

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of

FCC Seeks Comment on Prohibiting the Importation and Marketing of Certain Foreign-Produced Military-Grade Uncrewed Aircraft Systems (UAS) and UAS Critical Components for Non-U.S. Government, Including Those With Swarming Capabilities (Public Notice, DA 26-758, rel. July 21, 2026)

PS Docket No. 26-189

COMMENTS OF GATEWELL GROUP LLC

I. Interest of the commenter

Gatewell Group LLC ("Gatewell") is a compliance consultancy based in Los Angeles, California, serving manufacturers, importers, distributors, and institutional purchasers of connected equipment in categories subject to the Commission's Covered List. Gatewell publishes an open, no-cost documentation standard for origin evidence (the Gatewell Protocol for Origin Evidence, Version 1.0, Public Comment Draft, August 2026); these comments draw on that documentation practice, but Gatewell does not ask the Commission to adopt or reference it. Gatewell takes no position on whether the proposed prohibition should issue. These comments address two administrability questions: how the seven criteria are to be applied evidentially by parties in the distribution channel, and how the exceptions the Public Notice preserves are to be documented.

II. Each criterion is a determination a downstream party must make, and the Commission should specify how it is made

The proposed prohibition attaches to previously authorized foreign-produced uncrewed aircraft systems (UAS) and UAS critical components meeting any of seven "military-grade" criteria. For every model in commerce, some party other than the original manufacturer — an importer at entry, a distributor holding inventory, a marketplace screening listings, an operator's procurement office — must determine whether the

model meets each criterion. The criteria are not uniform in kind, and each raises a distinct evidentiary question:

Objective specifications (takeoff weight of 55 pounds or greater). Resolvable from the manufacturer's specification of record and the equipment-authorization file. The Commission should confirm which specification controls when marketing materials and authorization exhibits differ.

Configuration-dependent capabilities (capability of dispensing "economic poison" under FAA rules; docking stations, which the Public Notice defines as standalone multipurpose systems). The dock is itself within the proposal as a standalone system; a model of aircraft, however, may have been authorized without a dock or dispensing capability and be marketed, or retrofittable, with one. The Commission should state whether an aircraft's status is assessed as authorized, as marketed, or as configurable — and whether a dock or dispensing accessory sold separately changes the base aircraft's status.

Component-level capabilities (sensors capable of thermal imaging; sensors capable of LiDAR — equipment that "contain[s] or integrate[s]" them). The Commission should state whether "contain or integrate" reaches attachable payloads and aftermarket modules, or only capabilities present in the configuration on file in the equipment authorization.

Software-defined capabilities (swarming, which the Public Notice indicates reaches multi-UAS light-show systems). A capability may be present in firmware without being enabled. The Commission should state whether the criterion is assessed by presence or by activation, and against what firmware baseline.

Design-intent criteria (specially designed to incorporate a defense article). Parties in the channel have no visibility into design intent. The Commission should identify whose determination controls and what record evidences it.

For each criterion, Gatewell recommends that the Commission specify the operative configuration (Gatewell suggests the configuration as authorized), the assessment date, and a hierarchy of documentary sources.

III. The decisive determination is negative, and a negative needs a defined showing

The commercially significant determination under this proposal is that a model does not meet any criterion. Absent a defined standard, proving the absence of a capability is open-ended, and the predictable channel response is to withdraw lawful, non-military-grade equipment rather than carry undocumentable risk — an outcome the Public Notice's own scope limitations indicate the Commission does not intend. Gatewell recommends a safe-harbor documentary showing consisting of: (1) the manufacturer's specifications of record for the model and hardware version; (2) the exhibits already on file with the Commission in the model's equipment authorization — test reports, operational descriptions, and user manuals — which fix the authorized configuration; and (3) a dated attestation by the party making the determination, identifying each criterion assessed and the documents relied upon, retained and produced on request. A documented, good-faith determination against criteria specified as recommended in Section II should satisfy the compliance obligation unless and until the record shows otherwise.

IV. The exceptions need a defined evidence format

The Public Notice preserves, among others: domestically produced UAS; UAS on the Blue UAS Cleared List; Buy American "domestic end products" under 48 CFR 25.101(a); equipment granted a Conditional Approval; and continued use and operation of already-purchased units. Each exception is documentable; none has a prescribed format. Gatewell recommends:

Blue UAS Cleared List. The claim should cite the list version or date on which the model appears, since the list changes over time.

Domestic end product. The 48 CFR 25.101(a) test involves a manufacture determination and a component-cost computation. The claim should be supported by a bill-of-materials cost computation as of a stated date, retained, with officer certification — not a bare conclusion.

Conditional Approval. Grants are published by the Commission. The claim should identify the grant by applicant, device schedule, and grant date, and the Commission

should confirm that its published Conditional Approvals list is the authoritative reference for this purpose.

Already-purchased units. The Commission should define the proof of prior purchase — import entry or dated sales documentation — that separates lawful continued use from prohibited marketing.

A uniform per-model evidence file — dated documents, identified sources, attestation, defined retention — would allow border referrals and marketplace inquiries to be resolved on paper, and would give the proposed 180-day phase-out a compliance mechanism that channel parties can operate.

V. Conclusion

The seven criteria will be applied, in practice, by parties who did not design the aircraft and cannot interrogate its firmware. Objective documentation standards for the criteria, and a defined evidence format for the exceptions, are what make the proposed prohibition administrable — and are equally what protect the non-military-grade equipment the Public Notice expressly does not reach.

Respectfully submitted,

/s/ Ilya Tsimerinov

Ilya Tsimerinov

Principal

Gatewell Group LLC

811 W 7th Street, Suite 900

Los Angeles, California 90017

inquiries@gatewellgroup.com

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