

Safer Skies Act

Expanding Counter-UAS Authority for State, Local, Tribal, and Territorial Agencies

December 18, 2025

Overview

Enacted December 18, 2025, as Title LXXXVI (Sections 8601-8607) of the FY2026 National Defense Authorization Act (Public Law 119-60), the SAFER SKIES Act amends the Homeland Security Act of 2002 (6 U.S.C. § 124n) to expand counter-unmanned aircraft system (C-UAS) authority beyond federal agencies to State, Local, Tribal, and Territorial (SLTT) law enforcement and correctional agencies. Properly trained SLTT agencies can detect, track, and, in limited circumstances, disable or seize drones that pose a credible threat to people, facilities, critical infrastructure, major public events, or correctional facilities.

DOJ/DHS Interim Final Rule (Effective July 1, 2026)

On **July 6, 2026**, the Department of Justice (DOJ) and Department of Homeland Security (DHS) published an Interim Final Rule (IFR) in the Federal Register (91 FR 41466) codifying the framework for SLTT agencies to exercise C-UAS authority. The rule took effect July 1, 2026, and comments were accepted through September 4, 2026. Key elements include:

- **Two-tier certification structure:** Tier 1 (Detection & Warning) covers detecting, identifying, monitoring, and tracking drones with lighter requirements and no mandated in-person training. Tier 2 (Mitigation) covers disrupting, seizing, or disabling drones, requiring hands-on training at the FBI's National Counter-UAS Training Center (NCUTC).
- **Two-list technology framework:** An Authorized Technologies List (ATL) defines approved categories, while an Authorized Systems List (ASL) names specific approved systems within each category.
- **Governance requirements:** The rule covers spectrum coordination, airspace approval, real-time air traffic control notification, mitigation incident reporting, and privacy protections across three data categories: control communications, raw sensor data, and pattern data.
- **Phased rollout:** Detect-and-warn capabilities are being deployed rapidly nationwide, while mitigation capabilities are rolling out on a slower, more controlled basis.

FCC Spectrum & Equipment Actions

On **July 2, 2026**, the FCC took several actions to enable SLTT agencies to lawfully acquire and operate C-UAS equipment:

- Waived FCC equipment authorization and import/marketing prohibitions for C-UAS systems on the Authorized Systems List
- Granted Special Temporary Authority so SLTT agencies can operate approved C-UAS equipment in the near term
- Issued declaratory rulings clarifying that C-UAS operations and experimental testing by local authorities are permitted under the Communications Act

On **August 3, 2026**, CTIA filed four petitions for reconsideration or clarification of these FCC actions, arguing for stronger interference safeguards before nonfederal jamming proceeds. The FCC sought comment on these petitions, with oppositions due September 14, 2026 and replies due September 29, 2026.

What Does This Mean for Government?

SLTT law enforcement and correctional agencies now face a clear but demanding pathway to stand up counter-drone programs:

- Complete Tier 1 and/or Tier 2 certification, including NCUTC hands-on training for any mitigation authority.
- Procure only from the Authorized Systems List and obtain FCC spectrum authority before operating equipment.
- Coordinate airspace approvals and real-time notifications with air traffic control for every mitigation action.
- Comply with mitigation incident reporting and privacy/data-retention rules across the three protected data categories.

This shift signals that counter-drone defense is no longer solely a federal responsibility: DHS and DOJ are actively pushing capability and legal authority down to the SLTT level, backed by an FCC-enabled spectrum and equipment pathway.

What Does This Mean for Industry?

For counter-UAS technology vendors and integrators, the SAFER SKIES Act opens an entirely new buyer base: thousands of SLTT law enforcement and correctional agencies that previously had no independent legal authority to detect or mitigate drone threats.

Key takeaways for vendors:

- Only systems on the Authorized Systems List (ASL) qualify for the FCC's equipment authorization waiver — vendors should confirm and pursue ASL inclusion as a prerequisite for SLTT sales.
- Passive technologies (electro-optical, infrared, acoustic, radar) fall outside the IFR's scope and remain available for lawful use today, offering a faster path to market than RF-based detection/mitigation systems.
- Vendors should monitor the CTIA reconsideration proceeding at the FCC (oppositions due September 14, replies due September 29, 2026), as its outcome could affect interference safeguards and deployment timelines for jamming-capable systems.
- Training partnerships tied to NCUTC Tier 2 certification represent a near-term services opportunity alongside hardware sales.

The SAFER SKIES Act and its implementing rules replace years of legal ambiguity with a defined federal framework, unlocking a large new state and local counter-UAS market while imposing real compliance guardrails on how that market can be served.

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