



FCC Adds Drones to the Covered List

On December 22, 2025, the FCC's Public Safety and Homeland Security Bureau added uncrewed aircraft systems (UAS) produced in foreign countries (commonly known as drones) and UAS critical components produced in foreign countries to the Covered List ([Public Notice, DA 25-1086](#)). Note that unlike the FCC's other covered categories of devices (routers, power inverters, advanced robots), the UAS category is the only one to explicitly include components.

This action followed a [National Security Determination](#) ("NSD") by the Executive Branch that foreign-made UAS and their components pose unacceptable national security risks. Among other reasons, the Determination cited threats to critical infrastructure by UAS incursions and unauthorized surveillance.

The FCC's [Covered List](#) identifies communications equipment and services deemed to pose an unacceptable risk to U.S. national security. *See* 47 U.S.C. 1601(a). Equipment included on the list cannot receive a new FCC equipment authorization, which can prevent new models from being imported, marketed, or sold in the United States. *See* 47 C.F.R. § 2.903(a). Applicants seeking equipment authorization from the FCC must certify that a device is not on the Covered List. 47 C.F.R. § 2.911(d)(5)(i).

What is a covered uncrewed aircraft system or critical component?

The NSD required the FCC to place UAS produced in a foreign country or UAS critical components produced in a foreign country on the Covered List "unless the Department of War or Department of Homeland Security makes a specific determination to the FCC" that a given UAS, class of UAS, or UAS critical component does not pose a national security risk.

The NSD includes the following definitions:

- An uncrewed aircraft (UA) is defined by reference to 47 C.F.R. § 88.5: "An aircraft operated without the possibility of direct human intervention from within or on the aircraft."
- An uncrewed aircraft system (UAS) is likewise defined by reference to 47 C.F.R. § 88.5: "An Uncrewed Aircraft and its associated elements (including an uncrewed aircraft station, communication links, and the components not on board the UA that control the UA) that are required for the safe and efficient operation of the UA in the airspace of the United States."
- UAS critical components are include the following components and any associate software:
 - Data transmission devices
 - Communications systems

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- Flight controllers
- Ground control stations and UAS controllers
- Navigation systems
- Sensors and Cameras
- Batteries and Battery Management Systems
- Motors

Drone docks are also included in the definition of a UAS critical component.

The NSD (and corresponding FCC order) also includes all communications and video surveillance equipment and services listed in Section 1709(a)(1) of the FY25 National Defense Authorization Act (Pub. L. 118-159).

Toy drone exception

The Department of War (DoW) [has issued a supplemental NSD](#) to clarify that foreign-produced toy drones and toy drones that contain foreign-produced components do not pose an unacceptable security risk and therefore should be removed from the Covered List.

Toy drones must meet all of the following criteria:

- maximum take-off weight is less than 150 grams;
- operation is limited to line-of-sight operations less than 100 meters;
- maximum sustained altitude less than 300 feet;
- no GPS/GNSS or equivalent system;
- no connectivity or network capability (but may include a dedicated radio-frequency link between controller and drone, typically on 2.4 GHz or 5.8 GHz bands);
- radio frequencies and WiFi Channels may not be modifiable or programmable and must conform to FCC regulatory requirements;
- no imaging or sensing capabilities (e.g., no photo/video camera, microphones, live video feed, or onboard recording);
- flight time must less than 10 minutes;
- maximum horizontal speed must less than 10 meters/second;
- marketed as a toy for recreational use;

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- no modular payload interface, such as airdrop and release mechanisms, searchlights and strobes, and micro-FPV cameras and protection cages; and
- does not contain brushless motors.

Blue UAS and “Buy America” exceptions

DoW [issued a further NSD](#) stating that UAS and UAS critical components included on the Defense Contract Management Agency’s (DCMA) Blue UAS list do not present national security risks. Further, UAS and UAS critical components that qualify as “domestic end products” under the Buy American Standard do not pose national security risks. *See* 48 CFR § 25.101(a). These exceptions [have been extended](#) until January 1, 2028.

To meet the Buy American definition of a “domestic end product,” UAS or UAS critical components must be manufactured in the United States and ensure the cost of domestic components must exceed 65 percent of the total cost of the finished product.

A UAS produced in the United States containing foreign produced components but that complies with the DOW Blue UAS Cleared List or the Buy American Standard shall not be considered “covered.”

Effect on existing equipment

As discussed above, new UAS or UAS critical components will be prohibited from receiving FCC authorization to be imported, marketed, or sold in the United States, unless a conditional authorization is obtained. However, existing models of UAS that the FCC previously authorized can continue to be imported and sold. Devices that consumers previously purchased are likewise unaffected.

Consistent with FCC regulations, the testing and evaluation of devices to ensure compliance with FCC rules, including testing and evaluation to ensure compliance with the DoW Blue UAS Cleared List, is permitted.

The FCC’s Office of Engineering and Technology (OET) [issued a waiver](#) for existing authorized UAS to be able to receive software and firmware updates through at least January 1, 2029. These include software and firmware updates to ensure the continued functionality of the devices, such as those that patch vulnerabilities and facilitate compatibility with different operating systems.

Obtaining a Conditional Approval for Covered UAS

Entities wishing to import covered UAS or UAS critical components [can request an exemption from the Covered List](#) by receiving a “conditional approval.” DoW or the Department of Homeland Security (DHS) will assess national security risks, supply chain resilience, and the applicant’s commitment to establishing trusted manufacturing capacity in the United States to ultimately judge whether the UAS or UAS critical component at issue poses unacceptable risks to national security.

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The FCC itself has no discretion in this process, as the determination on whether to grant the conditional approval is made solely by either DoW or DHS.

Conditional approvals were originally granted until December 31, 2026, [but this was extended](#) “for as long as the applicant for Conditional Approval abides by the onshoring plan outlined in its application and pursuant to updated vetting of the products.”

The conditional approval application must include the following categories of information:

Corporate Structure:

- legal name, jurisdiction of incorporation, and principal place of business;
- ownership structure, including parents, subsidiaries, affiliates, and joint ventures;
- beneficial owners holding at least five percent equity;
- board members and executive leadership, including nationality and country of residence; and
- foreign government ownership, control, influence, financing, or material support (including any arrangements that allow foreign persons or governments to influence operations, decision-making, or access to technology.)

Manufacturing and Supply Chain:

- a detailed bill of materials;
- country of origin for all components, software, and firmware in the UAS or UAS critical components;
- justification for why the device is not currently manufactured in the United States, including why the foreign country was selected and whether alternatives exist;
- manufacturing, final assembly, and testing locations;
- quantitative assessment of supply chain concentration by country, as both a percentage of total value and production volume; and
- identification of any single points of failure in the supply chain including sole source suppliers, the country of those sole-source suppliers, and a description of contingency plans if those suppliers become unavailable.

U.S. Manufacturing and Onshoring Plan

- a detailed, time-bound plan to establish or expand manufacturing in the United States;
- a point of contact responsible for implementing and overseeing the U.S. manufacturing and onshoring plan;
- a description of existing U.S.-based manufacturing and assembly including: percentage of components assembled in the United States and current U.S. headcount and facilities;
- a description of committed and planned capital expenditures, financing, or other investments dedicated to U.S.-based manufacturing and assembly over the next 1-5 years, including expected timelines and milestones (including additional number of

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employees expected to be hired and expected expansion of domestic manufacturing facilities); and

- an inventory of the progress made on the U.S. manufacturing and onshoring plans submitted for all prior covered list approvals.

The FCC has periodically updated the covered list to account for conditional approvals.

Next Steps

Step toe's Telecom and International Trade attorneys can help steer companies that have covered UAS or UAS critical components through the conditional approval process. For more information, please contact one of the authors.