



## **DEPARTMENT OF COMMERCE**

### **Bureau of Industry and Security**

#### **15 CFR Parts 740, 744, and 774**

**[Docket No. 260723-0178]**

**RIN 0694-AK30**

### **Streamlining Export Controls for Drone Exports**

**AGENCY:** Bureau of Industry and Security, Department of Commerce.

**ACTION:** Final rule.

**SUMMARY:** The Bureau of Industry and Security (BIS) is easing export controls on certain Unmanned Aerial Vehicles (UAVs or drones) and related parts, components, accessories, attachments, technology, and software under the Export Administration Regulations (EAR). Specifically, this rule: eliminates wind gust tolerance as a parameter for determining UAV controls under the EAR; increases the threshold for national security controls on certain UAVs from an endurance of 30 minutes to an endurance of 3 hours; makes conforming changes to remove national security controls on software and technology associated with UAVs with an endurance less than 3 hours; maintains military end-use and end-user controls on those lower endurance drones and associated software and technology; clarifies Commerce Control List (CCL) controls for certain UAVs specially designed for military use; and removes national security controls on certain specially designed parts, components, accessories, and attachments for such UAVs as they do not provide any significant military or intelligence capabilities.

**DATES:** This rule is effective on August 13, 2026.

**FOR FURTHER INFORMATION CONTACT:** For technical questions regarding this final rule, contact Sharon Bragonje, Maritime, Missile, and Aerospace Division, Office of National Security Controls, Phone: 202-482-0434, Email: [Sharon.Bragonje@bis.doc.gov](mailto:Sharon.Bragonje@bis.doc.gov).

For all other questions regarding this final rule, contact Logan Norton, Export Policy Analyst, Regulatory Policy Division, Phone: 202-482-5334, Email: RPD2@bis.doc.gov.

## **SUPPLEMENTARY INFORMATION:**

### **I. Background**

On June 6, 2025, the President issued Executive Order (E.O.) 14307, “Unleashing American Drone Dominance” (90 FR 24727). Sec. 8(a) of E.O. 14307 directed the Secretary of Commerce, in coordination with the Secretaries of Energy, State, and War, to review the EAR and, as appropriate and consistent with applicable law, revise the regulations to enable the expedited export of U.S.-manufactured UAVs to foreign partners. On January 21, 2026, BIS published an interim final rule (IFR), “Streamlining Export Controls for Drone Exports” (91 FR 2467) (January IFR), implementing preliminary changes streamlining export controls on UAVs and related technologies and soliciting public comments on these changes. See preamble section II for details on the January IFR. This final rule advances the goals set out in Sec. 8(a) of E.O. 14307 by responding to public comments and implementing further revisions to drone export controls beyond those set forth in the January IFR.

Civil and commercial applications of UAVs have significantly expanded in recent years, from law enforcement, search and rescue, and disaster response to agriculture and infrastructure inspection. Existing controls are ineffective because UAVs with performance at the current control thresholds are now readily available on the global commercial market. The decontrols implemented in this rule support the competitiveness of the U.S. drone industrial base while protecting national security.

Widespread foreign availability of more advanced UAVs has undermined the effectiveness of export controls based on existing parameters, such as flight endurance and wind gust tolerance. These control parameters have become increasingly outdated and are no longer grounded in a sound national security rationale. For example, software and technical knowhow

required to design drones capable of 60 minutes or more of flight are now globally commercially widespread, taught in universities, and embedded in open-source development communities.

Maintaining broad export license requirements on widely available UAVs imposes disproportionate burdens on the American drone industry without enhancing U.S. national security. This misalignment may also incentivize foreign partners to source from competitors with fewer restrictions, ultimately reducing U.S. influence and undermining the Trump Administration's Drone Dominance policy objectives.

This final rule better aligns the EAR with the current UAV technology landscape. By shifting focus away from widely available, commercial capabilities and tailoring controls to UAVs with capabilities that adversaries could use to pose a national security threat to the United States, BIS can allocate licensing and enforcement resources where they matter most.

## **II. January IFR**

The January IFR made two primary EAR changes. First, it allowed less sensitive UAVs—namely, commercial UAVs with a maximum endurance of less than one hour, for which there is broad foreign availability—to be exported to most Wassenaar Arrangement Participating States (Country Group A:1) without a license. Second, it allowed certain more capable non-military UAVs—namely, long-range cargo delivery and agricultural spraying drones—to be exported to certain U.S. partners and allies (Country Group A:5) under License Exception Strategic Trade Authorization (STA).

### **Public Comments**

The January IFR implemented these changes in the EAR, while seeking public comments on the revisions and allowing the submission of additional comments on regulatory changes that may advance American Drone Dominance. BIS received 12 comments in response to the January IFR. Of these, nine were substantive and responsive. Of the remaining three, two were duplicates and one was deemed non-responsive. BIS is using this final rule to respond to all responsive

comments. Rather than responding to each comment individually, BIS is addressing the topics represented in the comments, as there was significant overlap between comments.

### *General Impressions*

Topic 1: Overall, commenters were supportive of the regulatory changes in the January IFR. Many commenters suggested BIS make additional regulatory changes to further right-size drone export controls.

BIS response: BIS agrees. This final rule further eases export controls on certain UAVs and related technologies.

Topic 2: One commenter stated that BIS should not allow the export of any UAV technology.

BIS response: BIS does not agree with this comment. Exporting these items consistent with applicable export controls does not undermine U.S. national security or foreign policy interests, but rather it strengthens the U.S. defense industrial base.

### *Technical and Policy Suggestions*

Topic 2: BIS received multiple comments requesting revisions to the control parameters under ECCN 9A012.a related to UAV endurance, wind gust tolerance, and ability to operate beyond the direct natural vision of the operator.

BIS response: For the most part, BIS agrees that revisions to these parameters are warranted, and, as detailed in preamble section III, BIS is revising these parameters. It is worth noting that commenters were not in agreement on exactly how the parameters should be revised. However, BIS is adopting changes to endurance parameters and removing wind gust tolerance parameters for control under ECCN 9A012.a as an appropriate approach, recommended by two commenters, to further streamline drone export controls consistent with U.S. national security. One parameter that BIS has chosen not to revise is the phrase in item paragraph .a regarding controlled flight out of the natural vision of the operator. While some commenters believed this parameter is no longer relevant as most modern drones have this capability, the parameter is

intended to ensure that items, like certain hobby model aircraft, are not captured under ECCN 9A012.a. Accordingly, BIS makes no change to this parameter.

Topic 3: Commenters requested a revision to controls for UAVs “specially designed” for military end use under “600 series” ECCNs, including ECCNs 3A611.a and 9A610.a.

BIS response: BIS agrees that it is appropriate to clarify that UAVs “specially designed” for military end use may appropriately be classified under ECCN 9A610.a when they are not described on the U.S. Munitions List (USML) (22 CFR 121). Thus, BIS is implementing changes in that ECCN, including the addition of a missile technology control, to appropriately control such UAVs. With these changes, ECCN 3A611.a is no longer applicable to these UAVs, as ECCN 3A611.a does not control items that are enumerated or otherwise described in another “600 series” ECCN. While BIS does not exclude certain smaller end item UAVs “specially designed” for military use from ECCN 9A610.a, BIS is identifying less sensitive parts, components, accessories, and attachments for such UAVs in ECCN 9A610.y.33 to right-size controls on items that do not provide a significant military advantage, consistent with recommendations from two commenters. BIS declines to further explain the term “specially designed” in ECCN 9A610.a or elsewhere because this term is sufficiently defined in § 772.1 of the EAR.

Topic 4: Commenters requested revisions to the related technology and software ECCNs related to UAVs.

BIS response: BIS agrees. With the revisions to 9A012.a, revisions to the reasons for control for ECCNs 9D001, 9D002, 9D004, and 9E001 are warranted. See preamble section III for specific information regarding these changes. However, BIS notes that it is not making changes to other technology and software ECCNs related to UAVs, such as 9D104, 9E003, 9E101, or 9E102, at this time.

Topic 5: Several commenters requested that additional UAV-related ECCNs be made eligible for use of License Exception STA.

BIS response: BIS does not agree with the broader use of STA for some of these items, including certain missile technology-controlled software and technology. However, BIS assesses that allowing STA to Country Group A:5 for missile technology-controlled UAVs in ECCN 9A610.a, in line with the expanded STA eligibility for missile technology-controlled UAVs in ECCNs 9A012 and 9A120 implemented under the January IFR, is warranted. Relevant changes are detailed under preamble section III.

Topic 6: A commenter requested that BIS release from ECCN 9A012 certain long-range, high-payload UAVs certified under Federal Aviation Administration (FAA) regulations.

BIS response: BIS notes that broader U.S. Government regulations in this area are still evolving and declines to make this change at this time. Furthermore, BIS assesses that long-range, high-payload UAVs continue to provide capabilities that adversaries could use for activities of national security concern, such that control under ECCN 9A012 remains appropriate at this time.

### **III. Revisions to the EAR**

This final rule does not affect any of the policy changes already implemented in the January IFR, but makes additional revisions as follows:

#### **A. ECCN 9A012.a Changes**

First, Export Control Classification Number (ECCN) 9A012.a is revised to reflect more appropriate and properly calibrated controls, fit for the modern evolution of UAV advancement. Specifically, the wind gust parameter in item paragraph .a.1.b is removed and item paragraph .a.1 now details UAVs with a maximum endurance less than 3 hours; and the endurance time controlled under item paragraph .a.2 is revised from 1 hour or greater to 3 hours or greater. Additionally, the National Security Column 2 (NS2) control for .a.1 items is removed; this greatly reduces the number of destinations requiring a license for UAVs with an endurance less than 3 hours (provided such UAVs are not capable of a maximum range of at least 300 kilometers (km), regardless of payload, and do not otherwise meet the control parameters of

ECCN 9A120). Such UAVs will now be controlled under ECCN 9A012 for antiterrorism (AT1) reasons only. Paragraph .a.1 now includes UAVs with a maximum endurance of less than 3 hours. These items are controlled only to sanctioned or embargoed countries or to certain prohibited end uses and end users and some such items may have previously been subject to equivalent controls under ECCN 9A991. UAVs not “specially designed” for a military use with an endurance of 3 hours or greater will continue to be controlled in ECCN 9A012 for NS Column 1 (NS1) and Anti-Terrorism Column 1 (AT1) reasons for control, as well as Missile Technology Column 1 (MT1) if capable of a range of 300 km or greater, regardless of payload, or if otherwise meeting the control parameters of ECCN 9A120. Additionally, UAVs, regardless of endurance, will remain controlled for NS1 and AT1 reasons if they incorporate certain controlled thermal imaging equipment described in ECCN 6A003, certain lasers described in ECCN 6A005, as well as certain navigational equipment incorporating gyroscopes described in ECCNs 7A001, 7A002, 7A003, or 7A005. These changes are necessary to ensure adversaries cannot acquire sensitive optical or navigational equipment by purchasing inexpensive, low-endurance drones that have high-performance, easily-removable payloads or equipment installed or attached.

BIS is adding related control 4 to ECCN 9A012, referring to ECCN 9A610 and USML Category VIII for military UAVs. As a conforming change, BIS removes the term *non-military* from the chapeau and MT reason for control.

## **B. Conforming Changes to Additional ECCNs**

As a conforming change to the removal of NS reasons for control for UAVs with an endurance less than 3 hours, BIS is also removing the NS reason for control on the software and technology for these items in ECCNs 9D001, 9D002, 9D004, and 9E001. This change allows much of the civilian marketed software, including operating software updates for widely available commercial UAVs, to be exported no license required (NLR) to most destinations worldwide, like the UAVs themselves. While BIS is removing the NS reason for control for

certain technology for UAVs with an endurance under 3 hours under 9E001, a Missile Technology Column 1 (MT1) control continues to apply for technology related to UAVs controlled for MT1 reasons. Additionally, all software and technology for UAVs with an endurance under 3 hours under ECCNs 9D001, 9D002, 9D004, and 9E001 will remain controlled for AT1 reasons. BIS is also revising related control (1) in ECCNs 9D001, 9D002, and 9A610 to more accurately reflect references to items described on the USML; see preamble section D for additional changes to ECCN 9A610.

### **C. Revising the List of Items Subject to the Military End Use or End User License Requirement**

As a result of the changes in this final rule, many civilian drones, and certain software and technology therefor, may now be exported, reexported, or transferred (in-country) to most destinations worldwide, NLR. However, to ensure such UAVs remain subject to military end-use and end-user controls (see § 744.21 of the EAR) when destined to relevant countries, BIS is adding ECCNs 9A012, 9D001, 9D002, 9D004, and 9E001 to supplement no. 2 to part 744 of the EAR. Paragraph .a.1 now includes UAVs with a maximum endurance of less than 3 hours. These items are controlled only to sanctioned or embargoed countries or to certain prohibited end uses and end users and some such items may have previously been subject to equivalent controls under ECCN 9A991. UAVs not “specially designed” for a military use with an endurance of 3 hours or greater will continue to be controlled in ECCN 9A012 for NS Column 1 (NS1) and Anti-Terrorism Column 1 (AT1) reasons for control, as well as Missile Technology Column 1 (MT1) if capable of a range of 300 km or greater, regardless of payload, or if otherwise meeting the control parameters of ECCN 9A120.

### **D. UAVs in ECCN 9A610**

Finally, BIS has re-evaluated the classification of UAVs under ECCN 9A610, which details certain military aircraft and related commodities. Consistent with the rationale in “Revisions to the Export Administration Regulations: Initial Implementation of Export Control

Reform” (78 FR 22660), UAVs have not been controlled under 9A610, because BIS and its interagency partners could not clearly delineate those UAVs that provide a critical military or intelligence advantage and warranted control on the USML from those that warranted control on the CCL in the “600 series” ECCNs. BIS and its interagency partners first reviewed USML Category VIII well over a decade ago. Since then, UAV technical capacity and operational utility have changed significantly. Before, military drones were primarily large, sophisticated platforms with advanced weapons delivery or reconnaissance capabilities. Increasingly, commercial UAVs are being modified after development for military end use, and smaller or less capable UAVs are being designed and developed for military applications that provide a significant military advantage, but not a critical one that would warrant USML control. Therefore, BIS and its interagency partners have now determined that there are military UAVs not described in USML Category VIII that warrant control under ECCN 9A610.a.

BIS recognizes that there are military-related functions and capabilities provided by some UAVs that warrant their classification in 9A610, rather than being controlled under 9A012, if they are “specially designed” to provide military capabilities but are not described on the USML. For example, supplement no. 1 to part 744 provides an illustrative list of ‘military end uses’ under § 744.17 that can be informative in assessing design or modification for military use under ECCN 9A610.a, including certain UAVs that are capable of performing military reconnaissance, surveillance, or combat support. While BIS would likely classify this type of UAV as 9A610, rather than 9A012, it is conceivable that other capabilities would also bring an item into the scope of 9A610. If a UAV not described on the USML is designed or modified to meet the needs of a military customer by adding at least one feature or capability that would not also be included for civil or commercial purposes, regardless of significance, that UAV should be reviewed for control under 9A610.a using the definition of “specially designed” in § 772.1.

To facilitate this change in policy under 9A610, BIS has added UAVs and remotely piloted vehicles (RPVs) under note 1 to item paragraph .a. BIS has also added information

pertaining to UAVs and RPVs under the MT reason for control column, mirroring MT reason for control language for UAVs and RPVs under 9A012. As a conforming change, BIS is also adding certain specially designed parts, components, accessories, and attachments for 9A610.a UAVs as item paragraph .y.33. BIS reminds exporters that they may submit a classification request for any item, including UAVs, as outlined in § 748.3.

#### **E. License Exceptions for 9A610 UAVs**

License Exception Strategic Trade Authorization (STA) is available for those ECCN 9A610 UAVs for destinations in Country Group A:5, provided that the UAV or unmanned “airship” cannot deliver a payload of at least 500 kg to a range of at least 300 km, and provided further that, in the case of UAVs and unmanned “airships” classified under 9A610.a, the items have been made eligible for use of STA pursuant to § 740.20(g). Consistent with these revisions to ECCN 9A610, BIS is revising § 740.2(a)(13) and § 740.20(c)(1)(ii)(A) to implement STA eligibility for UAVs meeting these conditions. The items described in this final rule remain subject to end-use/user controls set forth in part 744 and embargoes and other special controls set forth in part 746 of the EAR.

#### **Export Control Reform Act of 2018**

On August 13, 2018, the President signed into law the John S. McCain National Defense Authorization Act for Fiscal Year 2019, which included the Export Control Reform Act (ECRA) (codified, as amended, at 50 U.S.C. 4801–4852). ECRA provides the legal basis for BIS’s principal authorities and serves as the authority under which BIS issues this rule. In particular, and as noted elsewhere, Section 1753 of ECRA (50 U.S.C. 4812) authorizes the regulation of exports, reexports, and transfers (in-country) of items subject to U.S. jurisdiction. Further, Section 1754(a)(1)–(16) of ECRA (50 U.S.C. 4813(a)(1)–(16)) authorizes, *inter alia*, the establishment of a list of controlled items; the prohibition of unauthorized exports, reexports, and transfers (in-country); the requirement of licenses or other authorizations for exports, reexports, and transfers (in-country) of controlled items; apprising the public of changes in policy,

regulations, and procedures; and any other action necessary to carry out ECRA that is not otherwise prohibited by law. Pursuant to Section 1762(a) of ECRA (50 U.S.C. Section 4821(a)), the provisions of the Administrative Procedure Act (APA) requiring agencies promulgate rules with advance notice and prior opportunity for public comment, 5 USC 553, do not apply to this rulemaking.

### **Rulemaking Requirements**

1. BIS has examined the impact of this rule as required by E.O.s 12866 and 13563, which direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (*e.g.*, potential economic, environmental, public, health, and safety effects, distributive impacts, and equity). Pursuant to E.O. 12866, as amended, this final rule has been determined to be a “significant regulatory action.” Although it is a “significant regulatory action” for purposes of E.O. 12866, this rule is exempt from the requirements of E.O. 14192, because it is being issued with respect to a national security function of the United States, per section 5(a) of E.O. 14192.

2. Notwithstanding any other provision of law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) (PRA), unless that collection of information displays a currently valid Office of Management and Budget (OMB) Control Number. This rule involves the following OMB-approved collections of information subject to the PRA:

- 0694-0088, “Simple Network Application Process and Multipurpose Application Form,” which carries a burden hour estimate of 29.7 minutes for a manual or electronic submission;
- 0694-0096 “Five Year Records Retention Period,” which carries a burden hour estimate of less than 1 minute; and

- 0607-0152 “Automated Export System (AES) Program,” which carries a burden hour estimate of 3 minutes per electronic submission.

BIS estimates that these new controls under the EAR will result in a decrease of 30 license applications submitted annually to BIS. Additional information regarding these collections of information—including all background materials—can be found at:

<https://www.reginfo.gov/public/do/PRAMain> by using the search function to enter either the title of the collection or the OMB Control Number.

3. This rule does not contain policies with Federalism implications as that term is defined under E.O. 13132.

4. Pursuant to section 1762 of ECRA (50 U.S.C. § 4821), this action is exempt from the APA (5 U.S.C. § 553) requirements for notice of proposed rulemaking, opportunity for public participation, and delay in effective date.

5. Because neither the APA nor any other law requires that notice of proposed rulemaking and an opportunity for public comment be given for this rule, the analytical requirements of the Regulatory Flexibility Act (5 U.S.C. §§ 601 *et seq.*) are not applicable. Accordingly, no Final Regulatory Flexibility Analysis is required, and none has been prepared.

## **List of Subjects**

### *15 CFR Part 740*

Administrative practice and procedure, Exports, Reporting and recordkeeping requirements.

### *15 CFR Part 744*

Exports, Reporting and recordkeeping requirements, Terrorism.

### *15 CFR Part 774*

Exports, Reporting and recordkeeping requirements.

Accordingly, parts 740, 744, and 774 of the Export Administration Regulations (15 CFR parts 730–774) are amended as follows:

## PART 740—LICENSE EXCEPTIONS

1. The authority citation for 15 CFR part 740 continues to read as follows:

**Authority:** 50 U.S.C. 4801-4852; 50 U.S.C. 1701 *et seq.*; 22 U.S.C. 7201 *et seq.*; E.O. 13026, 61 FR 58767, 3 CFR, 1996 Comp., p. 228.

2. Amend § 740.2 by revising the introductory text to paragraph (a)(13) to read as follows:

### § 740.2 Restrictions on all License Exceptions.

(a) \* \* \*

(13) “600 series” items that are controlled for missile technology (MT) reasons may not be exported, reexported, or transferred (in-country) under License Exception STA (§ 740.20), except ECCN 9A610.a. Items controlled under ECCNs 9D610.b, 9D619.b, 9E610.b, or 9E619.b or .c are not eligible for license exceptions except for License Exception GOV (§ 740.11(b)(2)). Only the following license exceptions may be used to export “600 series” items to destinations other than those identified in Country Group D:5 or Hong Kong (see supplement no. 1 to this part):

\* \* \* \* \*

3. Amend § 740.20 by revising paragraph (c)(1)(ii)(A) to read as follows:

### § 740.20 License Exception Strategic Trade Authorization (STA).

\* \* \* \* \*

(c) \* \* \*

(1) \* \* \*

(ii) \* \* \*

(A) Unmanned aerial vehicles (UAVs) and unmanned “airships” controlled for missile technology (MT) reasons in ECCNs 9A012, 9A120, and 9A610 are authorized for destinations in Country Group A:5 (see supplement no. 1 to this part), provided that the UAV or unmanned “airship” cannot deliver a payload of at least 500 kg to a range of at least 300 km, and provided

further that, in the case of UAVs and unmanned “airships” classified under 9A610.a, the items have been made eligible for use of STA pursuant to paragraph (g) of this section.

\* \* \* \* \*

#### **PART 744 – CONTROL POLICY: END-USER AND END-USE BASED**

4. The authority citation for 15 CFR part 744 is revised to read as follows:

**Authority:** 50 U.S.C. 4801-4852; 50 U.S.C. 4601 *et seq.*; 50 U.S.C. 1701 *et seq.*; 22 U.S.C. 3201 *et seq.*; 42 U.S.C. 2139a; 22 U.S.C. 7201 *et seq.*; 22 U.S.C. 7210; E.O. 12058, 43 FR 20947, 3 CFR, 1978 Comp., p. 179; E.O. 12851, 58 FR 33181, 3 CFR, 1993 Comp., p. 608; E.O. 12938, 59 FR 59099, 3 CFR, 1994 Comp., p. 950; E.O. 13026, 61 FR 58767, 3 CFR, 1996 Comp., p. 228; E.O. 13099, 63 FR 45167, 3 CFR, 1998 Comp., p. 208; E.O. 13222, 66 FR 44025, 3 CFR, 2001 Comp., p. 783; E.O. 13224, 66 FR 49079, 3 CFR, 2001 Comp., p. 786.

5. Amend supplement no. 2 to part 744 by revising paragraph (9) to read as follows:

#### **Supplement No. 2 to Part 744 - List of Items Subject to the Military End Use or End User License Requirement of § 744.21**

\* \* \* \* \*

(9) Category 9 Propulsion Systems, Space Vehicles and Related Equipment

(i) 9A012 “Unmanned Aerial Vehicles,” (“UAVs”), unmanned “airships”, related equipment and “components”, controlled by 9A012.a.1 (see List of Items Controlled).

(ii) 9A991 “Aircraft”, n.e.s., and gas turbine engines not controlled by 9A001 or 9A101 and “parts” and “components,” n.e.s. (see List of Items Controlled).

(iii) 9B990 Vibration test equipment and “specially designed” “parts” and “components,” n.e.s.

(iv) 9D001 “Software”, not specified in 9D003 or 9D004, “specially designed” or modified for the “development” of equipment or “technology” controlled by 9A012.a.1.

(v) 9D002 “Software”, not specified in 9D003 or 9D004, “specially designed” or modified for the “production” of equipment controlled by 9A012.a.1.

(vi) 9D004 Other “software” for equipment controlled by 9A012.a.1.

(vii) 9D991 “Software”, for the “development” or “production” of equipment controlled by 9A991 or 9B991.

(viii) 9E001 “Technology” according to the General Technology Note for the “development” of equipment or “software”, controlled by 9A012.a.1.

(ix) 9E991 “Technology”, for the “development”, “production” or “use” of equipment controlled by 9A991 or 9B991.

## **PART 774 – THE COMMERCE CONTROL LIST**

6. The authority citation for 15 CFR part 774 continues to read as follows:

**Authority:** 50 U.S.C. 4801-4852; 50 U.S.C. 4601 *et seq.*; 50 U.S.C. 1701 *et seq.*; 10 U.S.C. 8720; 10 U.S.C. 8730(e); 22 U.S.C. 287c, 22 U.S.C. 3201 *et seq.*; 22 U.S.C. 6004; 42 U.S.C. 2139a; 15 U.S.C. 1824; 50 U.S.C. 4305; 22 U.S.C. 7201 *et seq.*; 22 U.S.C. 7210; E.O. 13026, 61 FR 58767, 3 CFR, 1996 Comp., p. 228.

7. Amend supplement no. 1 to part 774 by revising ECCNs 9A012, 9A610, 9D001, 9D002, 9D004, and 9E001 to read as follows:

### **Supplement No. 1 to Part 774 - The Commerce Control List**

\* \* \* \* \*

**9A012 “Unmanned Aerial Vehicles,” (“UAVs”), unmanned “airships”, related equipment and “components”, as follows (see List of Items Controlled).**

License Requirements

*Reason for Control:* NS, MT, AT

| Control(s)                                                                                                                                                                                                                        | Country<br>chart<br>(See supp. no.<br>1 to part 738) |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------|
| NS applies to entire entry, except .a.1                                                                                                                                                                                           | NS Column 1.                                         |
| MT applies to “Unmanned Aerial Vehicles” (“UAVs”) and Remotely Piloted Vehicles (RPVs) that are capable of a maximum range of at least 300 kilometers (km), regardless of payload, and “UAVs” that meet the requirements of 9A120 | MT Column 1.                                         |
| AT applies to entire entry                                                                                                                                                                                                        | AT Column 1.                                         |

List Based License Exceptions (See Part 740 for a description of all license exceptions)

*LVS:* N/A

*GBS:* N/A

Special Conditions for STA

*STA:* License Exception STA may not be used to ship commodities in 9A012.a that are controlled for missile technology (MT) reasons that have a payload capability of at least 500 kg to a range of at least 300 km to any of the destinations listed in Country Groups A:5 or A:6 (See supplement no.1 to part 740 of the EAR).

List of Items Controlled

*Related Controls:* (1) See USML Category VIII. (2) Also see ECCN 9A610 and § 744.3 of the EAR. (3) For “UAVs” that are “sub-orbital craft,” see ECCNs 9A004.h and 9A515.a. (4) For military “UAVs” see 9A610 and USML Category VIII.

*Related Definitions:* N/A

*Items:*

- a. “UAVs” or unmanned “airships”, designed to have controlled flight out of the direct ‘natural vision’ of the ‘operator’ and having any of the following:
  - a.1. A maximum ‘endurance’ less than 3 hours;
  - a.2. A maximum ‘endurance’ of 3 hours or greater;
  - a.3. “UAVs” or unmanned “airships” incorporating items specified in ECCN 6A003.b.3, 6A003.b.4.b, or 6A008.d to .h;
  - a.4. “UAVs” or unmanned “airships” incorporating items specified in ECCN 6A005; or
  - a.5. “UAVs” or unmanned “airships” incorporating “inertial measurement equipment or systems” using accelerometers or gyros specified in ECCNs 7A001, 7A002, 7A003, or 7A005.

*Technical Notes:*

- 1. For the purposes of 9A012.a, ‘operator’ is a person who initiates or commands the “UAV” or unmanned “airship” flight.*
- 2. For the purposes of 9A012.a, ‘endurance’ is to be calculated for ISA conditions (ISO 2533:1975) at sea level in zero wind.*
- 3. For the purposes of 9A012.a, ‘natural vision’ means unaided human sight, with or without corrective lenses.*

b. Related equipment and “components”, as follows:

b.1 [Reserved]

b.2. [Reserved]

b.3. Equipment or “components” “specially designed” to convert a manned “aircraft” or a manned “airship” to a “UAV” or unmanned “airship”, controlled by 9A012.a;

b.4. Air breathing reciprocating or rotary internal combustion type engines, “specially designed” or modified to propel “UAVs” or unmanned “airships”, at altitudes above 15,240 meters (50,000 feet).

\* \* \* \* \*

**9A610 Military Aircraft and Related Commodities, Other Than Those Enumerated in**

**9A991.a (See List of Items Controlled).**

License Requirements

*Reason for Control:* NS, RS, MT, AT, UN

| <b>Control(s)</b>                                                                                                                                                                                                           | <b>Country chart<br/>(see Supp. No. 1<br/>to part 738)</b> |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------|
| NS applies to entire entry except: 9A610.b; parts and components controlled in 9A610.x if being exported or reexported for use in an aircraft controlled in 9A610.b; and 9A610.y                                            | NS Column 1                                                |
| RS applies to entire entry except: 9A610.b; parts and components controlled in 9A610.x if being exported or reexported for use in an aircraft controlled in 9A610.b; and 9A610.y                                            | RS Column 1                                                |
| RS applies to 9A610.y                                                                                                                                                                                                       | China, Russia, or<br>Venezuela (see §<br>742.6(a)(7))      |
| MT applies to 9A610.t, .u, .v, and .w and to “Unmanned Aerial Vehicles” (“UAVs”) and Remotely Piloted Vehicles (RPVs) in 9A610.a that are capable of a maximum range of at least 300 kilometers (km), regardless of payload | MT Column 1                                                |
| AT applies to entire entry                                                                                                                                                                                                  | AT Column 1                                                |
| UN applies to entire entry except 9A610.y                                                                                                                                                                                   | See § 746.1(b) for<br>UN controls                          |

List Based License Exceptions (See Part 740 for a Description of All License Exceptions)

*LVS:* \$1,500

GBS: N/A

#### Special Conditions for STA

*STA:* (1) Paragraph (c)(1) of License Exception STA (§ 740.20(c)(1) of the EAR) may not be used for any item in 9A610.a (*i.e.*, “end item” military aircraft), unless determined by BIS to be eligible for License Exception STA in accordance with § 740.20(g) (License Exception STA eligibility requests for 9x515 and “600 series” items). (2) License Exception STA may not be used to ship commodities in 9A610.a that are controlled for missile technology (MT) reasons that have a payload capability of at least 500 kg to a range of at least 300 km to any of the destinations listed in Country Groups A:5 or A:6 (See supplement no.1 to part 740 of the EAR). (3) Paragraph (c)(2) of License Exception STA (§ 740.20(c)(2) of the EAR) may not be used for any item in 9A610.

#### List of Items Controlled

*Related Controls:* (1) See U.S. Munitions List Category VIII. (2) See ECCN 0A919 for controls on foreign-made “military commodities” that incorporate more than a de minimis amount of U.S.-origin “600 series” controlled content. (3) See USML Category XIX and ECCN 9A619 for controls on military aircraft gas turbine engines and related items.

*Related Definitions:* In paragraph .y of this entry, the term 'fluid' includes liquids and gases.

#### *Items:*

a. 'Military Aircraft' “specially designed” for a military use that are not enumerated in USML paragraph VIII(a).

#### *Note 1:*

*For purposes of paragraph .a the term 'military aircraft' means the LM-100J aircraft and any aircraft “specially designed” for a military use that are not enumerated in USML paragraph VIII(a). The term includes: Trainer aircraft; cargo aircraft; utility fixed wing aircraft; military helicopters; observation aircraft; military non-expansive balloons and other lighter-than-air aircraft; unarmed military aircraft,” unmanned aerial vehicles” (“UAVs”), and remotely piloted*

*vehicles (RPVs), regardless of origin or designation. Aircraft with modifications made to incorporate safety of flight features or other FAA or NTSB modifications such as transponders and air data recorders are “unmodified” for the purposes of this paragraph .a.*

*Note 2:*

*9A610.a does not control 'military aircraft' or “lighter-than-air vehicles” that:*

- a. Were first manufactured before 1946;*
- b. Do not incorporate defense articles enumerated or otherwise described on the U.S. Munitions List, unless the items are required to meet safety or airworthiness standards of civil aviation authorities of a country listed in Country Group A:1; and*
- c. Do not incorporate weapons enumerated or otherwise described on the U.S. Munitions List, unless inoperable and incapable of being returned to operation.*
- b. L-100 aircraft manufactured prior to 2013.
- c.-d. [Reserved]
- e. Mobile aircraft arresting and engagement runway systems for aircraft controlled by either USML Category VIII(a) or ECCN 9A610.a.
- f. Pressure refueling equipment and equipment that facilitates operations in confined areas, “specially designed” for aircraft controlled by either USML paragraph VIII(a) or ECCN 9A610.a.
- g. Aircrew life support equipment, aircrew safety equipment and other devices for emergency escape from aircraft controlled by either USML paragraph VIII(a) or ECCN 9A610.a.
- h. Parachutes, paragliders, complete parachute canopies, harnesses, platforms, electronic release mechanisms, “specially designed” for use with aircraft controlled by either USML paragraph VIII(a) or ECCN 9A610.a, and “equipment” “specially designed” for military high altitude parachutists, such as suits, special helmets, breathing systems, and navigation equipment.
- i. Controlled opening equipment or automatic piloting systems, designed for parachuted loads.

j. Ground effect machines (GEMS), including surface effect machines and air cushion vehicles, “specially designed” for use by a military.

k. through s. [Reserved]

t. Composite structures, laminates, and manufactures thereof “specially designed” for unmanned aerial vehicles controlled under USML Category VIII(a) with a range equal to or greater than 300 km.

*Note to paragraph .t:*

*Composite structures, laminates, and manufactures thereof “specially designed” for unmanned aerial vehicles controlled under USML Category VIII(a) with a maximum range less than 300 km are controlled in paragraph .x of this entry.*

u. Apparatus and devices “specially designed” for the handling, control, activation and non-ship-based launching of “UAVs” controlled by either USML paragraph VIII(a) or ECCN 9A610.a, and capable of a range equal to or greater than 300 km.

*Note to paragraph .u:*

*Apparatus and devices “specially designed” for the handling, control, activation and non-ship-based launching of “UAVs” controlled by either USML paragraph VIII(a) or ECCN 9A610.a with a maximum range less than 300 km are controlled in paragraph .x of this entry.*

v. Radar altimeters designed or modified for use in “UAVs” controlled by either USML paragraph VIII(a) or ECCN 9A610.a., and capable of delivering at least 500 kilograms payload to a range of at least 300 km.

*Note to paragraph .v:*

*Radar altimeters designed or modified for use in “UAVs” controlled by either USML paragraph VIII(a) or ECCN 9A610.a. that are not capable of delivering at least 500 kilograms payload to a range of at least 300 km are controlled in paragraph .x of this entry.*

w.1. Pneumatic hydraulic, mechanical, electro-optical, or electromechanical flight control systems (including fly-by-wire and fly-by-light systems) and attitude control equipment designed

or modified for “UAVs” controlled by either USML paragraph VIII(a) or ECCN 9A610.a., and capable of delivering at least 500 kilograms payload to a range of at least 300 km.

*Note to paragraph .w.1:*

*Pneumatic, hydraulic, mechanical, electro-optical, or electromechanical flight control systems (including fly-by-wire and fly-by-light systems) and attitude control equipment designed or modified for “UAVs” controlled by either USML paragraph VIII(a) or ECCN 9A610.a., not capable of delivering at least 500 kilograms payload to a range of at least 300 km are controlled in paragraph .x of this entry.*

w.2. Flight control servo valves designed or modified for the systems in 9A610.w.1. and designed or modified to operate in a vibration environment greater than 10g rms over the entire range between 20Hz and 2 kHz.

*Note to paragraph .w:*

*Paragraphs 9A610.w.1. and 9A610.w.2. include the systems, equipment and valves designed or modified to enable operation of manned aircraft as unmanned aerial vehicles.*

x. “Parts,” “components,” “accessories,” and “attachments” that are “specially designed” for a commodity enumerated or otherwise described in ECCN 9A610 (except for 9A610.y) or a defense article enumerated or otherwise described in USML Category VIII and not elsewhere specified on the USML or in 9A610.y, 9A619.y, or 3A611.y.

y. Specific “parts,” “components,” “accessories,” and “attachments” “specially designed” for a commodity subject to control in this entry, ECCN 9A619, or for a defense article in USML Categories VIII or XIX and not elsewhere specified in the USML or the CCL, and other aircraft commodities “specially designed” for a military use, as follows, and “parts,” “components,” “accessories,” and “attachments” “specially designed” therefor:

y.1. Aircraft tires;

y.2. Analog gauges and indicators;

y.3. Audio selector panels;

- y.4. Check valves for hydraulic and pneumatic systems;
- y.5. Crew rest equipment;
- y.6. Ejection seat mounted survival aids;
- y.7. Energy dissipating pads for cargo (for pads made from paper or cardboard);
- y.8. Fluid filters and filter assemblies;
- y.9. Galleys;
- y.10. Fluid hoses, straight and unbent lines (for a commodity subject to control in this entry or defense article in USML Category VIII), and fittings, couplings, clamps (for a commodity subject to control in this entry or defense article in USML Category VIII) and brackets therefor;
- y.11. Lavatories;
- y.12. Life rafts;
- y.13. Magnetic compass, magnetic azimuth detector;
- y.14. Medical litter provisions;
- y.15. Cockpit or cabin mirrors;
- y.16. Passenger seats including palletized seats;
- y.17. Potable water storage systems;
- y.18. Public address (PA) systems;
- y.19. Steel brake wear pads (does not include sintered mix or carbon/carbon materials);
- y.20. Underwater locator beacons;
- y.21. Urine collection bags/pads/cups/pumps;
- y.22. Windshield washer and wiper systems;
- y.23. Filtered and unfiltered panel knobs, indicators, switches, buttons, and dials;
- y.24. Lead-acid and Nickel-Cadmium batteries;
- y.25. Propellers, propeller systems, and propeller blades used with reciprocating engines;
- y.26. Fire extinguishers;
- y.27. Flame and smoke/CO<sub>2</sub> detectors;

y.28. Map cases;

y.29. 'Military Aircraft' that were first manufactured from 1946 to 1955 that do not incorporate defense articles enumerated or otherwise described on the U.S. Munitions List, unless the items are required to meet safety or airworthiness standards of a Wassenaar Arrangement Participating State; and do not incorporate weapons enumerated or otherwise described on the U.S. Munitions List, unless inoperable and incapable of being returned to operation;

y.30. "Parts," "components," "accessories," and "attachments," other than electronic items or navigation equipment, for use in or with a commodity controlled by ECCN 9A610.h;

y.31. Identification plates and nameplates;

y.32. Fluid manifolds; *and*

y.33. Brackets, carrying cases, controllers, cables and adapters, chargers, docks, mounts, propellers, propeller systems, and propeller blades for "UAVs" and RPVs described in 9A610.a.

\* \* \* \* \*

**9D001 "Software", not specified in 9D003 or 9D004, "specially designed" or modified for the "development" of equipment or "technology" controlled by ECCN 9A001 to 9A004, 9A012, 9A101 (except for items in 9A101.b that are "subject to the ITAR", see 22 CFR part 121), 9A106.d. or .e, 9A110, or 9A120, 9B (except for ECCNs 9B604, 9B610, 9B619, 9B990, and 9B991), or ECCN 9E003.**

License Requirements

*Reason for Control:* NS, MT, AT

| <b>Control(s)</b>                                                                                                                                 | <b>Country<br/>chart<br/>(see Supp.<br/>No. 1<br/>to part 738)</b> |
|---------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------|
| NS applies to “software” for equipment controlled by 9A001 to 9A004, 9A012 (except 9A012.a.1), 9B001 to 9B010, and technology controlled by 9E003 | NS Column<br>1                                                     |
| MT applies to “software” for equipment controlled by 9B116 for MT reasons                                                                         | MT Column<br>1                                                     |
| AT applies to entire entry                                                                                                                        | AT Column<br>1                                                     |

#### Reporting Requirements

See § 743.1 of the EAR for reporting requirements for exports under License Exceptions, and Validated End-User authorizations.

List Based License Exceptions (See Part 740 for a Description of All License Exceptions)

*TSR:* N/A

#### Special Conditions for STA

*STA:* License Exception STA may not be used to ship or transmit “software” “specially designed” or modified for the “development” of equipment or “technology”, specified by ECCNs 9B001.b. or 9E003.a.1, 9E003.a.2 to a.5, 9E003.a.8, or 9E003.h to any of the destinations listed in Country Group A:6 (See supplement no.1 to part 740 of the EAR).

#### List of Items Controlled

*Related Controls:* “Software” that is “required” for the “development” of items specified in ECCNs 9A005 to 9A009, 9A010 (except for items that are subject to the EAR), 9A011, 9A101.b (except for items that are subject to the EAR), 9A103 to 9A105, 9A106.a, .b, and .c, 9A107 to

9A109, 9A110 (for items that are “specially designed” for use in missile systems and subsystems), and 9A111 to 9A119 is “subject to the ITAR”.

*Related Definitions:* N/A

*Items:* The list of items controlled is contained in the ECCN heading.

**9D002 “Software”, not specified in 9D003 or 9D004, “specially designed” or modified for the “production” of equipment controlled by ECCN 9A001 to 9A004, 9A012, 9A101 (except for items in 9A101.b that are “subject to the ITAR”, see 22 CFR part 121), 9A106.d or .e, 9A110, or 9A120, 9B (except for ECCNs 9B604, 9B610, 9B619, 9B990, and 9B991).**

License Requirements

*Reason for Control:* NS, MT, AT

| <b>Control(s)</b>                                                                                             | <b>Country<br/>chart<br/>(see Supp.<br/>No. 1<br/>to part 738)</b> |
|---------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------|
| NS applies to “software” for equipment controlled by 9A001 to 9A004, 9A012 (except 9A012.a.1), 9B001 to 9B010 | NS Column 1                                                        |
| MT applies to “software” for equipment controlled by 9B116 for MT reasons                                     | MT Column 1                                                        |
| AT applies to entire entry                                                                                    | AT Column 1                                                        |

Reporting Requirements

See § 743.1 of the EAR for reporting requirements for exports under License Exceptions, and Validated End-User authorizations.

List Based License Exceptions (See Part 740 for a Description of All License Exceptions)

*TSR:* N/A.

## Special Conditions for STA

*STA:* License Exception STA may not be used to ship or transmit “software” “specially designed” or modified for the “production” of equipment specified by 9B001.b to any of the destinations listed in Country Group A:6 (See supplement no.1 to part 740 of the EAR).

## List of Items Controlled

*Related Controls:* “Software” that is “required” for the “production” of items specified in ECCNs 9A005 to 9A009, 9A010 (except for items that are subject to the EAR), 9A011, 9A101.b (except for items that are subject to the EAR), 9A103 to 9A105, 9A106.a, .b, and .c, 9A107 to 9A109, 9A110 (for items that are “specially designed” for use in missile systems and subsystems), and 9A111 to 9A119 is “subject to the ITAR”.

*Related Definitions:* N/A

*Items:* The list of items controlled is contained in the ECCN heading.

\* \* \* \* \*

## **9D004 Other “software” as follows (see List of Items Controlled).**

## License Requirements

*Reason for Control:* NS, AT

| <b>Control(s)</b>                                              | <b>Country chart<br/>(see Supp. No. 1<br/>to part 738)</b> |
|----------------------------------------------------------------|------------------------------------------------------------|
| NS applies to entire entry, except 9D004.e for 9A012.a.1 items | NS Column 1                                                |
| AT applies to entire entry                                     | AT Column 1                                                |

List Based License Exceptions (See Part 740 for a Description of All License Exceptions)

*TSR:* N/A.

## Special Conditions for STA

*STA*: License Exception STA may not be used to ship or transmit software in 9D004.a and 9D004.c to any of the destinations listed in Country Group A:6 (See supplement no.1 to part 740 of the EAR)

List of Items Controlled

*Related Controls*: See also 9D104.

*Related Definitions*: N/A

*Items*: a. 2D or 3D viscous “software”, validated with wind tunnel or flight test data required for detailed engine flow modelling;

b. “Software” for testing aero gas turbine engines, assemblies, “parts” or “components”, having all of the following:

b.1. “Specially designed” for testing any of the following:

b.1.a. Aero gas turbine engines, assemblies or components, incorporating “technology” specified by 9E003.a, 9E003.h or 9E003.i; *or*

b.1.b. Multi-stage compressors providing either bypass or core flow, specially designed for aero gas turbine engines incorporating “technology” specified by 9E003.a or 9E003.h; *and*

b.2. “Specially designed” for all of the following:

b.2.a. Acquisition and processing of data, in real time; *and*

b.2.b. Feedback control of the test article or test conditions (*e.g.*, temperature, pressure, flow rate) while the test is in progress;

*Note*:

*9D004.b does not specify software for operation of the test facility or operator safety (e.g., overspeed shutdown, fire detection and suppression), or production, repair or maintenance acceptance-testing limited to determining if the item has been properly assembled or repaired.*

c. “Software” “specially designed” to control directional solidification or single crystal material growth in equipment specified by 9B001.a or 9B001.c;

d. [Reserved]

- e. “Software” “specially designed” or modified for the operation of items specified by 9A012;
- f. “Software” “specially designed” to design the internal cooling passages of aero gas turbine engine blades, vanes and “tip shrouds”;
- g. “Software” having all of the following:
  - g.1. “Specially designed” to predict aero thermal, aeromechanical and combustion conditions in aero gas turbine engines; *and*
  - g.2. Theoretical modeling predictions of the aero thermal, aeromechanical and combustion conditions, which have been validated with actual turbine engine (experimental or production) performance data.

\* \* \* \* \*

**9E001 “Technology” according to the General Technology Note for the “development” of equipment or “software”, controlled by 9A004, 9A012, 9B (except for ECCNs 9B604, 9B610, 9B619, 9B990 and 9B991), or ECCN 9D001 to 9D004, 9D101, or 9D104.**

#### License Requirements

*Reason for Control:* NS, MT, AT

| Control(s)                                                                                                                                                                                 | Country chart<br>(see supp. No.<br>1 to part 738) |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------|
| NS applies to “technology” for items controlled by 9A004, 9A012 (except for 9A012.a.1), 9B001 to 9B010, 9D001 to 9D004 for NS reasons                                                      | NS Column 1                                       |
| MT applies to “technology” for items controlled by 9A012, 9B001, 9B002, 9B003, 9B004, 9B005, 9B007, 9B104, 9B105, 9B106, 9B115, 9B116, 9B117, 9D001, 9D002, 9D003, or 9D004 for MT reasons | MT Column 1                                       |
| AT applies to entire entry                                                                                                                                                                 | AT Column 1                                       |

#### Reporting Requirements

See § 743.1 of the EAR for reporting requirements for exports under License Exceptions, and Validated End-User authorizations.

List Based License Exceptions (See Part 740 for a Description of All License Exceptions)

*TSR:* N/A

Special Conditions for STA

*STA:* License Exception STA may not be used to ship or transmit any technology in this entry to any of the destinations listed in Country Group A:6 (See supplement no. 1 to part 740 of the EAR)

List of Items Controlled

*Related Controls:* (1) See also 9E101 and 1E002.f (for controls on “technology” for the repair of controlled structures, laminates or materials). (2) “Technology” required for the “development” of equipment described in ECCNs 9A005 to 9A011 or “software” described in ECCNs 9D103 and 9D105 is “subject to the ITAR.”

*Related Definitions:* N/A

*Items:*

The list of items controlled is contained in the ECCN heading.

\* \* \* \* \*

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