

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

In the Matter of)
Counter-UAS Spectrum Authority for State,)
Local, Tribal, and Territorial Law Enforcement)
and Correctional Agencies under the SAFER)
SKIES Act)
Unleashing American Drone Dominance) GN Docket No. 26-74

ORDER

Issued: July 2, 2026

Effective: July 2, 2026

By the Chief, Office of Engineering and Technology:

I. INTRODUCTION

1. The Federal Communications Commission’s Office of Engineering and Technology (OET) waives certain prohibitions in 47 CFR part 2 to allow manufacturers and vendors of counter-unmanned aircraft systems (C-UAS) included on the list of authorized systems promulgated under the SAFER SKIES Act¹ to import and market these systems to State, Local, Tribal, and Territorial (SLTT) law enforcement and correctional agencies. We also waive the requirement that such C-UAS equipment receives an FCC equipment authorization. However, to operate such equipment, SLTT law enforcement and correctional agencies must receive C-UAS operational authority from the FCC,² and also comply with all applicable provisions of the SAFER SKIES Act and its implementing regulations.³

II. BACKGROUND

2. The SAFER SKIES Act provides authority to SLTT law enforcement and correctional agencies to conduct 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.”⁴ Exercise of this authority is conditioned upon SLTT agencies completing the necessary training and

¹ See generally National Defense Authorization Act for Fiscal Year 2026, Pub. L. 119-60, §§ 8601–07, 139 Stat. 718, 1938–45 (2025) (SAFER SKIES Act); see also 6 U.S.C. § 124n (codifying § 8602 of the SAFER SKIES Act).

² Currently, such operational authority is provided via a grant of Special Temporary Authority. See Counter-UAS Spectrum Authority for State, Local, Tribal, and Territorial Law Enforcement and Correctional Agencies under the SAFER SKIES Act; Unleashing American Drone Dominance, GN Docket No. 26-74, Order, DA 26-656 (WTB/OET/PSHSB/SB/MB rel. July 2, 2026) (SLTT C-UAS Spectrum Order).

³ See U.S. Dept. of Homeland Security & U.S. Dept. of Justice, Counter-UAS Authority for State, Local, Tribal, and Territorial Law Enforcement and Correctional Agencies, Interim Final Rule, Fed. Reg. Doc. No. 2026-13609 (July 1, 2026) (DHS/DOJ Interim Final Rule), available at https://www.federalregister.gov/public-inspection/2026-13609/counter-unmanned-aircraft-system-authority-for-state-local-tribal-and-territorial-law-enforcement.

⁴ 6 U.S.C. § 124n(a)(2).

certification course,⁵ complying with certain notification requirements,⁶ and complying with any other regulations prescribed under the SAFER SKIES Act.⁷ Additionally, SLTT C-UAS operations are limited to the actions described in subsection 124n(b),⁸ and SLTT agencies may only use C-UAS systems or technologies that are included on the lists of authorized C-UAS systems and technologies maintained jointly by the FCC, the Department of Justice, the Department of Homeland Security, the Department of War, the Department of Transportation, and the National Telecommunications and Information Administration.⁹

3. On July 1, 2026, DOJ and DHS released an interim final rule (IFR) implementing the SAFER SKIES Act.¹⁰ The IFR implements the SAFER SKIES Act requirement to maintain a list of authorized “systems or technologies” by establishing two complementary lists: The Authorized Technologies List “identifies the technology categories authorized for SLTT law enforcement and correctional agency C-UAS operations;” The Authorized Systems List “identifies specific systems, at the make and model level, that have completed interagency evaluation within those technology categories and stated operating restrictions.”¹¹ The Authorized Technologies List and Authorized Systems List will be posted on the Law Enforcement Enterprise Portal (LEEP), maintained by the Federal Bureau of Investigation.¹²

4. Importation, marketing, and operation of C-UAS equipment implicate various provisions in part 2 of the Commission’s rules. Below we discuss each rule and explain why a waiver is needed. We then explain why the public interest would be better served by granting waivers than by strict enforcement of these rules.

III. DISCUSSION

5. *Marketing.* 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.¹³ In general, no person may market an RF device unless it has been properly tested and authorized pursuant to a valid equipment authorization under the Commission’s applicable rules.¹⁴ Currently, there are no provisions in the Commission’s rules to authorize C-UAS equipment which utilizes RF-based mitigation techniques.¹⁵

⁵ 6 U.S.C. § 124n(d)(2)(A)(i).

⁶ See 6 U.S.C. § 124n(d)(2)(C) (requiring SLTT agencies who engage in C-UAS mitigation actions to submit a notification to the Attorney General and the Secretary of Homeland Security within 48 hours detailing the actions, the credible threat or safety concern necessitating such actions, and any known operational effects of such actions).

⁷ See 6 U.S.C. § 124n(d)(1) (providing authority to the Secretary of Homeland Security, the Attorney General, and the Secretary of Transportation to prescribe regulations, and requiring them to provide guidance, in their respective areas to carry out the provisions of the SAFER SKIES Act).

⁸ 6 U.S.C. § 124n(b).

⁹ 6 U.S.C. § 124n(d)(2)(A)(iii).

¹⁰ *DHS/DOJ Interim Final Rule.*

¹¹ *DHS/DOJ Interim Final Rule at § 124.7(a).*

¹² LEEP accounts are available to personnel affiliated with the criminal justice system, intelligence community, and the armed forces. To apply for a LEEP account, visit the following website and complete the online application: <https://www.cjis.gov/>.

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

¹⁴ *Id.* § 2.803(b).

¹⁵ We note that some C-UAS equipment is for detection only and does not utilize RF-based mitigation. Examples of detection-only C-UAS equipment include radars and passive RF sensors. Such detection-only C-UAS equipment

(continued...)

There are several exceptions to the general marketing prohibition in section 2.803,¹⁶ but none would allow manufacturers or vendors of C-UAS equipment to market or sell such equipment to SLTT agencies.¹⁷ Therefore, a waiver of section 2.803 is needed.

6. *Importation.* Sections 2.1203 and 2.1204 of the Commission's rules govern importation of RF devices into the United States. Section 2.1204 sets forth the conditions under which RF devices may be imported into the United States,¹⁸ and section 2.1203 requires the importer, ultimate consignee, or their designated customs broker to identify which condition of section 2.1204 has been met to qualify a device for importation.¹⁹ In subsection 2.1204(a), there are eleven conditions under which RF devices may qualify for importation.²⁰ While manufacturers or vendors of C-UAS equipment could import limited quantities of such equipment into the United States under several of these conditions—such as up to 4,000 units for testing,²¹ or up to 400 units for demonstration at industry trade shows²²—no condition would allow C-UAS manufacturers or vendors to import their systems for sale to SLTT agencies.²³ Therefore, a waiver of section 2.1204 is needed. And since no condition in section 2.1204 can be met to qualify authorized C-UAS devices for importation, a waiver of section 2.1203 is needed as well.

7. *Operation.* Section 2.805 of the Commission's rules governs the operation of RF devices prior to obtaining equipment authorization.²⁴ In general, RF devices may not be operated prior to equipment authorization.²⁵ Although there are four exceptions to this general prohibition,²⁶ none apply to SLTT agencies operating C-UAS equipment under the SAFER SKIES Act and FCC operational authority. Therefore, a waiver of section 2.805 is needed.

8. *Public interest analysis.* OET, under delegated authority,²⁷ hereby waives the applicability of 47 CFR §§ 2.803, 2.1203, and 2.1204 to C-UAS systems included on the lists of authorized systems and technologies promulgated under the SAFER SKIES Act when those systems are imported for or marketed to SLTT agencies pursuant to that Act. OET also waives 47 CFR § 2.805 for the operation of such systems by SLTT law enforcement and correctional agencies pursuant to the

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can be authorized under existing Commission rules and does not require waiver for marketing, importation, or operation. *See, e.g.,* 47 CFR §§ 90.103, 90.20(f)(4).

¹⁶ *See, e.g.,* 47 CFR §§ 2.803(c), 2.807.

¹⁷ We note that one exception allows C-UAS manufacturers or vendors to market C-UAS equipment to the U.S. Government or any Federal agency, but this provision does not extend to SLTT agencies unless they are acting as Federal agents under deputization by the U.S. Government. *See* 47 CFR § 2.807(d).

¹⁸ 47 CFR § 2.1204.

¹⁹ 47 CFR § 2.1203.

²⁰ 47 CFR § 2.1204(a).

²¹ 47 CFR § 2.1204(a)(3).

²² 47 CFR § 2.1204(a)(4).

²³ We note that C-UAS manufacturers or vendors may import unlimited quantities of C-UAS equipment into the United States if the equipment will be used exclusively by the U.S. Government, but this provision does not extend to SLTT agencies unless they are acting as Federal agents under deputization by the U.S. Government. *See* 47 CFR § 2.1204(a)(6).

²⁴ 47 CFR § 2.805.

²⁵ 47 CFR § 2.805(a).

²⁶ *See* 47 CFR § 2.805(b)-(e).

²⁷ 47 CFR § 0.241(b).

authority granted to them by the Commission, the SAFER SKIES Act, and any implementing regulations.²⁸ OET finds that special circumstances warrant a deviation from the general rules and the public interest is better served by waiving these rules in these circumstances.²⁹

9. The general prohibitions in sections 2.803, 2.1203, 2.1204, and 2.805 of the Commission's rules are all designed to prevent unauthorized RF devices from causing harmful interference to authorized stations or otherwise harming public safety.³⁰ In this case, all C-UAS equipment on the authorized systems and technologies lists has been tested and approved for C-UAS operation by Federal agencies,³¹ the C-UAS equipment will only be used by SLTT law enforcement and correctional agencies who have completed the necessary training and certification provided by Federal agencies under the SAFER SKIES Act,³² the C-UAS equipment will only be used to mitigate credible threats to public safety,³³ and the SLTT law enforcement and correctional agencies using the C-UAS equipment are bound by several other provisions in the SAFER SKIES Act, including pre- and post-deployment notification requirements.³⁴ Therefore, on balance, a waiver of 47 CFR §§ 2.803, 2.1203, 2.1204, and 2.805 will promote public safety and is in the public interest.

10. Finally, we note that the Department of Justice and the Department of Homeland Security also have authority to deputize SLTT agencies to conduct C-UAS operations to “enforce the law, protect the public, or to mitigate a credible threat that an unmanned aircraft system or unmanned aircraft poses to the safety or security of a covered facility or asset.”³⁵ To the extent SLTT agencies are deputized agents of the Federal government, waiver of the 47 CFR part 2 rules is not required.

IV. ORDERING CLAUSES

11. Accordingly, IT IS ORDERED, pursuant to authority delegated in sections §§ 0.31, 0.241(b), and 1.3 of the Commission's rules (47 CFR §§ 0.31, 0.241(b), and 1.3) and sections 4(i), 302, 303(e), and 303(r) of the Communications Act of 1934, as amended (47 U.S.C. §§ 154(i), 302, 303(e),

²⁸ See *SLTT C-UAS Spectrum Order; DHS/DOJ Interim Final Rule*.

²⁹ See 47 CFR § 1.3; see also *Northeast Cellular Tel. Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990); *WAIT Radio v. FCC*, 418 F.2d 1153, 1157 (D.C. Cir. 1969) (finding that the Commission may decide in some instances that waiver serves the public interest if it will not undermine the policy served by the rule).

³⁰ 47 U.S.C. § 302a.

³¹ *DHS/DOJ Interim Final Rule* at § 124.7.

³² *DHS/DOJ Interim Final Rule* at § 124.5.

³³ *DHS/DOJ Interim Final Rule* at § 124.3.

³⁴ *DHS/DOJ Interim Final Rule* at §§ 124.9, 124.13.

³⁵ See 6 U.S.C. § 124n(a)(1). See also 28 CFR § 0.112(b) (detailing the authority of the United States Marshals to deputize selected SLTT law enforcement officers when the law enforcement needs of the United States Marshals Service so require).

and 303(r)), that waiver of sections 2.803, 2.805, 2.1203, and 2.1204 of the Commission's rules (47 CFR §§ 2.803, 2.805, 2.1203, and 2.1204) is GRANTED consistent with the terms of this Order. This action is effective upon release of this Order.

FEDERAL COMMUNICATIONS COMMISSION

Andrew Hendrickson
Chief, Office of Engineering and Technology