

FCC Expands Software Waiver for Covered Foreign-Produced UAS and Routers

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TAKEAWAYS

- ② The FCC has expanded the scope of its limited waivers for permissive changes to “covered” foreign-produced UAS, UAS critical components, and routers to include certain Class II changes.
- ② The agency has also extended the duration of the waivers until January 1, 2029.
- ② The waiver focuses on securing previously authorized “covered” equipment, reaffirming the FCC’s commitment to balancing national security with device safety and operability.

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The Federal Communication Commission’s (FCC) Office of Engineering and Technology (OET) issued a Public Notice on May 8, 2026, that expands and extends the scope of a pair of prior-issued limited waivers allowing updates and patches to certain equipment included on the FCC’s Covered List.

In December 2025, the FCC amended the Covered List to include foreign-produced uncrewed aircraft systems (UAS) and UAS critical components. In January 2026, OET issued a limited waiver enabling grantees of previously-authorized foreign-produced UAS and UAS critical components to continue making Class I permissive changes related to software and firmware, where such updates would “mitigate harm to U.S. consumers,” until December 31, 2026. In March 2026, the FCC further amended the Covered List to include all foreign-produced routers, and OET concurrently issued a nearly identical limited waiver for those routers until March 2027. Under FCC rules, a Class I permissive change is one that “does not degrade” the performance of the equipment, as certified.

Under the May 2026 expanded waiver, grantees of previously authorized foreign-produced UAS, UAS critical components, and routers will be able to make both Class I and II permissive changes relating to software and firmware updates that “mitigate harm to U.S. consumers” and ensure continued functionality

by addressing security vulnerabilities and maintaining compatibility. A Class II permissive change is one that degrades the performance of the equipment, as certified, but otherwise complies with performance requirements under FCC rules. Even with this waiver, Class II permissive changes remain subject to existing FCC requirements, including submission of supporting test data, compliance with minimum performance standards, restrictions on marketing modified equipment prior to FCC acknowledgement, and certification regarding Covered List status. The Public Notice also extends the duration of the limited waiver until January 1, 2029, for both categories of covered equipment.

All other modifications to covered equipment, including Class III permissive changes applying to software-defined radios, remain prohibited absent a grant of Conditional Approval from the U.S. Department of War or U.S. Department of Homeland Security.

The FCC emphasized that these limited waivers are critical to maintaining the safe and reliable operation of already-authorized devices and that the extension will allow the Commission time to consider a formal rulemaking on this approach. The Public Notice reflects the FCC's continued effort to balance national security-driven restrictions with the practical considerations around securing and maintaining previously authorized and deployed equipment.

For more information about the Public Notice, the Covered List, or for assistance analyzing the implications of this waiver to covered equipment, please contact the authors.

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