



PUBLIC NOTICE

Federal Communications Commission
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**PUBLIC SAFETY AND HOMELAND SECURITY BUREAU AND OFFICE OF ENGINEERING
AND TECHNOLOGY SEEK COMMENT ON PROHIBITING THE IMPORTATION AND
MARKETING OF PREVIOUSLY AUTHORIZED COVERED COMMUNICATIONS
EQUIPMENT ADDED TO THE COVERED LIST IN 2024 OR EARLIER**

PS Docket No. 26-72

Comments Due: 30 days after publication in the *Federal Register*

Introduction

By this Public Notice, the Public Safety and Homeland Security Bureau (PSHSB) and Office of Engineering and Technology (OET) propose to prohibit the continued importation and marketing of certain previously authorized equipment that has been determined to “pose an unacceptable risk to the national security of the United States or the security and safety of United States persons” (covered equipment).¹ In particular, we propose to apply such prohibitions to communications equipment added to the Covered List in 2024 or earlier.² We seek comment on these proposals and the relevant factors, including national security and economic and supply chain considerations, that would justify prohibiting the continued importation and marketing of such previously authorized covered equipment. While importation and marketing would be prohibited, this prohibition would not affect continued use or operation of already-purchased communications equipment. The prohibition considered in this Public Notice also would not affect equipment added to the Covered List after 2024.

¹ Pursuant to sections 2(a) and (d) of the Secure and Trusted Communications Networks Act of 2019, and sections 1.50002 and 1.50003 of the Commission’s rules, the Federal Communications Commission’s Public Safety and Homeland Security Bureau (PSHSB) publishes a list of communications equipment and services that have been determined by one of the sources specified in that statute to pose an unacceptable risk to the national security of the United States or the security and safety of United States persons (covered equipment). Secure and Trusted Communications Networks Act of 2019, Pub. L. No. 116-124, 133 Stat. 158 (2020) (codified as amended at 47 U.S.C. §§ 1601-1609) (Secure Networks Act); 47 CFR §§ 1.50002, 1.50003. For the current version of the Covered List, see Federal Communications Commission, *List of Equipment and Services Covered By Section 2 of The Secure Networks Act*, <https://www.fcc.gov/supplychain/coveredlist> (last updated January 7, 2026) (FCC Covered List). The process by which the Commission would exercise this authority was established in the *Equipment Authorization Security Second Report and Order (EA Security Second R&O)*. *Protecting Against National Security Threats to the Communications Supply Chain through the Equipment Authorization Program*, Second Report and Order and Second Further Notice of Proposed Rulemaking, ET Docket No. 232, FCC 25-71, paras. 40-50 (2025) (*EA Security 2d R&O*); 47 CFR § 2.939(e).

² FCC Covered List.

Background

In November 2022, the Federal Communications Commission (FCC or Commission) adopted rules to prohibit authorization of equipment identified on the Covered List.³ However, the Commission did not revoke previously granted authorizations of covered equipment.⁴ In October 2025, the Commission adopted the *EA Security Second R&O* which, among other things, established a procedure to limit the scope of an existing authorization of covered equipment to prohibit continued importation or marketing of such equipment, without revoking the underlying authorization.⁵ The Commission noted that its goal is to mitigate potential national security risks associated with covered equipment in the nation's supply chain that was authorized prior to a Covered List addition under 47 USC 1601(b).⁶ The Commission directed PSHSB and OET to "institute proceedings to determine whether to apply these prohibitions to some or all of the equipment currently on the Covered List" and it delegated authority to PSHSB and OET to apply such prohibitions pursuant to the framework and process outlined in the *EA Security Second R&O*.⁷ The Commission gave specific directives to PSHSB and OET regarding how to analyze and implement the new procedures.⁸

Today, we initiate a proceeding to prohibit the continued importation and marketing of equipment added to the Covered List in 2024 or earlier but was authorized before the adoption of our 2022 rules.⁹ We initially focus on this equipment because it has been on our Covered List for years.

Discussion

The Commission has legal authority to review an existing authorization for covered equipment, and to revoke such authorization pursuant to current rules.¹⁰ Under section 2.939(a), the Commission may "revoke . . . any equipment authorization" for various reasons, including "conditions coming to the attention of the Commission which would warrant it in refusing to grant an original application."¹¹ Likewise, under section 2.939(e), PSHSB and OET "may place limitations on an existing authorization for covered equipment authorizations to prohibit continued importation or marketing" of such equipment.¹²

³ See generally *Protecting Against National Security Threats to the Communications Supply Chain through the Equipment Authorization Program; Protecting Against National Security Threats to the Communications Supply Chain through the Competitive Bidding Program*, Report and Order, Order, and FNPRM, 37 FCC Rcd 13493, 13509-98, paras. 32-263 (2022) (*EA Security R&O and FNPRM*). The Commission explained that this proceeding builds upon the important ongoing efforts by the Commission, Congress, and the Executive Branch to take further action to protect the security of America's critical communications networks and equipment supply chains. *Id.* at 13494-95, para. 1; see also *id.* at 13497-505, 13507-08, paras. 5-23, 31.

⁴ *Id.* at 13535, para. 107.

⁵ *EA Security 2d R&O*, FCC 25-71, paras. 40-50; 47 CFR 2.939(e), 2.803, 2.1204.

⁶ *Id.* at paras. 32, 40.

⁷ *Id.* at paras. 45, 48.

⁸ *Id.* at paras. 42-50.

⁹ See Federal Communications Commission, *List of Equipment and Services Covered By Section 2 of The Secure Networks Act*, <https://www.fcc.gov/supplychain/coveredlist> (last updated January 7, 2026).

¹⁰ *EA Security R&O and FNPRM*, 37 FCC Rcd at 13537, para. 114.

¹¹ 47 CFR § 2.939(a).

¹² 47 CFR § 2.939(e). "OET and PSHSB will issue a public notice announcing the intent to limit the scope of equipment authorizations to prohibit the further importation or marketing of specified devices identified by class,

(continued....)

We propose to prohibit the continued importation and marketing of any covered equipment added to the Covered List in 2024 or earlier.¹³ It would not include any equipment added to the Covered List in 2025. This prohibition would specifically apply to covered equipment that was authorized before the adoption of our 2022 rules. Below, we provide a brief analysis of the relevant factors that would justify limitation on the authorization of previously authorized “covered” equipment and tentatively conclude that prohibiting the importation and marketing of this previously authorized covered equipment serves the public interest.

National security impacts. We start with national security concerns, because, as the Commission noted in the *EA Security Second R&O*, “[i]t is obvious and unarguable that no governmental interest is more compelling than the security of the Nation.”¹⁴ In the *EA Security Second R&O*, the Commission stated that older models of covered equipment, which are still widely sold in the U.S., pose an unacceptable risk to national security when imported or marketed in the United States, “not only when such equipment is new to the market.”¹⁵ The Commission agreed with commenters who pointed out that certain previously authorized devices that are now considered covered equipment “likely remain[] marketable in the United States” and “may present continuing national security threats.”¹⁶

The Commission’s initial, 2021 additions to the Covered List were pursuant to a specific national security determination made by Congress. Section 2(c) of the Secure and Trusted Communications Networks Act of 2019 (Secure Networks Act) requires the Commission to place on the Covered List certain communications equipment and services listed in statute.¹⁷ The Commission previously found that this directive constituted a specific determination that such equipment poses an “unacceptable risk to the national security of the United States or the security and safety of United States persons.”¹⁸ Such determination remains applicable. Separately, the addition of “equipment with integrated Kaspersky Lab, (or any of its successors and assignees) cybersecurity or anti-virus software” was based on a specific determination by the Department of Commerce that “Kaspersky’s provision of cybersecurity and anti-virus software to U.S. persons, including through third-party entities that integrate Kaspersky cybersecurity or anti-virus software into commercial hardware or software, poses undue and unacceptable

type, or other description sufficient to identify the devices.” 47 CFR § 2.939(e)(1). “The public notice will include an assessment of the impact of the proposed prohibition with consideration of public interest factors, including: the unacceptable risks the equipment was found to pose, the economic and supply chain impacts, and any other criteria as specified by the Commission. The public notice should give particular weight to the specific determination(s), and any accompanying rules or analyses, through which the relevant equipment was added to the Covered List. 47 CFR § 2.939(e)(2).

¹³ Certain of the Commission’s rules apply to each “entity identified on the Covered List.” For instance, section 2.906(d) of the Commission’s rules prohibits entities “identified on the Covered List” from obtaining equipment authorization through the Commission’s Supplier’s Declaration of Conformity (SDoC) process. See 47 CFR §§ 2.906(d), 2.907(c). In addition, the rules governing certification apply to any equipment produced by entities “identified on the Covered List,” even if the equipment otherwise qualifies as an “exempted device” under section 15.103 of our rules. See 47 CFR § 15.103.

¹⁴ *EA Security 2d R&O*, FCC 25-71, para. 45 (quoting *Haig v. Agee*, 453 U.S. 280, 307 (1981)).

¹⁵ *EA Security 2d R&O*, FCC 25-71, para. 40.

¹⁶ *Id.*

¹⁷ 47 U.S.C. § 1601(c)(3).

¹⁸ See *Protecting Against National Security Threats to the Communications Supply Chain Through FCC Programs*, WC Docket No. 18-89, Second Report and Order, 35 FCC Rcd 14284, 14315-14316 (2020).

risks to U.S. national security and to the security and safety of U.S. persons.”¹⁹ Accordingly, we tentatively conclude that prohibiting the continued importation and marketing of previously authorized equipment added at that time is necessary to protect national security by mitigating risks to the U.S. communications sector. We seek comment on this proposed analysis.

Economic and supply chain impacts. We seek comment on the potential economic and supply chain impacts of prohibiting the continued importation and marketing of already-authorized covered equipment that was added to the Covered List in 2024 or earlier. How would this proposed action affect the financial interests of consumers, providers, and manufacturers in the communications sector? As the Commission noted in the *EA Security Second R&O*, it may consider “countervailing economic concerns when implementing the prohibitions for already-authorized devices.”²⁰ What are the economic or supply chain considerations that weigh in favor or against taking this proposed action? We invite commenters to provide data that we should consider in our analysis.

We tentatively conclude that our proposed action would not have substantial economic and supply chain impacts. First, devices added to the Covered List as part of the Kaspersky listing in 2024 are already prohibited from importation or marketing under Department of Commerce rules.²¹ Second, equipment added to the Covered List in the initial 2021 listing has not received authorization since November 11, 2022, over three years ago. Moreover, a significant amount of this equipment has been removed from U.S. communications networks in recent years.²² Do commenters agree that economic and supply chain impacts are relatively minor? Has industry sufficiently filled any void created by the lack of new authorizations for covered equipment the past three years? As lifecycle benchmarks are reached and equipment becomes obsolete, have consumers taken advantage of the marketplace for trusted entities that provide such equipment as bona fide alternatives to covered equipment? Would this proposed change in policy be cost-effective for the public in terms of obtaining trusted equipment? Would providers’ compliance costs decrease as they replace covered equipment with trusted equipment?

Other Considerations. We also note that certain equipment is only on the Covered List “to the extent it is used for the purpose of public safety, security of government facilities, physical security surveillance of critical infrastructure, and other national security purposes.”²³ How, if at all, should we consider this use-based limitation on what qualifies as covered equipment? Should we exempt any equipment subject to this use-based limitation from any prohibition on importation and marketing? Or should we subject all such equipment to any prohibition?

Public interest analysis. We tentatively conclude that prohibiting the importation and marketing of previously authorized covered equipment that was added to the Covered List in 2024 or earlier is consistent with the public interest, because it protects American communications networks from devices specifically determined by Congress or a national security agency to “pose an unacceptable risk to the

¹⁹ Department of Commerce, Final Determination, Case No. ICTS-2021-002, Kaspersky Lab, Inc., 89 Fed. Reg. 52434 (June 24, 2024) (Final Determination), <https://www.federalregister.gov/documents/2024/06/24/2024-13532/final-determination-case-no-icts-2021-002-kaspersky-lab-inc>.

²⁰ *EA Security 2d R&O*, FCC 25-71, para. 46.

²¹ Final Determination at 52437.

²² See Wireline Competition Bureau, Secure and Trusted Communications Networks Reimbursement Program Sixth Report (June 30, 2025), <https://www.fcc.gov/document/supply-chain-reimbursement-program-sixth-report>. “The Bureau is pleased to report that Reimbursement Program recipients continue to progress with their plans to permanently remove, replace, and dispose of covered communications equipment and services.” *Id.* at 2.

²³ See Covered List; 2019 NDAA.

national security of the United States or the security and safety of United States persons.”²⁴ We also tentatively conclude that there are no public interest factors that outweigh our tentative conclusion regarding the proposed ban on import and marketing of this previously equipment. We seek comment on this public interest analysis. Do commenters agree that the national security benefits outweigh any negative economic or supply chain factors? Are there any other public interest considerations that weigh in favor or against taking this proposed action? We invite commenters to provide any information that would assist the Commission in its balancing of the need to address the national security risks posed by the continued use of covered equipment in communications networks with the impact of the proposed prohibitions on government partners, consumers, industry, and the public at large.

Implementation

Existing authorizations. We clarify that, if this prohibition is adopted, the continued use or operation of covered equipment that is already in the hands of users would remain authorized. This is consistent with the approach that the Commission adopted in the *EA Security Second R&O*. The limitation on existing authorizations would not result in the revocation of an existing authorization of covered equipment and, therefore, would not affect the continued use or operation of devices that consumers already possess.

Implementation timeline. We propose that all parties must cease all importation and marketing activities within 30 days of the effective date of the prohibition. We believe that this timeline is reasonable and strikes the appropriate balance between addressing the national security concerns and minimizing any potential adverse economic or supply chain impacts. We seek comment on the proposed timeline and invite input from the responsible parties and relevant manufacturers, importers, distributors, retailers, and other interested entities. Specifically, we request that commenters address implementation considerations including the quantity of devices that have already been imported into the U.S. and are available for or being held for marketing or sale, new or recently updated device models that are en route to the U.S. or pending shipment, and devices that are subject to executed distribution, marketing, or sales agreements, but have not yet entered the supply chain. Should the Commission’s prohibition on importation take immediate effect, while the marketing prohibition would take effect within 30 days, to avoid a rush to import new devices?

Procedural Matters

Pursuant to sections 1.415 and 1.419 of the Commission’s rules, 47 CFR §§ 1.415, 1.419, interested parties may file comments and reply comments on or before the dates indicated on the first page of this document. Comments may be filed using the Commission’s Electronic Comment Filing System (ECFS).

- *Electronic Filers:* Comments may be filed electronically using the Internet by accessing the ECFS: <https://www.fcc.gov/ecfs>.
- *Paper Filers:* Parties who choose to file by paper must file an original and one copy of each filing.
 - Filings can be sent by hand or messenger delivery, by commercial courier, or by the U.S. Postal Service. **All filings must be addressed to the Secretary, Federal Communications Commission.**
 - Hand-delivered or messenger-delivered paper filings for the Commission’s Secretary are accepted between 8:00 a.m. and 4:00 p.m. by the FCC’s mailing contractor at 9050 Junction Drive, Annapolis Junction, MD 20701. All hand deliveries must be held

²⁴ 47 U.S.C. § 1601(b); *see also EA Security R&O and FNPRM*, 37 FCC Rcd at 13511-13513, paras. 40-43.

together with rubber bands or fasteners. Any envelopes and boxes must be disposed of before entering the building.

- Commercial courier deliveries (any deliveries not by the U.S. Postal Service) must be sent to 9050 Junction Drive, Annapolis Junction, MD 20701.
- Filings sent by U.S. Postal Service First-Class Mail, Priority Mail, and Priority Mail Express must be sent to 45 L Street NE, Washington, DC 20554.
- *People with Disabilities*: To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an e-mail to fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau at 202-418-0530.

The proceeding this Public Notice initiates shall be treated as a “permit-but-disclose” proceeding in accordance with the Commission’s ex parte rules.²⁵ Persons making ex parte presentations must file a copy of any written presentation or a memorandum summarizing any oral presentation within two business days after the presentation (unless a different deadline applicable to the Sunshine period applies). Persons making oral ex parte presentations are reminded that memoranda summarizing the presentation must (1) list all persons attending or otherwise participating in the meeting at which the ex parte presentation was made, and (2) summarize all data presented and arguments made during the presentation. If the presentation consisted in whole or in part of the presentation of data or arguments already reflected in the presenter’s written comments, memoranda or other filings in the proceeding, the presenter may provide citations to such data or arguments in his or her prior comments, memoranda, or other filings (specifying the relevant page and/or paragraph numbers where such data or arguments can be found) in lieu of summarizing them in the memorandum. Documents shown or given to Commission staff during ex parte meetings are deemed to be written ex parte presentations and must be filed consistent with rule 1.1206(b). In proceedings governed by rule 1.49(f) or for which the Commission has made available a method of electronic filing, written ex parte presentations and memoranda summarizing oral ex parte presentations, and all attachments thereto, must be filed through the electronic comment filing system available for that proceeding, and must be filed in their native format (e.g., .doc, .xml, .ppt, searchable .pdf). Participants in this proceeding should familiarize themselves with the Commission’s ex parte rules.

For further information, please contact Chris Smeenck at 202-418-1630 or Chris.Smeenck@fcc.gov, or Rebecca Clinton at 202-418-7815 or Rebecca.Clinton@fcc.gov, Attorney Advisors, Operations and Emergency Management Division, Public Safety and Homeland Security Bureau.

²⁵ 47 C.F.R. §§ 1.1200 *et seq.*