



FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 1 and 2

[ET Docket No. 21-232; FCC 26-50; FR ID 365005]

Protecting Against National Security Threats to the Communications Supply Chain through the Equipment Authorization Program

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: In this document, the Federal Communications Commission (Commission or FCC) takes further steps to strengthen its equipment authorization program against national security risks to the communications supply chain. The Commission closes a component-part loophole by prohibiting authorization of devices that incorporate logic-bearing hardware components produced by an entity identified on the Commission’s Covered List, where the device would itself be prohibited from authorization had the Covered List entity produced the entire device. The Commission also requires that any modification or permissive change to equipment by an entity identified on the Covered List undergo full certification, clarifies that its marketing rules reach any entity (including online marketplaces) that markets unauthorized equipment, and requires online marketplaces, subject to limited exceptions, to display a device’s FCC ID at the online point of sale. Finally, the Commission amends its definition of “critical infrastructure,” as used on the Covered List, and corrects two administrative errors in its rules.

DATES: This final rule is effective **[INSERT DATE 30 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER]**.

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SUPPLEMENTARY INFORMATION: This is a summary of the Commission’s Third Report and Order, in ET Docket No. 21-232, FCC 26-50, adopted on July 22, 2026, and released on July 23, 2026. The full text of this document, including the accompanying Third Further Notice of Proposed Rulemaking, is available for public inspection and can be downloaded at <https://docs.fcc.gov/public/attachments/FCC-26-50A1.pdf>. Alternative formats are available for people

with disabilities (Braille, large print, electronic files, audio format) by sending an email to fcc504@fcc.gov or calling the Commission's Consumer and Governmental Affairs Bureau at (202) 418-0530 (voice), (202) 418-0432 (TTY).

Regulatory Flexibility Act. The Regulatory Flexibility Act of 1980, as amended (RFA), requires that an agency prepare a regulatory flexibility analysis for notice and comment rulemakings, unless the agency certifies that “the rule will not, if promulgated, have a significant economic impact on a substantial number of small entities.” Accordingly, the Commission has prepared a Final Regulatory Flexibility Analysis (FRFA) concerning the possible impact of the rule changes contained in the *Third Report and Order* on small entities. The FRFA is set forth in Appendix C to the Third Report and Order.

Paperwork Reduction Act. This document contains new or modified information collection requirements subject to the Paperwork Reduction Act of 1995 (PRA), Public Law No. 104-13. The Commission, as part of its continuing effort to reduce paperwork burdens, will invite the general public and the Office of Management and Budget (OMB) to comment on any information collection requirements contained in this document. In addition, pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107-198, see 44 U.S.C. 3506(c)(4), the Commission seeks specific comment on how it might “further reduce the information collection burden for small business concerns with fewer than 25 employees.”

Congressional Review Act. The Commission has determined, and the Administrator of the Office of Information and Regulatory Affairs, Office of Management and Budget, concurs, that this rule is “non-major” under the Congressional Review Act, 5 U.S.C. 804(2). The Commission will send a copy of the Third Report and Order to Congress and the Government Accountability Office pursuant to 5 U.S.C. 801(a)(1)(A).

SYNOPSIS

In this document, the Commission continues its multi-year effort, undertaken pursuant to the Secure and Trusted Communications Networks Act of 2019 (Secure Networks Act) and the Secure Equipment Act of 2021, to protect the communications supply chain from national security threats. Building on the First Report and Order (87 FR 71739, Nov. 22, 2022) and the Second Report and Order (90 FR 53227, Nov. 25, 2025), and on recent Covered List additions identifying uncrewed aircraft systems (UAS), UAS critical components, and routers “produced in a foreign country,” the Commission

adopts targeted rule changes to close remaining gaps in its equipment authorization, modification, and marketing rules.

A. Logic-Bearing Hardware Components

The Commission prohibits authorization of devices that incorporate a logic-bearing hardware component produced by an entity identified on the Covered List, where the device would itself be prohibited from authorization under 47 CFR 2.903(a) had the Covered List entity produced the device as a whole. The Commission finds that, from a technical perspective, such components pose essentially the same unacceptable risks to national security or the safety and security of U.S. persons as covered equipment itself, because a compromised logic-bearing component can enable interception, disruption, sabotage, or unauthorized access regardless of who assembles or brands the finished device. This action extends the approach the Commission previously took with respect to covered modular transmitters in the Second Report and Order.

The Commission defines “logic-bearing hardware component” as any device, system, module, sub-assembly, integrated circuit, or other physical component that generates and uses timing signals or pulses at a rate in excess of 9,000 pulses (cycles) per second and uses digital techniques, or that generates and uses radio frequency energy to perform data processing functions such as computation, storage, or transfer of data, drawing on the Commission’s existing “digital device” definition in § 15.3(k) to provide a workable, bright-line standard. The definition excludes purely mechanical or passive components, such as housings, fasteners, resistors, wiring, and plain battery cells. The Commission declines, at this time, to adopt broader proposals that would prohibit all components (rather than only logic-bearing hardware components) produced by Covered List entities, or that would extend the prohibition to components produced by any entity owned or controlled by a foreign adversary regardless of Covered List status, and keeps the record open on those questions. The Commission also declines to extend the prohibition to software or firmware components at this time.

The prohibition applies only to logic-bearing hardware components produced by entities subject to producer/provider-based Covered List determinations; it does not apply to production location-based Covered List entries (e.g., UAS, UAS critical components, or routers produced in a foreign country) unless the producing entity is independently identified on the Covered List. The rule is effective 30 days

after publication in the Federal Register and applies prospectively to new equipment authorization applications; it does not affect previously authorized equipment. Applications pending as of the effective date are exempt from the new prohibition unless later amended to add, substitute, or change a logic-bearing hardware component.

B. Marketing

The Commission clarifies and strengthens its marketing rules under 47 CFR 2.803. First, the Commission amends § 2.803(a) to clarify that the term “distribution for the purpose of selling” includes the listing of regulated equipment on an online marketplace in combination with activities such as consignment, warehousing, inventory management, order processing, labeling, packaging, billing, or fulfillment services—even where the equipment is sold by a third-party seller. The Commission finds this interpretation consistent with the plain text and legislative history of section 302 of the Communications Act, which reaches sale, offer for sale, and shipment of noncompliant devices, and confirms that carriers that merely transport devices without trading in them remain outside the scope of the marketing rules under section 302(c).

Second, the Commission confirms that online marketplaces that market unauthorized devices are subject to enforcement of the marketing rules on the same basis as any other person, without a willfulness or knowledge element, consistent with section 302(b) of the Communications Act.

Third, the Commission amends § 2.803(c) to require online marketplaces to display a certified device’s FCC ID at the online point of sale. Online marketplaces that sell their own devices, or that have physical access to or take title to a third-party seller’s device, must display a valid and accurate FCC ID. Online marketplaces that market third-party listings without physical access to or title over the device need only verify that the FCC ID supplied is validly issued and require the seller to certify its accuracy. The requirement excludes: listings published before the rule’s effective date that are not later amended or updated; listings by sellers that are not “high-volume third-party sellers” as defined in the INFORM Consumers Act; and listings for used devices. The Commission adopts differentiated compliance dates (March 1, 2027 for online marketplaces with physical access to or title over the device, and June 1, 2027 for marketplaces relying on third-party seller certifications) in recognition of the differing implementation

burdens. The Commission declines, at this time, to require display of FCC IDs on external product packaging, but keeps the record open on that question.

C. Clarifications Regarding Modifications to Previously Authorized Equipment

The Commission clarifies that the prohibition on permissive changes and modifications set forth in §§ 2.932 and 2.1043 applies both to equipment that is already prohibited from authorization under § 2.903 and to equipment that would become prohibited as a result of the proposed modification, consistent with the Commission’s stated intent in the First and Second Reports and Orders and with the Secure Equipment Act’s bar on approving covered equipment. The prohibition applies to changes such as a shift in production to a Covered List entity or a change that would cause a device to lose “domestic end product” status. The Commission confirms it is not imposing new component-lineage investigation obligations beyond those already required for compliance, and that the “produced by” standard continues to be evaluated under a totality-of-the-circumstances test that looks to substantial responsibility for or control over a device’s design, development, manufacture, or assembly.

D. Re-Certification Required of Covered List Entities for Any Change to Equipment

The Commission requires that any entity identified on the Covered List seeking a permissive change to equipment, whether or not the equipment is itself covered, must submit an application for recertification rather than relying on the more limited permissive-change process. The Commission confirms that no Covered List entity may use the Supplier’s Declaration of Conformity (SDoC) process for any modification. This requirement applies only where the applicant for the modification is itself a Covered List entity; it does not apply to a non-Covered List manufacturer’s modification of equipment originally produced by a Covered List entity where the modification does not itself render the device “produced by” that entity. The requirement does not apply to production location-based Covered List entries. Limited waivers previously granted by the Office of Engineering and Technology permitting Class I and Class II permissive changes for Covered List UAS equipment and covered routers, through January 1, 2029, remain in effect according to their terms.

E. Definition of “Critical Infrastructure”

Responding to the partial remand issued by the U.S. Court of Appeals for the District of Columbia Circuit, the Commission adopts a revised definition of “critical infrastructure” for purposes of

implementing section 889(f)(3) of the 2019 National Defense Authorization Act, as incorporated into the Covered List. The Commission retains the definition set forth in section 1016(e) of the USA PATRIOT Act of 2001: systems and assets “so vital to the United States that the incapacity or destruction of such systems would have a debilitating impact on security, national economic security, national public health or safety, or any combination of those matters,” relying on the 16 critical infrastructure sectors identified by the Department of Homeland Security (DHS) and the 55 National Critical Functions (NCFs) published by DHS’s National Risk Management Center. However, the Commission eliminates the prior “connected to” language that the D.C. Circuit found “unjustifiably broad.” The revised definition instead encompasses systems and assets used in the provision of services or functions in the 16 critical infrastructure sectors when used to provide any of the 55 NCFs. The Commission finds this revision responsive to the court’s remand while remaining consistent with existing Executive Branch critical-infrastructure policy.

F. Rule Correction and Clarification

The Commission corrects a scrivener’s error in § 2.903, restoring cross-references within redesignated paragraphs (d)(1) through (d)(3) that had inadvertently continued to refer to former paragraph (b). The Commission also corrects administrative errors in § 2.1204(a): adding the omitted word “and” between “technical” and “administrative” in paragraph (a)(2), and removing paragraph (a)(4)(iv) as duplicative of paragraph (a)(4)(iii).

G. Benefits and Costs

The Commission finds that the benefits of the rules adopted in the Third Report and Order substantially outweigh their costs. The Commission estimates one-time implementation costs of no more than \$300 million, largely attributable to online marketplace platforms updating listing systems to support FCC ID display, and recurring annual costs under \$40 million, largely attributable to sellers identifying and including FCC IDs in covered listings. These estimates account for the exemptions adopted for low-volume sellers, used devices, and certain pre-existing listings. Because the logic-bearing hardware component prohibition applies only prospectively and affects a comparatively narrow subset of manufacturers, and because the marketing and modification clarifications largely codify existing interpretations, the Commission does not expect these measures to impose significant additional

compliance burdens. Against these costs, the Commission finds that closing the identified component, marketing, and modification loopholes will generate substantial, if difficult to quantify, benefits by reducing the risk of espionage, network disruption, and unauthorized access to U.S. communications infrastructure, benefits the Commission estimates could exceed \$1 billion annually given the scale of the U.S. communications economy. The Commission considered and rejected two alternatives: taking no action, which would leave existing vulnerabilities unaddressed, and adopting a categorical ban on all components (not only logic-bearing hardware components) produced by Covered List entities, which the record shows would impose disproportionate redesign, retesting, and supply-chain costs without a commensurate increase in national security benefit.

List of Subjects in 47 CFR Parts 1 and 2

Administrative practice and procedure, Communications equipment, Reporting and recordkeeping requirements, Telecommunications.

Federal Communications Commission.

Marlene Dortch,
Secretary
Office of the Secretary

Final Rules

For the reasons discussed in the preamble, the Federal Communications Commission amends 47 CFR parts 1 and 2 as follows:

PART 1—PRACTICE AND PROCEDURE

1. The authority citation for part 1 continues to read as follows:

Authority: 47 U.S.C. chs. 2, 5, 9, 13; 28 U.S.C. 2461 note; 47 U.S.C. 1754, unless otherwise noted.

2. Amend § 1.50001 by:

- a. Redesignating paragraphs (g), (h), and (i) as paragraphs (h), (i), and (j), respectively;
- b. Redesignating paragraph (e) as paragraph (g);
- c. Redesignating paragraph (f) as paragraph (e); and
- d. Adding new paragraph (f).

The revisions read as follows:

§ 1.50001 Definitions.

* * * * *

(f) *Critical Infrastructure.* For purposes of implementing section 889(f)(3) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Pub. L. 115-232; 132 Stat. 1918), the term “critical infrastructure” has the meaning given in 42 U.S.C. 5195c(e). This definition encompasses systems and assets used in the provision of services or functions in the 16 critical infrastructure sectors, as identified in National Security Memorandum 22 and further clarified by the Department of Homeland Security, to provide any of the 55 National Critical Functions published by the Department of Homeland Security through the National Risk Management Center.

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PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

3. The authority citation for part 2 continues to read as follows:

Authority: 47 U.S.C. 154, 302a, 303, and 336 unless otherwise noted.

4. Amend § 2.803 by:

- a. Adding paragraph (a)(1);
- b. Adding and reserving paragraph (a)(2);
- c. Redesignating paragraphs (c) and (d) as paragraphs (d) and (e); and
- d. Adding new paragraph (c).

The additions read as follows:

§ 2.803 Marketing of radio frequency devices prior to equipment authorization.

(a) * * *

(1) Marketing includes the listing of regulated equipment on an online marketplace, in combination with any of the following activities: consignment, warehousing, inventory management, order processing, labelling, packaging, billing, or fulfilment services — even if that equipment is sold or offered for sale by a third-party seller.

(2) [Reserved]

* * * * *

(c) FCC IDs must be displayed in online marketplaces as follows:

(1) An online marketplace that markets a radiofrequency device subject to certification, or that offers for sale a radiofrequency device subject to certification on behalf of a third-party seller and has physical access to or takes title to that device, must display a valid and accurate FCC ID, as set forth in § 2.925, for the device at the online point of sale.

Note 1 to paragraph (c)(1): Compliance with this paragraph is not required until March 1, 2027.

(2) An online marketplace that markets a radiofrequency device subject to certification on behalf of a third-party seller, but does not have physical access to or take title to that device, must display a valid FCC ID, as set forth in § 2.925, at the point of sale. An online marketplace is not liable under this paragraph for the inaccuracy of an FCC ID or related equipment authorization information supplied by a third-party seller, provided the marketplace has

(i) Taken reasonable steps to verify that the FCC ID supplied corresponds to a validly issued FCC ID in the Commission's Equipment Authorization System database, and

(ii) Required the third-party seller to certify the accuracy of the information supplied.

Note 2 to paragraph (c)(2): Compliance with this paragraph is not required until June 1, 2027.

(3) Paragraphs (c)(1) and (2) of this section shall not apply to:

(i) A listing for a radiofrequency device published before the effective date of this rule, unless and until that listing is amended, updated, or republished on or after the effective date of this rule. For purposes of this paragraph, an amendment or update includes a change to a listing's product description, product images, product specifications, or seller information, but does not include a non-substantive or automated change such as a change to search ranking, page layout, translation, pricing, or currency display.

(ii) A listing for a radiofrequency device made by a third-party seller that is not a "high-volume third-party seller," as defined in 15 U.S.C. 45f(f)(6).

(iii) A listing for a used radiofrequency device. For purposes of this section a "used radio frequency device" refers to "any device that was previously sold to a retail customer and is marketed as a 'used' or otherwise not 'new' device."

* * * * *

5. Amend § 2.902 by adding the definitions for "Logic-bearing hardware component" and "Online marketplace" in alphabetical order, to read as follows:

§ 2.902 Terms and definitions.

Logic-bearing hardware component. Any device, system, module, sub-assembly, integrated circuit, or other physical component that generates and uses timing signals or pulses at a rate in excess of 9,000 pulses (cycles) per second and uses digital techniques; inclusive of telephone equipment that uses digital techniques or any device, system, module, sub-assembly, integrated circuit, or other physical component that generates and uses radio frequency energy for the purpose of performing data processing functions, such as electronic computations, operations, transformations, recording, filing, sorting, storage, retrieval, or transfer.

Online marketplace. An "online marketplace" as that term is defined in 15 U.S.C. 45f(f)(4).

* * * * *

6. Amend § 2.903 by revising the section heading and revising paragraphs (b) and (d) to read as follows:

§ 2.903 Prohibition on authorization of equipment on the Covered List and related equipment.

* * * * *

(b) All devices that incorporate one or more of the following components are prohibited from obtaining an equipment authorization under this subpart:

(1) Equipment meeting the descriptions in paragraph (a)(1) or (2) of this section; and

(2) A logic-bearing hardware component produced by an entity identified on the Covered List pursuant to § 1.50002 of this chapter if—had such entity produced the device itself, rather than just a component—the device would be prohibited from receiving authorization under paragraph (a) of this section.

* * * * *

(d) Each entity named on the Covered List as producing covered communications equipment, as established pursuant to § 1.50002 of this chapter, must provide to the Commission the following information: the full name, mailing address or physical address (if different from mailing address), email address, and telephone number of each of that named entity's associated entities (e.g., subsidiaries or affiliates) identified on the Covered List as producing covered communications equipment.

(1) Each entity named on the Covered List as producing covered communications equipment must provide the information described in this section no later than March 8, 2023;

(2) Each entity named on the Covered List as producing covered communications equipment must provide the information described in this section no later than 30 days after the effective date of each updated Covered List; and

(3) Each entity named on the Covered List as producing covered communications equipment must notify the Commission of any changes to the information described in this section no later than 30 days after such change occurs.

7. Amend § 2.932 by adding a sentence to the end of paragraph (a) and adding paragraph (f) to read as follows:

§ 2.932 Modification of equipment.

(a) * * * The exceptions set forth in this section do not apply to changes made by Covered List entities or changes that would result in the modified device being considered covered communications equipment.

* * * * *

(f) Notwithstanding other provisions of this section, use of the permissive change procedures to modify equipment that is produced by any entity identified on the Covered List, established pursuant to § 1.50002 of this chapter, is prohibited. Any modification to such equipment must be authorized under the equipment certification provisions under subpart J of this part.

8. Amend § 2.1043 by revising paragraph (a) to read as follows:

§ 2.1043 Changes in certificated equipment.

(a) Any changes made by Covered List entities or changes that would result in the modified device being considered Covered Equipment shall not be performed without application for and authorization of a new grant of certification. In all other instances, except as provided in paragraph (b)(3) of this section, changes to the basic frequency determining and stabilizing circuitry (including clock or data rates), frequency multiplication stages, basic modulator circuit or maximum power or field strength ratings shall not be performed without application for and authorization of a new grant of certification. Variations in electrical or mechanical construction, other than these indicated items, are permitted provided the variations either do not affect the characteristics required to be reported to the Commission or the variations are made in compliance with the other provisions of this section. Changes to the software installed in a transmitter that do not affect the radio frequency emissions do not require any additional filings and may be made by parties other than the holder of the grant of certification.

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9. Amend § 2.1204 by:

- a. Revising paragraph (a)(2) and
- b. Removing paragraph (a)(4)(iv)

The revision reads as follows:

§ 2.1204 Import conditions.

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(a) * * *

(2) The radio frequency device is not required to have an equipment authorization and the device complies with FCC technical and administrative regulations.

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