



PUBLIC NOTICE

Federal Communications Commission
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DA 26-454
Released: May 8, 2026

OFFICE OF ENGINEERING AND TECHNOLOGY ANNOUNCES EXTENSION AND EXPANSION OF WAIVER OF PROHIBITIONS ON CERTAIN SOFTWARE AND FIRMWARE PERMISSIVE CHANGES TO CERTAIN COVERED UAS, UAS CRITICAL COMPONENTS, AND ROUTERS

ET Docket No. 21-232

The Federal Communications Commission's Office of Engineering and Technology (OET) announces that waivers issued in January¹ and March² Public Notices of certain prohibitions in 47 CFR §§ 2.932(b) and 2.1043(b) will be extended at least until January 1, 2029. OET also announces that these waivers will be expanded to include a waiver on analogous Class II permissive changes involving software and firmware updates that mitigate harm to consumers.

Under this waiver, all Uncrewed Aircraft Systems (UAS), UAS critical components, and routers produced in a foreign country that were authorized for use in the United States prior to these devices being added to the Covered List may at least until January 1, 2029, consistent with FCC rules, continue to receive software and firmware updates that mitigate harm to U.S. consumers. OET will, as soon as practicable, recommend to the full Commission considering codifying this waiver through a rulemaking.

Background: On December 22, 2025, the FCC added to the Covered List UAS and UAS critical components produced in foreign countries (collectively Covered UAS and UAS critical components) and equipment and services listed in section 1709 of the Servicemember Quality of Life Improvement and National Defense Authorization Act for Fiscal Year 2025 (FY2025 NDAA).³ Following a further specific determination from the Department of War (DoW), that Covered List entry was updated on January 7, 2025, to remove from the Covered List certain categories of UAS and UAS critical components until January 1, 2027.⁴ On March 23, 2026, the FCC added to the Covered List "Routers

¹ Office of Engineering and Technology and Technology Announces Waiver of Prohibitions on Certain Class I Permissive Changes to Covered UAS and UAS Critical Components, *Public Notice*, DA 26-69 (Jan. 21, 2026) (UAS Waiver).

² Office of Engineering and Technology and Technology Announces Waiver of Prohibitions on Certain Class I Permissive Changes to Covered Routers, *Public Notice*, DA 26-286 (Mar. 23, 2026) (Routers Waiver).

³ *Public Safety and Homeland Security Bureau Announces Addition of Uncrewed Aircraft Systems (UAS) and UAS Critical Components Produced Abroad, and Equipment and Services Listed In Section 1709 of the FY2025 NDAA, to FCC Covered List*, WC Docket No. 18-89, Public Notice, DA 25-1086 (Dec. 22, 2025) (*UAS Public Notice*).

⁴ *Public Safety and Homeland Security Bureau Announces Exemption of Uncrewed Aircraft Systems (UAS) and UAS Critical Components from FCC Covered List*, WC Docket No. 18-89, Public Notice, DA 26-22 (Jan. 7, 2026) (*Second UAS Public Notice*).

produced in a foreign country, [except routers which have been granted a Conditional Approval by DoW or DHS](#)⁵ (Covered Routers).

On October 28, 2025, the Commission adopted revisions to its rules at 47 CFR §§ 2.932(b) and 2.1043(b), which went into effect in December 2025.⁶ These revisions exclude “equipment prohibited from authorization pursuant to § 2.903”—equipment on the Covered List—from equipment certification procedures allowing for permissive changes to authorized equipment.⁷ Such changes include Class I permissive changes, which generally do not require a filing with the Commission and may include software and firmware updates that mitigate harm to consumers.⁸

On January 21, 2026, OET announced a waiver of certain prohibitions contained in 47 CFR §§ 2.932(b) and 2.1043(b) for UAS and UAS critical components produced in a foreign country, which were added to the Covered List on December 22, 2025. The waiver permitted all UAS and UAS critical components authorized for use in the United States to continue to receive software and firmware updates that mitigate harm to U.S. consumers at least until January 1, 2027.⁹ On March 23, 2026, OET announced a similar waiver of these prohibitions for covered routers added to the Covered List earlier that day.¹⁰

As we earlier noted, applying the revised 47 CFR §§ 2.932(b) and 2.1043(b) to the newly added devices would have the effect of prohibiting permissive changes to the UAS, UAS critical components, and routers added to the Covered List in December and March. This prohibition would be in effect even for Class I and Class II permissive changes—such as software and firmware security updates that mitigate harm to U.S. consumers—because previously-authorized UAS, UAS critical components, and routers are now covered equipment.

Legal Analysis: OET, under delegated authority,¹¹ extends until at least January 1, 2029, the waivers on the applicability of the prohibitions against Class I permissive changes under 47 CFR §§ 2.932(b) and 2.1043(b) to software and firmware updates that mitigate harm to U.S. consumers for Covered UAS and UAS critical components authorized prior to the December 22, 2025, Covered List addition and for Covered Routers authorized prior to the March 23, 2026, Covered List addition. These include all 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 finds

⁵ *Public Safety and Homeland Security Bureau Announces Addition of Routers Produced in Foreign Countries to FCC Covered List*, WC Docket No. 18-89, Public Notice, DA 26-278 (Mar. 23, 2026) (*Routers Public Notice*). For the current version of the Covered List and Conditional Approvals, see Federal Communications Commission, *List of Equipment and Services Covered By Section 2 of The Secure Networks Act*, <https://www.fcc.gov/supplychain/coveredlist>. The term “Routers” is defined by National Institute of Standards and Technology Internal Report 8425A to include consumer-grade networking devices that are primarily intended for residential use and can be installed by the customer. Routers forward data packets, most commonly Internet Protocol (IP) packets, between networked systems.

⁶ *Protecting Against National Security Threats to the Communications Supply Chain Through the Equipment Authorization Program*, 90 Fed. Reg. 53227 (Nov. 25, 2025).

⁷ 47 CFR §§ 2.932(b), 2.1043(b).

⁸ See 47 CFR § 2.1043(b)(1) (“A Class I permissive change includes those modifications in the equipment which do not degrade the characteristics reported by the manufacturer and accepted by the Commission when certification is granted.”).

⁹ UAS Waiver.

¹⁰ Routers Waiver.

¹¹ 47 CFR § 0.241(b).

that special circumstances warrant a deviation from the general rules and the public interest would be better served by extending the waiver of the prohibitions on these Class I permissive changes in these circumstances.¹²

OET believes that the reasons given to waive these prohibitions¹³ in the two prior waivers continue to apply not just until January 1, 2027, or March 1, 2027, but at least until January 1, 2029. The continued limited duration of this waiver, which will also give the Commission an opportunity to consider a rulemaking on this subject, also reduces potential harm to the public interest. Therefore, OET concludes that an extended waiver through January 1, 2029, is warranted and in the public interest.

Additionally, OET believes that analogous concerns regarding the continued safe operation of existing models of UAS, UAS critical components, and routers that OET described in the prior two waivers also apply equally to software and firmware Class II permissive changes that mitigate harm to U.S. consumers. Therefore, OET concludes that waiving our prohibitions with regard to software and firmware Class II permissive changes that mitigate harm to U.S. consumers through January 1, 2029, is warranted and in the public interest.

We clarify that this waiver only applies to the *prohibitions* on Class I or Class II permissive changes for already-authorized devices. Grantees whose devices are subject to this waiver must still comply with other relevant FCC rules. These include, for example, the Class II permissive change requirements to provide complete information and tests results regarding such changes, to comply with minimum performance requirements of the applicable rules, not to market modified equipment prior to acknowledgement that the Class II permissive change is acceptable, and to certify as to whether the device is prohibited from receiving equipment authorization as covered equipment.¹⁴

Finally, OET will, as soon as practicable, recommend to the full Commission that it consider codifying this waiver with respect to covered equipment described herein, as well as any future covered equipment with similar characteristics.

For further information, please contact Katherine Nevitt at 301-362-3017 or katherine.nevitt@fcc.gov.

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¹² See 47 CFR § 1.3; see also *Northeast Cellular Tel. Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990); *WAIT Radio v. FCC*, 418 F.2d 1153, 1157 (D.C. Cir. 1969) (finding that the Commission may decide in some instances that waiver serves the public interest if it will not undermine the policy served by the rule).

¹³ See UAS Waiver at 2; Routers Waiver at 2.

¹⁴ 47 CFR § 2.1043(b)(1), (2).