

FCC Drone Ban Update Roundup: First Conditional Approvals, a Limited Waiver, Quiet Revocations, and First Challenges to the Ban



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On March 18, the Federal Communications Commission (FCC) announced that the first wave of what it calls “Conditional Approvals” have been issued to exempt certain foreign-produced uncrewed aircraft systems (UAS) and UAS critical components from the agency’s “Covered List” of communications equipment and services deemed to pose an unacceptable national security risk. Granted by the Department of War (DoW), these Conditional Approvals will allow the named equipment to receive FCC equipment authorizations (which are needed for virtually all devices that emit radio frequencies) until December 31, 2026. The FCC has not made details of the underlying Conditional Approval applications public, although agency guidance has indicated that an onshoring plan for foreign-produced products and components is a critical aspect of any such application.

This development indicates that the federal government continues to make progress in providing some leeway to the drone industry after the Commission’s sweeping addition of all foreign-produced UAS and UAS critical components to the Covered List in December 2025. It also follows some other developments in this area, including a blanket waiver by the Office of Engineering and Technology (OET) to allow certain minor changes to previously authorized Covered List UAS and components, instances of the FCC revoking pre-existing authorizations for Chinese drone manufacturers DJI and Autel, and legal challenges by both DJI and Autel to their Covered List designations (Autel’s at the FCC only, DJI’s both at the agency and in federal court).

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The Conditional Approvals

The equipment that is exempt from the Covered List by virtue of this first wave of approvals includes the following:

- SiFly Aviation, Inc. Q12 Uncrewed Aircraft System
- Mobilicom SkyHopper Series / M Band / Tactical Data Link, Various Controllers, and ICE, OS3 Security Software
- ScoutDI Scout 137 Uncrewed Aircraft System
- Verge, Inc. X1 Uncrewed Aircraft System

The Commission has also added a Conditional Approvals section to the Covered List to track the approvals. The details of the Conditional Approvals and their underlying applications, including what precisely is covered as part of the various named “systems” and what commitments the manufacturers have made (if any) to onshore production, have not been disclosed by the agency.

These Conditional Approvals are notable because as we explained here, in December 2025 the FCC introduced a sweeping new entry to its Covered List of equipment and services posing an unacceptable national security risk, to include *all* foreign-produced UAS and UAS critical components (which includes components such as communications systems, navigation systems, motors, batteries, and so forth). In January 2026, as we covered here, the Commission introduced two exemptions to the Covered List entry: (i) UAS and UAS critical components included on the Defense Contract Management Agency’s (DCMA) “Blue UAS” lists of UAS products cleared for use by federal agencies; and (ii) UAS and UAS critical components that satisfy the “Buy American” country of origin standard used in trade law.

Absent further blanket exemptions such as these, Conditional Approvals are the only means by which foreign-produced UAS and UAS critical components that don’t satisfy either exemption can obtain new FCC equipment authorizations.

Other Recent Developments

The issuance of the first Conditional Approvals comes on the heels of other developments in this area:

- ***OET Blanket Waiver Allowing Class I Permissive Changes.*** When equipment is added to the Covered List, previously granted equipment authorizations continue to be valid unless and until the FCC takes some affirmative step related to those authorizations. However, changes to the equipment – including what the FCC calls “Class I permissive changes,” which ordinarily can be made without seeking any approval – are prohibited. That can include changes and updates to software as well as hardware, potentially cutting off updates to devices that have already been certified. To address this issue, on January 21, 2026, OET issued a blanket waiver to previously authorized covered UAS and UAS critical components to allow certain Class I permissive changes in the form of “software and firmware updates that mitigate harm to U.S. consumers,” including “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.”

- ***OET Quietly Revokes Certain DJI and Autel Authorizations.*** While previously granted authorizations for equipment continue to be valid when that equipment is added to the Covered List, the FCC has consistently maintained that it has the authority to revoke those grandfathered authorizations. In January 2026, telecommunications certification bodies (TCBs) – the third-party entities that process applications for equipment certification and submit their approvals to the FCC – were informed that OET had revoked certain authorizations granted to drone manufacturers DJI and Autel that had been issued shortly before the December 22, 2025 Covered List update. DJI and Autel are in the UAS Covered List entry by virtue of a separate prohibition on their equipment pursuant to the 2025 Fiscal Year National Defense Authorization Act (more info here). To date, the FCC has not issued a Public Notice or otherwise publicly announced which specific devices were revoked.
- ***DJI and Autel Challenge Their Covered List Designations.*** In February 2026, represented by a former Solicitor General, DJI challenged the addition of its products to the Covered List, both at the FCC and in the U.S. Court of Appeals for the Ninth Circuit. Typically, an FCC action that has been implemented at the bureau level – like the Covered List update, which was issued by the Public Safety and Homeland Security Bureau – is not ripe for judicial review. Aggrieved parties must first seek full Commission review and obtain a “final” order from the Commission before they can challenge it in court. (The FCC is under no particular obligation to act on an application for review of a Bureau-level decision in any particular time frame, which can create challenges for entities subject to Bureau determinations with immediate effect.) The Commission has moved to dismiss DJI’s lawsuit on ripeness grounds, and that motion remains pending. While DJI has sought to go directly to court, Autel has taken the more traditional route and limited its challenge to an application for review before the full Commission. Comments on both DJI and Autel’s agency filings are due on April 6.