

ALERT

In Unexpected, First-of-Its-Kind Action, FCC Adds All Foreign-Produced Uncrewed Aircraft Systems and UAS Critical Components to Covered List

December 24, 2025

UPDATE: On January 12, 2026 we published an update to this alert [here](#).

On December 22, the Federal Communications Commission's (FCC or Commission) Public Safety and Homeland Security Bureau (PSHSB) released a Public Notice announcing the addition of essentially all foreign-produced uncrewed aircraft systems (UAS) and foreign-produced "UAS Critical Components" to the agency's Covered List (unless the Department of War or Department of Homeland Security make a specific determination to the FCC that a given UAS or UAS Critical Component does not pose a risk). The action follows a National Security Determination by an unnamed "Executive Branch interagency body" issued the day prior.

The addition of UAS and UAS Critical Components "produced in a foreign country" to the Covered List means that such equipment cannot receive new FCC approvals under the agency's radiofrequency equipment authorization program. While previously-authorized UAS and components may still be sold, the listing prevents manufacturers from changing or updating the equipment in ways that would require new approvals.

This action represents the first time a product category, rather than a product or service by a named entity, has been added to the Covered List. It therefore remains to be seen how the Commission will go about implementing this new and unanticipated categorical

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restriction—and how the new exemption process identified in the Public Notice may work.

What is the FCC's Covered List?

As we have explained in prior Covered List Alerts, Section 2 of the Secure and Trusted Communications Networks Act of 2019 requires the FCC's Public Safety and Homeland Security Bureau to keep an updated list of communications equipment and services "that are deemed to pose an unacceptable risk to the national security of the United States or the security and safety of United States persons," based exclusively on four specified sources, including "any executive branch interagency body with appropriate national security expertise." Before the UAS expansion, the Covered List included equipment or services from 12 named entities, all linked to either China or Russia.

Congress has specifically directed the FCC to use the Covered List to: (1) prohibit entities from using federal Universal Service funding for Covered List equipment or services; and (2) prohibit the FCC's review or approval of radiofrequency equipment authorization applications for Covered List equipment. In addition to fulfilling these mandates, the FCC has continued to expand the applicability of the Covered List to prohibit listed entities from serving as test labs and other relevant bodies in the FCC's equipment certification process and from participating in the forthcoming U.S. Cyber Trust Mark program. The FCC also has prohibited the use of covered equipment and services in submarine cable system and is looking to incorporate the Covered List into other licensing rules. In addition, the agency recently determined that the use of covered modular transmitters as components can trigger prohibitions, and is considering whether covered equipment should be expanded to include other component parts.

The Foreign UAS Listing

This addition to the Covered List was spurred by a mandate in the Fiscal Year 2025 National Defense Authorization Act (2025 NDAA) and a separate but related "National Security Determination" issued on December 21, 2025, by an "Executive Branch interagency body," with the concurrence of several executive agencies. Consistent with both sources, beginning December 22, 2025, the FCC's Covered List includes:

Uncrewed aircraft systems (UAS) and UAS critical components produced in a foreign country [incorporating definitions in the National Security Determination] and 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).

The National Security Determination Restriction. While the 2025 NDAA mandate is targeted at specific entities, the first portion of the new entry—based on the broader National Security Determination—is focused on the country of origin rather than the manufacturer. The definition of UAS in the entry is drawn from 47 C.F.R. § 88.5, and includes both the aircraft and its "associated elements," such as the control station and communications links. Notably, it does not rely on size or performance, meaning that the entry applies to all drones, from the smallest quadcopter to much larger uncrewed systems.

Although the National Security Determination does not fully define the term “UAS Critical Components,” it clarifies that this category “includes but is not limited to the following UAS components and any associated software”:

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

The 2025 NDAA Restriction. While the listing generally covers UAS and UAS Critical Components “produced in” a foreign country, it goes further with respect to DJI and Autel. Neither company is specifically named in the listing itself, but each is referenced in Section 1709(a)(1) of the 2025 NDAA (codified as a Note to 47 U.S.C. § 1601). That statute, which required the FCC to add DJI and Autel to the Covered List by December 23 of this year, absent a contrary determination by a national security agency, covers “communications or video surveillance equipment” produced by DJI or Autel and their subsidiaries or affiliates, related services provided by those entities, and the same equipment or services produced or provided by entities in joint ventures, technology sharing, or licensing agreements with such entities.

As a result, DJI and Autel drones (like all drones) are covered to the extent that they are produced overseas, but, uniquely, would also be covered if production were moved to the United States, or if DJI or Autel attempted to set up a joint venture or enter into a licensing agreement with a domestic producer.

Implications of the Foreign UAS Listing

The Public Notice emphasizes that while foreign-produced UAS and UAS Critical Components will generally be ineligible for new FCC authorizations as a result of the listing, it does not impact the ability to sell *existing* models covered by authorizations that were granted prior to the revision of the Covered List. The immediate dislocation to the market may thus be less dramatic than it would first appear.

At the same time, the ban on FCC equipment authorizations means that even existing UAS and UAS Critical Components made overseas will be ineligible to receive approval for modifications that require amended FCC authorizations—thus limiting the ability of manufacturers to revise and update their products. And, as noted above, the addition of these systems to the Covered List has other implications under FCC regulations, such as in the context of universal service funding and, increasingly, FCC licensing regimes. In addition, private contract terms and government contract regulations should be carefully reviewed for potential impacts.

The PSHSB's Public Notice and the accompanying National Security Determination do provide for an exception. Where "the Department of War or the Department of Homeland Security makes a specific determination to the FCC that a given UAS or class of UAS [or a given UAS Critical Component] does not pose" an unacceptable risk, that equipment is not included in the listing, and the Covered List will be updated accordingly. It is not clear at this point what form "a specific determination to the FCC" (emphasis added) will take, though it seems likely that the relevant federal agencies could make such a determination with respect to equipment on the Defense Innovation Unit's Blue List.

Because the listing of foreign-produced UAS and UAS Critical Components represents the first categorical entry on the Covered List, it may take some time to understand its full impact. The PSHSB notes at least one difference from the typical Covered List entry:

With the exception of the determination concerning FY2025 NDAA section 1709, we clarify that these updates will not implicate various rules and programs applicable to entities "identified" on the Covered List, because this newly-covered equipment is identified by place of production, not by entity.

Thus, for example, an entity (other than Autel or DJI or one of its partners) producing foreign UAS or UAS Critical Components does not have to comply with Section 2.903(b)'s requirement that entities named on the Covered List submit various information about affiliates to the FCC and keep that information updated.

In addition, because this is the first Covered List entry premised on country of production, it raises questions as to what it means to be "produced in" a particular place. For instance, does the manufacture of all components abroad, for final assembly in the U.S., fall outside the restriction? The Commission recently adopted an expansive interpretation of what it means for equipment to be produced "by" a Covered List entity; it is possible the Commission will provide similar guidance here.

And while this listing is the first categorical entry on the Covered List, it is unlikely to be the last. The FCC sought public comment earlier this year on how to add Chinese connected vehicles to the Covered List, following a broad determination by the Commerce Department that such vehicles posed an unacceptable national security risk. Further anticipated actions by the Commerce Department may mandate similar categorical additions. The steps taken to implement this listing may thus set an important precedent in these future proceedings—although, as we have explained, the connected vehicles Covered List update creates unique challenges given the operation of a parallel regulatory scheme by Commerce.

Finally, the addition of this broad category of foreign-produced UAS and UAS Critical Components came as something of a surprise to the industry. Action on DJI and Autel under the 2025 NDAA was widely expected, but few anticipated a broader ban on all foreign-produced UAS. Drone producers and operators both will have to shift to accommodate these new restrictions, but it remains to be seen how quickly or effectively supply chains can be re-shored for all of the various critical components covered by the new listing, or how freely the federal government will make specific determinations to the FCC that particular foreign-made drones do not pose an unacceptable risk. At the same time, the resolution of the long-threatened action against DJI and Autel will at least provide some level of clarity and certainty going forward for the rest of the

manufacturers in the market.

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