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CKC CS Whitepaper on FCC prohibition of new equipment authorizations for UAS (Drones) and components

1/7/2026

By Randy Clark

This whitepaper attempts to clarify the meaning and scope of the FCC's actions with regard to equipment authorization procedures on UAS (Drones) and UAS Critical Components.

What happened?

The FCC's Public Safety and Homeland Security Bureau announced on December 22, 2025 in Public Notice DA 25-1086 an addition to the US Covered List prohibiting new equipment authorizations for "uncrewed aircraft systems (UAS) and UAS critical components produced in foreign countries."

The text of the covered list states:

"Uncrewed aircraft systems (UAS) and UAS critical components produced in a foreign country 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)."

Then on January 7, 2026, based on an interagency review, the FCC's PSHSB issued an updated public notice, DA 26-22 amending the covered list entry to state:

"Uncrewed aircraft systems (UAS) and UAS critical components produced in a foreign country

- except, until January 1, 2027,

(a) UAS and UAS critical components included on the Defense Contract Management Agency's (DCMA's) Blue UAS Cleared List, and

(b) UAS critical components that qualify as "domestic end products" under the Buy American Standard, 48 CFR 25.101(a)—

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)."

These entries currently only apply prohibition to new products seeking FCC equipment authorization.

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Why the government acted

The FCC cited specific goals in the update to the covered list, namely the FY25 made a national security determination regarding specific threats including unauthorized surveillance, data exfiltration and potential for software exploitation. However it is not difficult to also draw upon current global trends in cybersecurity and international conflicts to conclude the possibility exists for malicious use of drones by foreign entities.

Foreign production opens the possibility of additional cybersecurity risks such as:

- Hardware Trojans
- Backdoors
- Firmware vulnerabilities
- Supply Chain Tempering
- Surveillance & Intelligence gathering

Therefore, the US is implementing measures to protect the public from potential harm and mitigate unacceptable risks to national security.

Terminology Clarifications

The text of the public notice leaves several issues open for interpretation. The following items attempt to address each in turn.

1) Uncrewed vs Unmanned

The public notice uses both terms. It is common understanding that the terms are applied universally and interchangeably (e.g. DoW). The choice of verbiage may be sloppy, but consistently sloppy across various branches of government, depending on the citation made. Thus what looks to be inconsistency is actually functionally identical in the context of US Code definitions.

In short, read the terms as “any flying machine with no human pilot on board”

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2) Definition of "UAS"

The original public notice applies the term UAS and cites definitions in broad terms. Notably these definitions align across branches of governing, including 49 USC §44801, which defines the terms identically to the public notice:

Unmanned aircraft.-The term "unmanned aircraft" means an aircraft that is operated without the possibility of direct human intervention from within or on the aircraft.

Unmanned aircraft system.-The term "unmanned aircraft system" means an unmanned aircraft and associated elements (including communication links and the components that control the unmanned aircraft) that are required for the operator to operate safely and efficiently in the national airspace system.

3) Definition of "UAS Critical Components"

The public notice applies the following definition:

UAS critical components. 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

This is not an exhaustive list but in context is limited to RF devices subject to FCC equipment authorization. All other components related to or required for safe operation of a UAS are also prohibited if produced in a foreign country and not meeting the cited exemptions.

Items which are not RF devices (intentional or unintentional radiators) are not part of the covered list prohibitions.

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4) Definition of “produced”

This term is not defined anywhere in the public notice or the cited public laws. The interpretive best-guess is to construe this term as it applies to US Federal Enforcement actions. In this light, ‘production’ applies the concepts of manufacture, assembly, and substantial transformation.

To elaborate on this, it is prudent to cite prior case law such as *Anheuser-Busch vs United States* (1908) which established that substantial transformation is the defining characteristic of production, meaning the input components emerge with a new name, new character or new use. Furthermore, *Energizer Battery vs United States* (2016) upheld that criterion and clarified that assembly alone, even complex assembly is insufficient to establish a claim of substantial transformation.

The details of the manufacturing, assembly and QA processes play a critical role in determining whether the sufficiency of the substantial transformation criterion has been met. Key elements include the nature of the operation, the essential character of the input and output products (did the essential character change), the value added and complexity of the processes (economic significance).

Using the above as a gauge:

- A chip fabricated in the US is considered domestically produced.
- A drone assembled in the US using components sourced from abroad is not considered domestically produced unless substantial transformation occurs. -- However, care should be given here because the US Covered list also includes UAS Critical components which could in this case themselves be prohibited.
- A drone whose critical components are domestically produced, but non-critical components are foreign produced is still considered domestically produced, subject to the substantial transformation criterion.

NOTE: The FCC appears to impose its own definitional criteria of the terms “production” and/or “manufacture” which may differ from that used in commerce, customs or trade law. To that end, the FCC has not provided any boundary conditions or other criteria by which a manufacturer can declare the origin of production.

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Putting it all into perspective: Questions that demand answers

A) What products are prohibited?

To address this succinctly, it is best to start with a blanket statement, and then cite exemptions as listed.

Every type of UAS is prohibited.

Every type of UAS Critical component is prohibited

Every type of UAS Communications equipment is prohibited

Every type of UAS video equipment is prohibited

Except if produced in the US.

And until January 1 2027:

Except UAS and UAS critical components listed in the DCMA Blue List

Except UAS and UAS critical components that qualify as domestic products under the Buy American Standard (48 CFR 25.101(a)).

To apply the exemption from the Buy American Standard, (e.g. manufactured in the US) one must have a working definition of the term “manufactured” as used in the cited clause. 48 CFR does not include such a definition, however US federal law can be construed in the exact same way as “produced” as noted above; meaning a substantial transformation criterion remains a practical working definition.

B) Does the prohibition apply to existing products already on the US market?

No, this prohibition only applies to products not already approved.

According to the version of the covered list as of the writing of this whitepaper, products which already have a valid existing FCC equipment authorization may continue to be marketed and operated without penalty.

NOTE: the FCC retains the authority to modify the covered list at any time, or to take action on specific equipment authorizations.

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C) What about components with broad applications?

While the FCC did not publicly declare specific criteria on the application of the prohibitions, the FCC gave informal remarks as guidance to authorized TCBs such as CKC CS indicating a contextual approach. Within this clarification, it is understood as of the time of writing of this whitepaper that only devices which have clear purpose and marketing under the prohibition are subject to it.

- A “flight controller” produced in Taiwan is subject to the covered list prohibition unless meeting one of the exemptions.
- A FPV video link produced in the US is allowed (see above discussion).
- A modular radio transmitter produced in China and marketed to the generic public remains allowed.
- A modular radio transmitter produced in UK, if combined as part of a drone could be construed as prohibited in light of the context of the application of the module used in a UAS; the module would become a UAS critical component and the UAS’s equipment authorization would be subject to the requirements of the covered list. To wit: for the manufacturer to obtain a new equipment authorization for the drone, the manufacturer must determine that the UAS is produced in the US.

D) How do I determine whether my product is prohibited?

The following steps are encouraged to determine whether the products or components are prohibited (under the covered list):

- a) Inventory and classify all components by function
- b) Trace sources of components to final assembly location
- c) Document manufacturing steps (fabrication, assembly, firmware loading, calibration, etc) on a per-location basis. Note firmware integration, calibration and testing in the US increase likelihood of establishing a successful claim of substantial transformation, however are no guarantee of it.
- d) Where possible, move critical manufacturing steps to US locations

Where there exists any doubt regarding the claim of US production, seek legal advice from a qualified attorney licensed in the relevant jurisdiction.

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E) How do I get my UAS or UAS Critical component approved?

If the UAS or component is produced in the US, the traditional equipment authorization processes of either Certification or SDoC remain applicable.

However, if the UAS or component is produced in a foreign country but the manufacturer has otherwise determined there exists no risk to national security, the FCC has developed a procedure for temporary conditional approval (see attachment B). The FCC can review specific cases and issue a determination.

Follow the instructions provided by the FCC and submit documentation as requested.

F) Are all video surveillance cameras produced abroad now prohibited?

No. A general-purpose camera marketed for use in broad applications is not specifically prohibited under the UAS item, however may be prohibited under other items on the covered list.

This item applies to purpose-marketed equipment not to general purpose equipment. UAS Critical components and UAS video surveillance equipment are prohibited if produced abroad.

G) How can I get more clarity?

The FCC does accept public inquiries for specific cases using the Knowledge Database System (KDB). If considering an inquiry, prepare a concise formal request including specific details about your equipment, configuration or system. Then provide sufficient details to explain your case without flooding the FCC in documentation (when this happens you'll get the default answer of "go see the rules.") Then ask one or two specific questions directly relating the product to the FCC's rules.

The KDB system is not a venue for advocating waivers or modifications of a rule; it is only for requesting specific interpretations about existing rules for existing or future products.

Regulatory ambiguity is to be expected — right up there with last-minute EMC tests. This whitepaper aims to replace panic with process; classify, document, and prepare to argue a strong case for provenance. If nothing else, keep your manufacturing process strong and your coffee stronger.

Should you have any questions or require clarification, please feel free to contact us.

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Attachment 1: Related Links

| | |
|---------------------------------|---|
| DA-25-1086 | https://www.fcc.gov/document/fcc-updates-covered-list-add-certain-uas-and-uas-components |
| DA 26-22 | https://www.fcc.gov/document/fcc-updates-covered-list-exempt-certain-drones-and-releases-faqs |
| FCC FAQ | https://www.fcc.gov/covered-list-faqs-uas-and-uas-critical-components |
| Blue List (UAS) | https://bluelist.appsplatformportals.us/Cleared-List/ |
| Blue List (Components) | https://bluelist.appsplatformportals.us/Cleared-List/ |
| 48 CFR 25.101(a) | https://www.ecfr.gov/current/title-48/part-25/section-25.101#p-25.101(a) |
| FCC KDB System | https://apps.fcc.gov/oetcf/kdb/index.cfm |
| KDB 986446 on Covered equipment | https://apps.fcc.gov/oetcf/kdb/forms/FTSSearchResultPage.cfm?id=325672&switch=P |

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Attachment 2: Optional FCC UAS Temporary Conditional Approval Procedure

Guidance on Submissions for Conditional Approval for *Uncrewed Aircraft Systems (UAS) and UAS Critical Components Produced in Foreign Countries* Subject to the FCC's Covered List

January 7, 2026

Background

On December 22, 2025, the FCC updated the Covered List to include “UAS and UAS critical components produced in a foreign country,” which has resulted in such “covered” equipment being prohibited from receiving an equipment authorization from the FCC unless the FCC receives “a further specific determination from the Department of War (DoW) or the Department of Homeland Security (DHS) that a given UAS, class of UAS, or UAS critical component does not pose unacceptable risks to the national security of the United States or to the safety and security of U.S. persons.” Today, DoW and DHS are announcing guidance for UAS and UAS critical component producers to apply for a Conditional Approval, through an individualized assessment of “unacceptable risks” that would exempt the approved entity from restrictions imposed by inclusion on the FCC’s Covered List. To be considered for Conditional Approval from DoW or DHS, UAS and UAS critical component producers must submit the information requested in this document. This information will enable DoW and DHS to 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.” Submission does not guarantee approval. DoW and DHS may request additional information as necessary. All decisions are final and can only be adjusted at the discretion of DoW and DHS.

Information Requested

Any entity that is not covered under the determination issued by DoW (Blue UAS/Buy America) that is seeking a Conditional Approval must provide the information requested in this document. Failure to provide all the requested information may result in delays or denial of the application. Submissions must include a certification by an authorized corporate officer that all the information is complete, accurate and that any material change will be promptly disclosed. Applicants that knowingly violate the terms of the Conditional Approval or materially misrepresent information provided to the U.S. Government will have their Conditional Approval terminated (if granted) and will be precluded from applying again. Conditional Approvals will be granted for periods of up to 12 months.

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1. Corporate Structure:

- a. Legal name, jurisdiction(s) of incorporation, and principal place of business;
- b. Complete ownership structure, including parents, subsidiaries, affiliates, and joint ventures;
- c. Beneficial owners holding five percent or greater equity;
- d. Board members and executive leadership, including nationality and country of residence; and
- e. Any foreign government ownership, control, influence, financing, or material support (applicants must identify any arrangements that allow foreign persons or governments to influence operations, decision-making, or access to technology.)

2. Manufacturing and Supply Chain Disclosure:

- a. A detailed bill of materials for the UAS or UAS critical components for which the applicant is seeking the Conditional Approval;
- b. Country of origin for all components in a UAS or the UAS critical components;
- c. Justification on why any foreign manufactured critical components or UAS are not currently manufactured in the United States, including why these foreign sources were selected and whether alternatives exist;
- d. Cost of U.S. sourced components as a percentage of the overall cost of the UAS or UAS critical component;
- e. Locations of manufacturing, final assembly, and testing for the UAS or UAS critical components for which the applicant is seeking the Conditional Approval;
- f. Country of origin for any onboard software and firmware;
- g. Quantitative assessment of supply chain concentration by country, expressed as both a percentage of total value and production volume; and
- h. Identification of any single points of failure in the supply chain for the UAS or UAS critical components, including sole source suppliers, the country of those sole-source suppliers, and a description of contingency plans if those suppliers become unavailable.

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3. U.S. Manufacturing and Onshoring Plan

- a. A detailed, time-bound plan to establish or expand manufacturing in the United States for the UAS or UAS critical components for which the applicant is seeking Conditional Approval in order for that device to qualify for FCC authorization;
- b. A dedicated point of contact or office responsible for implementing and overseeing the U.S. manufacturing and onshoring plan. This individual or office must provide the agency issuing the Conditional Approval an update on the status of their onshoring plan once a quarter;
- c. A description of existing U.S.-based manufacturing and assembly for the UAS or UAS critical components, including: percentage of UAS critical components currently manufactured in the United States; percentage of models and components assembled in the United States; and current U.S. headcount and facilities (locations, functions, etc.);
- d. 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; and
- e. An inventory of the progress made on the U.S. manufacturing and onshoring plans submitted for all previous covered approvals, if applying for an extension of an existing Conditional Approval or if the applicant has any other existing covered Conditional Approval.

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For questions regarding FCC's Covered List please contact Chris Smeenck (chris.smeenck@fcc.gov).

For entities seeking Conditional Approval: please contact drones@fcc.gov

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