



## FEDERAL COMMUNICATIONS COMMISSION

[PSHSB & OET: PS Docket No. 26-72; DA 26-635; FR ID 354261]

### **Prohibiting Importation and Marketing of Previously Authorized Covered Communications Equipment Added to the Covered List in 2024 or Earlier.**

**AGENCY:** Federal Communications Commission.

**ACTION:** Notice.

**SUMMARY:** In this document, the Public Safety and Homeland Security Bureau (PSHSB) and the Office of Engineering and Technology (OET) 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 apply such prohibitions to communications equipment added to the Covered List in 2024 or earlier.

**DATES:** As described in the **Supplementary Information** section below, this prohibition takes effect [INSERT DATE 10 DAYS AFTER DATE OF PUBLICATION IN THE *FEDERAL REGISTER*].

**FOR FURTHER INFORMATION CONTACT:** Chris Smeenck, Attorney Advisor, at 202-418-1630 or [Chris.Smeenck@fcc.gov](mailto:Chris.Smeenck@fcc.gov), or Rebecca Clinton, Deputy Chief, Legal, at 202-418-7815 or [Rebecca.Clinton@fcc.gov](mailto:Rebecca.Clinton@fcc.gov), Operations and Emergency Management Division, Public Safety and Homeland Security Bureau.

**SUPPLEMENTARY INFORMATION:** This is a summary of the Public Notice released on June 26, 2026 in PS Docket No. 26-72, DA 26-635. The full text of this document is available at: <https://www.fcc.gov/document/fcc-prohibits-importation-and-marketing-certain-covered-equipment>.

In November 2022, the Commission adopted rules to prohibit authorization of equipment identified on the Covered List. However, the Commission did not revoke previously granted authorizations of covered equipment. In October 2025, the Commission adopted the *EA Security Second R&O* (90 FR 53227) 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. The Commission noted that its goal was 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 U.S.C. 1601(b). 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*.

The Commission specifically directed PSHSB and OET to conduct a public interest analysis pursuant to that framework, giving “particular weight to the fact that the relevant equipment was determined to pose ‘an unacceptable risk to the national security of the United States or the safety and security of United States persons’.”

On March 27, 2026, PSHSB and OET released a Public Notice (March 27 Public Notice) (91 FR 17275) seeking comment on whether the Commission should prohibit the continued importation and marketing of certain previously authorized covered equipment and the relevant factors, including national security and economic and supply chain considerations, that would justify such a prohibition.

Based on the record, we prohibit the continued importation and marketing of any covered equipment added to the Covered List in 2024 or earlier. This prohibition specifically applies to all such covered equipment that received FCC equipment authorization before the adoption of our 2022 rules and takes effect 10 days after publication of this Notice in the Federal Register. As explained further below, however, the prohibition is temporarily suspended for certain

equipment added to the Covered List on March 12, 2021, when used for the purpose of physical security surveillance of critical infrastructure, until the Commission adopts a definition of “critical infrastructure.” And, for the avoidance of doubt, the prohibition does not apply to any equipment added to the Covered List after 2024.

*National security impacts.* Protecting national security remains one of the Commission’s primary objectives, and the focus of our analysis in this proceeding. Moreover, as the Commission stated in the *EA Security Second R&O*, “no governmental interest is more compelling than the security of the Nation.” Consistent with our tentative conclusions in the March 27 Public Notice, we find that prohibiting the continued importation and marketing of previously authorized equipment added to the Covered List in 2024 or earlier is necessary to mitigate national security risks to the U.S. communications sector. In determining whether to adopt such a prohibition, the Commission directed that PSHSB and OET “must give particular weight” to the national security determinations made concerning the targeted equipment. The 2021 additions to the Covered List were pursuant to a specific national security determination made by Congress, which the Commission previously found 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.” Separately, the 2024 addition of “equipment with integrated Kaspersky Lab, Inc. (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.” We agree with CTIA that our action will “help to mitigate clear national security risks . . . because all of the entities captured in the proposed restrictions have been found by Congress or national security agencies to be subject to the control, direction, or influence of foreign adversary countries.”

After review of the record filed in response to the March 27 Public Notice, we reaffirm the Commission’s previous finding that older models of covered equipment—many of which remain widely available in the United States—continue to pose an unacceptable risk to national security when imported or marketed in the United States, not only when newly introduced to the market. We agree with the Foundation for Defense of Democracies (FDD) that equipment added to the Covered List in 2024 or earlier “is often functionally identical to these firms’ more recently banned products” that have been deemed to pose an unacceptable national security risk. We agree as well with FDD that authorized equipment produced by the entities subject to our prohibition “may still be sold in the United States despite the firms” that produce or provide such equipment “continuing to engage in troubling patterns of behavior,” including cyberespionage. As FDD states, “[a]llowing them to sell and market previously authorized equipment to the American market will perpetuate vulnerabilities in U.S. telecommunications infrastructure.” FDD argues that we “must act to prevent adversaries from exploiting regulatory loopholes to maintain access to U.S. critical infrastructure.” Accordingly, we conclude that prohibiting the continued importation and marketing of previously authorized equipment added in 2024 or earlier serves the public interest and is necessary to protect national security by mitigating risks to the U.S. communications sector. No commenter disputed the national security concerns associated with such equipment.

After careful consideration of the record, we also find that arguments concerning economic and supply chain harms do not overcome the preexisting national security determinations and the national security risks posed by the continued importation and marketing of previously authorized covered equipment subject to this action. We disagree with commenters who argue that the Commission should refrain from extending the prohibition to previously authorized covered equipment because doing so may impose economic costs. We recognize that some parties may face added compliance obligations and lost sales revenue, but those concerns do not override the Commission’s responsibility to protect national security. The

commenters opposing expansion of the prohibition largely focus on the financial impacts, especially on particular entities. However, these commenters do not meaningfully address the broader consequences of continuing to import and market devices that have been determined to pose “unacceptable risks” or provide data for us to consider on those issues, as we invited in the March 27 Public Notice.

As CTIA notes, “the universe of equipment targeted by the [March 27 Public Notice] . . . is produced by a handful of entities,” and “[i]n the period since this equipment was added to the Covered List, experience has demonstrated the availability of alternatives.” Moreover, 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’s rules and equipment added to the Covered List in the initial 2021 listing has not received authorization since November 11, 2022, over three years ago. Thus, we conclude that the national security considerations outweigh the economic and supply chain concerns that commenters raised in the record.

*Scope of prohibition for certain equipment.* Some of the equipment on the Covered List that was added in 2024 or earlier is “covered” for all uses and purposes. However, as we noted in the March 27 Public Notice, certain equipment added to the Covered List on March 12, 2021, is only on the Covered List when used for specific purposes—namely, “for the purpose of public safety, security of government facilities, physical security surveillance of critical infrastructure, and other national security purposes.” Under the approach the Commission adopted in the *EA Security R&O* (88 FR 7592), new equipment authorization applications for covered equipment produced by entities subject to use-based restrictions (i.e., equipment that is covered when “used for the purpose of public safety, security of government facilities, physical security surveillance of critical infrastructure, and other national security purposes”) are generally prohibited until those manufacturers have submitted, and received Commission approval for, compliance plans. The Commission has yet to approve any such compliance plans, because the Commission’s definition of critical infrastructure was the subject of litigation.

Given this backdrop, for any equipment that is “covered” when used for certain purposes, the prohibitions on continued importation and marketing that we adopt in this Notice will not apply to importation and marketing for non-“covered” uses. Therefore, the importation and marketing prohibitions will apply *only* to equipment “used for the purpose of public safety, security of government facilities, physical security surveillance of critical infrastructure, and other national security purposes.” We find that, as urged by two commenters, permitting the importation or marketing of such already-authorized equipment is consistent with the Covered List, the Secure and Trusted Communications Networks Act of 2019, and the Secure Equipment Act of 2021 (Secure Equipment Act). Furthermore, because the Commission currently lacks a definition of, and guidance for interpreting the statutory term “critical infrastructure,” we suspend the prohibition on the importation or marketing of such equipment for the purpose of physical security surveillance of critical infrastructure until the Commission adopts such definition and guidance. On the effective date of any Commission Order adopting a definition of “critical infrastructure,” importation and marketing will be prohibited for the purpose of “security surveillance of critical infrastructure.” Therefore, the importation and marketing of already-authorized equipment subject only to a use-based Covered List entry will only be prohibited if imported or marketed for the purpose of the following, as interpreted in the *EA Security 2d R&O*:

- Public safety;
- Government facilities;
- (Suspended, pending finalized definition of, and guidance for interpreting, “critical infrastructure”) physical surveillance of critical infrastructure; and
- “Other national security purposes.”

Finally, if at any point there is a new specific determination that removes the use-based limits on a Covered List entry, we retain the authority to issue another Public Notice expanding this prohibition to include the importation and marketing of that covered equipment for *all* purposes.

*Legal Authority.* Without reopening the issue of the Commission’s legal authority, we nonetheless note our continued disagreement with Hikvision’s arguments that we lack the statutory authority to impose prohibitions on the continued importation and marketing of already-authorized covered equipment. The Commission has previously made clear and explained at length that it has multiple sources of legal authority to limit existing authorizations of equipment that would no longer be eligible to receive authorizations today due to unacceptable national security risks.

We also reject Hikvision’s argument that the March 27 Public Notice fails to provide specific notice of affected authorizations under § 2.939 of the Commission’s rules. The March 27 Public Notice sufficiently identifies the devices targeted for potential limitation with specific reference to covered equipment that was added to the Covered List in 2024 or earlier. The Covered List clearly reflects the specific equipment that was added to the Covered List, and the date such equipment was added.

Finally, Hytera-US, Inc. (Hytera-US) and Hytera Communications Corporation Limited (HCC) contend that their land mobile radio and digital mobile radio equipment is not “video surveillance and telecommunications equipment,” and therefore, in their view, is not covered equipment. As such, they argue that before taking any further action, the Commission must clarify that any restrictions on importing and marketing do not apply to equipment that is not covered equipment. In addition, Hytera-US argues the Commission must lift its hold on Hytera-US’s applications for equipment authorizations. HCC similarly argues that the Commission should proceed with a different procedural mechanism than the framework adopted by the Commission in the *EA Security 2d R&O*, so that authorization holders have the ability to contest whether their equipment is subject to the Covered List prohibitions. These arguments do not address the proposals in the March 27 Public Notice, and therefore, we reject these arguments as unresponsive.

*Existing authorizations.* As the Commission has stated, the prohibition on continued importation and marketing does not affect the continued use or operation of previously authorized covered equipment; consumers may continue to use any device or equipment that they currently possess, if the equipment was legally purchased and maintains an existing equipment authorization. Commenters support this approach and no commenter opposed this approach, which is consistent with the *EA Security 2d R&O*. We also note that the importation and marketing prohibitions do not apply to marketing activities that are excepted under statute and the Commission’s rules or for importation under the conditions listed in § 2.1204(a)(3)-(11) of the Commission’s rules.

*Implementation timeline.* The prohibition on importation and marketing will take effect 10 days after publication in the Federal Register. As of that date, entities will be prohibited from importing or marketing any covered equipment added to the Covered List in 2024 or earlier. While this approach differs from our proposal in the March 27 Public Notice, which would have required entities to cease all importation and marketing activities within 30 days of the release of this Public Notice, we believe that 10 days following Federal Register publication will create more notice to the public and federal partners. The need for expedited action is especially acute, because a delayed, but looming, prohibition would encourage importers and marketers to flood the U.S. market with covered equipment—a prospect that this proceeding is premised on preventing.

We agree with CTIA that “several factors significantly mitigate any potential supply chain or economic impacts” that may occur as a result of this action, “including previous efforts under the Commission’s ‘Rip and Replace’ program and the long period of time since any equipment produced by the relevant entities has been eligible to be authorized.” As CTIA notes, several alternatives have been brought to market since this equipment was added to the Covered List and “participants in the ICT ecosystem can effectively serve the U.S. market without this equipment in their networks or these producers in their supply chains.”

We disagree with commenters like NCTA and USTelecom who contend (without specific data to support their arguments) that we should adopt longer and more flexible transition periods to account for supply chain considerations, in-transit equipment, existing inventory, and contractual obligations and reject calls for a “phased implementation.” We also disagree with HCC’s suggestion that we should broadly exempt from the prohibition “equipment that is used for spare parts, updates and replacements” for existing devices or otherwise “provide a process for reimbursement . . . to allow users to replace the affected equipment.” Allowing imports and marketing replacements for existing covered equipment would defeat the entire purpose of this prohibition. As we concluded above, the national security risks of allowing covered equipment to continue to be imported and marketed in the United States far outweigh the potential economic impacts and supply chain disruptions that may occur as a result of this prohibition, and the national security demand for urgent action to avoid flooding the market outweighs any disruption.

**AUTHORITY:** 47 U.S.C. 1601-1609.

**FEDERAL COMMUNICATIONS COMMISSION.**

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*Chief, Public Safety and Homeland Security Bureau.*

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