circumstances federal contractors or other non-federal parties working on behalf of the federal government may test or operate equipment designed to cause interference without violating section 333, and that this uncertainty is inhibiting C-UAS development.[12] Some underscore the need for a legal path that accommodates actual C-UAS operations by non-federal entities, and not just testing and demonstration.[13] Some commenters assert that the absence of an express exemption from section 333 leaves uncertainty regarding the extent to which that provision applies to the exercise of SAFER SKIES Act C-UAS mitigation authority.[14]

7. The Wireless Telecommunications Bureau is authorized to issue a declaratory ruling to terminate a controversy or remove uncertainty.[15] Therefore, to advance the policy of the United States articulated in the *Airspace Sovereignty EO* and facilitate implementation of the SAFER SKIES Act, we clarify the application of section 333 to C-UAS activities. In the instant Declaratory Ruling, we clarify that a non-federal party working as an agent of the federal government is exempt from the application of section 333 for purposes of operations as well as testing. Specifically, we first confirm that the federal government itself is entirely exempt from the application of section 333, and then clarify conditions under which non-federal entities acting on behalf of or under the oversight of the federal government may receive the benefit of the federal government's exemption.[16] We specifically clarify that SLTT agency

[11] *See*, *e.g.*, AeroVironment, Inc. Comments, GN Docket No. 26-74, at 1 (proposing that the Commission create a "safe harbor" from section 333 that would permit companies to develop and test C-UAS technology and demonstrate those technologies to federal customers); Alarm Industry Communications Committee Comments, GN Docket No. 26-74, at 2 (section 333 "poses a significant barrier to deployment of C-UAS measures."); Anduril Comments, GN Docket No. 26-74, at 10-11 (arguing that interpreting section 333 as a "near-absolute bar . . . forecloses a model of defense-technology development that is central to Anduril and companies like it: developing ECM and Counter-UAS products using commercial off-the-shelf . . . components and building to anticipated military specifications without waiting for a formal acquisition contract," and proposing that the Commission grant targeted and narrowly tailored relief from interference restrictions to permit designated non-federal entities to employ limited C-UAS measures); Lockheed Martin Comments, GN Docket No. 26-74, at 11 (identifying section 333 as a "barrier[] that limit[s] effective c-UAS operations" and suggesting "tailored carveouts may be warranted to enable authorized entities to respond to credible security threats."); *see also* American Petroleum Institute Reply Comments, GN Docket No. 26-74, at 2 (encouraging the FCC to clarify the permissible use of C-UAS systems and tools); Emerging Technology Institute Comments, GN Docket No. 26-74, at 3 (stating that "current regulatory ambiguity surrounding C-UAS development, particularly with respect to the Communications Act's prohibition on jamming equipment, creates significant uncertainty that hampers innovation and discourages responsible developers from engaging with this critical mission area").

[12] *See*, *e.g.*, AeroVironment, Inc. Comments, GN Docket No. 26-74, at 1 (stating that it is currently working on technology for detecting, classifying, and deterring drones that threaten troops, military installations, bases, and critical infrastructure); Lockheed Martin Comments, GN Docket No. 26-74, at 1 (stating that it manufactures and operates C-UAS technologies in support of national security missions); CACI International, Inc. Reply Comments, GN Docket No. 26-74, at 1 (asserting that "[t]he Commission's interpretation of Section 333 . . . will directly influence the nation's ability to field timely, effective CUAS capabilities").

[13] *See* Orcrist Comments, GN Docket No. 26-74, at 1 (asserting that current mechanisms permit research and development only, and "[a] clear path to fielded operations and deployment . . . is essential for the counter-UAS industry to grow and achieve the goals of the Administration.").

[14] *See*, *e.g.*, AUVSI Comments, GN Docket No. 26-74, at 9; National Sheriffs' Association Comments, GN Docket No. 26-74, at 3; D-Fend Solutions AD Inc. Reply Comments, GN Docket No. 26-74, at 6.

[15] *See* 47 CFR §§ 0.131, 0.331, 1.2(a); *see also* 5 U.S.C. § 554(e).

[16] Some commenters in the *Drone Dominance* record argue in general terms against actions that would alter the applicability of section 333. *See*, *e.g.*, GPS Innovation Alliance Comments, GN Docket No. 26-74, at 5-6 (urging the FCC to "refrain from reforming . . . laws designed to protect against harmful interference."). None of them

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action validly conducted under 6 U.S.C. § 124n(a)(2) will meet the conditions for such immunity. In a companion ruling, we clarify that non-federal entities operating under an FCC experimental authorization may test or demonstrate C-UAS jamming technologies without violating section 333 under specified conditions, including that the same non-federal entity controls and operates both the jamming equipment and the equipment to be jammed and does not cause harmful interference to any other station licensed or authorized by the Commission or operated by the United States government.[17] That ruling will permit the development or demonstration (but not operation) of C-UAS equipment without requiring any established contractual or other relationship with the federal government.[18]

III. DISCUSSION

A. Application of section 333 to the federal government.

8. As an initial matter, we clarify that section 333 does not apply to the federal government, and accordingly, does not prohibit the testing or use by the federal government of jamming or other interference technologies for purposes of C-UAS. As section 333's prohibition applies to any "person," the question of section 333's applicability to the federal government turns on the definition of the term "person." The term is not defined in that section, but is defined elsewhere in the Act. Specifically, section 3 of the Act defines "person" to "include[] an individual, partnership, association, joint-stock company, trust, or corporation."[19] The definition omits any express reference to government entities, including the federal government. Section 3's introductory clause also makes clear that the specifics of all the definitions therein will apply throughout the Act "unless the context otherwise requires."[20]

9. As the Commission has previously observed, "there is a longstanding interpretive presumption that the word 'person' does not include the sovereign" except "upon some affirmative showing of statutory intent to the contrary."[21] Thus, when a federal statute omits any express reference to the federal government, the analysis of the statute generally begins with a rebuttable presumption that Congress intended the federal government to be excluded.[22] In 2016, for example, the Supreme Court applied the presumptive exclusion of the sovereign from statutory requirements directed at "persons" in a

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argue, however, that section 333 applies to the federal government or to its agents acting within the scope of their agency. To the contrary, commenters addressing the issue support our interpretation that the federal government is exempt from section 333. *See*, *e.g.*, Anno.ai Comments, GN Docket No. 26-74, at 15 (acknowledging "the federal exception to [s]ection 333"); CTIA Comments, GN Docket No. 26-74, at n.48 (noting the exception to section 333 for the federal government).

[17] *See Application of Section 333 of the Communications Act to the Testing of Counter-Unmanned Aircraft Systems Technologie*s, GN Docket No. 26-74, Declaratory Ruling, DA 26-654 (WTB, OET July 2, 2026).

[18] Thus, that clarification applies to parties operating either with or without a federal contract or other federal relationship. We note that, under the experimental licensing rules, experimental authorizations are available for, but are not limited to, "[e]xperimentations under contractual agreement with the United States Government . . . ." 47 CFR § 5.3(c); *see also* 47 CFR § 5.63(c)(2).

[19] 47 U.S.C. § 153(39).

[20] 47 U.S.C. § 153.

[21] *Rules and Regulations Implementing the Telephone Consumer Protection Act of 1991, Broadnet Teleservices LLC Petition for Declaratory Ruling*, CG Docket No. 02-278, Declaratory Ruling, 31 FCC Rcd 7394 (2016) (*Broadnet Order*) (internal quotations omitted)*, rev'd in other part*, Order on Reconsideration, 35 FCC Rcd 15052 (2020) (*Broadnet Order on Reconsideration*).

[22] Under the prevailing Supreme Court view, there is a "longstanding interpretive presumption that 'person' does not include the sovereign . . . . [, which presumption] may be disregarded only upon some affirmative showing of statutory intent to the contrary." *Vermont Agency of Natural Resources v. United States ex rel. Stevens*, 529 U.S. 765, 780-81 (2000) (*Vermont Agency*).

case involving the Telephone Consumer Protection Act of 1991 (TCPA) prohibitions contained in section 227 of the Act, which restricts "person[s]" from making robocalls.[23] Similarly, in the case of section 333, the definition of "person" does not expressly include any reference to the federal government, as noted, and accordingly, the rebuttable presumption of exclusion applies in this case.[24]

10. Further, there is nothing in the context of the provision that rebuts the presumption in this case. Indeed, other provisions of the Communications Act generally bolster the conclusion that the federal government was intended to be excluded from that section's coverage. Notably, under section 305 of the Act, radio stations belonging to and operated by the federal government are excluded from the Commission's authority to regulate wireless transmission under sections 301 and 303, including its authority under section 303(f) to make regulations necessary to prevent interference between stations.[25] Instead, "[a]ll such Government stations" are subject to frequency assignment and regulation by the President, except that uses that do not relate to "Government business" are still subject to Commission regulation.[26] Legislative history indicates that section 333 was adopted to expand the Commission's existing regulatory authority to prevent wireless interference.[27] The fact that section 333 did not disturb the Act's exemption of the federal government from that pre-existing Commission authority over interference supports the conclusion that the federal government is similarly intended to be exempt from the expansion of that authority under section 333.[28]

11. In addition, prior to the adoption of section 333, Congress added section 302 to the Act to expand the Commission's authority to regulate interfering devices, but in doing so, it included an exemption for the federal government from the Commission's authority to regulate interfering devices.[29] This exemption recognized and preserved the federal government's existing ability to employ interference-based strategies in performing its sovereign duties in such areas as national defense. While the legislation added a proviso that directed the federal government to take steps to further interference reduction objectives, it placed this responsibility directly in the hands of the Executive Branch, and

[23] *See Campbell-Ewald Co. v. Gomez*, 577 U.S. 153, 166 (2016) (stating that the "United States and its agencies, it is undisputed [by the parties], are not subject to the TCPA's prohibitions because no statute lifts their immunity").

[24] As with the TCPA, Congress adopted section 333 under the backdrop of the rebuttable presumption that the definition of "person" excludes the federal government.

[25] *See* 47 U.S.C. § 303(f).

[26] 47 U.S.C. § 305(a)

[27] *See* H.R. Report 101-316, 101st Congress, 8 (1989) (explaining that the new provision is adopted because the Commission is "[l]acking any general statutory prohibition in the Communications Act of 1934 against willful or malicious interference" and is therefore "forced to rely upon the more limited licensed operator provision of the Act concerning interference," and concluding that the new provision "will assist the Commission in curtailing willful and malicious interference").

[28] Conversely, the absence of a specific carve-out for the federal government in section 333 comparable to those in sections 302 and 305 does not argue against a federal exemption from the former. Unlike section 333, sections 302 and 305 both discuss affirmative grants of regulatory authority over federal operations. Accordingly, it was necessary for Congress to explicitly address who possessed that authority in sections 302 and 305, while simply relying on the (by-then) well-established presumption regarding the scope of the term "person" under section 333.

[29] Amendment of 1934 Communications Act to Give FCC Authority to Regulate the Manufacture of Interfering Devices, Pub. L. No. 90-379, 82 Stat. 290 (1968) (*1968 Amendment*). While section 302(a), 47 U.S.C. § 302a(a), enlarged the FCC's power by authorizing its regulation of the manufacture, importation, and sale of interfering devices, section 302(c) limits the FCC's authority for those devices used by the federal government. *See* 47 U.S.C. § 302a(c) (stating that the "provisions of this section shall not be applicable to . . . devices for use by the Government of the United States or any agency thereof").

provided that the federal government's exercise of this responsibility should "tak[e] into account the unique needs of national defense and security."[30]

12. The legislative history of section 302 demonstrates unambiguously that Congress understood that the federal government planned to exercise its authority under the exemption by adopting its own interference reduction standards comparable to those of the FCC,[31] and by continuing to utilize governmental programs and equipment designed for deliberate interference:

> The clause protects the interests of the U.S. Government and in particular all the military departments which have active programs for the research, development, and use of electronic counter-measure equipment. Such equipment is specifically designed to interfere with the use of the radiofrequency spectrum.[32]

13. Thus, at the time Congress enacted section 333 in 1990, use of signal jammers had long been a recognized and established federal government prerogative. Nothing in the legislative history surrounding the adoption of section 333 in 1990 suggests that Congress intended that section to have the effect of reducing the flexibility of the federal government to deploy interfering devices that could be critical to the national defense and security, or of changing the long-standing assignment of regulatory authority over federal government stations reflected in sections 302 and 305. Moreover, at the time section 333 was enacted, Congress would have been well aware of the foregoing presumption against reading the term "person" to waive the federal government's sovereign immunity. Section 3 emphasizes the need to consider such "context" when applying those definitions. For all of the above reasons, we conclude that section 333 does not apply to the federal government.

B. Application of section 333 to non-federal actors testing or using equipment under federal authority.

14. While the term "person" in section 333 does not include federal entities, it does encompass all non-federal entities, including both private entities and state and local governmental entities.[33] Accordingly, without a relationship that enables a non-federal actor to benefit from the federal

[30] *1968 Amendment*, 82 Stat. at 290 (codified at 47 U.S.C. § 302a(c)).

[31] S. Rep. No. 1276, 90th Cong. 2d Sess. 2 (1968) (Report No. 90-1276), 1968 U.S.C.C.A.N. 2486. The Senate Report stated that the federal exemption was "consistent with the provision in section 305 of the Communications Act that the Commission has no regulatory jurisdiction over stations owned and operated by the United States" but provides "that such devices shall be developed or procured by the Government under standards or specification designed to achieve the common objective of reducing interference to radio reception, taking into account the unique needs of national defense and security." *Id.* at 2487.

[32] *Id*. at 2505.

[33] While the definition of "person" in section 3 of the Act does not expressly reference state or local governments, such governmental entities, in contrast to federal entities, receive significantly different treatment under the Act, and this context makes clear that such entities are covered by section 333. In the *Broadnet Order on Reconsideration*, the Commission discussed some of this context, holding that the radio licensing requirements of section 301 (applicable to "persons") and the authority granted to the Commission under section 303 (including, *inter alia*, authority under subsection (f) to regulate to prevent interference, and authority under subsection (m)(1)(e) to suspend a license of an "operator" that has "willfully or maliciously interfered with any other radio communications or signals") "clearly apply to state and local governments." *Id.* at 15061 n.65. It is unlikely that Congress intended state or local governments to be subject to FCC interference regulation under section 303 but exempt from section 333's prohibition against willful or malicious interference to communications of licensed or authorized stations. Indeed, the legislative history of section 333 is explicit that Congress intended section 333 to expand the existing enforcement options in cases of willful interference, without any indication that states or localities, already subject to those existing enforcement options found by Congress to be inadequate, were nevertheless carved out from the expansion. *See* H.R. Rep. No. 101-316, 8-9 (101st Cong. 1989). Thus, the Commission and its staff have observed on several occasions that non-federal governmental entities and personnel are subject to section 333's interference

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government's exemption from section 333, and absent some other statutory source exempting them from the provision, the non-federal actor would remain subject to section 333's prohibition against willful or malicious interference with communications of any licensed or authorized station.

15. The Supreme Court's precedents establish that a non-federal party "acting as an agent of the Government [can] be held liable for injurious conduct in only two circumstances: when he exceeded his authority or when that authority was not validly conferred."[34] Authority is validly conferred where the federal government itself possesses the legal authority for the action and properly delegated it to the non-federal entity.[35] As discussed above, the federal government is uniformly exempt from section 333, and accordingly, the federal government is not constrained by that provision as a general matter. Accordingly, in order for a non-federal entity to be exempt from section 333 under this precedent, it must have a relationship that is validly conferred upon it by a federal agency, and it must stay within the bounds of the authority granted under that relationship and act consistently with the directions given by the federal entity.

16. We do not attempt to fully map out all the circumstances in which these principles would apply to the development and use of interfering C-UAS equipment by non-federal entities on behalf of or under the oversight of the federal government. As discussed in detail below, however, we clarify that SLLT agencies validly acting pursuant to 6 U.S.C. § 124n(a)(2) satisfy the conditions for derivative immunity and are thus exempt from liability under section 333. Further, we clarify that non-federal parties, if acting on behalf of agencies with authority to engage in C-UAS activities and meeting the specific standards under the National Telecommunications and Information Administration (NTIA) Manual of Regulations and Procedures for Federal Radio Frequency Management (NTIA Manual) for when a station operated by a non-federal entity qualifies as a federal station, would also satisfy the requirements for derivative immunity.[36]

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prohibition. *See*, *e.g.*, *Promoting Technological Solutions to Combat Contraband Wireless Device Use In Correctional Facilities*, GN Docket No. 13-111, Third Further Notice of Proposed Rulemaking, FCC 25-65, para. 14 (rel. Sept. 30, 2025) (noting that "section 333 of the Act prohibits state and local government agencies from using jammers"); *WARNING: Jammer Use Is Prohibited: Prohibition Applies to Use by the Public and State and Local Government Agencies, Including State and Local Law Enforcement Agencies*, Public Notice, 29 FCC Rcd 14737, 14737-38 (EB 2014) (stating that "[f]ederal law provides no exemption for use of a signal jammer by school systems, policies departments, or other state or local authorities.").

[34] *Geo Group, Inc. v. Menocal*, 146 S.Ct. 774, 784 (2026) (internal quotations omitted).

[35] *See id.* (finding that government validly authorized company to take action where the federal government itself possessed the legal right to take the action and properly delegated it by contract). *See also Campbell-Ewald Co. v. Gomez*, 577 U.S. 153, 167 (2016) (holding that "[w]here the Government's 'authority to carry out the project was validly conferred, that is, if what was done was within the constitutional power of Congress,' … 'there is no liability on the part of the contractor' who simply performed as the Government directed.") (quoting *Yearsley v. W.A. Ross Constr. Co.*, 309 U.S. 18, 20 (1940)).

[36] *See* NTIA, Manual of Regulations and Procedures for Federal Radio Frequency Management (June 2025 ed.), https://www.ntia.gov/publications/redbook-manual (NTIA Manual), at § 8.2.17. We note that the Commission has long concurred with these standards as governing when non-federally operated stations are "federal stations" under the Act. *See* Request by Director, Office of Telecommunications Policy, Executive Office of the President Concerning Use of Government Frequencies by Common Carriers, *By-Direction Letter of Commission*, 37 FCC 2d 872 (1972) (concurring with NTIA's guidelines for determining whether or not a station belongs to and is operated by the United States as specified in section 305, and confirming that these guidelines "are consistent with the Commission's policy in this matter").

1. SLTT agencies authorized under the SAFER SKIES Act.

17. We clarify that parties operating under the relevant C-UAS mitigation authority under 6 U.S.C. § 124n(a)(2) have the necessary relationship to the federal government to receive the benefit of the federal government's exemption from section 333 liability when acting within the scope of their authority under that provision and consistent with applicable federal rules and directions. Subsection (a)(2) provides that, notwithstanding certain federal criminal laws or the laws of any particular State, local, Tribal, or territorial jurisdiction, any SLTT law enforcement or correctional agency may, subject to various requirements, take specified C-UAS actions to achieve certain specified purposes.[37] To exercise this authority, SLTT agencies and personnel must receive federal training and certification to engage in mitigation actions such as jamming,[38] and must rely only on federally-approved equipment.[39] Further, they must notify the Attorney General and the Secretary of Homeland Security within 48 hours of taking any mitigation action (including jamming),[40] and are subject to ongoing oversight of the Attorney General to ensure compliance with various requirements and restrictions.[41] A separate provision further provides that SLTT agencies that knowingly act without the requisite Federal coordination may be subject to fines or the suspension of their C-UAS authority pending review by the Attorney General or Secretary of Homeland Security.[42] Given these requirements and conditions, SLTT agencies acting under subsection (a)(2) authority have the necessary relationship to benefit from the federal government's exemption from section 333.

2. Other non-federal parties.

18. In addition to SLTT agencies acting under authority granted pursuant to 6 U.S.C. § 124n(a)(2), we further clarify that any non-federal party, such as a federal contractor, that is acting on behalf of a federal agency with authority to engage in C-UAS actions[43] and that meets the specific standards under the National Telecommunications and Information Administration (NTIA) Manual of Regulations and Procedures for Federal Radio Frequency Management (NTIA Manual) for when a station operated by a non-federal entity qualifies as a federal station would also satisfy all of the requirements for

[37] *See* 6 U.S.C. § 124n(a)(2) (establishing the "Authority" of SLTTs to engage in C-UAS with the benefit of various federal statutory exemptions, "notwithstanding the laws of any particular State, local, Tribal, or territorial jurisdiction" and to the extent such actions are necessary to achieve the specified purposes).

[38] *See* 6 U.S.C. § 124n(d)(2)(A) (providing that only SLTT agencies and personnel that have been "trained and certified" by the Attorney General may exercise specified mitigation authorities).

[39] *See* 6 U.S.C. § 124n(d)(2)(A)(iii) (providing that technologies used by SLTT agencies for any actions under the provision, including mitigation, are limited to "systems or technologies that are included on a list of authorized technologies maintained jointly by the Department of Justice, the Department of Homeland Security, the Department of Defense, the Department of Transportation, the Federal Communications Commission, and the National Telecommunications and Information Administration.").

[40] *See* 6 U.S.C. § 124n(d)(2)(C) (requiring notification to include (1) the date, time, and geographic location of the mitigation action; (2) a brief description of the credible threat or safety concern necessitating such action; (3) the type of mitigation capability employed; and (4) any known operational effects, including the seizure, disabling, or destruction of a UAS or unmanned aircraft.).

[41] *See* 6 U.S.C. § 124n(d)(2)(B) (requiring oversight for compliance with the privacy protection requirements of section (e)). *See also* 28 CFR § 124.16(a) (specifying that the Attorney General will conduct periodic compliance audits of SLTT law enforcement and correctional agencies exercising authority under 6 U.S.C. § 124n(a)(2)).

[42] *See* 6 U.S.C. § 124n-1(f).

[43] *See*, *e.g.*, 6 U.S.C. §§ 123n(a)(1), 123n(l)(6)(A) (providing that the agency "personnel" authorized to engage in specified C-UAS operations under subsection (a)(1) encompass both "deputized personnel" and "contractors").

derivative immunity, and thus be exempt from liability under section 333.[44] We note that such non-federal parties do not have independent authority to operate C-UAS systems and may only operate them under the condition that a federal agency exercises ultimate control and is the responsible party for the operation. Specifically, section 8.2.17 of the NTIA Manual provides that the station in question must meet the following conditions: (1) the department or agency concerned should be able to exercise effective control over the radio equipment and its operation; (2) the department or agency concerned assumes responsibility for contractor compliance with Executive Branch, departmental, or agency instructions and limitations regarding use of the equipment and ensures that such instructions and limitations are met when operating under the authority of an Executive Branch frequency authorization to the department or agency; and (3) the station should be operated by an employee of the department or agency or by a person who operates under the control of the department or agency on a contractual or cooperative agreement basis, and who is under supervision of the department or agency sufficient to ensure that Executive Branch, departmental, or agency instructions and limitations are met.[45] These standards ensure both that the non-federal entity in question is acting as a federal entity's agent and that its actions remain within the scope of that agent relationship and within the constraints of any other law applicable to those federal agencies.

C. Conclusion.

19. To the extent that non-federal entities test or operate C-UAS equipment under the standards discussed above, we clarify that they are exempt from liability under section 333.[46] In so stating, we do not preclude the possibility that there will be circumstances beyond those discussed above

[44] *See* NTIA, Manual of Regulations and Procedures for Federal Radio Frequency Management (June 2025 ed.), https://www.ntia.gov/publications/redbook-manual (NTIA Manual), at § 8.2.17. We note that the Commission has long concurred with these standards as governing when non-federally operated stations are "federal stations" under the Act. *See* Request by Director, Office of Telecommunications Policy, Executive Office of the President Concerning Use of Government Frequencies by Common Carriers, *By-Direction Letter of Commission*, 37 FCC 2d 872 (1972) (concurring with NTIA's guidelines for determining whether or not a station belongs to and is operated by the United States as specified in section 305, and confirming that these guidelines "are consistent with the Commission's policy in this matter").

[45] *See* NTIA Manual at § 8.2.17.

[46] We note that there are two possible legal theories under which nominally non-federal entities could receive the benefits of the federal government's exemption from section 333. First, as discussed above, a party, even if not a part of the federal government, may be entitled to derivative immunity under Supreme Court precedent. *See*, *e.g.*, *Geo Group, Inc.*, 146 S.Ct. at 784; *Campbell-Ewald Co.*, 577 U.S. at 166. Second, if such parties, by virtue of their formal relationship to the federal government, actually qualify as a legal part of it, they would not be a "person" under section 333 at all and therefore would be directly entitled to the federal exemption. The immunity of federal contractors has generally been assessed under the theory of derivative immunity. *See*, *e.g.*, *Broadnet Order on Reconsideration*, 35 FCC Rcd at 15056-57, paras. 14-15 (finding that federal government contractors were "persons" covered by the Telephone Consumer Protect Act but potentially entitled to derivative immunity from liability). In contrast, formal deputation of a party, according to some case law, may be sufficient in some circumstances to confer actual federal status, and therefore directly entitle such parties to the federal government's immunity. *See*, *e.g. Gaspard v. DEA Task Force*, 2016 WL 2586182, at *7 (C.D. Cal. Apr. 4, 2016) ("The weight of authority . . . appears to treat local law enforcement agents deputized as part of a federal task force as federal agents."); *Colorado v. Nord*, 377 F. Supp. 2d 945, 949 (D. Colo. 2005) ("Courts have consistently treated local law enforcement agents deputized as federal agents and acting as part of a federal task force as federal agents."). As we conclude that parties in the conditions identified above would meet the requirements for derivative immunity under section 333, we find it unnecessary to determine whether (or to what extent) such parties should be considered not merely an agent of the federal government but legally a part of it and therefore not a "person" under section 333.

where derivative immunity will apply to non-federal entities engaged in the testing, demonstration, or operation of C-UAS equipment.[47]

IV. ORDERING CLAUSES

20. 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.

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

FEDERAL COMMUNICATIONS COMMISSION

Joel Taubenblatt
Chief, Wireless Telecommunications Commission

[47] Because we conclude that SLTT agencies acting under and within SAFER SKIES Act authority are entitled to derivative immunity from section 333 liability, we do not reach the question of whether the SAFER SKIES Act's express grant of authority to SLTT agencies to "interfer[e] or caus[e] interference with . . . radio communications used to control the unmanned aircraft system or unmanned aircraft" constitutes an implicit exemption from section 333's prohibition on willful or malicious interference. *See*, *e.g.*, *Kramer v. Chemical Const. Corp.*, 456 U.S. 461, 468 (1982) (holding that repeals by implication are "not favored," but "where provisions in the two acts are in irreconcilable conflict, the later act to the extent of the conflict constitutes an implied repeal of the earlier one").