Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of	)	
	)	
Promoting the Integrity and Security of Telecommunications Certification Bodies, Measurement Facilities, and the Equipment Authorization Program	)	ET Docket No. 24-136

SECOND REPORT AND ORDER, ORDER ON RECONSIDERATION, AND SECOND FURTHER NOTICE OF PROPOSED RULEMAKING

Adopted: April 30, 2026 **Released: May 1, 2026**

Comment Date: 30 days after Federal Register publication
Reply Comment Date: 60 days after Federal Register publication

By the Commission: Chairman Carr and Commissioner Trusty issuing separate statements.

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I. INTRODUCTION

1. In this *Second Report and Order and Second Further Notice of Proposed Rulemaking* (*Second EA Integrity R&O*), the Federal Communications Commission (Commission) continues its efforts to strengthen the integrity and security of the Equipment Authorization Program. Building on the foundation established in the *First EA Integrity Report and Order*,[1] this action addresses emerging national security risks and supply chain vulnerabilities by refining our rules governing Telecommunications Certification Bodies (TCBs), test laboratories, and laboratory accreditation bodies.

2. The Commission adopts measures to strengthen national security and incentivize domestic testing and certification, including the creation of a fast-track priority review process for applications tested in Trusted Test Labs, i.e. test labs in the United States or in the territories of economies with Mutual Recognition Agreements (MRAs) in which the FCC participates or trade agreements with conformity assessment reciprocity provisions to which the United States is a party (Reciprocal Economies) under the Pre-Approval Guidance (PAG) system. U.S. actors in our equipment authorization program, including U.S. test labs and TCBs, are subject to U.S. laws and can legally be compelled to respond to FCC inquiries in a timely manner. Actors based in Reciprocal Economies are similarly bound by the laws of the reciprocal international agreements. These steps aim to strengthen the integrity of our equipment authorization process by reducing reliance on foreign entities that pose unacceptable risks, promoting reciprocity, mitigating intellectual property theft, and ensuring sensitive technologies are evaluated in secure environments. We also enhance transparency by requiring disclosure of the location and number of employees engaged in FCC-recognized testing and certification, including foreign-based staff, to assess trustworthiness, impartiality and compliance with Commission rules.

3. Further, this Order directs revisions to post-market surveillance procedures, strengthens enforcement mechanisms, and establishes confidential reporting channels for industry participants to raise concerns about violations or national security threats. To streamline compliance, we direct the creation of a consolidated human-readable and, to the extent feasible given limited resources, machine-readable list of prohibited entities to assist TCBs in screening applicants efficiently. Additionally, we grant Garmin's Petition for Reconsideration to align ownership reporting requirements for publicly traded companies with Securities and Exchange Commission (SEC) timelines.

4. Through all these actions, the Commission seeks to promote a robust domestic testing ecosystem, safeguard U.S. communications networks, and uphold the integrity of the equipment authorization process.

5. The accompanying Second FNPRM invites comment on ceasing recognition of test labs, TCBs, and laboratory accreditation bodies in non-Reciprocal FTA Economies, modernizing data analytics capabilities, and explore additional measures to protect intellectual property and national security.

II. BACKGROUND

A. Telecommunications Certification Bodies, Test Labs, and the Equipment Authorization Program

6. The Commission's equipment authorization program, codified in our part 2 rules,[2] plays a critical role in enabling the Commission to carry out its responsibilities under the Communications Act of 1934, as amended (the Act). Under section 302 of the Act, the Commission is authorized to make reasonable regulations, consistent with the public interest, governing the interference potential of equipment that emits radiofrequency (RF) energy and that can cause harmful interference to radio

[1] *Promoting the Integrity and Security of Telecommunications Certification Bodies, Measurement Facilities, and the Equipment Authorization Program*, ET Docket No. 24-136. Report and Order and Further Notice of Proposed Rulemaking, 40 FCC Rcd 3616 (2025) (*First EA Integrity R&O* and *First EA Integrity FNPRM*, respectively).

[2] 47 CFR part 2.

communications;[3] such regulations are implemented through the equipment authorization program. The equipment authorization program helps ensure that communications equipment complies with certain policy objectives - which include protecting the communications networks and supply chain from equipment that poses an unacceptable risk to national security.[4]

7. Under section 302a(e) of the Act, certain important responsibilities have been delegated to TCBs and test labs with regard to implementing our equipment authorization program.[5] Specifically, TCBs and test labs each play a role in ensuring that RF equipment complies with Commission rules, which is required for such equipment to be marketed in or imported to the United States.[6] Test labs[7] gather RF measurement data and develop technical reports to demonstrate subject equipment compliance with the Commission's applicable technical rules to minimize the risk of harmful interference, promote efficient use of spectrum, and advance other technical policy goals, such as ensuring hearing aid compatibility and controlling the environmental effects of RF radiation.[8]

8. TCBs perform evaluation and review of application data, including test reports, and make decisional determinations for equipment certifications.[9] For all granted equipment certification

[3] 47 U.S.C. § 302a. Section 302a(b) states that "[n]o person shall manufacture, import, sell, offer for sale, or ship devices or home electronic equipment and systems, or use devices, which fail to comply with regulations promulgated pursuant to this section." 47 U.S.C. § 302a(b).

[4] *See 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*, ET Docket No. 21-232 and EA Docket No. 21-233, Notice of Proposed Rulemaking and Notice of Inquiry, 36 FCC Rcd 10578, 10589-90, para. 23 (2021) (in addition to minimizing harmful interference of devices, the equipment authorization program ensures that devices comply with other policy objectives, such as human RF exposure limits and hearing aid compatibility of mobile handsets, and the Anti-Drug Abuse Act of 1988); Report and Order, Order, and Further Notice of Proposed Rulemaking, 37 FCC Rcd 134932022) (*EA Security R&O*) (adopting rules prohibiting authorization of equipment that poses an unacceptable risk to national security).

[5] 47 U.S.C. § 302a(e).

[6] *See* 47 CFR part 2 subpart I, §§ 2.801 et seq. (Marketing of Radio Frequency Devices); part 2 subpart J, §§ 2.901 *et seq*. (Equipment Authorization Procedures); part 2 subpart K, §§ 2.1201 *et seq*. (Importation of Devices Capable of Causing Harmful Interference).

[7] *See* 47 CFR §§ 2.947-2.949 for applicable rules concerning test labs, including their roles and responsibilities, the necessary laboratory accreditation (and periodic re-evaluation) of test labs by a Commission-recognized accrediting body, and the Commission recognition of accredited test labs.

[8] The Commission's rules establish RF radiation exposure limits for devices as part of the equipment certification process for mobile and portable devices. *See*, e.g., 47 CFR §§ 1.1307(b), 1.1310, 2.1091, 2.1093. *See also* 47 CFR § 74.795, which specifies the operating requirements that are part of the equipment certification process for digital low power TV and TV translator transmitters; and 47 CFR § 15.117(h), which specifies the operating requirements that are part of the equipment authorization procedure for DTV broadcast receivers. The Commission's hearing aid compatibility rules promote equal access to communications services for individuals with hearing loss, and ensure the availability of wireless handsets that are compatible with hearing aids and cochlear implants. *See, e.g., Improvements to Benchmarks and Related Requirements Governing Hearing Aid-Compatible Mobile Handsets*, WT Docket No. 15-285, Report and Order, 31 FCC Rcd 9336 (2016).

[9] *See generally* 47 CFR §§ 2.915, 2.960(a) (the TCB shall review the application to determine compliance with the Commission's requirements), 2.962(f) ("Scope of responsibility"). The TCB program - including the TCBs' roles and responsibilities - are discussed in KDB 641163 (2023). *See* FCC Office of Engineering and Technology, *TCB Program Roles and Responsibilities*, KDB Publication 641163, v04r2, *available at* https://apps.fcc.gov/oetcf/kdb/forms/FTSSearchResultPage.cfm?id=44683&switch=P. If the Commission publishes a "Pre-approval Guidance List" identifying categories of equipment or types of testing for which a TCB must request guidance, then the TCB must request such guidance before approving equipment on the list. 47 CFR § 2.964(a).

applications, the TCBs must send to the Commission any test lab data and other information relied upon by the TCB.[10] All information not afforded confidentiality is made publicly available on the FCC's website upon grant of the equipment authorization.[11] Commission rules also impose certain obligations on each TCB to perform post-market surveillance, based on "type testing a certain number of samples of the total number of product types" that the TCB has certified.[12] Commission rules also impose certain obligations on each TCB to perform post-market surveillance, based on "type testing a certain number of samples of the total number of product types" that the TCB has certified.[13] TCBs also ensure that communication equipment on the FCC's Covered List, which are prohibited from receiving equipment authorization, do not get authorized.[14] Because such devices have been found to "pose[] an unacceptable risk to the national security of the United States or the security and safety of United States person," TCBs play a vital role in protection of American national security under the Secure Equipment Act.[15] Accreditation bodies conduct assessments to ensure that TCBs and test labs are competent and capable of providing accurate and reliable certification and testing services.[16]

9. To be recognized for participation in our equipment certification process,[17] TCBs, test labs, and laboratory accreditation bodies must meet certain criteria specified in our rules.[18] TCBs must be designated to issue grants of certification and must be located in the United States[19] or in countries that have entered into applicable MRAs with the United States.[20] These MRAs can be either phase one, where

[10] 47 CFR §§ 2.911(b), 2.962(f)(8).

[11] FCC Office of Engineering and Technology, *Equipment Authorization Search*, https://apps.fcc.gov/oetcf/eas/reports/GenericSearch.cfm.

[12] 47 CFR § 2.962(g)(1). TCBs may request samples of equipment directly from the grantee. *Id.* § 2.962(g)(4).

[13] *Id.*

[14] 47 CFR § 2.911(d)(5), (6).

[15] 47 USC § 1601(b)(1).

[16] Accreditation bodies do not consider national security concerns or other trustworthiness factors addressed in this proceeding.

[17] For equipment authorized using the Supplier's Declaration of Conformity (SDoC) procedure, the Commission does not require testing performed at an FCC-recognized accredited testing laboratory. *See* 47 CFR § 2.906.

[18] *See* 47 CFR §§ 2.960, 2.962, 2.948, 2.949.

[19] 47 CFR § 2.960(c), (d). TCBs in the United States must be accredited and designated by the National Institute of Standards and Technology (NIST); TCBs outside of the United States must be designated under the authority of an effective bilateral or multilateral mutual recognition agreement or arrangement (MRA) to which the United States is a party.

[20] 47 CFR § 2.960(d). MRAs are government-to-government trade facilitating measures aimed at a global approach to conformity assessment, providing a framework for all member economies (countries) to follow. In each of these agreements, participating countries agree to accept test results and/or product approvals (e.g., equipment certifications) performed by the conformity assessment bodies of the other country. *See*, *e.g.*, FCC Office of Engineering and Technology, Equipment A*uthorization – Mutual Recognition Agreements*, https://www.fcc.gov/general/equipment-authorization-mutual-recognition-agreements; *KDB Publication 901874*, https://apps.fcc.gov/oetcf/kdb/forms/FTSSearchResultPage.cfm?switch=P&id=203873. In the United States, MRAs as a general matter are negotiated through the U.S. Trade Representative. The Commission participates in eight MRAs-Asia-Pacific Economic Cooperation (APEC) Telecom MRA; Intra-American Telecommunications Committee of the Organization of American States MRA; European Union MRA; European Free Trade Association (EFTA) MRA; Japan MRA; Israel MRA; Mexico MRA; and United Kingdom MRA. *See* FCC Office of Engineering and Technology, *KDB Publication 901874*, found at https://www.fcc.gov/general/equipment-authorization-mutual-recognition-agreements. *See* Asia-Pacific Economic Cooperation (APEC) Mutual Recognition Arrangement for Conformity Assessment of Telecommunications Equipment, May 8, 1998 (*APEC MRA*); Agreement on Mutual Recognition Between the European Community and

(continued….)

we accept test data, or phase two where we accept limited mutual acceptance of equipment approvals.[21] Currently, there are 39 FCC-recognized TCBs,[22] 23 of which are located in the United States while the remaining 16 are located in seven MRA-partnered countries.[23] The Commission will withdraw recognition of a TCB if the TCB's designation or accreditation is withdrawn, if the Commission determines that there is "just cause," or if the TCB requests that it no longer hold its designation or recognition.[24] Our rules also set forth specific procedures, including notification requirements, that the Commission will follow if the Commission intends to withdraw its recognition of a TCB.[25]

10. The United States also has Free Trade Agreements (FTAs) with 17 economies, wherein the parties guarantee equal and reciprocal treatment to each other's conformity assessment bodies.[26] Under President Trump's leadership, the United States has also to date signed 9 Agreements on Reciprocal Trade (ARTs) with similar provisions.[27]

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the United States of America, May 18, 1998, KAV 5464 (EU MRA); Agreement on Mutual Recognition Between the United States of America and the EEA EFTA States, Oct. 17, 2005 (*EFTA MRA*); The Inter-American Telecommunications Committee of the Organization of American States Mutual Recognition Agreement for Conformity Assessment of Telecommunications Equipment, Oct. 29, 1999 (*CITEL MRA*); Agreement on Mutual Recognition of Results of Conformity Assessment Procedures, with Annex, U.S.-Jap., Feb. 16, 2007 (*Japan MRA*); Mutual Recognition Agreement Between The Government of The United States of America And the Government of the State of Israel for Conformity Assessment of Telecommunications Equipment, U.S.-Isr., Oct. 15, 2012 (*Israel MRA*); Mutual Recognition Agreement for Conformity Assessment of Telecommunications Equipment, with Appendices and Annexes, U.S.-Mex., May 26, 2011, TIAS 11-610 (*Mexico MRA*); Agreement on Mutual Recognition, U.S.-U.K., Feb. 14, 2019 (*U.K. MRA*).

[21] *See*, *e.g.*, the *CITEL MRA* or *APEC MRA*, *available at* https://www.fcc.gov/general/equipment-authorization-mutual-recognition-agreements.

[22] The Commission's website provides a searchable database of all currently recognized TCBs. 47 CFR § 2.962(e)(5). *See* FCC Office of Engineering and Technology, *Telecommunications Certification Bodies (TCB)* Search, https://apps.fcc.gov/oetcf/tcb/reports/TCBSearch.cfm. With respect to our obligations toward those TCBs designated pursuant to an MRA, each and every such agreement preserves the rights of, and provides specific procedures for, the United States to contest the competency of, and withdraw recognition of, an exporting party's TCB. See *EU MRA* arts. 7-9; *APEC MRA* art 8; *CITEL MRA* art. 8; *Israel MRA* art. 9; *Japan MRA* art. 8; *Mexico MRA* art. 8; *EFTA MRA* arts. 8-9; *U.K. MRA* art. 7.

[23] Most TCBs are located in the United States (23), and the others (16) are located in seven different countries: Canada (4), Germany (4), Netherlands (1), Singapore (1), Spain (2), Sweden (1), and United Kingdom (3). *See* https://apps.fcc.gov/oetcf/tcb/reports/TCBSearch.cfm (last visited May 19, 2025).

[24] 47 CFR § 2.962(e)(2).

[25] 47 CFR § 2.962(e)(2)-(4).

[26] Currently, the U.S. is a party to such FTAs with the following countries: Australia, Bahrain, CAFTA-DR countries (Costa Rica, Dominican Republic, El Salvador, Guatemala, Honduras, and Nicaragua), Chile, Colombia, Korea, Morocco, Oman, Panama, Peru, and USMCA countries (Mexico and Canada). For examples of relevant reciprocity provisions in these FTAs, *see*, *e.g.*, USMCA Article 11.6.1 ("[E]ach Party shall accord to conformity assessment bodies located in the territory of another Party treatment no less favorable than that it accords to conformity assessment bodies located in its own territory or in the territory of the other Party. Treatment under this paragraph includes procedures, criteria, fees, and other conditions relating to accrediting, approving, licensing, or otherwise recognizing conformity assessment bodies."); U.S.-Chile FTA Article 7.6.3 ("Each Party shall accredit, approve, license, or otherwise recognize conformity assessment bodies in the territory of the other Party on terms no less favorable than those it accords to conformity assessment bodies in its territory.").

[27] Currently, the U.S. is a party to ARTs with the following economies: Argentina, Bangladesh, Cambodia, El Salvador, Guatemala, Indonesia, Malaysia, and Ecuador. For an example of relevant reciprocity provisions in these ARTs, *see*, *e.g.*, U.S.-Malaysia ART, Art. 2.2.1(a) ("Malaysia shall accord to the conformity assessment bodies of the United States treatment no less favorable than that it accords to its own bodies").

11. Test lab recognition occurs based on current Commission rules stating that if a test lab has been accredited for the appropriate scope for the types of equipment that it will test, then it "shall be deemed competent to test and submit test data for equipment subject to certification."[28] Based on such accreditation, the Commission—namely, the Chief of the Office of Engineering and Technology (OET), to whom the Commission has delegated recognition authority—makes determinations regarding the continued acceptability of individual test labs.[29] Test labs must be reassessed for accreditation and recognition at least every two years.[30]

12. The Commission recognizes four laboratory accreditation bodies in the United States that can accredit test labs in the United States.[31] For test labs in countries with which the United States has entered into an MRA, the Commission will consider for recognition an accredited laboratory that has been designated by a foreign designating authority.[32] Currently there are 24 such FCC-recognized laboratory accreditation bodies outside the United States, located in 23 different MRA-partnered countries.[33] All other test labs must be accredited by an organization recognized by the Commission to perform test lab accreditations in non-MRA countries.[34] Currently, the Commission recognizes three such accrediting bodies.[35] Current rules do not preclude a laboratory accreditation body that is not in an MRA-partnered country from submitting a request to be recognized, but, to date, the FCC has not recognized any laboratory accreditation body outside of an MRA-partnered country.

13. For equipment or newer technologies for which compliance test methods are not yet mature, the Commission requires extra steps in the certification process. These extra steps are known as the PAG process; during the PAG process, Commission staff scrutinize test results and may ask questions

[28] 47 CFR § 2.948(e).

[29] 47 CFR § 0.241(f).

[30] *See* 47 CFR § 2.948(e) (requiring that laboratory accreditation bodies reassess test labs at least every two years).

[31] American Association for Laboratory Accreditation (A2LA), National Voluntary Laboratory Accreditation Program (NVLAP), ANSI National Accreditation Board (ANAB), and Perry Johnson Laboratory Accreditation Inc. (PJLA). *See* FCC Office of Engineering and Technology, *Active Test Firm Accrediting Bodies (TFAB)*, https://apps.fcc.gov/oetcf/mra/reports/AccreditingBodyReport.cfm.

[32] 47 CFR § 2.948(f)(1). As noted in footnote 17, the FCC participates in eight MRAs. A recognized designating authority in any of the participating economies can assess and designate a competent test lab to the FCC and request FCC recognition. The designation process requires the designating authority to submit information establishing the capabilities of the test lab.

[33] We note that the laboratory accrediting bodies in MRA countries outside of the United States generally are governmental agencies. *See* FCC Office of Engineering and Technology, *Active Test Firm Accrediting Bodies (TFAB)*, https://apps.fcc.gov/oetcf/mra/reports/AccreditingBodyReport.cfm. In its recognition of these laboratory accreditation bodies, the FCC specifies for each laboratory accreditation body the countries in which the test labs can be accredited for operation.

[34] 47 CFR § 2.948(f)(2).

[35] These accrediting bodies (all of which also can accredit test labs in the United States) are: the American Association for Laboratory Accreditation (which can accredit test labs in China, India, Philippines, Thailand); the ANSI National Accreditation Board (which can accredit test labs in China, India, Indonesia, Philippines, Russian Federation, Switzerland, Thailand, Ukraine, and United States); and the National Voluntary Laboratory Accreditation Program (which can accredit test labs in China, India, Indonesia, Philippines, Russian Federation, Switzerland, Thailand, Ukraine). *See* FCC Office of Engineering and Technology, *Active Test Firm Accrediting Bodies (TFAB)*, https://apps.fcc.gov/oetcf/mra/reports/AccreditingBodyReport.cfm. We note that to date only U.S.-based laboratory accreditation bodies have applied for FCC recognition for the authority to accredit test labs in countries that are not within any MRA-partnered economies.

to ensure compliance. OET publishes a "Pre-Approval Guidance list"[36] identifying categories of equipment or technologies that require the longer PAG process.

B. First EA Integrity Report & Order and FNPRM

14. In May 2025, the Commission adopted a Report and Order and Further Notice of Proposed Rulemaking in this proceeding.[37] The *First EA Integrity R&O* strengthened the integrity and security of the equipment authorization program by imposing new restrictions on TCBs, test labs, and laboratory accreditation bodies. The rules adopted prohibit recognition or participation by entities owned, controlled, or directed by "prohibited entities," which include those with equipment and/or services identified on the FCC Covered List (Covered List Entities), the Department of Commerce's foreign adversary list, and other federal lists such as Department of Commerce Bureau of Industry and Security Entity List, Military End-User List, Uyghur Forced Labor Prevention Act Entity List, National Defense Authorization Act of 2023Section 5949 semiconductor companies, Department of War 1260H Chinese Military Companies, and Treasury Non-Specially Designated Nationals Chinese Military-Industrial Complex Companies List.[38] Ownership or control is defined as holding 10% or more equity or voting interest, while reporting obligations apply to interests of 5% or greater.[39]

15. In the *First EA Integrity FNPRM*, the Commission sought comment on expanding equipment authorization program prohibitions and increasing equipment authorization testing and certification within the United States and countries with whom the U.S. has an MRA. The Commission also sought comment on post-market surveillance rules, policies, or guidance, and other ways to strengthen the integrity of the equipment authorization program. In response to the *First EA Integrity FNPRM,* the Commission received fifty-nine comments, and two reply comments.[40]

16. Since the adopting of the *First EA Integrity R&O*, the Commission has begun reviewing all test lab recognition and renewal requests for compliance with its new rules that prohibit the recognition of test labs and TCBs that are owned by, controlled by, or subject to the direction of a range of entities that the U.S. government has identified as untrustworthy, including foreign adversary governments. A total of 23 test labs that OET has determined to be owned by, controlled by, or subject to the direction of a foreign adversary are no longer recognized test labs.[41]

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[36] 47 CFR § 2.964(a).

[37] *See Promoting the Integrity and Security of Telecommunications Certification Bodies, Measurement Facilities, and the Equipment Authorization Program*, Report and Order and Further Notice of Proposed Rulemaking, ET Docket No. 24 136, 40 FCC Rcd 3616 (adopted May 22, 2025) (*First EA Integrity R&O and First EA Integrity FNPRM*).

[38] 47 CFR § 2.902 (defining *prohibited entities*).

[39] *Id*. (defining o*wned by, controlled by, or subject to the direction of*); *Id*. § 2.949(c)(3) (requiring reporting of equity or voting interests of 5% or greater).

[40] *See infra*., Docket 24-136, May 27, 2025.

[41] These include labs whose recognition was withdrawn, denied, or not renewed after expiration: CESI Guangzhou; CAICT; Shanghai Institute of Measurement and Testing; CCIC Southern Testing; Industrial Internet Innovation Center (Shanghai); Reliability Lab - New H3C Technologies Co.; State Radio Monitoring Center Testing; CCIC-CSA; UL-CCIC; Shenzhen Academy of Information and Communications; GRG Metrology & Test Group Co., Ltd.; KSIGN (Guangdong) Testing Co., Ltd.; Fangguang Inspection & Testing Co. Ltd.; Chongqing Academy of Information and Communications Technology (CAIC); CVC Testing Technology; TUV Rheinland/CCIC (Ningbo); Telecommunication Technology Labs, CAICT; CVC Testing (Shenzhen); KSIGN (Guangdong) Testing Co., Ltd.; JiangSu Electronic Information Products Quality Supervision; Shanghai Testing & Inspection Institute for Electrical Equipment Co.; Beijing TIRT Technology Service Co., Ltd.; and CQC Internet of Vehicles Technical Service.

III. DISCUSSION

A. Second EA Integrity Order

17. In this *Second EA Integrity R&O*, we focus on strengthening the integrity of our equipment authorization program by addressing national security risks and revising our equipment authorization rules to incentivize applicants to use domestic testing. Specifically, we create a fast-track priority review process for equipment that is subject to the PAG system and is tested in test labs in the U.S. or in the territory of an economy with which the U.S. has negotiated reciprocal treatment through an MRA or trade agreement with comparable provisions (Trusted Test Labs). This will incentivize testing in the U.S. or reciprocal countries, promote transparency and accountability in the process, and will encourage reciprocal treatment of U.S.-based testing in foreign countries. We also amend our rules to require TCBs and test labs to disclose the location and number of foreign employees engaged in FCC-recognized testing/certification, to enhance transparency and assess impartiality as required by Commission rules.[42]

18. We direct OET to revise post-market surveillance procedures, including sampling rates, escalation methods, and transparency when noncompliance is found. The Commission will also take a more active role in oversight and enforcement, reinforcing penalties for false certifications and fraudulent test reports. We establish a secure portal for industry participants to report suspected violations or national security concerns and create a centralized, machine-readable list of prohibited entities to help TCBs screen applicants efficiently. Finally, we grant a Petition for Reconsideration filed by Garmin that modifies the ownership reporting rules for publicly traded companies to align with SEC timelines.

19. We clarify that our current rules allow for many of these proposals, such as greater disclosure of the locations of foreign employees and testing locations of test labs and TCBs, a more active role by the Commission in post-market surveillance, stronger enforcement, and better data sharing practices.

1. Fast-track PAG reviews for applications using U.S. test labs

20. The Commission finds it in the public interest to offer a priority fast-track review of equipment authorization applications subject to the PAG process under 47 CFR § 2.964 that use Trusted Test Labs (i.e. labs in the U.S. or Reciprocal Economies) to test equipment. The Commission believes incentivizing a robust trusted test lab ecosystem will boost the integrity of the equipment authorization process overall by expanding testing in trusted environments, reducing the risk of intellectual property (IP) theft of innovative technologies, and improve the Commission's ability to securely adapt to emerging technologies.

21. The Commission also finds it in the public interest to streamline requirements for testing and certification by Trusted Test Labs. The Commission's recent actions to de-recognize test labs based on national security risk has reduced the supply of testing and has highlighted the risk in relying on foreign test labs. We find that incentivizing domestic testing is a proactive step that will shift the framework from reactive exclusion to prevention, ultimately serving to strengthen our equipment authorization program by promoting reliance on trustworthy labs that do not present national security concerns that will be easily subject to FCC enforcement actions. This expanded domestic testing capacity will strengthen the overall resilience of the equipment authorization program.

22. The Commission further finds it in the public interest to allow Trusted Test Labs to utilize the priority fast-track review process. We find that permitting Trusted Test Labs to participate in the fast-track review process upholds the United States' commitments in its MRAs and trade agreements and incentivizes additional economies to pursue similar agreements with the U.S. for reciprocal treatment. These reciprocal agreements ensure a maximum level of integrity.

[42] Impartiality is a requirement of international standards that test labs and TCBs must meet. *See* 47 CFR 2.948(e) (test labs must meet ISO/IEC 17025); 47 CFR 2.960(a)(7)(i) (TCBs must meet ISO/IEC 17065).

23. *Background*. We sought comment in the *First EA Integrity FNPRM* on ways in which the Commission can facilitate and encourage more equipment authorization testing and certification from trustworthy sources within the United States.[43] Specifically, the Commission asked how we could encourage the establishment of new, or expansion of existing, TCBs and test labs in the United States. We were particularly interested in the primary barriers limiting the presence of TCBs and test labs in the United States, and the actions the Commission could take today to reduce regulatory barriers and increase the market share of U.S. test labs and TCBs. We also sought comment on ways to facilitate and encourage more equipment authorization testing and certification within the U.S. and allied countries, such as those with which we have an MRA. The Commission sought comment on whether to offer incentives for utilization of domestic and MRA country-based TCBs and test labs, and what rules or processes we could implement or modify to strengthen national security by encouraging equipment authorization processes that rely primarily upon TCBs, test labs, and laboratory accreditation bodies located in the U.S. or countries with an MRA. Further, we asked to what extent would having more equipment authorization testing and certification in the U.S. reduce risks and threats to national security in terms of the equipment supply chain.

24. *Comments Received.* Comments supported incentivizing manufacturers to use U.S. test labs and TCBs via a fast-track review of applications during the PAG process. Specifically, commenter RF Safety Laboratory encouraged fast-track review of applications during the PAG process for U.S. test labs and TCBs, among other ideas to encourage the development of a more robust U.S.-based test lab and TCB environment.[44] The Foundation for Defense of Democracies (FDD) noted that there is a parallel need to encourage the establishment of a robust environment of U.S. and allied nation test labs and TCBs to strengthen supply chain resiliency.[45] Other comments support a range of other incentives, including the fast-track review, and also suggest economic support via grants or tax incentives to offset costs for small to medium test labs and TCBs in the U.S.[46] No comments opposed the idea of incentivizing the use of U.S. or allied country test labs, or the fast-track PAG process idea for U.S. or allied country test labs and TCBs.

25. Commenter Cetecom supported domestic testing because it ensures that sensitive technologies are evaluated in secure, controlled environments and reduces the risk of intellectual property (IP) theft or foreign surveillance.[47] Commenter Heritage Foundation also noted the persistent threat to national security posed by the Chinese Communist Party (CCP) through its pervasive digital surveillance, intellectual property theft, corporate espionage, forced tech transfer, cyber-hacking operations, and potential interference in critical telecommunications services.[48]

26. *Discussion.* The Commission agrees with the overwhelming support from commenters and finds it in the public interest to incentivize device-makers to use Trusted Test Labs, or test labs located in the U.S. or in the territory of an economy with which the U.S. has negotiated reciprocal treatment through an MRA or trade agreement. The Commission agrees with the record support that one effective means of doing this is by offering a priority fast-track process for applications subject to the PAG process, where equipment is tested by a qualifying entity. In 2024, 3.6% of devices receiving FCC IDs were tested by labs in the U.S., and 12.5% were tested by labs in MRA countries; collectively, over 16% were tested by Trusted Test Labs.[49] We believe that prioritizing the participation of Trusted Test

[43] *First EA Integrity FNPRM*, 40 FCC Rcd at 3616, paras. 143-144.

[44] RF Safety Laboratory Comments at 4.

[45] Defense of Democracies Comments at 5.

[46] Sporton Comments at 7; Nemko Comments at 6; Washington Laboratories Comments at 1.

[47] Cetecom Comments at 2.

[48] Heritage Foundation Comments at 2.

[49] Sporton Comments at 3.

Labs in our equipment authorization program will help promote the integrity of our equipment authorization procedures while simultaneously helping protect our nation's supply chain against unacceptable risks. As the National Security Division (NSD) of the Department of Justice (DOJ) has previously advised us in this proceeding, allowing foreign adversaries to infiltrate the equipment authorization program creates a risk that they could exploit it on a broad scale – potentially misappropriating sensitive intellectual property and business intelligence from U.S. companies to advance their own national interests.[50]

27. We agree with the Cetecom comment supporting domestic testing to ensure sensitive technologies are evaluated in secure, controlled environments and to reduce the risk of IP theft and foreign surveillance.[51] We also agree with the many comments supporting testing in allied and MRA countries.[52] We find that these risks, particularly IP theft, are especially heightened for the types of technologies appearing in the PAG list.[53] Test labs have privileged and early access to confidential information about new products given their role in the supply chain, and the risk of IP theft and foreign surveillance is especially pronounced for new technologies on the PAG list.

28. The Commission also notes the commitments made by the United States in its MRAs and FTAs. Certain MRAs to which the U.S. is a Party include a mutual commitment to accept test reports of recognized conformity assessment bodies of the other Party on terms no less favorable than those accorded to test reports produced by conformity assessment bodies of the importing Party.[54] Similarly, many U.S. FTAs and ARTs include a mutual commitment to accord to conformity assessment bodies located in the territory of the other Party treatment no less favorable than the Party accords to conformity assessment bodies located in its own territory.[55] The Commission finds that it is appropriate and in the public interest to allow test labs located in the territory of economies with which the U.S. has negotiated such reciprocal treatment through an MRA or trade agreement to participate in the fast-track PAG process.

29. While all FCC grants for certification of RF equipment are processed through TCBs, certain equipment authorization approvals related to new and evolving technologies require direct oversight by the Commission through the PAG process. For products that contain new and evolving technologies covered by the PAG process, it is particularly important that those responsible for testing them be subject to U.S. law so that they may be compelled to respond in a timely manner to FCC requests. The Commission has previously raised concerns that foreign actors in our equipment authorization program have been able to evade U.S. law when products they are responsible for have harmed American consumers.[56] U.S. actors in our equipment authorization program, including U.S. test

[50] Letter from U.S. Department of Justice National Security Division (May 13, 2025) at 3, *available at* https://www.fcc.gov/ecfs/document/105130275807088/1.

[51] Cetecom Comments at 2.

[52] Foundation for the Defense of Democracies Comments at 3, Sporton Comments at 7; Nemko Comments at 6; Washington Laboratories Comments at 1.

[53] We note reports that in April 2018, shortly after the iPhone X released with a new innovation -- Face ID unlock technology -- Apple executives were stunned to find how quickly Chinese competitors Huawei, Oppo, and Vivo flagship devices were able to mimic Apple's latest innovation. Patrick McGee, Apple in China: The Capture of the World's Greatest Company, p. 341 (2025) (quoting Apple employee and current CFO Kevan Parekh as stating, "Incredibly, they [Huawei, Oppo, and Vivo's newest devices] all look similar (to varying degrees) to iPhone X, right down to the wallpaper, portrait lighting UI [user interface], and even the marketing how-to videos. I expect Q3 to be challenging for us [Apple].").

[54] *See*, *e.g.*, the *CITEL MRA* or *APEC MRA*, *available at* https://www.fcc.gov/general/equipment-authorization-mutual-recognition-agreements.

[55] *See*, *supra*, ns. 26 and 27.

labs and TCBs, are subject to U.S. laws and can legally be compelled to respond to FCC inquiries in a timely manner. Actors based in Reciprocal Economies are similarly bound by the laws of the reciprocal international agreements. In contrast, foreign actors from non-Reciprocal Economies have abused the protections of the Hague Service Convention to evade accountability for repeated violations in our equipment authorization program.[57]

30. The PAG process and associated PAG list address the compliance requirements for these technologies and must be followed by all TCBs before finalizing the equipment authorization approval for any devices identified in the PAG List. Currently, the Commission's rules require TCBs to comply with the following for PAG list equipment: (1) perform an initial review of the application and determine the issues that require guidance from the Commission; (2) complete the review of the application in accordance with the Commission's guidance; (3) provide any test samples of the equipment requested by the Commission; (4) electronically submit the application and all exhibits to the Commission along with a request to grant the application; and (5) supply any additional information or equipment testing required by the Commission to comply with its rules.

31. We revise section 2.964 of our rules to prioritize approval for PAG list equipment authorization applications, where the equipment is tested in the U.S. or in the territory of an economy with which the U.S. has negotiated reciprocal treatment through an MRA or trade agreement (Trusted Test Labs). First, we direct OET to create a fast-track PAG list option for TCBs utilizing Trusted Test Labs in its PAG list approval process. We also direct OET to update the PAG list to provide a separate streamlined list of categories for which pre-approval guidance is required for applications that use domestic testing provided by Trusted Test Labs. This streamlined list will aid in the removal of associated lag time with the PAG review and approval process. Finally, we direct OET to publish, and update as necessary, a list of economies with which the United States has an MRA or comparable trade agreement. We believe these actions will create the appropriate incentive to utilize Trusted Test Labs that creates a faster pipeline in getting newer equipment to the market. We also believe Trusted Test Labs do not carry the same national security and trustworthiness risk that certain foreign test labs do, and we therefore place enhanced trust in their ability to receive and handle sensitive and proprietary equipment authorization information as reflected in a shorter period for Commission staff to review their test results. to receive and handle sensitive and proprietary equipment authorization information as reflected in a shorter period for Commission staff to review their test results.

32. Creating a fast-track PAG option for TCBs using Trusted Test Labs will also assist with accelerating the expansion of testing capacity in the United States and Reciprocal Economies. This is all the more important, given that in the last several months, the Commission has ceased to recognize 21 labs.[58] Even as we protect the integrity of the equipment authorization process by not recognizing untrustworthy labs, the Commission believes it is in the public interest to facilitate more testing in the United States and Reciprocal Economies, which will increase trust in the process trust in the process. We

(Continued from previous page)

[56] *See*, e.g., *Eken Group Limited*, Notice of Liability for Forfeiture, FCC 24-122, 39 FCC Rcd 12990, 129991 n.8 (2024) (discussing several FCC forfeiture orders against foreign actors determined to have violated equipment authorization rules and the inability to timely serve lawful process on these companies under Hague Service Convention procedures) (*Eken NAL*).

[57] *Id*. Further, not all countries are signatories to the Hague Service Convention. Making parties in non-signatory countries even harder to reach.

[58] In September 2025, the Commission took action to deny or begin withdrawal of FCC recognition for 15 labs. News Release, FCC, FCC Denies Second Batch of "Bad Labs" Controlled By China (Sep. 26, 2025), https://docs.fcc.gov/public/attachments/DOC-414863A1.pdf. In February 2026, the Commission withdrew recognition from six additional labs: Chongqing Academy (CAIC); TUV Rheinland/CCIC (Ningbo) Co., Ltd; CVC Testing Technology Co., Ltd.; CVC Testing Technology Co., Ltd. (Shenzhen); Telecommunication Technology Lab s (CAICT); and CQC Internet of Vehicles Technical Service Co., Ltd. *See* FCC, *Engineering & Technology Headlines*, https://www.fcc.gov/news-events/headlines/526 (last visited Apr. 6, 2026).

also agree with the Heritage Foundation that supporting greater domestic testing capacity will boost the resilience of the equipment authorization program by ensuring the U.S. has reliable, secure testing capacity at home.

33. We envision that this fast-track option will create two distinct lines for the PAG approval process: one for Trusted Test Labs that will receive a shorter, faster queue and one for all other test labs. In addition, there will be two distinct PAG list tracks, the general PAG list and the Trusted Test Lab streamlined PAG list with fewer equipment categories. We direct OET to release a public notice determining the specific equipment categories to be removed on the Trusted Test Lab PAG list that will enable this fast-track approval process.

34. Unsurprisingly, the current queue for such vigorous PAG list review and approval can take several months. In 2025, the OET Laboratory Division reviewed and processed 1,202 PAG list items. We direct the OET Lab Division to make publicly available data metrics for the timelines associated with PAG list review and approval. We believe this transparency will serve the public interest in several ways. First, the metrics for PAG processing will provide data to improve administrative processes, which allow interactions with the Commission to be more accessible and efficient. Second, these metrics will provide a measure of the time-savings the fast-track PAG processing option provides in the PAG approval process. We anticipate that the time-savings will translate to faster marketing of new types of equipment and cost savings for bringing such innovations to market, benefiting the American public.

2. Greater disclosure of number and location of test lab and TCB employees.

35. The Commission also amends its rules to provide that test labs and TCBs must disclose the number and location of all employees that are engaged in FCC-recognized testing and/or certification at designation and renewal.

36. *Background*. The Commission's rules require recognition of test labs based on the ISO 17025 standard,[59] and recognition of TCBs based on the ISO 17065 standard.[60] Both standards assess whether test labs and TCBs operate in a competent, consistent and impartial manner. In practice, our rules operate to require reviews of the underlying requirements of recognition at least every two years for test labs and TCBs.[61] The Commission does not require either TCBs or test labs to disclose the location of their employees.

37. In the *First EA Integrity FNPRM,* we sought comment on the potential for this current structure to raise questions as to the integrity of our equipment authorization program or the impartiality of TCBs or test labs.[62] We sought comment on what additional information we should require regarding the relationship between the individuals who each performed a defined role in the review and approval process, as well as any additional safeguards that we should consider to further ensure the impartiality of our TCBs and test labs. Further, we sought comment on whether the Commission should restrict the relationships between TCBs and test labs to prevent TCBs from reviewing authorization applications for which the equipment was tested by a test lab owned by, or under the direction or control of the same entities that own, direct, or control the TCB.

38. *Comments Received*. Several commenters assert that the proposed mandate requiring the disclosure of the number and location of foreign-based employees would be beneficial. The American

[59] 47 CFR 2.948(e); 2.951(a)(2)-(4).

[60] 47 CFR 2.960(a)(4).

[61] *See* 47 CFR 2.960(a)(7)(ii) ("The TCB must be assessed for accreditation on intervals not exceeding two years."); 47 CFR 2.948(e) ("The frequency for reassessment of the test facility and the information that is required to be filed or retained by the testing party . . . shall occur on an interval not to exceed two years.").

[62] *FNPRM* at para. 129 and 146.

Association for Laboratory Accreditation (A2LA) supports the proposed action, adding that it is conceivable that individuals employed by a lab in one location may perform tasks remotely from another location, which might include locations in foreign adversary countries. As such, the location of the individual employee is a necessary consideration in addition to the location of the test lab and TCB.[63] Likewise, commenter Sporton International (USA) Inc agreed that key personnel location should be reported and that only MRA countries be allowed.[64] Eurofins Electrical and Electronic Testing, NA, LLC (Eurofins North America) adds that the required reporting of employee locations would be a practical avenue to support transparency goals.[65] Other commenters note that adding a requirement for test labs and TCBs to report employee location would aid in more effectively identifying potential concerns about security issues within the entities, with some adding that roles associated with authorizations should be included with conflict-of-interest statements.[66] One commenter opposed to mandated disclosure of location suggest that the requirement would create unnecessary administrative burden on the test labs and TCBs without providing sufficient regulatory benefit.[67] China's State Administration for Market Regulation (SAMR) maintains that the measures violated the "non-discrimination" principle under Articles 2.1 and 5.1.1 of the WTO Agreement on Technical Barriers to Trade (TBT Agreement).[68]

39. *Discussion*. The Commission adopts its proposal and clarifies that, in reviewing for adherence to the ISO/IEC 17065 and ISO/IEC 17025 impartiality frameworks, we will consider where employees are based and where they carry out their testing and certification activities. We will therefore require test labs and TCBS to report the number and location information of all employees engaged in FCC-recognized testing and/or certification, including those based outside the U.S. We believe such information, to the extent relevant to the test lab or TCB's participation in our equipment authorization program, is required to determine compliance with our rules. Test labs are already required to provide information about the location of their test sites.[69] The rules also require test labs to provide "[o]ther information as requested by the Commission[.]"[70] The Commission amends its rules to require submission of information on the location of employees. The rules already prohibit TCBs from outsourcing review and certification decision activities,[71] and place limits on how TCBs may use external (outsourced) resources.[72] TCBs are required to maintain appropriate oversight of outsourced resources, and include periodic audits and other activities required by ISO/IEC 17065.[73] More disclosure of the locations of employees and testing locations will allow the Commission to consider how test labs and TCBs intend to comply with our rules regarding oversight. We therefore amend Section 2.960 to require TCBs to provide location information for employees engaged in certification.

40. We further clarify that knowing where a TCB's or test lab's employees are located and where they carry out their testing activities is necessary to assess a test lab or TCB's impartiality. As explained by FDD, certain foreign laws, including national security laws, may coerce corporate

[63] A2LA Comments at 3.

[64] Sporton Comments at 7.

[65] Eurofins North America TCB Comments at 1-2.

[66] Foundation for Defense of Democracies Comments at 4; Adrian Selke Comments at 1.

[67] Lluís Boada Suiles on behalf of LGAI Technological Center, S.A. (APPLUS) Comments at 1.

[68] China's State Administration for Market Regulation Comments at 2.

[69] 47 CFR § 2.951(a)(1).

[70] 47 CFR § 2.951(a)(9).

[71] 47 CFR § 2.962(b).

[72] 47 CFR § 2.962(c).

[73] 47 CFR § 2.962(c)(3).

cooperation with state intelligence objectives such that they cannot credibly demonstrate operational independence from a foreign government.[74] While a foreign government's ability to coerce an FCC-recognized test lab's cooperation is strongest when that test lab is either an arm of the government or owned by the government,[75] the foreign government can also exercise influence when it has jurisdiction over the employees and testing. For these reasons, we clarify that disclosure of this information is required to ensure the integrity of our equipment authorization program. We therefore update our rules accordingly.

41. To eliminate any privacy concerns, we note that we will not require the personal address of employees or their personally identifiable information, unless required as part of an investigation into the truthfulness of such disclosures. Instead, we will require the business address where the employee conducts testing or reviews certification applications for a TCB. The record shows broad support for the adoption of this requirement, and we believe this measured approach balances U.S. national security concerns and unnecessary granularity.[76]

42. We disagree with LGAI Technological Center that the increase in regulatory burden implementing this requirement does not provide sufficient regulatory benefit. To the contrary, as the Commission has previously noted, "[i]t is obvious and unarguable that no governmental interest is more compelling than the security of the Nation."[77] The TCBs are charged with ensuring that all equipment authorization approvals it issues are not affected by the improper influence of a foreign government, which promotes U.S. national security while test labs have access to sensitive and innovative equipment prior to its availability in the commercial marketplace. We similarly disagree with the contention of China's State Administration for Market Regulation (SAMR) that requiring country locations of TCB and test lab employees is inconsistent with the TBT Agreement.[78] The referenced provisions in the TBT Agreement do not apply to requirements for conformity assessment bodies to receive accreditation.[79]

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[74] *See* Letter from RADM (Ret.) Mark Montgomery, Senior Director, and Jiwon Ma, Senior Policy Analyst, FDD, to FCC, ET Docket No. 24-136, at 3 (filed April 14, 2025) (*FDD Ex Parte*).

[75] The Commission addressed this risk in *First EA Integrity Order*; since September 8, 2025, when we started enforcing the requirements of revised 47 CFR § 2.951(b)-(d), we have removed over sixteen test labs because they were either an arm of the PRC government or owned by it.

[76] A2LA Comments at 3, Sporton Comments at 7, Eurofins Electrical and Electronic Testing Comments at 1-2, and Foundation for Defense of Democracies Comments at 4.

[77] *Protecting Our Communications Networks by Promoting Transparency Regarding Foreign Adversary Control*, GN Docket No. 25-166, Report and Order, para. 101, (Jan. 29, 2026) (quoting Haig v. Agee, 453 U.S. 280, 307 (1981)).

[78] Section 2.1 of the TBT Agreement states: "Parties shall ensure that technical regulations and standards are not prepared, adopted or applied with a view to creating obstacles to international trade. Furthermore, products imported from the territory of any Party shall be accorded treatment no less favourable than that accorded to like products of national origin and to like products originating in any other country in relation to such technical regulations or standards. They shall likewise ensure that neither technical regulations nor standards themselves nor their application have the effect of creating unnecessary obstacles to international trade." https://www.wto.org/english/docs_e/legal_e/tokyo_tbt_e.pdf.

[79] We also note the U.S. Trade Representative (USTR) has found that "China has a long record of violating, disregarding and evading existing WTO rules" and "has also sought to frustrate WTO oversight and accountability mechanisms, such as through its poor record of adhering to its WTO transparency obligations." https://ustr.gov/sites/default/files/files/reports/2025/2024USTRReportCongressonChinaWTOCompliance.pdf at 2. This report goes on to note that "[t]he vast majority of the harm that China inflicts upon other WTO Members is attributable to the daily and compounding impact of China's state-led, non-market approach to the economy and trade, which relies heavily on significant interventions in the market by the Chinese government and, increasingly, the Chinese Communist Party (CCP or the Party)." *Id*.

3. Post-market surveillance

43. Under current Commission rules, a TCB must perform appropriate post-market surveillance activities in accordance with ISO/IEC 17065.[80] While the standard provides a general framework for surveillance, OET provides greater specificity on post-market surveillance procedures for TCBs.[81] The post-market surveillance procedures are published in an OET document known as "KDB 610077,"[82] which provides specific benchmarks such as the number and types of samples that a TCB must test and includes sample templates and checklists to help TCBs streamline their surveillance reporting.

44. The *First EA Integrity FNPRM* sought further comment on whether the Commission should revise the post-market surveillance rules, policies, or guidance to address concerns about the integrity of the equipment authorization program. It also sought comment on reasonable practices TCBs could implement to better identify equipment that may be noncompliant with Commission rules, despite authorization. It also sought comment on any other measures the Commission might take to strengthen the integrity of the post-market surveillance process.[83]

45. *Comments Received*. Multiple commenters suggested targeted oversight and enforcement to mitigate national security issues as an alternative to country-based prohibitions in the FCC's test lab system. Commenter SGS North America, Inc. recommended the Commission take a more active role in managing the surveillance program by selecting applications for audits, issuing surveillance letters directly to grantees, and allowing the FCC final review and closure of applications.[84] The Consumer Technology Association noted that the Commission should focus oversight efforts on the point of testing and post-market surveillance, stating that if a TCB was found to be granting approvals without proper testing, that TCB should be investigated by the Commission.[85] Multiple commenters emphasized communication avenues to aid in efforts to enforce TCB and test lab compliance. CKC Certification Services, LLC recommended that the Commission publish clarifications on rules for sampling rates, triggers, and conflict of interest prohibitions.[86] The Information Technology Industry Council reiterated that there is a need for clear, proportionate, and effective regulations for enforcement, but raised concerns about the scope of the proposed rules.[87]

46. We agree with comments supporting the Commission taking a more active role in managing the post-market surveillance program. An effective surveillance program allows the public to trust that their FCC-certified electronics in the real world are consistent with those submitted for certification testing in the lab. Our current post-market surveillance procedures were last published in April 2022. We believe these surveillance procedures require revisions to consider the rapidly evolving national security threat landscape and the new risks to our equipment authorization program explained over the last four years in our *EA Security* and the *EA Integrity* proceedings. We agree with comments seeking further clarification of post-market surveillance procedures and direct OET to release a public notice developing revised procedures.

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[80] 47 CFR §§ 2.962(i); 2.910 (incorporating by reference ISO/IEC 17065:2012(E)).

[81] 47 CFR § 0.241(g)(1).

[82] *Post-Market Surveillance Requirements for TCBs,* FCC OET KDB 610077 (Apr. 26, 2022), https://apps.fcc.gov/oetcf/kdb/forms/FTSSearchResultPage.cfm?switch=P&id=20540.

[83] *EA Integrity FNPRM* at para. 145.

[84] SGS North America, Inc. August 13 Comments at 1.

[85] Consumer Technology Association August 15 Comments at 7.

[86] CKC Certification Services, LLC 1 Comments at 4.

[87] Information Technology Industry Council (ITI) Comments at 5.

47. We direct OET to include in the revised surveillance procedures questions about the sampling rate, such as whether TCBs are required to sample five percent of their certification grants in the same calendar year. Such questions are a valid concern, as TCBs often cannot predict how many certification grants they will issue by year-end and are left uncertain in December if they will meet their sampling quotas for the year. We direct OET to include in the surveillance procedures methods for TCBs to elevate concerns, such as when grantees are uncooperative in providing required samples for surveillance testing or when they believe other TCBs have deficient surveillance procedures. We also direct OET to provide greater transparency when surveillance discovers noncompliance by making significant instances of noncompliance public. Such transparency would be consistent with the surveillance practices of other agencies that rely on ISO/IEC 17025-accredited test labs, such as the Consumer Product Safety Commission.[88]

4. Stronger enforcement

48. The Commission sought comment on reasonable practices TCBs could implement to better identify equipment that may be noncompliant with Commission rules, despite authorization,[89] and also sought comment on additional safeguards that it should consider to further ensure the impartiality of TCBs and test labs.[90]

49. *Comments Received:* Multiple commenters recommended increased oversight focused on increased monitoring of TCBs and labs with higher rates of products evaluated[91] or performed in labs or TCBs located in foreign adversary countries.[92] Jeremy Eugene Hackman expressed concern after finding multiple noncompliant products marketed in the U.S. and called for the revocation of recognition for test labs and TCBs affiliated with entities identified on the Covered List, increased penalties for fraudulent test reports, and audits of randomly selected FCC-approved RF devices in the field to verify compliance.[93] Likewise, Sporton International (USA) Inc. submitted a comment in support of suspension of noncompliant labs, manufacturers and TCBs, echoed by the American Council of Independent Laboratories.[94] Sporton also suggested the Commission impose product seizure and recall for equipment in violation of regulatory standards, and to establish legal liability for non-compliance with SDoC requirements.[95] Eurofins Testing North America requested the Commission consider options for increased review of compliance with ISO 17025 impartiality requirements.[96] Eurofins Product GmbH made similar recommendations, emphasizing a need for risk-based enforcement measures.[97] Eurofins

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[88] *See*, e.g., CPSC Immediately Withdraws Accreditation from Chinese Laboratories to Protect American Families | CPSC.gov (Jan. 15, 2026), https://www.cpsc.gov/About-CPSC/Chairman/Peter-A-Feldman/Statement/CPSC-Immediately-Withdraws-Accreditation-from-Chinese-Laboratories-to-Protect-American-Families ("CPSC's action underscores longstanding concerns about structural weaknesses in the global laboratory accreditation system, including in the People's Republic of China, which lacks independent oversight and meaningful whistleblower protections. In countries without the rule of law, CPSC cannot reasonably rely on self-attestations or paper compliance alone to ensure the integrity of safety testing that protects American families.")

[89] *EA Integrity FNPRM*, para. 145.

[90] *EA Integrity FNPRM*, para. 146.

[91] Eurofins Electrical and Electronic Testing North America, LLC Santa Clara, CA Comments at 1.

[92] Eurofins Electrical and Electronic Testing North America, LLC TCB Comments at 1.

[93] Jeremy Eugene Hackman Comments at 3.

[94] American Council of Independent Laboratories (ACIL) comments at 1.

[95] Sporton Comments . at 3.

[96] Eurofins Electrical and Electronic Testing North America, LLC Austin, TX Comments at 2.

[97] Eurofins Product GmbH (filed by Dipl.-Ing (FH) Stephan Liebich M.A.) Comments at 1-2.

Electrical and Electronic Testing UK Ltd also commented in favor of targeted mitigation focused on enhanced audits.[98]

50. We agree with commenters supporting stronger enforcement of existing rules. We note that stronger enforcement of the equipment authorization regime is exactly what the Commission intended when it created the TCB system.[99] Back in 1998, the Commission recognized that "the integrity of the TCB program must be based on our ability to enforce our rules effectively."[100] The Commission anticipated that the TCB program would reduce Commission resources devoted to processing applications and stated our intent to "redirect resources toward enforcement of the rules."[101]

51. Commenters have urged the Commission to hold manufacturers accountable for inaccuracies in their equipment authorization applications.[102] We clarify that current Commission rules already hold applicants, including manufacturers, liable for the types of misconduct referenced in these commenters.[103] Section 2.911(d) of the Commission's rules require applicants to provide "a written and signed certification . . . that all statements it makes in its request for equipment authorization are true and correct to the best of its knowledge and belief."[104] Submitting false information in an equipment authorization violates our rules requiring truthful and accurate statements to the Commission.[105] When an applicant submits written materials, a violation may occur even absent an intent to deceive; a factually inaccurate statement in an equipment authorization application may violate section 1.17(a)(2) of the Commission's rules if it is provided without a reasonable basis.[106] The Commission takes very seriously the duty of candor that all applicants, including manufacturers, owe when they apply for equipment authorizations. In 2024, the Commission proposed the statutory maximum civil penalties against a Chinese doorbell camera manufacturer for submitting false certifications under section 2.911(d) in its equipment authorization application.[107] We further note that violations of the Communications Act or the Commission's also can result in seizure of equipment through *in rem* forfeiture actions,[108] as well as criminal sanctions, including imprisonment.[109] We will not hesitate to refer violations to federal law

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[98] Eurofins Electrical and Electronic Testing UK Ltd (filed by Nick Wainwright) Comments at 2.

[99] *1998 Biennial Regulatory Review - Amendment of Parts 2, 25 and 68 of the Commission's Rules to Further Streamline the Equipment Authorization Process for Radio Frequency Equipment, Modify the Equipment Authorization Process for Telephone Terminal Equipment, Implement Mutual Recognition Agreements and Begin Implementation of the Global Mobile Personal Communications by Satellite (GMPCS) Arrangements*, Report and Order, https://www.fcc.gov/ecfs/search/search-filings/results?q=(proceedings.name:("98-68"))13 FCC Rcd 24687, paras. 10, 14 (1998) (order creating the TCB system noting that privatizing grants through the TCB system will "enable[e] the Commission to redirect resources toward enforcement of the rules[,]" and "the integrity of the TCB program must be based on our ability to enforce our rules effectively. . . we intend to redirect resources toward enforcement of the rules") (*TCB Order*).

[100] *Id.* at para. 14.

[101] *Id.* at para. 14.

[102] Sporton Comments at 3; Eurofins Electrical and Electronic Testing NA, LLC – TCB Comments at 1.

[103] *See, e.g.* Jeremy Eugene Hackman Comments at 3; Sporton Comments at 3.

[104] 47 CFR § 2.911(d).

[105] 47 CFR § 1.17.

[106] 47 CFR § 1.17(a)(2); s*ee Eken NAL*, 39 FCC Rcd 12990 at 93 (2024).

[107] *Eken NAL*.

[108] 47 U.S.C. § 510.

[109] 47 U.S.C. §§ 401, 501; 18 U.S.C. § 1001; *United States v. Joseph*, 333 F.2d 1012 (6th Cir. 1964) (holding that an FCC applicant that knowingly and willfully made a false statement in an application for a radiotelephone operator's permit violated 18 U.S.C. § 1001 and affirming trial court's conviction).

enforcement partners when warranted by the facts, especially when violations implicate national security equities.

52. We also received comments that the Commission should hold test labs accountable for deficient test results.[110] We agree that such behavior may violate the impartiality provisions of IEC/ISO 17025, a requirement for FCC test lab recognition.[111] We clarify that our rules provide that test labs that submit false test results may also be in violation of the requirement in section 1.17 of the Commission's rules requiring truthful and accurate statements.[112] We further clarify that a TCB that willfully or repeatedly submits fraudulent or unreliable test results may likewise be in violation of the impartiality provisions of IEC/ISO 17065, and by extension, the requirements for FCC recognition of TCBs.[113]

5. Confidential reporting channels

53. The Commission sought comment on any other measures the Commission might take to strengthen the integrity of the post-market surveillance process.[114]

54. *Comments Received:* DOJ NSD, in a comment responding to the *First EA Integrity FNPRM*, supported the Commission's proposal to mitigate national security risks through oversight of TCBs and test labs. In particular, DOJ NSD suggested a confidential portal that allows for communication from industry participants and the Commission without fear of commercial reprisal.[115] TIC Council, in another comment responding to the *First EA Integrity FNPRM*, cited this suggestion in recommending that the FCC "establish a confidential reporting channel for industry participants to raise concerns about TCB or test lab practices."[116] Commenter Jeremy Eugene Hackman also supported allowing technical industry participants to report suspected equipment authorization violations.[117]

55. We agree with these comments and direct OET to create a confidential channel for professionals, industry participants, and other key stakeholders in our equipment authorization program to report suspected violations and national security concerns. We agree with the DOJ NSD comment that market dynamics and commercial relationships may dissuade participants from reporting concerns. Industry participants may be especially deterred from reporting publicly if their concerns involve a nation-state actor with the capability to retaliate.

6. Consolidated List of "prohibited entities"

56. Current Commission rules incorporate numerous sources in the definition of "prohibited entity."[118] Moreover, current Commission rules incorporate by reference numerous sources in this definition, including the FCC Covered List and other lists promulgated by the Departments of Commerce, Homeland Security, and Treasury, as well as multiple statutes naming entities. In response to the *EA*

[110] Sporton Comments at 3.

[111] 47 CFR § 2.948(e).

[112] 47 CFR § 1.17.

[113] 47 CFR § 2.962.

[114] *EA Integrity FNPRM* at para. 145.

[115] Letter from Department of Justic National Security Division (May 13, 2025) at 6-7, available at https://www.fcc.gov/ecfs/document/105130275807088/1. Notably, DOJ NSD, on delegated authority from the Attorney General, chairs the interagency Committee for the Assessment of Foreign Participation in the United States Telecommunications Services Sector (Team Telecom) that the FCC seeks guidance from on law enforcement and national security concerns. Executive Order 13913, Section 3(a), (c).

[116] TIC Council Comments at 4.

[117] Jeremy Eugene Hackman comments.

[118] 47 CFR § 2.902.

Integrity FNPRM, three TCBs commented on the difficulties they have faced and proposed that the Commission provide more data tools to help TCBs review for prohibited entities.

57. *Comments Received*: Commenters reported challenges due to the fragmented nature of prohibited entity lists coming from multiple agencies.[119] Sporton International (USA) Inc. suggested the Commission create and manage a more searchable, centralized federal database of prohibited entities.[120] CKC Certification Services also recommended a secure portal or API with a list of prohibited or "flagged" entities that could be updated in real time with explicit action codes (i.e., "reject," "hold," and "further documentation") in the effort to improve communication regarding compliance issues.[121]

58. We agree with these commenters. We find that organizing and sharing more information with TCBs will help them screen prohibited entities more efficiently. Creating a consolidated list will promote the integrity of our equipment authorization program. We also find such a list would streamline and alleviate unnecessary administrative compliance burden on our TCBs, all of whom are based in the United States or allied MRA nations. Our TCBs are valuable partners in our shared mission of ensuring the safety and security of Americans' electronic devices—and our national security. We direct OET to create a single consolidated list of prohibited entities under section 2.902 of our rules and to share it with TCBs in human and, to the extent feasible given limited resources, machine-readable format. We also direct OET to update that list on a timely basis.

7. Other FNPRM Proposals (not adopted)

59. Expanding *Equipment Authorization Program Prohibitions* (*EA Integrity FNPRM* at paras. 128-142): At this time, the Commission is not adopting further MRA vs non-MRA restrictions discussed in the *EA Integrity FNPRM* at para. 128[122], such as Other Entities Potentially Controlled by a Foreign Adversary. Likewise, the Commission is not adopting revisions to the definition of "foreign adversary" listed under the EA Integrity FNPRM at para. 135. [123] At this time, the Commission is not adopting any changes to other federal agency lists to consider in the definition of "prohibited entity" listed in the FNPRM at para. 140.[124] We keep the record open on these points.

60. *Other Matters - TCB and Test Lab relationships (EA Integrity FNPRM at* para. 146)*:* At this time, the Commission will not be adopting the proposal to "restrict the relationships between TCBs and test labs to prevent TCBs from reviewing authorization applications for which the equipment was tested by a test lab owned by, or under the direction or control of the same entities that own, direct, or control the TCB," as presented in the *EA Integrity FNPRM* at para. 146.[125] We keep the record open on these points.

61. *Other Matters - Supplier's Declaration of Conformity Procedures* (*EA Integrity FNPRM* at para. 147): At this time, the Commission is not adopting requirement for SDoCs to be tested at accredited test labs.[126] We keep the record open on these points.

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[119] Washington Laboratories, Ltd. Comments at 2.

[120] Sporton Comments at 2.

[121] CKC Certification Services, LLC 1 Comments at 4.

[122] David Keith, Michael Sobolik Comments at 1; Jennifer Sanchez Comments at 2.

[123] Eurofins Electrical and Electronic Testing NA, LLC – TCB Comments at 2; Jennifer Sanchez Comments at 2; American Council of Independent Laboratories Comments at 1.

[124] Sporton Comments at 1-2.

[125] Sporton Comments at 5; CKC Certification Services, LLC 1 Comments at 2-3; RF Safety Laboratory, LLC Comments at 2.

B. Order on Reconsideration

62. Garmin International, Inc. submitted a Petition for Reconsideration on September 8, 2025, requesting that the Commission reconsider the ownership reporting requirement adopted in the Commission's *First EA Integrity R&O* and codified in sections 2.949(d)(9), 2.951(c), and 2.962(d).[127] The requirement in question requires TCBs and test labs to report ownership changes of five percent or more equity in the entity no later than 30 days after the relevant change takes effect.[128] Garmin maintains that the new requirement creates unnecessary challenges for U.S. publicly traded companies and is in conflict with the timeline for the ownership reporting requirements of the SEC's Exchange Act Rule 13d-1.[129] Garmin petitioned the Commission to either modify the relevant sections and align the deadlines with the SEC reporting requirements or to exempt U.S. equipment authorization entities from the reporting requirement entirely.[130] Garmin reiterated their argument in comments submitted in response to public notice of its petition.[131] Likewise, comments of the Consumer Technology Association (CTA) echoed Garmin's concerns and recommended that the Commission either adopt Garmin's recommendations or provide an exemption to equipment authorization entities based in countries in an MRA with the United States.[132]

63. The Commission grants Garmin's Petition and amends sections 2.949(d)(9), 2.951(c), and 2.962(d) of its rules as applied to U.S. publicly traded companies so that the 30-day notice deadlines set forth in these rules are triggered by actual knowledge[133] regarding a new or former five percent owner, rather than triggered by when the ownership change takes effect. Specifically, we amend our rules to define the appropriate trigger as actual knowledge of the new five percent owner, such as the filing of the appropriate Schedule 13D and/or 13G by the acquirer as required by the SEC.[134] We believe this change will allow publicly traded companies, if they otherwise lack actual knowledge, to rely on public information that they can be reasonably expected to obtain without additional cost burdens, while avoiding substantial delays in the transmission of foreign ownership information to the Commission.

1. Benefits and Costs

64. *Benefits*. The adopted rules will enhance the integrity and security of the equipment authorization program, yielding cost saving and other benefits that outweigh the associated compliance costs. By incentivizing domestic testing through a fast-track PAG process, the Commission strengthens supply chain resilience and reduces reliance on foreign entities that pose national security risks. This approach mitigates threats such as intellectual property theft and foreign surveillance, thus ensuring that sensitive technologies are evaluated in secure environments. These benefits extend beyond national

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[126] Cetecom, Inc. Comments at 6; Sporton Comments at 3; National Electrical Manufacturers Association Comments at 3; Telecommunications Industry Association Comments at 7; Fixed Wireless Communications Coalition Comments at 7; American Council of Independent Laboratories Comments at 1.

[127] Garmin International, Inc., *Petition for Reconsideration* (Sept. 8, 2025), ET Docket No. 24-136 (Garmin's Petition). Garmin's Petition was placed on Public Notice on January 14, 2026; oppositions were due within 15 days of publication. No oppositions were filed.

[128] Garmin Petition at 1.

[129] Garmin Petition at 2.

[130] Garmin Petition at 7-8.

[131] Garmin Reply Comments to Garmin's Petition at 1-2.

[132] Consumer Technology Association Comments to Garmin's Petition at 1-2.

[133] "Actual knowledge" generally refers to "[d]irect and clear knowledge, as distinguished from constructive knowledge." *See* KNOWLEDGE, Black's Law Dictionary (12th ed. 2024).

[134] 17 CFR § 240.13d-1.

security; they also promote consumer confidence in FCC-certified devices and foster a robust U.S. testing ecosystem. In addition to these potentially substantial, but difficult to quantify benefits from enhancing national security and fostering a robust U.S. testing environment, a fast track review process could also potentially save time for certifications made by U.S. laboratories and TCBs, decreasing labor costs and decreasing the time that it takes to bring new products to market.

65. Although the benefits of enhanced national security and the strengthening of the equipment authorization process can be substantial, we do not attempt to quantify them here. We find that the cost savings to applicants already eligible for the fast track PAG process alone, outweigh the costs associated with the adopted rules. In 2025, OET reviewed approximately 3,369 PAG applications, including 579 submitted through U.S.-based test labs and TCBs. Assuming the fast-track PAG process affects 10% of domestic PAG applications and reduces time spent by technical staff in filing the application and responding to Commission inquiries by 32 hours per expedited PAG applications,[135] we estimate that the adopted rule will result in approximately $218,000 in annual cost savings to applicants using U.S.-based test labs and an additional $552,000 in annual cost savings to applicants using Trusted Test Labs outside the United States.[136] This estimate is highly conservative, as it does not account for the substantial benefits of reducing the time that it takes to bring products to market.[137] This estimate is also likely too low because it assumes the volume of domestic PAG applications remains unchanged following the adoption of this rule. If applicants increase PAG submissions through Trusted Test Labs as a result of the expedited process for domestic applications, the benefits would exceed our current estimate.

66. We find that adopting the rules to revise post-market surveillance procedures, strengthen enforcement mechanisms, establish confidential reporting channels, and create a machine-readable list of prohibited entities will provide greater regulatory clarify, deter violations, and prevent equipment posing unacceptable risks from entering U.S. markets. In addition, granting Garmin's Petition for Reconsideration aligns our ownership reporting requirements with SEC timelines and minimize burdens on publicly traded companies.

67. The costs imposed by these rules—such as reporting employee locations and

[135] The PAG review process typically takes 2 to 6 weeks. By waiving this review, each fast-tracked application may save an average of 4 weeks in the equipment authorization process. If each applicant spends approximately 8 hours responding to inquiries during the PAG review, the time saved for a fast-tracked application is about 32 hours (= 8 hours × 4 weeks).

[136] We estimate that the fast-track PAG process will reduce Commission engineering staff review time by approximately four full days over a period of four weeks and assume that the corresponding time saved by applicants' engineering staff is the same. The Bureau of Labor Statistics (BLS) estimates the average electrical and electronics engineer's average hourly wage is $60. BLS, *Occupational Employment and Wage Statistics, Industry: Cross-industry, Private, Federal, State, and Local Government Period: May 2024*, https://data.bls.gov/oes/#/industry/000000 (last visited Feb. 11, 2026) (navigating to "Electrical and Electronics Engineers (17-2070)"). Accounting for benefits and overhead, we estimate the hourly compensation rate to be $120/hr. *See* U.S. Department of Health and Human Services, Guidelines for Regulatory Impact Analysis 2016 at 30, https://aspe.hhs.gov/sites/default/files/migrated_legacy_files//171981/HHS_RIAGuidance.pdf. Multiplying the hourly rate by 8 hours per day × 4 days, we estimate the average benefits to applicants to be $120/hr × 8 hours × 4 days = $3,840 per application. Among the approximately 579 PAG applications submitted domestically, assuming that 10% fall into the fast-track PAG process, 57 domestic PAG applications (= 579 × 10% = 57.9, rounded down) will be expedited. As a result, the rule reduces applicant costs by approximately $219,000 (= $3,840 × 57 = $218,880, rounded down) in annual cost savings, holding applications unchanged. Similarly, among the approximately 1,442 Trusted Test Labs outside the United States, assuming that 10% fall into the fast-track PAG process, 144 additional PAG applications (= 1,442 × 10% = 144.2, rounded down) will be expedited. As a result, the rule reduces applicant costs by approximately $552,000 (= $3,840 × 144 = $552,960, rounded down).

[137] The PAG review process typically take 2 to 6 weeks. We take the medium value and assume that waiving this review process could save an average of 4 weeks for applications that are exempted from PAG review through U.S.-based test labs and TCBs.

implementing enhanced post-market surveillance—are modest and primarily administrative. These measures are essential to assess impartiality and compliance with Commission rules, and they align with existing ISO standards that TCBs and test labs already follow.[138] We find that the cost of complying with the updated post-market surveillance guidance under OET directives is negligible because TCBs already incur these compliance costs whenever updates are issued. We do not provide a separate estimate of the cost for applicants to shift applications from non-U.S. based test labs and TCBs to U.S.-based facilities because such decisions are entirely voluntary and would only occur when applicants determine that the benefits of doing so outweigh the associated costs. We find that the fast-track PAG process will yield annual benefits of approximately $770,000, which exceeds the estimated annual reporting cost of approximately $16,000, not to mention additional unquantified benefits such as enhanced national security and a strengthened equipment authorization process.

C. Second Further Notice of Proposed Rulemaking

1. Requiring test labs, TCBs, and laboratory accreditation bodies be based in the U.S. or MRA countries.

68. In the *First EA Integrity R&O,* the Commission decided to defer taking any action to no longer recognize "test labs in non-MRA countries."[139] The Commission reasoned that its rules around foreign adversary ownership, control, and direction "mitigate[d] the potential for national security threats arising from test labs in foreign countries."[140] However, the Commission also noted that it "intend[ed] to revisit this decision" after reviewing the information received from test labs, further consultation with federal partners and others, and after conducting further consideration.[141]

69. In the *First EA Integrity FNPRM*, the Commission broadened its focus beyond core risks from foreign adversaries—seeking comment on "ways in which the Commission can facilitate and encourage more equipment authorization testing and certification within the United States" and MRA countries.[142] To achieve this objective, a number of commenters proposed prohibiting the recognition of test labs, TCBs, and/or laboratory accreditation bodies in non-MRA countries, or related proposals.[143]

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[138] We assume that it takes one hour for a bookkeeper to gather the additional employee information required for certification. Based on Bureau of Labor Statistics data indicating that bookkeepers earn an average wage of $25.01 per hour, and multiplying this figure by two to account for benefits results in an estimated hourly compensation rate of $50.02. Using this rate, and dividing by two to account for the fact that recertification is biennial, the additional cost of including this additional employee information in certification is approximately $16,000 ($50.02/hr × (603 test labs + 39 TCBs) / 2 = $16,056). This estimate likely overstate the actual cost because domestic test labs and TCBs typically report "None" or "N/A", requiring less than one hour to provide this information. The Commission's website provides a searchable database of all currently recognized TCBs and test labs. 47 CFR § 2.962(e)(5). *See* FCC Office of Engineering and Technology, *Telecommunications Certification Bodies (TCB) Search*, https://apps.fcc.gov/oetcf/tcb/reports/TCBSearch.cfm; FCC Office of Engineering and Technology, Equipment Authorization System Test Firm Search, https://apps.fcc.gov/oetcf/eas/reports/TestFirmSearch.cfm. *See* also BLS, *Occupational Employment and Wage Statistics, Industry: Cross-industry, Private, Federal, State, and Local Government Period: May 2024*, https://data.bls.gov/oes/#/industry/000000 (last visited Feb. 11, 2026) (navigating to "Electrical and Bookkeeping, Accounting, and Auditing Clerks (43-3031)"). *See* U.S. Department of Health and Human Services, Guidelines for Regulatory Impact Analysis 2016 at 30, https://aspe.hhs.gov/sites/default/files/migrated_legacy_files//171981/HHS_RIAGuidance.pdf.

[139] *First EA Integrity R&O*, at para. 112.

[140] *First EA Integrity R&O*, at para. 112.

[141] *First EA Integrity R&O*, at para. 112.

[142] *First EA Integrity FNPRM*, at para. 143.

[143] Hudson Comments; Jennifer Sanchez comments at 2; RF Safety Laboratory Comments at 3; CKC Certification Services 2 Comments at 3 (arguing to impose restrictions on China-based test labs and TCBs if an MRA cannot be achieved); Sporton Comments at 6 (advocating "[r]equiring TCB key personnel to be physically located in … MRA countries"); *See also* FDD comments at 4, 6 (arguing for "gradual re-shoring of TCBs and other test labs (continued….)

For example, the Hudson Institute called on the FCC to "revisit its decision in the First Report & Order to reject an MRA/non-MRA distinction for the location of test labs, TCBs, and laboratory accreditation bodies."[144] RF Safety Laboratory advocated for the closely related idea of withholding "FCC recognition from foreign test laboratories located in countries that require in-country testing for market access."[145] Commenters emphasized not just national security, but also the importance of the reciprocity commitments that MRAs provide, without which U.S. testing and certification capacity is undermined and even "hollow[ed] out."[146]

70. Therefore, based in part on these comments, the Commission reopens the record on whether the FCC should adopt rules that would prohibit the recognition of test labs, TCBs, or laboratory accreditation bodies that are located in, or that conduct testing, certification, or accreditation in, countries that lack an MRA or trade agreements that provides for reciprocity with the U.S. (non-Reciprocal Economies) and withdraw recognition of those test labs, TCBs, and laboratory accreditation bodies already recognized.[147] Should such a prohibition also extend to any test lab, TCB, or laboratory accreditation body directly or indirectly owned by, controlled by, or subject to the jurisdiction or direction of a non-Reciprocal Economy? The FCC seeks comment on whether this would promote the trustworthiness and integrity of the FCC's equipment authorization process. Would such a policy play an important role in promoting national security, reciprocity in international commerce in RF devices, and/or promoting the American and Reciprocal Economy test lab, TCB, and laboratory accreditation body industry?[148]

71. Are there other reasons that the Commission should or should not adopt these rules or any refinement of these proposed rules we should consider? We note that our rules already effectively prohibit TCBs from operating in foreign countries that lack an MRA with the United States[149] and that, while OET has recognized hundreds of test labs based in non-MRA countries, our rules are ambiguous on the permissibility of this recognition.[150] We note that prior Commission action in 2014 provided a

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within the United States and its closest allies and partners," such as Taiwan, South Korea, Japan, and the EU). Each of these "allies and partners" have MRAs with the United States. *See* https://www.fcc.gov/general/equipment-authorization-mutual-recognition-agreements; Nemko comments at 6 (noting that requiring "post-market surveillance testing be conducted exclusively in FCC-recognized laboratories in the United States or in MRA countries" aligns with Canadian policy, although declining to advocate for such alignment).

[144] Hudson Comments at 1.

[145] RF Safety Laboratory Comments at 3.

[146] Hudson Comments at 1-2; RF Safety Laboratory at 3 (noting that non-recognition of test labs in countries that require in-country testing would "further a more level and reciprocal global testing industry."). CKC Certification Services argues that the U.S. should "pursue reciprocity through MRAs" with China, but "if China refuses reciprocity," then the U.S. should adopt certain restrictions. CKC Certification Services at 3.

[147] We also do not close the record on additionally, or as an alternative to, prohibiting the recognition of test labs, TCBs, or laboratory accreditation bodies based in countries that are located in a foreign adversary country or are owned by, controlled by, or subject to the jurisdiction or direction of a foreign adversary.

[148] Current Executive Branch policy includes promoting reciprocal trade. The White House, *Reciprocal Trade and Tariff* (February 13, 2025), https://www.whitehouse.gov/articles/2025/02/reciprocal-trade-and-tariffs/; and *America First Trade Policy* (January 20, 2025), https://www.whitehouse.gov/presidential-actions/2025/01/america-first-trade-policy/.

[149] 47 CFR § 2.960(d) (providing that foreign TCBs "must be designated in accordance with the terms of an effective" MRA).

[150] *See* 47 CFR § 2.951(a)(8) (requiring that, in order to be recognized by OET, test labs "outside the United States" must submit "the name of the mutual recognition agreement or arrangement under which the accreditation of the laboratory is recognized"). *But see* 47 CFR § 2.948(f)(2) (stating that the accreditation of foreign test labs "will be acceptable" in certain cases where the lab "is located in a country that does not have an MRA with the United

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process for recognition of accredited test labs in countries with which there is no operational MRA with the United States; prior to that 2014 action, test labs from non-MRA countries had not been recognized.[151] We seek comment on how the Commission should clarify or modify its rules to address recognition of test labs from non-Reciprocal Economies. What would be the consequences of such a proposal? If the Commission adopted this proposal, should the Commission have a delayed implementation to facilitate industry's adjustment to the new rules? If so, how long should such a delay last? One year? Longer? Shorter? Should we additionally, or instead, phase out test labs, TCBs, and laboratory accreditation bodies in non-Reciprocal Economies as they come up for renewed recognition? Would this be a better way to handle a transition period to phase out non-Reciprocal Economies test labs than withdrawing recognition from all labs on a certain date? We welcome all comments on this proposal. If the Commission adopts this proposal, we propose to delegate to OET to publish a list of Reciprocal Economies to which this rule applies and update the list as necessary.

72. We seek comment on whether alternative measures could be adopted to address the continued use of non-Reciprocal Economy test laboratories in the equipment authorization process prior to the implementation of the ultimate prohibition. Specifically, if the Commission were to determine that ultimately prohibiting reliance on non-Reciprocal Economy test labs were in the public interest, are there alternative approaches that the Commission could take prior to prohibition so as to mitigate the costs of transitioning to testing with United States or Reciprocal Economy test labs? For example, should the Commission add an additional fee corresponding with authorizing equipment that is tested in non-Reciprocal Economy test labs? If the Commission adopted such a fee what would be the appropriate amount? For example, should this fee be $20,000? More? Less? Should this fee increase over time and should the Commission specify the fee schedule in advance? Should this fee be further tiered based on application type, equipment classes, grantee entity type based on annual sales, or scaled according to other factors? Alternatively, should we require a more rigorous equipment authorization process for applicants that rely on non-Reciprocal Economy , which could, for instance, involve additional post-market surveillance or auditing? Could the funds from the proposed additional fee be earmarked for enhanced post-market surveillance or auditing? Could the funds from the proposed additional fee be earmarked for training hardware engineers, technicians, and other skilled labor to support U.S.-based testing?

73. Are there other mechanisms that could incentivize stakeholders to transition away from non-Reciprocal Economy test labs prior to the imposition of an outright prohibition? For example, should the Commission implement an additional waiting period for equipment tested by non-Reciprocal Economy test labs to allow time for additional scrutiny? Is any one of the alternatives more cost-effective than others? Finally, we seek comment on the potential costs and benefits of these approaches—including a permit fee structure, and/or a prolonged review process, as opposed to an outright prohibition—and invite stakeholders to provide quantitative or qualitative estimates of the impacts on industry, consumers, and Commission resources.

74. We also seek comment on what specific protections should be given to intellectual property during the equipment authorization process, including during the testing and certification stages.[152] What contractual, technical and procedural safeguards are necessary to protect intellectual

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States").

[151] *In the Matter of Amendment of Parts 0, 1, 2, and 15 of the Commission's Rules regarding Authorization of Radiofrequency Equipment*, Report and Order, 29 FCC Rcd 16335, paras. 39-49 (2014) (*2014 EA Order*).

[152] The Commission's statutory authority to regulate radio frequency equipment consistent with the public interest, convenience and necessity rests under, among other provisions, 47 USC §§ 154, 302a, and 303. Accordingly, the Commission established the equipment authorization program to control radio interference from radio transmitters and certain other electronic products. OET has delegated authority to administer the Equipment Authorization Process, among other duties, per 47 CFR § 0.241, and the rules promulgated primarily in Parts 2, 5, 15 advance the goals of interference protection, exposure limitations, device authorization, spectrum efficiency, spectrum

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property? How effective are the Commission's rules and the ISO/IEC 17025 requirements at preventing IP theft? Do MRAs or other reciprocal trade agreements (FTAs and ARTs) meaningfully reduce the risk of IP theft? Should safeguards differ between Reciprocal and non-Reciprocal Economies? Is IP theft in non-Reciprocal Economies a significant enough risk that non-Reciprocal Economies test labs should be prohibited? Are there differences in the IP protections available under different legal regimes? What other options should we consider to address this issue? What are the costs and benefits of those solutions?

75. This second FNPRM seeks further comment on adopting any other measures not adopted in the above Report & Order to expand and streamline testing and certification in United States and allied countries based on other comments we received.

2. Data Analytics Capability and need for modern EAS database

76. On July 12, 2024, IPVM submitted a comment in this proceeding suggesting that investigating evasions of the FCC equipment authorization requires modernized FCC equipment authorization databases.[153] We seek comment on this suggestion. What features would be helpful in the Commission's effort to modernize the EAS system, both to support the FCC's enforcement priorities while also streamlining and alleviating administrative burden on our TCB partners and other participants in the equipment authorization process? What, if any, changes to the information collection would be helpful, and what portions of the process can be streamlined or done in a more parallel fashion? How can we better share information and other data so that TCBs reviewing equipment authorizations applications for prohibited entities can do so more effectively and efficiently? We welcome all comments and proposals.

IV. PROCEDURAL MATTERS

77. *Regulatory Flexibility Act.* The Regulatory Flexibility Act of 1980, as amended (RFA),[154] 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."[155] Accordingly, the Commission has prepared a Final Regulatory Flexibility Analysis (FRFA) concerning the possible impact of the rule changes contained in this *Second Report and Order* on small entities. The FRFA is set forth in Appendix B.

78. The Commission has also prepared an Initial Regulatory Flexibility Analysis (IRFA) concerning the potential impact of the rule and policy change proposals on small entities in the *Second Further Notice*. The IRFA is set forth in Appendix C. The Commission invites the general public, in particular small businesses, to comment on the IRFA. Comments must be filed by the deadlines for comments on the *Second Further Notice* indicated on the first page of this document and must have a separate and distinct heading designating them as responses to the IRFA.

79. *Paperwork Reduction Act*. This document contains proposed 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, invites 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

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innovation, and national security restrictions. The concerns regarding IP theft fall squarely within the purview of spectrum innovation, national security concerns and the integrity of the equipment authorization program.

[153] See IPVM Comments.

[154] 5 U.S.C. §§ 601 *et seq.*, as amended by the Small Business Regulatory Enforcement and Fairness Act (SBREFA), Pub. L. No. 104-121, 110 Stat. 847 (1996).

[155] *Id*. § 605(b).

Paperwork Relief Act of 2002, Public Law 107-198, *see* 44 U.S.C. § 3506(c)(4), we seek specific comment on how we might "further reduce the information collection burden for small business concerns with fewer than 25 employees."

80. *Ex Parte Presentations–Permit-But-Disclose*. The proceeding this Second Further Notice of Proposed Rulemaking initiates shall be treated as a "permit-but-disclose" proceeding in accordance with the Commission's *ex parte* rules.[156] 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.

81. *Providing Accountability Through Transparency Act.* Consistent with the Providing Accountability Through Transparency Act, Public Law 118-9, a summary of this document will be available on https://www.fcc.gov/proposed-rulemakings.

82. *OPEN Government Data Act*. The OPEN Government Data Act[157] requires agencies to make "public data assets" available under an open license and as "open Government data assets," *i.e.*, in machine-readable, open format, unencumbered by use restrictions other than intellectual property rights, and based on an open standard that is maintained by a standards organization.[158] This requirement is to be implemented "in accordance with guidance by the Director" of the OMB.[159] The term "public data asset" means "a data asset, or part thereof, maintained by the Federal Government that has been, or may be, released to the public, including any data asset, or part thereof, subject to disclosure under [the Freedom of Information Act (FOIA)]."[160] A "data asset" is "a collection of data elements or data sets that may be grouped together,"[161] and "data" is "recorded information, regardless of form or the media on which the data is recorded."[162]

[156] 47 CFR § 1.1200 *et seq*.

[157] Congress enacted the OPEN Government Data Act as Title II of the Foundations for Evidence-Based Policymaking Act of 2018, Pub. L. No. 115-435 (2019), §§ 201-202.

[158] 44 U.S.C. §§ 3502(20), (22) (definitions of "open Government data asset" and "public data asset"), 3506(b)(6)(B) (public availability).

[159] OMB has not yet issued final guidance.

[160] 44 U.S.C. § 3502(22).

[161] 44 U.S.C. § 3502(17).

[162] 44 U.S.C. § 3502(16).

- *Filing Requirements—Comments and Replies*. 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 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.

83. *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 (voice).

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

85. *Availability of Documents.* Comments, reply comments, and *ex parte* submissions will be publicly available online via ECFS.

86. *Further Information*. For further information, contact Katherine Nevitt of the Office of Engineering and Technology, at 301-317-0062 or katherine.nevitt@fcc.gov.

V. ORDERING CLAUSES

87. Accordingly, IT IS ORDERED, pursuant to the authority found in sections 1, 4(i), 229, 301, 302, 303, 309, 312, 403, and 503 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151, 154(i), 229, 301, 302a, 303, 309, 312, 403, and 503, section 105 of the Communications Assistance for Law Enforcement Act, 47 U.S.C. § 1004; the Secure and Trusted Communications Networks Act of 2019, 47 U.S.C. §§ 1601 1609; and the Secure Equipment Act of 2021, Pub. L. 117 55, 135 Stat. 423, 47 U.S.C. § 1601 note, that this Second Report and Order, Order on Reconsideration, and Second Further Notice of Proposed Rulemaking IS HEREBY ADOPTED.[163]

88. IT IS FURTHER ORDERED that the amendments of part 2 of the Commission's rules as set forth in Appendix A ARE ADOPTED, effective 30 days after the date of publication in the Federal Register, with the exception of sections that contain new or modified information collection requirements

[163] Pursuant to Executive Order 14215, 90 Fed. Reg. 10447 (Feb. 24, 2025), this regulatory action has been determined to be significant under Executive Order 12866, 58 Fed. Reg. 51735 (Oct. 4, 1993).

that require review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act. The Commission directs the Office of Engineering and Technology to establish and announce the effective date of these sections in a document published in the Federal Register after completion of OMB review.

89. IT IS FURTHER ORDERED that the petition for reconsideration of Garmin International, Inc., submitted September 8, 2025, in this docket is GRANTED to the extent discussed herein.

90. IT IS FURTHER ORDERED that the Commission's Office of the Secretary, SHALL SEND a copy of this Second Report and Order, Order on Reconsideration, and Second Further Notice of Proposed Rulemaking, including the Final and Initial Regulatory Flexibility Analyses, to the Chief Counsel for the Small Business Administration (SBA) Office of Advocacy.

91. IT IS FURTHER ORDERED that the Office of the Managing Director, Performance Program Management, SHALL SEND a copy of the Second Report and Order in a report to be sent to Congress and the Government Accountability Office pursuant to the Congressional Review Act, 5 U.S.C. § 801(a)(1)(A).

FEDERAL COMMUNICATIONS COMMISSION

Marlene H. Dortch
Secretary

APPENDIX A

FINAL RULES

For the reasons set forth, the Federal Communications Commission amends part 2 of Title 47 of the Code of Federal Regulations as follows:

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

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

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

2. Delayed indefinitely, further amend § 2.949 by adding paragraphs (b)(5) and (6) and (d) to read as follows:

§ 2.949 Recognition of laboratory accreditation bodies.

* * * * *

(b) * * *

* * * * *

(5) Certification to the Commission that the laboratory accreditation body is not owned by, controlled by, or subject to the direction of a prohibited entity pursuant to § 2.902.

(6) Documentation to the Commission identifying any entity that has equity or voting interests of 5% or greater in the laboratory accreditation body.

* * * * *

(d) Each recognized laboratory accreditation body must provide to the Commission, in accordance with § 2.950 and no later than 30 days after any relevant change to the required information takes effect, or in the case of U.S. publicly traded companies, after having actual knowledge of any relevant change:

(1) Certification to the Commission that the laboratory accreditation body is not owned by, controlled by, or subject to the direction of a prohibited entity pursuant to § 2.902.

(2) Documentation to the Commission identifying any entity that has equity or voting interests of 5% or greater in the laboratory accreditation body.

* * * * *

3. Amend § 2.951 by adding paragraph (a)(12) to read as follows:

§ 2.951 Recognition of measurement facilities

(a) The Commission will consider for recognition a measurement facility (i.e., testing laboratory) for which an FCC-recognized accrediting organization submits a written request to the Chief of the Office of Engineering and Technology (OET) requesting such recognition, including the following information:

* * * * *

(12) The number and location of all employees or agents that are engaged in FCC-recognized testing and/or certification, including those based outside the United States.

* * * * *

4. Delayed indefinitely, amend § 2.951 by adding paragraphs (a)(10) and (11) and (c) to read as follows:

§ 2.951 Recognition of measurement facilities.

(a) * * *

(10) Certification to the Commission that the laboratory is not owned by, controlled by, or subject to the direction of a prohibited entity pursuant to § 2.902.

(11) Documentation to the Commission identifying any entity that has equity or voting interests of 5% or greater in the laboratory.

* * * * *

(c) Each recognized laboratory must provide to the Commission, in accordance with § 2.950 and no later than 30 days after any relevant change to the required information takes effect, or in the case of U.S. publicly traded companies, after having actual knowledge of any relevant change:

(1) Certification to the Commission that the laboratory is not owned by, controlled by, or subject to the direction of a prohibited entity pursuant to § 2.902.

(2) Documentation to the Commission identifying any entity that has equity or voting interests of 5% or greater in the laboratory

5. Amend § 2.960 by adding paragraph (a)(8) to read as follows:

§ 2.960 Recognition of Telecommunication Certification Bodies (TCBs)

(a) The Commission will consider for recognition under the terms of this section a Telecommunication Certification Body (TCB) that:

* * * * *

(8) Demonstrates impartiality and compliance with Commission rules by disclosing the number and location of all employees or agents that are engaged in FCC-recognized testing and/or certification, including those based outside the United States.

6. Delayed indefinitely, further amend § 2.962 by adding paragraph (d)(9) to read as follows:

§ 2.962 Requirements for Telecommunication Certification Bodies.

* * * * *

(d) * * *

(9) Provide to the Commission, in accordance with § 2.950 and no later than 30 days after any relevant change to the required information takes effect, or in the case of U.S. publicly traded companies, after having actual knowledge of any relevant change:

(i) Certification to the Commission that the TCB is not owned by, controlled by, or subject to the direction of a prohibited entity pursuant to § 2.902; and

(ii) Documentation to the Commission identifying any entity that has equity or voting interests of 5% or greater in the TCB.

* * * * *

7. Amend § 2.964 to read as follows:

§ 2.964 Pre-approval guidance procedure for Telecommunication Certification Bodies.

(a) The Commission will publish a "Pre-approval Guidance (PAG) List" identifying the categories of equipment or types of testing for which Telecommunication Certification Bodies (TCBs) must request guidance from the Commission before approving equipment on the list. The PAG list will prioritize for approval equipment tested in Trusted Test Labs, i.e. test labs located in the United States or those test labs located in the territory of an economy with which the United States has negotiated reciprocal treatment through a trade agreement.

APPENDIX B

PROPOSED RULES

For the reasons discussed in the document, the Federal Communications Commission proposes to amend 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. Revise § 1.103 to read as follows:

Table 1 to § 1.1103

Type of Application	PMT Type Code	Fee Amount
Assignment of Grantee Code	EAG	$35.00
New Station Authorization	EAE	$140.00
Modification of Authorization	EAE	$140.00
Renewal of Station Authorization	EAE	$140.00
Assignment of License or Transfer of Control	EAE	$140.00
Special Temporary Authority	EAE	$140.00
Confidentiality Request	EAD	$50.00
Device Testing in Non-MRA Country	[TBD]	$20,000.00

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 § 2.941 by adding paragraph (c) to read as follows:

§ 2.941 Availability of Information relating to grants.

* * * * *

(c) Equipment authorization will be made available and searchable in machine-readable format to the extent possible.

* * * * *

5. Amend § 2.949 by adding paragraphs (c)(4) and (e)(4) to read as follows:

§ 2.949 Recognition of laboratory accreditation bodies.

* * * * *

(c) * * *

(4) Is located in or conducts accreditation in countries that lack a relevant Mutual Recognition Agreement

or trade agreement that provides for reciprocity with the U.S.

* * * * *

(e) * * *

(4) Is located in or conducts accreditation from within countries that lack a relevant Mutual Recognition Agreement or trade agreement that provides for reciprocity with the U.S.

* * * * *

6. Amend § 2.951 by adding paragraphs (b)(4) and (d)(4) to read as follows:

§ 2.951 Recognition of measurement facilities.

* * * * *

(b) * * *

(4) Is located in or that conducts testing from within a country that lacks an MRA or trade agreement that provides for reciprocity with the U.S.

* * * * *

(d) * * *

(4) Is located in or that conducts testing from within a country that lacks an MRA or trade agreement that provides for reciprocity with the U.S.

* * * * *

7. Amend § 2.960 by adding paragraphs (b)(4) and (h)(4) to read as follows:

§ 2.960 Recognition of telecommunications certification bodies (TCBs)

* * * * *

(b) * * *

(4) Is located in or that conducts certification from within a country that lacks an MRA or trade agreement that provides for reciprocity with the U.S.

* * * * *

(h) * * *

(4) Is located in or that conducts certification from within a country that lacks an MRA or trade agreement that provides for reciprocity with the U.S.

* * * * *

APPENDIX C

FINAL REGULATORY FLEXIBILITY ANALYSIS

1. As required by the Regulatory Flexibility Act of 1980, as amended (RFA),[1] the Federal Communications Commission (Commission) incorporated an Initial Regulatory Flexibility Analysis (IRFA) in the *Promoting the Integrity and Security of Telecommunications Certification Bodies, Measurement Facilities, and the Equipment Authorization Program*, released in May 2025.[2] The Commission sought written public comment on the proposals in the *Further Notice*, including comment on the IRFA. No comments were filed addressing the IRFA. This Final Regulatory Flexibility Analysis (FRFA) conforms to the RFA and it (or summaries thereof) will be published in the Federal Register.[3]

A. Need for, and Objectives of, the Rules

2. In the *Second Report and Order* (*Second Report and Order*), the Commission is strengthening its equipment authorization process to better protect U.S. innovation and security. Under section 302(e) of the Communications Act,[4] we are updating our rules to prioritize testing and certification within the United States and economies with which the United States has negotiated reciprocal treatment through an MRA or trade agreement. The rules adopted in the *Second Report and Order* will also increase transparency, as Telecommunication Certification Bodies (TCBs) and test labs will now be required to disclose the location and number of employees involved in FCC-recognized testing and certification—including foreign-based staff. These changes further the Commission's goals of ensuring fairness, accountability and integrity in the authorization process.

3. Furthermore, the Commission authorizes the Office of Engineering and Technology (OET) to take significant steps to strengthen equipment authorization and oversight. For example, the *Second Order* enhances post-market surveillance procedures and also enables the Commission to play a more active role in enforcement through methods such as including imposing stronger penalties for false certifications and fraudulent test reports.

4. Lastly, based on proposals in the *Further Notice*—including granting Garmin's Petition for Reconsideration and considering the impact on small entities—we are updating ownership reporting rules for publicly traded companies to align with SEC timelines. Collectively, these rules advance our objectives of transparency, accountability, and security across the equipment authorization process while minimizing unnecessary economic and compliance burdens on small and other entities.

B. Summary of Significant Issues Raised by Public Comments in Response to the IRFA

5. No comments were filed addressing the impact of the proposed rules on small entities.

C. Response to Comments by the Chief Counsel for the Small Business Administration Office of Advocacy

6. Pursuant to the Small Business Jobs Act of 2010, which amended the RFA,[5] the Commission is required to respond to any comments filed by the Chief Counsel for the Small Business Administration (SBA) Office of Advocacy, and also provide a detailed statement of any change made to

[1] 5 U.S.C. §§ 601 *et seq.*, as amended by the Small Business Regulatory Enforcement and Fairness Act (SBREFA), Pub. L. No. 104-121, 110 Stat. 847 (1996).

[2] *Promoting the Integrity and Security of Telecommunications Certification Bodies, Measurement Facilities, and the Equipment Authorization Program*; FCC 25-27, 40 FCC Rcd 3616 (4), Appendix D.

[3] 5 U.S.C. § 604.

[4] 47 U.S.C. § 302a(e).

[5] Small Business Jobs Act of 2010, Pub. L. No. 111-240, 124 Stat. 2504 (2010).

the proposed rules as a result of those comments.[6] The Chief Counsel did not file any comments in response to the proposed rules in this proceeding.

D. Description and Estimate of the Number of Small Entities to Which the Rules Will Apply

7. The RFA directs agencies to provide a description of, and where feasible, an estimate of the number of small entities that may be affected by the adopted rules.[7] The RFA generally defines the term "small entity" as having the same meaning as the terms "small business," "small organization," and "small governmental jurisdiction."[8] In addition, the term "small business" has the same meaning as the term "small business concern" under the Small Business Act.[9] A "small business concern" is one which: (1) is independently owned and operated; (2) is not dominant in its field of operation; and (3) satisfies any additional criteria established by the SBA.[10] The SBA establishes small business size standards that agencies are required to use when promulgating regulations relating to small businesses; agencies may establish alternative size standards for use in such programs, but must consult and obtain approval from SBA before doing so.[11]

8. Our actions, over time, may affect small entities that are not easily categorized at present. We therefore describe three broad groups of small entities that could be directly affected by our actions.[12] In general, a small business is an independent business having fewer than 500 employees.[13] These types of small businesses represent 99.9% of all businesses in the United States, which translates to 34.75 million businesses.[14] Next, "small organizations" are not-for-profit enterprises that are independently owned and operated and are not dominant in their field.[15] While we do not have data regarding the number of non-profits that meet that criteria, over 99 percent of nonprofits have fewer than 500 employees.[16] Finally, "small governmental jurisdictions" are defined as cities, counties, towns, townships, villages, school districts, or special districts with populations of less than fifty thousand.[17]

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[6] 5 U.S.C. § 604 (a)(3).

[7] 5 U.S.C. § 604.

[8] *Id*. § 601(6).

[9] *Id*. § 601(3) (incorporating by reference the definition of "small-business concern" in the Small Business Act, 15 U.S.C. § 632). Pursuant to 5 U.S.C. § 601(3), the statutory definition of a small business applies "unless an agency, after consultation with the Office of Advocacy of the Small Business Administration and after opportunity for public comment, establishes one or more definitions of such term which are appropriate to the activities of the agency and publishes such definition(s) in the Federal Register."

[10] 15 U.S.C. § 632.

[11] 13 CFR 121.903.

[12] 5 U.S.C. § 601(3)-(6).

[13] *See* SBA, Office of Advocacy, *Frequently Asked Questions About Small Business* (July 23, 2024), https://advocacy.sba.gov/wp-content/uploads/2024/12/Frequently-Asked-Questions-About-Small-Business_2024-508.pdf.

[14] *Id*.

[15] 5 U.S.C. § 601(4).

[16] *See* SBA, Office of Advocacy, *Small Business Facts, Spotlight on Nonprofits* (July 2019), https://advocacy.sba.gov/2019/07/25/small-business-facts-spotlight-on-nonprofits/.

[17] 5 U.S.C. § 601(5).

Based on the 2022 U.S. Census of Governments data, we estimate that at least 48,724 out of 90,835 local government jurisdictions have a population of less than 50,000.[18]

9. The rules adopted in the *Second Report and Order* will apply to small entities in the industries identified in the chart below by their six-digit North American Industry Classification System (NAICS)[19] codes and corresponding SBA size standard.[20] Based on currently available U.S. Census data regarding the estimated number of small firms in each identified industry, we conclude that the adopted rules will impact a substantial number of small entities. Where available, we also provide additional information regarding the number of potentially affected entities in the identified industries below.

Table 1. 2022 U.S. Census Bureau Data by NAICS Code

Regulated Industry (Footnotes specify potentially affected entities within a regulated industry where applicable)	NAICS Code	SBA Size Standard	Total Firms[21]	Total Small Firms[22]	% Small Firms
Radio and Television Broadcasting and Wireless Communications Equip Manufacturing[23]	334220	1,250 employees	155	136	87.74%
Other Communications Equipment Manufacturing[24]	334290	800 employees	310	294	94.84%
Radio Broadcasting Stations[25]	516110	$47 million	2,616	2,136	81.65%
Wired Telecommunications Carriers[26]	517111	1,500 employees	3,403	3,027	88.95%

[18] *See* U.S. Census Bureau, *2022 Census of Governments –Organization*, https://www.census.gov/data/tables/2022/econ/gus/2022-governments.html, tables 1-11.

[19] The North American Industry Classification System (NAICS) is the standard used by Federal statistical agencies in classifying business establishments for the purpose of collecting, analyzing, and publishing statistical data related to the U.S. business economy. *See* www.census.gov/NAICS for further details regarding the NAICS codes identified in this chart.

[20] The size standards in this chart are set forth in 13 CFR 121.201, by six digit NAICS code.

[21] *U.S. Census Bureau*, "*Selected Sectors: Employment Size of Firms for the U.S.: 2022*." Economic Census, ECN Core Statistics Economic Census: Establishment and Firm Size Statistics for the U.S., Table EC2200SIZEEMPFIRM, 2025, "*Selected Sectors: Sales, Value of Shipments, or Revenue Size of Firms for the U.S.: 2022*." Economic Census, ECN Core Statistics Economic Census: Establishment and Firm Size Statistics for the U.S., Table EC2200SIZEREVFIRM, 2025.

[22] *Id.*

[23] Affected Entities in this industry include Radio Frequency Equipment Manufacturers.

[24] Affected Entities in this industry include Radio Frequency Equipment Manufacturers (Non-standard specialized equipment).

[25] Affected Entities in this industry include Auxiliary, Special Broadcast and Other Program Distribution Services (Radio).

[26] Affected Entities in this industry include Facilities-Based Carriers (International Telecom Carriers).

Wireless Telecommunications Carriers (except Satellite)[27]	517112	1,500 employees	1,184	1,081	91.30%
Satellite Telecommunications[28]	517410	$44 million	332	195	58.73%
All Other Telecommunications	517810	$40 million	1,673	1,007	60.19%

Table 2. Telecommunications Service Provider Data

2024 Universal Service Monitoring Report Telecommunications Service Provider Data [29] **(Data as of December 2023)**	**SBA Size Standard (1500 Employees)**		
Wired Telecommunications Carriers[30]	4,682	4,276	91.33
Wireless Telecommunications Carriers (except Satellite)[31]	585	498	85.13

E. Description of Economic Impact and Projected Reporting, Recordkeeping and Other Compliance Requirements for Small Entities

10. The RFA directs agencies to describe the economic impact of adopted rules on small entities, as well as projected reporting, recordkeeping and other compliance requirements, including an estimate of the classes of small entities which will be subject to the requirement and the type of professional skills necessary for preparation of the report or record.[32]

11. In the *Second Report and Order*, the Commission adopts revisions to its part 2 rules to strengthen our current reporting and certification requirements for our equipment authorization program. For example, as discussed above, TCBs and test labs will now be required to disclose the location and number of employees involved in FCC-recognized testing and certification—including foreign-based staff. The Second Order also updates ownership reporting rules for publicly traded companies to align with SEC timelines. These changes also require detailed disclosure of employee and testing site locations, reinforce post-market surveillance, strengthen enforcement, and improve data-sharing practices. In addition, the adopted rules introduces a fast-track review process for devices tested by FCC-recognized U.S. laboratories under a PAG system. This approach promotes domestic testing and helps reduce risks related to intellectual property theft and foreign surveillance.

12. Through the adopted rules, the Commission will also play a more active role in enforcement, including imposing stronger penalties for false certifications and fraudulent test reports. To support these efforts, we are launching a secure industry portal for reporting suspected violations or national security concerns and creating a centralize, machine-readable list of prohibited entities to assist TCBs in screening applicants.

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[27] Affected Entities in this industry include Fixed Microwave Services and Private Land Mobile Radio Licensees (PLMR).

[28] Affected Entities in this industry include Fixed Satellite Small Transmit/Receive Earth Stations and Mobile Satellite Earth Stations.

[29] Federal-State Joint Board on Universal Service, Universal Service Monitoring Report at 26, Table 1.12 (2024), https://docs.fcc.gov/public/attachments/DOC-408848A1.pdf.

[30] Local Resellers fall into another U.S. Census Bureau industry (Telecommunications Resellers) and therefore data for these providers is not included in this industry.

[31] Affected Entities in this industry include all reporting wireless carriers and service providers.

[32] 5 U.S.C. § 604(a)(5).

13. In addition to enhancing the integrity and security of the Equipment Authorization Program, we expect that all filing, recordkeeping, and reporting requirements associated with the adopted rules will yield cost savings and other benefits that outweigh the associated compliance costs for small and other entity applicants. Additionally, as small entities are familiar with the Commission's current reporting and record keeping requirements, they likely already employ the required professionals needed to comply with the adopted rules. Further, the adopted revisions of our current rules ensure that we not only implement a streamlined and efficient process, but are also provided with the necessary information to prohibit entities deemed to be national security threats from participating in our Equipment Authorization Program.

14. From a cost standpoint, while the Commission further expects that addressing national security risks will encourage applicants to use domestic testing, we do not provide a separate estimate of the cost for applicants to shift applications from non-U.S. based test labs and TCBs to U.S.-based facilities because such decisions are entirely voluntary and would only occur when applicants determine that the benefits of doing so outweigh the associated costs. In addition, a fast track review process could potentially save time for certifications made by U.S. laboratories and TCBs while decreasing labor costs and time that it takes to bring new products to market. Further, by reducing time spent by technical staff in filing the application and in responding to Commission inquiries, we estimate that the adopted rules will yield approximately $770,000 in annual cost savings. This amount substantially exceeds the estimated annual reporting cost of at least $16,000, not including additional unquantified benefits such as enhancing our national security and strengthening our equipment authorization process.[33]

F. Discussion of Steps Taken to Minimize the Significant Economic Impact on Small Entities, and Significant Alternatives Considered

15. The RFA requires an agency to provide, "a description of the steps the agency has taken to minimize the significant economic impact on small entities…including a statement of the factual, policy, and legal reasons for selecting the alternative adopted in the final rule and why each one of the other significant alternatives to the rule considered by the agency which affect the impact on small entities was rejected."[34]

16. In reaching its conclusions in the *Second Report and Order,* the Commission took steps to minimize significant economic burdens to small entity applicants as a result of the adopted rules, while also considering alternative approaches. For example, we adopt a fast-track PAG option for all TCBs utilizing U.S. test labs or test labs in the territory of MRA/FTA partner economies in its PAG list approval process. This process must be followed by all TCBs before finalizing the equipment authorization approval for any devices identified in the PAG List. We also adopt greater disclosure of location of test labs and TCB employees, that currently require to have an organizational and management structure in place, will ensure those that are engaged in FCC-recognized testing and/or certification to report this information. We also find by creating a consolidated, machine-readable format list will promote the integrity of our equipment authorization program and will alleviate unnecessary administrative compliance burden on our TCBs, some of which may be small entities.

17. The requirements adopted in the *Second Report and Order* took the interests of small entities into account based on information contained in the record for this proceeding, and we will consider requiring additional information from the TCBs should there be relevant comments added to the record concerning small entities. Alternatively, we considered approaches that could minimize significant economic impact on small entities such as simplified reporting mechanisms or providing small entities with a more manageable timeframe in which they could comply while also taking into account the limited budgetary and personnel resources often experienced by small TCBs. However, we instead adopted

[33] The precise calculations underlying the estimated costs and cost savings are available in section III.D in the *Second Report and Order*.

[34] 5 U.S.C. § 604(a)(6).

revisions to our part 2 rules, such as the requirement that all applicants must provide information regarding the revised post-market surveillance procedures that requires applicants to report employee locations and number of employees, the fast-track PAG processing option, and the modifications to the ownership reporting rules for publicly traded companies, which are similar to the types of information we routinely encounter and in many contexts would not create an undue burden for small entities.

18. We believe taking the approach of amending our part 2 rules to narrow the equipment authorization process will achieve the Commission's national security goals in a cost-effective manner. We seek further comment from third party entities and from other interested parties on the best methods in which to ensure the reliability of TCBs and test labs, while also complying with the equipment authorization rules under part 2 of our rules. In addition, we encourage further comment from small entities that can provide the Commission with information detailing what, if any, economic burdens they would face as a result of complying with the adopted rules, and on various steps we could take to balance our objective of fine tuning the equipment authorization program for test labs and TCBs without creating significant economic burdens to small entities in order to comply with the adopted rules in the *Second Report and Order*.

G. Report to Congress

19. The Commission will send a copy of the *Second Report and Order*, including this Final Regulatory Flexibility Analysis, in a report to Congress pursuant to the Congressional Review Act.[35] In addition, the Commission will send a copy of the *Second Report and Order*, including this Final Regulatory Flexibility Analysis, to the Chief Counsel for the SBA Office of Advocacy and will publish a copy of the *Second Report and Order*, and this Final Regulatory Flexibility Analysis (or summaries thereof) in the Federal Register.[36]

[35] 5 U.S.C. § 801(a)(1)(A).

[36] *Id*. § 604(b).

APPENDIX D

INITIAL REGULATORY FLEXIBILITY ANALYSIS

1. As required by the Regulatory Flexibility Act of 1980, as amended (RFA),[1] the Federal Communications Commission (Commission) has prepared this Initial Regulatory Flexibility Analysis (IRFA) of the policies and rules proposed in the *Second Further Notice of Proposed Rulemaking* (*Second Further Notice*) assessing the possible significant economic impact on a substantial number of small entities. The Commission requests written public comments on this IRFA. Comments must be identified as responses to the IRFA and must be filed by the deadlines for comments specified on the first page of the *Second Further Notice*. The Commission will send a copy of the *Second Further Notice*, including this IRFA, to the Chief Counsel for the Small Business Administration (SBA) Office of Advocacy.[2] In addition, the *Second Further Notice* and IRFA (or summaries thereof) will be published in the Federal Register.[3]

H. Need for, and Objectives of, the Proposed Rules

2. In the *Second Further Notice*, the Commission seeks comment on proposals to strengthen the integrity and security of the equipment authorization program. Specifically, the Commission proposes to require that test labs, Telecommunications Certification Bodies (TCBs), and laboratory accreditation bodies be located in the United States or in countries that have a Mutual Recognition Agreement (MRA) or trade agreement that provides for reciprocal treatment (FTA) with the United States. The Commission also seeks comment on whether to prohibit recognition of entities located in, or controlled by, countries without an MRA or FTA and whether to withdraw existing recognition of such entities. In addition, the Commission seeks comment on measures to protect intellectual property during testing and certification and on modernizing the Equipment Authorization System (EAS) database to improve enforcement, streamline processes, and enhance data-sharing capabilities. These proposals are intended to further the Commission's objectives of promoting national security, reciprocity in international trade, and the integrity of the FCC's equipment authorization process while minimizing unnecessary burdens on regulated entities.

I. Legal Basis

3. The proposed action is authorized pursuant to sections 1, 4(i), 229, 301, 302, 303, 309, 312, 403, and 503 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151, 154(i), 229, 301, 302a, 303, 309, 312, 403, and 503, section 105 of the Communications Assistance for Law Enforcement Act, 47 U.S.C. § 1004; the Secure and Trusted Communications Networks Act of 2019, 47 U.S.C. §§ 1601, 1609; and the Secure Equipment Act of 2021, Pub. L. 117-55, 135 Stat. 423, 47 U.S.C. § 1601.

J. Description and Estimate of the Number of Small Entities to Which the Proposed Rules Will Apply

4. The RFA directs agencies to provide a description of and, where feasible, an estimate of the number of small entities that may be affected by the proposed rules, if adopted. The RFA generally defines the term "small entity" as having the same meaning as the terms "small business," "small organization," and "small governmental jurisdiction." In addition, the term "small business" has the same meaning as the term "small business concern" under the Small Business Act. A "small business concern" is one which: (1) is independently owned and operated; (2) is not dominant in its field of operation; and (3) satisfies any additional criteria established by the SBA. The SBA establishes small

[1] 5 U.S.C. §§ 601 *et seq.*, as amended by the Small Business Regulatory Enforcement and Fairness Act (SBREFA), Pub. L. No. 104-121, 110 Stat. 847 (1996).

[2] *Id*. § 603(a).

[3] *Id*.

business size standards that agencies are required to use when promulgating regulations relating to small businesses; agencies may establish alternative size standards for use in such programs, but must consult and obtain approval from SBA before doing so.

5. Our actions, over time, may affect small entities that are not easily categorized at present. We therefore describe three broad groups of small entities that could be directly affected by our actions.[4] In general, a small business is an independent business having fewer than 500 employees.[5] These types of small businesses represent 99.9% of all businesses in the United States, which translates to 34.75 million businesses.[6] Next, "small organizations" are not-for-profit enterprises that are independently owned and operated and not dominant in their field.[7] While we do not have data regarding the number of non-profits that meet that criteria, over 99 percent of nonprofits have fewer than 500 employees.[8] Finally, "small governmental jurisdictions" are defined as cities, counties, towns, townships, villages, school districts, or special districts with populations of less than fifty thousand.[9] Based on the 2022 U.S. Census of Governments data, we estimate that at least 48,724 out of 90,835 local government jurisdictions have a population of less than 50,000.[10]

6. The rules proposed in the *Second Further Notice* will apply to small entities in the industries identified in the chart below by their six-digit North American Industry Classification System (NAICS)[11] codes and corresponding SBA size standard.[12] Based on currently available U.S. Census data regarding the estimated number of small firms in each identified industry, we conclude that the proposed rules will impact a substantial number of small entities. Where available, we also provide additional information regarding the number of potentially affected entities in the industries identified below.

Table 1. 2022 U.S. Census Bureau Data by NAICS Code

Regulated Industry (Footnotes specify potentially affected entities within a regulated industry where applicable)	NAICS Code	SBA Size Standard	Total Firms[13]	Total Small Firms[14]	% Small Firms

[4] 5 U.S.C. § 601(3)-(6).

[5] *See* SBA, Office of Advocacy, *Frequently Asked Questions About Small Business* (July 23, 2024), https://advocacy.sba.gov/wp-content/uploads/2024/12/Frequently-Asked-Questions-About-Small-Business_2024-508.pdf.

[6] *Id*.

[7] 5 U.S.C. § 601(4).

[8] *See* SBA, Office of Advocacy, *Small Business Facts, Spotlight on Nonprofits* (July 2019), https://advocacy.sba.gov/2019/07/25/small-business-facts-spotlight-on-nonprofits/.

[9] 5 U.S.C. § 601(5).

[10] *See* U.S. Census Bureau, 2022 Census of Governments –Organization, https://www.census.gov/data/tables/2022/econ/gus/2022-governments.html, tables 1-11.

[11] The North American Industry Classification System (NAICS) is the standard used by Federal statistical agencies in classifying business establishments for the purpose of collecting, analyzing, and publishing statistical data related to the U.S. business economy. *See* www.census.gov/NAICS for further details regarding the NAICS codes identified in this chart.

[12] The size standards in this chart are set forth in 13 CFR 121.201, by six digit North American Industrial Classification System (NAICS) code.

[13] U.S. Census Bureau, "*Selected Sectors: Employment Size of Firms for the U.S.: 2022*." Economic Census, ECN Core Statistics Economic Census: Establishment and Firm Size Statistics for the U.S., Table EC2200SIZEEMPFIRM, 2025, "*Selected Sectors: Sales, Value of Shipments, or Revenue Size of Firms for the U.S.:*

(continued….)

Radio and Television Broadcasting and Wireless Communications Equip Manufacturing[15]	334220	1,250 employees	155	136	87.74%
Other Communications Equipment Manufacturing[16]	334290	800 employees	310	294	94.84%
Radio Broadcasting Stations[17]	516110	$47 million	2,616	2,136	81.65%
Television Broadcasting Stations[18]	516120	$47 million	413	316	76.51%
Wired Telecommunications Carriers[19]	517111	1,500 employees	3,403	3,027	88.95%
Wireless Telecommunications Carriers (except Satellite)[20]	517112	1,500 employees	1,184	1,081	91.30%
Satellite Telecommunications[21]	517410	$44 million	332	195	58.73%
All Other Telecommunications	517810	$40 million	1,673	1,007	60.19%
Marketing Consulting Services	541613	$19 million	50,507	34,127	67.57%
Other Management Consulting Services	541618	$19 million	10,446	6,383	61.10%
Other Services Related to Advertising	541890	$19 million	7,067	4,850	68.63%
Medical Laboratories	621511	$41.5 million	4,527	3,525	77.87%

Table 2. Telecommunications Service Provider Data

2024 Universal Service Monitoring Report Telecommunications Service Provider Data [22] **(Data as of December 2023)**	**SBA Size Standard (1500 Employees)**

(Continued from previous page)

2022." Economic Census, ECN Core Statistics Economic Census: Establishment and Firm Size Statistics for the U.S., Table EC2200SIZEREVFIRM, 2025.

[14] *Id*.

[15] Affected Entities in this industry include Radio Frequency Equipment Manufacturers.

[16] Affected Entities in this industry include Radio Frequency Equipment Manufacturers (Non-standard specialized equipment).

[17] Affected Entities in this industry include Auxiliary, Special Broadcast and Other Program Distribution Services (Radio).

[18] Affected Entities in this industry include Auxiliary, Special Broadcast and Other Program Distribution Services (TV).

[19] Affected Entities in this industry include Facilities-Based Carriers (International Telecom Carriers) and Providers of International Telecommunications Transmission Facilities.

[20] Affected Entities in this industry include Fixed Microwave Services and Private Land Mobile Radio Licensees (PLMR).

[21] Affected Entities in this industry include Fixed Satellite Small Transmit/Receive Earth Stations and Mobile Satellite Earth Stations.

[22] Federal-State Joint Board on Universal Service, Universal Service Monitoring Report at 26, Table 1.12 (2024), https://docs.fcc.gov/public/attachments/DOC-408848A1.pdf.

Affected Entity	Total # FCC Form 499A Filers	Small Firms	% Small Entities
Wired Telecommunications Carriers[23]	4,682	4,276	91.33
Wireless Telecommunications Carriers (except Satellite)[24]	585	498	85.13

K. Description of Economic Impact and Projected Reporting, Recordkeeping, and Other Compliance Requirements for Small Entities

7. The RFA directs agencies to describe the economic impact of proposed rules on small entities, as well as projected reporting, recordkeeping and other compliance requirements, including an estimate of the classes of small entities which will be subject to the requirements and the type of professional skills necessary for preparation of the report or record.[25]

8. The *Second Further Notice* seeks comment on location-based restrictions that may require entities to relocate or adjust operations to comply with U.S. or MRA/FTA-country requirements. The Commission also seeks comment on enhanced disclosure requirements, including reporting ownership, control, and jurisdictional information, and on potential changes to data submission formats and processes associated with modernization of the EAS database. These requirements could increase administrative tasks but are intended to be streamlined through electronic systems.

9. The Commission will fully consider the economic impact on small entities as it evaluates the comments filed in response to the *Second Further Notice*, including comments related to costs and benefits. Alternative proposals and approaches from commenters will further develop the record and could help the Commission further minimize the economic impact on small entities. The Commission's evaluation of the comments filed in this proceeding will shape the final conclusions it reaches, the final alternatives it considers, and the actions it ultimately takes to minimize any significant economic impact that may occur on small entities from the final rules.

L. Discussion of Significant Alternatives Considered That Minimize the Significant Economic Impact on Small Entities

10. The RFA directs agencies to provide a description of any significant alternatives to the proposed rules that would accomplish the stated objectives of applicable statutes, and minimize any significant economic impact on small entities.[26] The discussion is required to include alternatives such as: "(1) the establishment of differing compliance or reporting requirements or timetables that take into account the resources available to small entities; (2) the clarification, consolidation, or simplification of compliance and reporting requirements under the rule for such small entities; (3) the use of performance rather than design standards; and (4) an exemption from coverage of the rule, or any part thereof, for such small entities."[27]

11. In the Second Further Notice, the Commission considers and seeks comment on proposals intended to address emerging national security risks and promote the trustworthiness and integrity of the FCC's equipment authorization process. For example, we propose a requirement that test

[23] Local Resellers fall into another U.S. Census Bureau industry (Telecommunications Resellers) and therefore data for these providers is not included in this industry.

[24] Affected Entities in this industry include all reporting wireless carriers and service providers.

[25] 5 U.S.C. § 603(b)(4).

[26] *Id*. § 603(c).

[27] *Id*. § 603(c)(1)-(4).

labs, TCBs, and laboratory accreditation bodies be located in the United States or in countries that have a MRA or FTA with the United States. One small business, Cetecom, has commented that overseas labs, such as those in China, create significant economic challenges to small entities through unfair pricing, reduced innovation, and less stringent regulatory oversight.28 The proposed requirement would likely be of economic benefit to small entities such as Cetecom, as it would provide a level playing field that it would not have were the Commission to not adopt these requirements, or if any subsequently adopted rules didn't provide sufficient safeguards to protect intellectual property, such as not differentiating safeguards that did not include such standards. The Commission also takes steps to identify measures to protect the modernize the EAS database to improve enforcement, streamline processes, and enhance data-sharing capabilities. We seek comment on alternative measures, such as tailoring some aspects of redesigning the database to account for the limited administrative resources of small entities.

12. The Commission will fully consider the economic impact on small entities as it reviews and evaluates comments filed in response to the *Second Further Notice*, including those related to the costs of benefits to small entities should the proposals in the *Second Further Notice* be adopted. We also encourage interested parties to provide alternative proposals that could reduce compliance costs, promote benefits and mitigate significant economic impact on small businesses while achieving the objectives of this proceeding. The Commission's evaluation of the comments filed in this proceeding will shape the final conclusions it reaches, the final alternatives it considers, and the actions it ultimately takes to minimize any significant economic impact that may occur on small entities as a result of the final rules.

M. Federal Rules that May Duplicate, Overlap, or Conflict with the Proposed Rules

13. None.

[28] Cetecom at 2.

STATEMENT OF
CHAIRMAN BRENDAN CARR

Re: *Promoting the Integrity and Security of Telecommunications Certification Bodies, Measurement Facilities, and the Equipment Authorization Program*, Second Report and Order, Order on Reconsideration, and Second Further Notice of Proposed Rulemaking, ET Docket No. 24-136 (Apr. 30, 2026).

Last month, the FCC marked one year since we established the Council on National Security. Over this year, we have made national security a top priority.

As foreign adversaries relentlessly target American communications networks, the FCC has a vital role to play in secure the nation. From Operation Clean Carts to the Covered List to undersea cable rulemakings, we are doing our part to secure American telecom infrastructure and devices and reduce our supply chain dependencies. I am especially grateful that my fellow Commissioners have provided strong leadership and ideas on the agency's national security docket.

One of the biggest national security wins from last year was our "Bad Labs" Report & Order. It was based on a simple premise: we should not have foreign adversary governments or other entities on American sanction lists testing and certifying electronic devices as safe for the U.S. market. As a result, the FCC has taken action to withdraw recognition from, or deny recognition to, twenty-three "Bad Labs" controlled by foreign adversary governments.

With foreign adversary governments excluded, the FCC now takes the next step to restore *reciprocity* to the FCC's equipment authorization program. For decades, the FCC limited testing to labs in the U.S. or in foreign countries that have Mutual Recognition Agreements (MRAs) with the U.S., wherein each country would recognize the other's test labs. But in 2015, the FCC abandoned that principle, leading to more than 75% of testing to occur in countries that refuse any reciprocal agreement with the U.S.

Today's rules and FNRPM brings reciprocity back. We propose to cease recognizing any lab in a country without a reciprocal agreement. If a country wants the FCC to recognize its test labs, the country should sign an MRA or similar agreement with the U.S. This will not only ensure reciprocal international commercial relations, but also will ensure that the FCC has sufficient oversight, monitoring, and enforcement authority to guarantee the integrity of the equipment authorization process. It will also hopefully onshore testing capacity that has been offshored for decades.

For their work on this item, I want to thank Katherine Patsas Nevitt, Erika Heeren-Moon, Alice Jou, Andrew Hendrickson, Dusmantha Tennakoon, Thomas Rigolage, Brandon Moss, Aleks Yankelevich, Cher Li, Siobahn Philemon, Doug Klein, and Deborah Broderson.

STATEMENT OF
COMMISSIONER OLIVIA TRUSTY

Re: *Promoting the Integrity and Security of Telecommunications Certification Bodies, Measurement Facilities, and the Equipment Authorization Program*, Second Report and Order, Order on Reconsideration, and Second Further Notice of Proposed Rulemaking, ET Docket No. 24-136 (Apr. 30, 2026).

When Americans think about national security, they often picture our military, warfighters parachuting from helicopters, intelligence agencies engaged in covert espionage operations, or perhaps the latest spy-thriller. What rarely comes to mind is the "made in" label on the RF devices in their homes, or the reality that the lifecycle of those devices, including where they are tested for FCC certification, can have profound implications for the security and privacy of both consumers and their neighbors.

The Commission has rightly made strengthening the equipment authorization process a cornerstone of its national security efforts, including by promoting greater security and accountability in device testing. To date, the "Bad Labs" proceeding has delivered meaningful national security benefits, including the removal of 23 test labs found to be controlled by foreign adversaries.

Today's item builds on that progress. It creates a clear pathway for equipment testing to occur in labs located in the United States or in countries with which we maintain trusted trade relationships that allow us to rely on their testing and certification regimes. In particular, the item reduces regulatory barriers for devices tested in these "Trusted Test Labs," and proposes durable safeguards by severing ties with untrustworthy test labs, TCBs, and accreditation bodies.

I also welcome this item's efforts to increase transparency in testing labs and TCBs, strengthen enforcement mechanisms, and streamline applicant screening.

Strengthening the integrity of our communications ecosystem is a national security imperative, and this item advances that goal in a meaningful way.

I thank the staff of the Office of Engineering and Technology for their thoughtful work on this item, as well as our interagency partners for their collaboration.