

Caught in the Crosshairs: FCC Proposes New Restrictions on Previously Exempt Foreign Drones Deemed “Military-Grade”

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TAKEAWAYS

- ④ The Federal Communications Commission (FCC) issued a Public Notice seeking comment on a proposal to prohibit the continued importation and marketing of certain previously authorized foreign-produced unmanned aircraft systems (UAS) and UAS critical components on the FCC’s Covered List, where such devices can be categorized as “military-grade.”
- ④ The Public Notice proposes an extremely broad definition of “military-grade,” which if adopted may result in more prohibitive Covered List restrictions attaching to purely commercial devices, including many sensor-based and docking-enabled platforms.
- ④ Comments on the Public Notice are due on September 2, 2026. The FCC seeks to gather feedback on the proposed definition of “military-grade,” as well as on the potential restrictions that could be applied to devices coming under that category. The FCC also seeks comment on the economic benefits and harms that could arise from this action.

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On July 21, 2026, the Federal Communication Commission’s (FCC) Public Safety and Homeland Security Bureau (PSHSB) and Office of Engineering and Technology (OET) issued a Public Notice seeking comment on whether to expand the scope of restrictions on certain foreign-produced unmanned aircraft systems (UAS) and UAS critical components on the Covered List (Public Notice). The Public Notice proposes to prohibit the continued importation and marketing of certain previously authorized UAS and UAS critical components that qualify as “military-grade” devices.

In December 2025, the FCC adopted its first categorical entry to the Covered List, adding all foreign-produced UAS and UAS critical components and the two entities named in Section 1709 of the Fiscal Year 2025 National Defense Authorization Act (FY2025 NDAA) to the Covered List (Foreign UAS Entry). The Foreign UAS Entry was subject to a number of exemptions, including products identified on the Defense Contract Management Agency’s (DCMA) Blue UAS Cleared List, qualifying domestic end products under the Buy American Standard, products granted a Conditional Approval by the Department of War (DoW) or the Department of Homeland Security (DHS), and, as of June 2026, certain toy drones. Significantly, the Foreign UAS Entry also exempted all previously authorized UAS and UAS critical components where the equipment authorization was granted prior to December 22, 2025.

Since the adoption of the Foreign UAS Entry, the FCC has continued to review and expand its regulations pertaining to covered equipment and entities. In the Second EA Security Report and Order, the FCC adopted a process by which PSHSB and OET could place limitations on existing equipment authorizations to prohibit further importation or marketing of covered equipment. In June 2026, the FCC used this process to impose the first retroactive restriction on covered equipment, prohibiting the continued importation and marketing of equipment added to the Covered List in 2024 or earlier.

The Public Notice proposes to further extend the limitations on importation and marketing to a broad contingent of previously authorized foreign-produced UAS and UAS critical components. Under the Public Notice’s proposal, these restrictions would apply to that subset of foreign-produced UAS and UAS critical components that: (1) are included on the FCC’s Covered List; (2) previously received FCC equipment authorization before the Foreign UAS Entry was adopted; and (3) satisfy the FCC’s proposed definition of “military-grade.”

The Definition of “Military-Grade”

Central to the Public Notice is the FCC’s expansive definition of “military-grade” as applied to foreign-produced UAS and UAS critical components on the Covered List. The proposed definition does not modify or expand the categories of equipment captured by the Foreign UAS Entry, rather it purports to identify a broad subset of covered UAS and UAS critical components that should be subjected to heightened restrictions based on existing federal regulations on high-risk UAS and consultations with appropriate national security agencies.

The Public Notice identifies seven categories of UAS and UAS critical components that could be considered “military-grade.” The categories are:

- **UAS Weighing 55 Pounds or More at Takeoff.** Based on the Federal Aviation Administration’s (FAA) categorical distinction between small and large UAS, the Public Notice suggests these “larger platforms” provide greater payload capacity, endurance, and range, making them suitable for combat-style missions.

- **UAS Capable of Dispensing Hazardous Materials.** Based on the FAA’s definition of “economic poison,” the Public Notice suggests that dispersal systems could be used to deliver hazardous substances while bypassing traditional detection and defense systems and could potentially be used to conduct chemical or biological attacks.
- **UAS Integrated with Thermal Imaging Systems.** The Public Notice suggests that since thermal imaging permits the detection of temperature differences, heat signatures, and residual heat signatures, these systems could enable nighttime operations, covert surveillance, navigation under low-visibility conditions, and targeting which could create additional risks to the operational security of critical infrastructure.
- **UAS Integrated with Light Detection and Ranging (LiDAR).** The Public Notice suggests that since LiDAR is capable of producing detailed three-dimensional mapping, penetrating dense foliage to reveal concealed structures, supporting autonomous navigation in GPS-denied environments, and conducting reconnaissance under a variety of environmental conditions, platforms integrated with these sensors could provide significant military utility.
- **UAS Docking Stations.** The Public Notice suggests that systems that enable autonomous landing, takeoff, battery charging or replacement, and data or payload transfer could facilitate persistent autonomous operations, intelligence, surveillance, reconnaissance, and coordinated swarm operations.
- **UAS Specially Designed to Incorporate Defense Articles.** The Public Notice suggests that these systems may enable precision strike capabilities, kinetic effects, and electronic warfare while extending operational range, persistence, and precision beyond traditional platforms.
- **Swarming UAS and Associated Control Systems.** The Public Notice suggests that swarm-enabled systems—UAS designed to conduct synchronized flight operations, and ground control stations and flight-control or vehicle-management systems designed to coordinate autonomous drone swarms—could permit large numbers of UAS to coordinate autonomously, overwhelm traditional air defenses, conduct persistent surveillance, and create complex operational challenges for homeland security.

The Public Notice tentatively concludes that these categories of UAS and UAS critical components present heightened national security concerns because of their potential military utility. The Public Notice seeks comment on the proposed definition and whether additional categories should be included or existing categories modified.

The Exclusions

The Public Notice provides several exclusions from the “military-grade” subcategory, noting that these restrictions would not apply to:

- Domestically produced UAS or UAS critical components,
- Non-military-grade foreign-produced UAS or UAS critical components,
- Foreign-produced UAS or UAS critical components imported or marketed for use by the federal government,

- Foreign-produced UAS and UAS critical components imported or marketed for commercial testing or product development purposes, or
- Previously purchased devices in the possession of end users.

Additionally, the existing Foreign UAS Entry exemptions—DCMA Blue UAS Cleared List, domestic end products, and Conditional Approval—continue to apply.

The Implementation Plan

The Public Notice proposes to prohibit the continued importation and marketing of the “military-grade” UAS and UAS critical components, without revoking the underlying equipment authorization. By retaining the underlying equipment authorizations, the proposal would not affect the continued use or operation of any previously authorized “military-grade” UAS and UAS critical components already in the possession of end users. The Public Notice seeks comments on the proposed restrictions, including the supporting national security, economic, and supply chain considerations identified.

The Public Notice also proposes to delay the effectiveness of the new restrictions until 180 days after publication of a final action in the *Federal Register*. The delayed implementation period attempts to balance national security concerns with potential economic and supply chain impacts. To mitigate these economic and supply chain impacts, the delayed implementation is intended to provide any affected manufacturers, importers, distributors, retailers, and other stakeholders sufficient time to transition or obtain conditional approval. The Public Notice seeks comment on the proposed implementation plan.

Procedure, Participation, and Comment Deadlines

While the Foreign UAS Entry broadly restricted the importation, marketing, and sale of foreign-produced UAS and UAS critical components, the current proposal seeks to expand the reach of these restrictions to a previously exempt category. If adopted, the proposal would further limit the availability of foreign-produced UAS and UAS critical components in the U.S. market, including many traditionally commercial products.

Although the proposal targets military-grade systems, the FCC’s definition will necessarily capture several technologies that are principally used in commercial applications. Manufacturers, importers, distributors, and other stakeholders should carefully evaluate whether existing or planned UAS products could fall within one or more of the proposed categories and assess the potential economic and supply chain impacts of such categorization. Interested stakeholders should consider participating in the rulemaking process by submitting comments addressing the scope of the proposed definition of “military-grade,” the implementation timeline, and the potential economic and supply chain impacts.

Comments on the Public Notice are due September 2, 2026.

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For more information about the Public Notice, the Foreign UAS Entry, or the Covered List generally, or for assistance in preparing and submitting comments, please contact the authors.

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