



FEDERAL COMMUNICATIONS COMMISSION

[PSHSB & OET: PS Docket No. 26-72; DA 26-294; FR ID 339368]

Seeking Comment on Prohibiting Importation and Marketing of Previously Authorized Covered Communications Equipment Added to the Covered List in 2024 or Earlier

AGENCY: Federal Communications Commission.

ACTION: Request for comments.

SUMMARY: In this document, the Public Safety and Homeland Security Bureau (PSHSB) and the Office of Engineering and Technology (OET) seek comment on proposing 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. Through Public Notice, acting pursuant to §2.939 of the Federal Communications Commission's rules, PSHSB and OET propose to apply such prohibitions to communications equipment added to the Covered List in 2024 or earlier.

DATES: Comments are due on or before **[INSERT DATE 30 DAYS AFTER DATE OF PUBLICATION IN THE *FEDERAL REGISTER*]**.

ADDRESSES: Pursuant to §§ 1.415 and 1.419 of the Commission's rules, 47 CFR 1.415, 1.419, interested parties may file comments on or before the dates indicated on the first page of this document. You may submit comments, identified by PS Docket No. 26-72, by any of the following methods:

- Federal Communications Commission's Web Site: <https://www.fcc.gov/ecfs>. Follow the instructions for submitting comments. *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 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: Contact the FCC to request reasonable accommodations (accessible format documents, sign language interpreters, CART, etc.) by e-mail: FCC504@fcc.gov or phone: 202-418-0530.

FOR FURTHER INFORMATION CONTACT: 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.

SUPPLEMENTARY INFORMATION: This is a summary of the Public Notice released on March 27, 2026 in PS Docket No. 26-72, DA 26-294. The full text of this document is available at: <https://docs.fcc.gov/public/attachments/DA-26-294A1.pdf>.

In October 2025, the Commission adopted the *EA Security Second R&O* which 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. 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*.¹ Under § 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.²

Through this Public Notice, the PSHSB and OET propose 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. We initially focus on this equipment because it has been on our Covered List for years. While importation and marketing would be prohibited, this prohibition would not affect continued use or operation of already-purchased communications equipment or equipment added to the Covered List after 2024. We seek comment on these proposals.

Below we provide a brief analysis of 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 and tentatively conclude that prohibiting the importation and marketing of this previously authorized covered equipment serves the public interest.

National security impacts. 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.”³ 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.”⁴

¹ *Id.* at paras. 45, 48.

² 47 CFR 2.939(e).

³ *EA Security 2d R&O*, FCC 25-71, para. 40.

⁴ *Id.*

The Commission’s initial, 2021 additions to the Covered List were pursuant to a specific national security determination made by Congress in Section 2(c) of the Secure and Trusted Communications Networks Act of 2019 (Secure Networks Act).⁵ This directive constitutes 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.”⁶ 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 risks to U.S. national security and to the security and safety of U.S. persons.”⁷ 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?

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

⁵ 47 U.S.C. 1601(c)(3).

⁶ 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).

⁷ 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>.

Commerce rules.⁸ 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.⁹ Do commenters agree that economic and supply chain impacts are relatively minor?

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.”¹⁰ 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 national security of the United States or the security and safety of United States persons.”¹¹ 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.

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.

⁸ Final Determination at 52437.

⁹ 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>.

¹⁰ See Covered List; 2019 NDAA.

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

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 seek comment on the proposed timeline from the responsible parties and relevant manufacturers, importers, distributors, retailers, and other interested entities on such questions as 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?

Permit-but-disclose proceeding. The proceeding this Public Notice initiates shall be treated as a "permit-but-disclose" proceeding in accordance with the Commission's ex parte rules.¹² 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

¹² 47 CFR. 1.1200 *et seq.*

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.

Federal Communications Commission.

Zenji Nakazawa,
Chief, Public Safety and Homeland Security Bureau.

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