October 8, 2026

FCC FACT SHEET*

Promoting the Integrity and Security of Telecommunications Certification Bodies, Measurement Facilities, and the Equipment Authorization Program

Third Report and Order and Third Further Notice of Proposed Rulemaking ET Docket No. 24-136

Background: This Third Report and Order would strengthen the integrity, security, and resiliency of the FCC's equipment authorization program by requiring testing, certification, and accreditation activities for FCC-authorized radiofrequency (RF) devices to occur in the United States or Reciprocal Economies—countries or territories that have entered into Mutual Recognition Agreement (MRA) or comparable reciprocal agreement with the U.S. These measures would take effect on December 1, 2028, following a uniform transition period that would give manufacturers time to qualify alternative laboratories and allow testing capacity to expand.

What the Report and Order Would Do:

- **Prohibit FCC Recognition of Test Labs in Non-Reciprocal Economies**. Prohibit FCC recognition of Test Labs, TCBs, or laboratory accreditation bodies in countries or territories that lack an MRA or equivalent reciprocal trade agreement with the United States. This would help ensure the Commission has confidence in the integrity of Test Labs; avoid dangerous overconcentration of Test Labs in a single country; and restore principles of reciprocity and trade fairness to the equipment authorization program. These rules would also be extended to TCBs and laboratory accreditation bodies.
- **Extend the Restrictions to testing, certifying, and accrediting activities in non-Reciprocal Economies**. The prohibitions would also apply to Test Labs, TCBs, and laboratory accreditation bodies based in the U.S. or a Reciprocal Economy, but which conduct testing, certifying and/or accrediting activities in a non-Reciprocal Economy.
- **Establish a Uniform Transition Period Ending December 1, 2028**. Test Labs in non-Reciprocal Economies would remain recognized during the transition period. To minimize disruption, OET would continue granting recognitions during the transition, but all such recognitions would automatically terminate on December 1, 2028, regardless of issuance date.

What the Further Notice of Proposed Rulemaking Seeks Comment On:

- **Testing Capacity.** Seeks comment on incentives and other measures to encourage testing in the United States and Reciprocal Economies and expand testing capacity.
- **A Variety of Other Integrity Measures.** Requiring test labs, TCBs, and accreditation bodies to obtain Legal Entity Identifiers, improving post-market surveillance for certified devices; requiring Supplier's Declaration of Conformity (SDoC) testing occur in FCC-recognized Test Labs; modernizing the FCC's database; and more.

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*This document is being released as part of a "permit-but-disclose" proceeding. Any presentations or views on the subject expressed to the Commission or its staff, including by email, must be filed in ET Docket No. 24-136 which may be accessed via the Electronic Comment Filing System (https://www.fcc.gov/ecfs). Before filing, participants should familiarize themselves with the Commission's *ex parte* rules, including the general prohibition on presentations (written and oral) on matters listed on the Sunshine Agenda, which is typically released a week prior to the Commission's meeting. *See* 47 CFR § 1.1200 *et seq*.

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

THIRD REPORT AND ORDER AND THIRD FURTHER NOTICE OF PROPOSED RULEMAKING*

Adopted: [ ] **Released: [ ]**

Comment Date: (30 days after publication in the Federal Register)
Reply Comment Date: (60 days after publication in the Federal Register)

By the Commission:

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* This document has been circulated for tentative consideration by the Commission at its October 29, 2026 open meeting. The issues referenced in this document and the Commission's ultimate resolutions of those issues remain under consideration and subject to change. This document does not constitute any official action by the Commission. However, the Chairman has determined that, in the interest of promoting the public's ability to understand the nature and scope of issues under consideration, the public interest would be served by making this document publicly available. The Commission's ex parte rules apply and presentations are subject to "permit-but-disclose" ex parte rules. See, e.g., 47 CFR §§ 1.1206, 1.1200(a). Participants in this proceeding should familiarize themselves with the Commission's ex parte rules, including the general prohibition on presentations (written and oral) on matters listed on the Sunshine Agenda, which is typically released a week prior to the Commission's meeting. See 47 CFR §§ 1.1200(a), 1.1203.

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I. INTRODUCTION

1. The Commission's equipment authorization program is the gateway through which radiofrequency (RF) devices must pass before entering the American market, and the integrity of that gateway depends on the private entities the Commission entrusts to test and certify those devices. Yet today, roughly five out of every six RF devices are tested in foreign economies with which the United States has no reciprocal agreement governing conformity assessment.[1] Rigorous device testing is essential to protecting the public from harmful interference and unsafe RF exposure. Unreliable testing may allow noncompliant devices into the market and may transmit excessive RF energy or operate outside intended frequency bands, exposing consumers to unsafe RF levels and causing harmful interference. Such interference can disrupt medical devices and critical public safety and safety-of-life communications, including 911, first-responder, aviation, critical infrastructure, and Emergency Alert systems, directly jeopardizing public safety. But the Commission lacks confidence in the integrity of testing conducted in non-Reciprocal Economies,[2] jurisdictions where the United States has either direct authority or a reciprocal government-to-government framework supporting oversight, transparency, accountability, and enforcement. Moreover, testing is increasingly concentrated in a single non-Reciprocal Economy. That concentration creates an untenable vulnerability in a program now central to protecting U.S. communications networks, critical infrastructure, and national security. This overconcentration of testing has developed in a non-Reciprocal Economy that does not provide comparable market access to U.S. laboratories, creating an incentive for testing, investment, and technical expertise to migrate away from the United States.

2. At the same time, the stakes have grown. Congress and the Commission have increasingly relied on equipment authorization to protect the Nation against insecure communications

[1] *See infra* at para 39. A Reciprocal Economy is one with whom the United States has a mutual recognition agreement (MRA) or analogous reciprocal agreement. Certain such economies are not themselves countries.

[2] *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 or First EA Integrity FNPRM). We define the terms Reciprocal Economy and non-Reciprocal Economy in the rule text we adopt today.

equipment, while Test Labs receive privileged access to devices and sensitive technical information before those products enter the United States market.

3. Today, we change course. Access should come with accountability, and recognition should come with reciprocity. We limit the Federal Communication Commission's (FCC) recognition of Test Labs to those located in the United States and Reciprocal Economies. We likewise make explicit comparable restrictions for Telecommunications Certification Bodies (TCBs) and laboratory accreditation bodies and require the substantive FCC testing, certification, and accreditation activities on which equipment authorization depends to occur in those jurisdictions. The Test Lab rules will take effect following a uniform transition ending December 1, 2028, giving manufacturers time to qualify alternative laboratories and United States and Reciprocal Economy laboratories time to expand capacity without disturbing existing equipment grants.

4. In the accompanying *Third Further Notice of Proposed Rulemaking*, we continue this work by seeking comment on additional measures to identify untrustworthy actors and strengthen oversight, including Legal Entity Identifiers, ownership and control by non-Reciprocal Economies, post-market surveillance, protection of intellectual property, and modernization of the Equipment Authorization System.

II. BACKGROUND

A. The Equipment Authorization Program, Telecommunications Certification Bodies, Test Labs, And Laboratory Accreditation Bodies

5. The Commission's equipment authorization program, codified in our part 2 rules,[3] 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 safety, security, and interference potential of equipment that emits RF energy and that can cause harmful interference to radio communications.[4] The Commission implements such regulations through the equipment authorization program, which helps ensure that communications equipment complies with certain policy objectives, including protecting the communications networks and supply chain from equipment that poses an unacceptable risk to national security.[5]

6. The equipment authorization program is the gateway through which RF devices subject to certification must pass before they may be marketed or imported for sale in the United States. The Commission has seen an explosion in use of the equipment authorization program over the last two decades, as RF devices (smartphones, computers, Internet-of-Things (IoT) devices, wearable technology, and more) increasingly form the backbone of American life and the nation's critical infrastructure. Figure 1 shows a steady and substantial rise in the number of equipment authorization applications the FCC received from 2007 through 2025. In 2007, the agency received about 9.4K applications, and by 2025 this

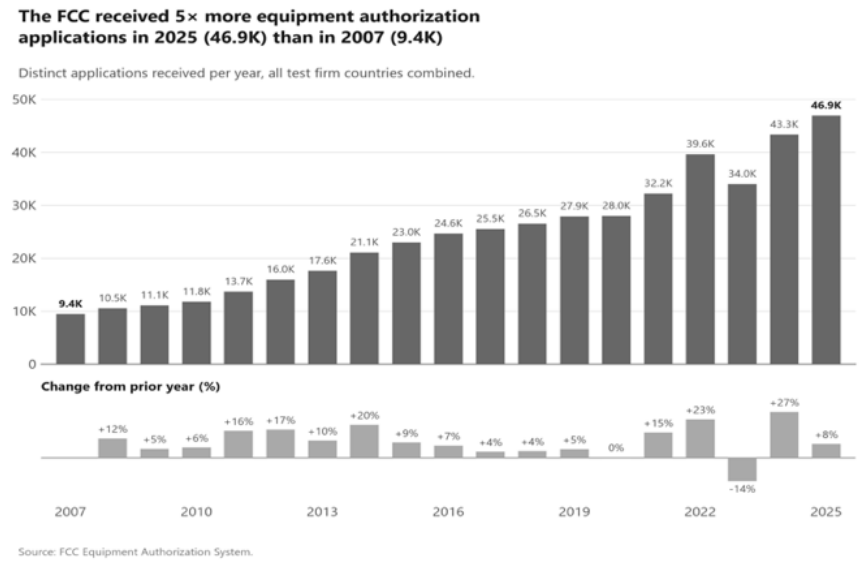
[3] 47 CFR part 2.

[4] 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).

[5] *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).

number had climbed to 46.9K, roughly a five-fold increase. Overall, the Commission has been experiencing accelerating demand for equipment authorizations, reflecting both long-term growth and recent surges in technology development and market activity.

Figure 1



7. Under Section 302a(e) of the Act, the Commission has authority to recognize private organizations for testing and certifying RF devices for compliance with the Commission's rules.[6] The Commission also has broad authority to "establish such qualifications and standards as it deems appropriate for such private organizations, testing, and certification."[7] The Commission has used this broad authority to recognize Test Labs, TCBs, and laboratory accreditation bodies. Test Labs and TCBs 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.[8] Test Labs[9] 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.[10] TCBs evaluate applications and decide whether to grant

[6] 47 U.S.C. § 302a(e).

[7] 47 U.S.C. § 302a(e)(3).

[8] 47 U.S.C. § 302a(b).

[9] *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.

[10] 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 digital television (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).

certifications; and laboratory accreditation bodies assess whether Test Labs are competent to perform FCC testing.

8. Because these organizations are critical to the equipment authorization program, oversight of these organizations is critical to ensure the integrity of the equipment authorization program.[11] In addition to playing a crucial role in ensuring the safety and security of RF devices, Test Labs must be trustworthy, because they are "entrusted with access to equipment, and related data, prior to authorization for importing and marketing."[12] To be recognized for participation in our equipment certification process,[13] Test Labs, TCBs, and laboratory accreditation bodies must meet a wide variety of criteria specified in our rules.[14]

9. Our rules require that Test Labs be properly accredited and re-accredited every two years.[15] Following such accreditation, the Commission—namely, 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.[16] This two-year cycle forms a core safeguard ensuring that accredited bodies remain aligned with current measurement standards, Commission procedures, and applicable International Organization for Standardization/International Electrotechnical Commission (ISO/IEC) requirements.[17] Importantly, renewal is not automatic: the Commission retains discretionary authority to decline renewal of recognition if a Test Lab fails to meet accreditation requirements, demonstrates deficiencies in performance, or no longer satisfies the Commission's criteria for competency, independence, or reliability.[18] This discretionary authority ensures that only qualified, trustworthy bodies continue to perform certification and testing activities that underpin the integrity of the equipment authorization program.

10. Similarly, the Commission must maintain oversight of the TCBs who perform evaluation and review of application data, including test reports, and make determinations on equipment certifications.[19] For all granted equipment certification applications, the TCBs must send to the

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[11] *See* OET Knowledge Database (KDB) Publication 974614, v05r04, *Accredited Test Lab Roles and Responsibilities,* (July 31, 2026), https://apps.fcc.gov/oetcf/kdb/forms/FTSSearchResultPage.cfm?id=44684&switch=P.

[12] *First EA Integrity Report & Order* at para. 52.

[13] 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.

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

[15] 47 CFR § 2.948(e).

[16] 47 CFR §§ 0.241(f) 2.951.

[17] The Commission's rules require recognition of Test Labs based on the ISO/IEC 17025 standard, which assesses whether test labs operate in a competent, consistent and impartial manner. 47 CFR § 2.948(e).

[18] 47 CFR § 0.241(f). Over the last year, the Commission has leveraged this two-year cycle to deny recognition to several Test Labs that failed to adhere to Commission rules, because they were owned by, or subject to the direction or control, of a Prohibited Entity. 47 CFR § 2.951(b)(1). *See e.g.*, Order Withdrawing Recognition of CVC Testing Technology Co., Ltd. DA 26-187.

[19] *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).

Commission any Test Lab data and other information relied upon by the TCB.[20] All information not afforded confidentiality is made publicly available on the FCC's website upon grant of the equipment authorization.[21] 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.[22] TCBs in the United States must be accredited and designated by the National Institute of Standards and Technology (NIST);[23] elsewhere TCBs are overseen by designating authorities.[24]

11. Accreditation bodies conduct oversight via assessments to ensure that TCBs are competent and capable of providing accurate and reliable certification and testing services.[25] TCBs are also required to demonstrate expert knowledge of the regulations for each product submitted for equipment authorization, and that expertise must include familiarity with all applicable technical regulations, administrative provisions or requirements, as well as the policies and procedures used in the application thereof.[26]

12. 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.[27] Currently, there are 39 FCC-recognized TCBs,[28] 23 of which are located in the United States while the remaining 16 are located in seven MRA-partnered countries.[29] 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.[30] 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.[31]

13. Given the outsourced accreditation, the Commission retains control over the designating authorities, the TCB accrediting bodies functioning under the designating authorities,[32] as well as the

[20] 47 CFR §§ 2.911(b), 2.962(f)(8).

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

[22] 47 CFR § 2.962(g)(1). TCBs may request samples of equipment directly from the grantee. *Id.* § 2.962(g)(4).

[23] 47 CFR § 2.960(c).

[24] FCC Office of Engineering & Technology, *Active TCB Designating Authority (TDA) List*, https://apps.fcc.gov/oetcf/tcb/reports/accreditor_report.cfm.

[25] 47 CFR § 2.960(a)(7)(i).

[26] 47 CFR § 2.960(a)(5).

[27] 47 CFR § 2.960 (c), (d).

[28] 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.

[29] 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).

[30] 47 CFR § 2.962(e)(2).

[31] 47 CFR § 2.962(e)(2)-(4).

[32] 47 CFR § 2.910(c), 47 CFR § 2.960(c)(6), (d)(2).

laboratory accreditation bodies.[33] The Commission recognizes four laboratory accreditation bodies that can accredit Test Labs in the United States[34] For Test Labs in countries with which the United States has entered into an MRA, the Commission will consider for recognition an accredited Test Lab that has been designated by a foreign designating authority.[35] Currently there are 24 such FCC-recognized laboratory accreditation bodies outside the United States, located in 23 different MRA-partnered countries.[36] All other foreign Test Labs must be accredited by an organization recognized by the Commission to perform Test Lab accreditations in non-MRA countries.[37]

14. The Commission's treatment of foreign Test Labs has evolved over three decades from a relatively narrow, reciprocity-based framework in the 1990s into a more formal technically focused system of accreditation and recognition—a shift that occurred in significant part in response to industry efforts to remove reciprocity and other "trade fairness" limitations on foreign testing. In the 1990s, acceptance of testing performed overseas depended not only on the laboratory's technical competence but also on whether the foreign country afforded reciprocal treatment to U.S. laboratories.[38] In 1998, when the Commission established the modern framework creating the TCB program and MRAs, it limited recognition of foreign Test Labs to countries with which the United States had entered into an MRA, explaining that this approach promoted "fair competitive trade" and that it "would be unfair to accept the

[33] 47 CFR § 2.949.

[34] These are the 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.

[35] 47 CFR § 2.948(f)(1). As noted in footnote 16, 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.

[36] 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.

[37] 47 CFR § 2.948(f)(2). Currently, the Commission recognizes three such accrediting bodies. These accrediting bodies are: the American Association for Laboratory Accreditation (which can accredit test labs in the People's Republic of China (PRC), India, Philippines, Thailand); the ANSI National Accreditation Board (which can accredit test labs in PRC, India, Indonesia, Philippines, Russian Federation, Switzerland, Thailand, Ukraine, and United States); and the National Voluntary Laboratory Accreditation Program (which can accredit test labs in PRC, 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. Additionally, 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.

[38] *In the Matter of 1998 Biennial Regulatory Review – Amendments of Parts 2, 25, and 68,* Report and Order, FCC 98-338, para 63, n. 111, (Dec. 17, 1998) ("The accreditation of laboratories located outside the U.S. is acceptable only if 1) there is an MRA between that country and the U.S., and the· laboratory is covered by the agreement; 2) there is an agreement between accrediting bodies that permits similar accreditation of U.S. facilities to perform testing for products marketed in that country; or 3) the country already accepts the accreditation of U.S. laboratories.")

accreditation of labs from foreign countries that either do not accept U.S. accreditations or that impose additional barriers upon U.S. companies."[39]

15. Industry subsequently pressed the Commission to abandon these reciprocity protections in favor of a framework focused principally on technical competence. In 1997, the Information and Technology Industry Council (ITI) petitioned for reconsideration of the Commission's "trade fairness" requirements, arguing that reciprocity improperly injected trade policy into equipment regulation, increased costs for U.S. manufacturers through redundant testing, and reduced competition.[40] ITI urged the Commission instead to accept testing performed by any technically competent accredited laboratory worldwide and to recognize accreditation by foreign accrediting bodies regardless of their location or whether U.S. laboratories received comparable access to the foreign market.[41] Beginning with the implementation of MRAs and the creation of the TCB program in 1998, and continuing with subsequent reforms, the Commission increasingly relied on internationally recognized conformity-assessment standards to establish technical competence and steadily abandoned reciprocity as a condition for recognition.[42] In 2014, the Commission completed this transition by requiring laboratories performing certification testing to be accredited to ISO/IEC 17025 while formalizing a pathway for accredited Test Labs in countries without an MRA.[43]

16. The resulting framework created a significant asymmetry between the treatment of foreign Test Labs and the market access available to American Test Labs abroad. Over time, that policy choice helped create the conditions under which testing has migrated from the United States to non-Reciprocal Economies: those economies could reserve their own testing markets for domestic Test Labs while their Test labs remained eligible to compete for FCC testing work to be certified for access to the U.S. testing market. Foreign Test Labs could thus obtain access to the U.S. equipment authorization market based principally on technical accreditation even where their home economies afforded no reciprocal access to American Test Labs.

17. Foreign TCBs followed a related but importantly different path. They remain eligible for FCC recognition only through government-to-government MRAs and therefore retain the reciprocity safeguard that industry successfully pressed the Commission to remove for Test Labs; once recognized, foreign TCBs are generally subject to the same technical qualifications, accreditation standards, performance requirements, and FCC oversight as domestic TCBs.[44] The consequences of the asymmetry became increasingly pronounced over time: testing has now shifted dramatically away from the United States and toward a single non-Reciprocal Economy, demonstrating how asymmetric recognition has created a structural incentive to migrating testing out of the United States.

B. Reciprocal Agreements

18. MRAs are government-to-government trade facilitating measures aimed at a global approach to conformity assessment, providing a framework for all member Economies to follow. In each of these agreements, participating countries agree to accept test results and/or product approvals (e.g.,

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[39] *In the Matter of: Amendment of Parts 2 and 15 of the Commission's Rules to Deregulate the Equipment Authorization Requirements for Digital Devices*, ET Docket No. 95-19, Report and Order (1996), https://www.fcc.gov/ecfs/document/162316/1 para. 40.

[40] Petition for Reconsideration of ITI, ET Docket No. 95-19 (filed Sept. 3, 1997) https://www.fcc.gov/ecfs/document/190641/1 (ITI Petition for Reconsideration).

[41] *Id.*

[42] *In the Matter of 1998 Biennial Regulatory Review – Amendments of Parts 2, 25, and 68*, Report and Order, FCC 98-338 (Dec. 17, 1998), para. 63 & n.111.

[43] *In the Matter of Amendment of Parts 0, 1, 2, and 15,* Report and Order, para 45-49, FCC 14-208, ET Docket No. 13-44 (Dec. 17, 2014)

[44] *Id.*

equipment certifications) performed by the conformity assessment bodies of the other country.[45] In the United States, MRAs as a general matter are negotiated through the Office of the U.S. Trade Representative. The Commission participates in eight MRAs,[46] covering twenty-seven economies.[47]

19. 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.[48] Under President Trump's leadership, the United States has also to-date signed 10 Agreements on Reciprocal Trade (ARTs) with similar provisions.[49]

C. National Security within the Equipment Authorization Program

20. In addition to its longstanding and foundational responsibilities in the areas of spectrum management, public safety communications, and the broader economic welfare of the nation, the Commission's equipment authorization program has, in recent years, progressively developed into a significant instrument of U.S. national security. Through an express congressional directive, what originated as a regulatory mechanism to ensure that communications equipment complied with technical standards and operated safely within the nation's spectrum environment has evolved into a critical safeguard for identifying, assessing, and mitigating risks associated with insecure or potentially compromised equipment and services. As a result, the program now functions as a key defensive

[45] *See*, *e.g.*, FCC Office of Engineering and Technology, *Equipment Authorization – 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.

[46] *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 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*).*See also* FCC Office of Engineering and Technology, *KDB Publication 901874*, found at https://www.fcc.gov/general/equipment-authorization-mutual-recognition-agreements.

[47] Australia, Canada, Chinese Taipei, Hong Kong China, Malaysia, New Zealand, Republic of Korea, Singapore, Viet Nam, Iceland, Liechtenstein, Kingdom of Norway, Austria, Belgium, Finland, France, Germany, Ireland, Italy, Netherlands, Slovenia, Spain, Sweden, Israel, Japan, Mexico, United Kingdom.

[48] 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.").

[49] Currently, the U.S. is a party to ARTs with the following economies: Argentina, Bangladesh, Cambodia, El Salvador, Guatemala, Indonesia, Jordan, 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").

measure, helping to secure the integrity, reliability, and resilience of the communications devices upon which the United States depends.

21. Pursuant to the Secure and Trusted Communications Networks Act of 2019 ("Secure Networks Act"), the Commission publishes the Covered List, a list of equipment and services that have been specifically determined by enumerated sources to pose an unacceptable risk to the national security of the United States or the security and safety of United States persons.[50] In June 2021, the Commission initiated a proceeding that proposed banning the authorization of equipment on the Covered List (i.e. covered equipment).[51] In November 2021, while that proceeding was pending, Congress enacted the Secure Equipment Act of 2021, which identified this proceeding by docket number and directed the Commission to adopt rules prohibiting authorization of covered equipment.[52] Since the Secure Equipment Act, the Commission's need to have confidence in the integrity of the private organizations involved in the equipment authorization program is all the more important, as we now have a statutory obligation to prohibit covered equipment from getting an equipment authorization.

22. On November 11, 2022, the Commission adopted the *Equipment Authorization* (*EA) Security Report and Order, Order, and Further Notice of Proposed Rulemaking*.[53] As mandated by Congress in the Secure Equipment Act, the Commission adopted rules to prohibit the authorization of covered equipment. Specifically, the Commission established several new rules to prohibit authorization of covered equipment.[54] The *EA Security R&O* adopted several revisions to part 2 of the Commission's rules concerning equipment authorization requirements and processes.[55] The rules explicitly prohibited authorization of covered equipment through both primary pathways to get an equipment authorization: certification (the primary subject of this Report & Order) and the Supplier's Declaration of Conformity (SDoC) procedures.[56] The rules reformed the certification process by requiring any applicant for certification to attest that the equipment at issue was *not* covered equipment, attest to its status as an entity identified on the Covered List[57] (including subsidiaries and affiliates), and designate a U.S.-based agent

[50] Secure and Trusted Communications Networks Act of 2019, Pub. L. No. 116-124, 133 Stat. 158 (2020) (codified as amended at 47 U.S.C. §§ 1601-1609 (Secure Networks Act); 47 CFR §§ 1.50002, 1.50003.

[51] *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 Equipment Authorization Program*, ET Docket No. 21-232 & EA Docket No. 21-233, Notice of Proposed Rulemaking and Notice of Inquiry, 36 FCC Rcd 10578 (2021).

[52] Secure Equipment Act of 2021, Pub. L. No. 117-55, 135 Stat. 423 (codified at 47 U.S.C. § 1601 note), *available at* https://www.congress.gov/bill/117th-congress/house-bill/3919/text.

[53] *EA Security R&O* and *EA Security FNPRM*, 37 FCC Rcd 13493. That proceeding commenced in June 2021. *See Id.*

[54] *See generally EA Security R&O*, 37 FCC Rcd at 13509-98, paras. 32-263. Pursuant to sections 2(a) and (d) of the Secure and Trusted Communications Networks Act of 2019, and sections 1.50002 and 1.50003 of the Commission's rules, the Federal Communications Commission's Public Safety and Homeland Security Bureau (PSHSB) publishes a list of communications equipment and services that have been determined by one of the sources specified in that statute to pose an unacceptable risk to the national security of the United States or the security and safety of United States persons (covered equipment). Secure and Trusted Communications Networks Act of 2019, Pub. L. No. 116-124, 133 Stat. 158 (2020) (codified as amended at 47 U.S.C. §§ 1601-1609) (Secure Networks Act); 47 CFR §§ 1.50002, 1.50003.

[55] *EA Security R&O*, 37 FCC Rcd at 13495-96, para. 3.

[56] 47 CFR §§ 2.903, 2.906(d).

[57] The FCC maintains a list of communications equipment and services (Covered List) that have been determined to "pose an unacceptable risk to the national security of the United States or the security and safety of United States persons." Secure and Trusted Communications Networks Act of 2019, Pub. L. No. 116-124, 133 Stat. 158 (2020) (codified

for service of process.[58] TCBs, pursuant to their responsibilities as part of the Commission's equipment authorization program, review the applications and must ensure that only applications that meet all of the Commission's applicable technical and non-technical requirements are ultimately granted, and that none of these grants is for covered equipment.[59]

23. The Commission, in affirming its authority to prohibit authorization of communications equipment that had been placed on the Covered List in the *EA Security R&O*, noted that it has broad statutory authority, under sections 302 and 303(e) of the Communications Act and other statutory provisions, to take into account national security concerns when promoting the public interest, including in its equipment authorization program.[60] Congress required the Commission to publish final rules in the proceeding, ratifying the FCC's legal authority to consider national security in the EA program directing the Commission to ban covered equipment.[61] On that basis, the Commission prohibited such equipment from being authorized under its equipment authorization program. It justified this action by explaining that leaving pathways open for authorization would allow state-aligned entities to insert devices into U.S. networks that could enable espionage, data interception, or remote disruption. The equipment authorization program thus became a key tool in the nation's arsenal against devices deemed national security risks.

24. The Commission has continued to rely on the equipment authorization program for national security purposes. In the 2025, the Commission adopted the *Second EA Security Report and Order*, which adopted a range of additional measures.[62] The Second Report and Order clarified that covered equipment includes modular transmitters, and it prohibited authorization of any device containing a modular transmitter that is itself covered equipment.[63] It also established a new process to limit existing equipment authorizations by blocking further importation and marketing of already authorized- covered equipment while allowing continued use, and it clarified key statutory terms such as "produced by" to ensure entities cannot evade Covered List restrictions through rebranding or partial manufacturing.[64] The

as amended at 47 U.S.C. §§ 1601-1609) (Secure Networks Act); 47 CFR §§ 1.50002, 1.50003.

[58] 47 CFR §§ 2.911(d)(5)-(7).

[59] *See, e.g.*, *EA Security R&O*, 37 FCC Rcd at 13514-16, 13518, paras. 48, 50, 52, 55; 47 CFR § 2.962(f). *See also EA Security R&*O, 37 FCC Rcd at 13567-78, paras. 189-215 (providing significant Commission guidance on implementing the prohibition on authorizing "covered" equipment; TCBs have the responsibility for reviewing the applications for equipment certification, including the applicant attestations, and implementing this prohibition).

[60] *EA Report and Order*, 37 FCC Rcd at 13511-12, paras. 38-43. Among other things, the Commission noted that section 302 provides additional authority to make reasonable regulations governing RF devices, "consistent with the public interest, convenience, and necessity," thus giving the Commission broad authority to implement other statutory responsibilities, including consideration of the national defense and the promotion of safety of life and property, citing section 1 of the Act. Furthermore, it noted that the rules were supported by both section 303(e), which gives the Commission authority to "[r]egulate the kind of apparatus to be used with respect to its external effects," and by the Communications Assistance for Law Enforcement Act (CALEA), which gives the Commission authority to prescribe rules necessary to protect networks from equipment that raises national security threats. *See id.* at 13511-12, para. 40-41. In the *EA Security FNPRM*, the Commission sought comment on several issues that could help ensure effective implementation of the prohibition on authorization of covered equipment. *See generally EA Security FNPRM*, 37 FCC Rcd at 13599-602, paras. 267-332.

[61] Secure Equipment Act of 2021, Pub. L. No. 117-55, 135 Stat. 423 (codified at 47 U.S.C. § 1601 note).

[62] *Protecting Against National Security Threats to the Communications Supply Chain through the Equipment Authorization Program,* ET Docket No. 21-232, Second Report and Order, and Second Further Notice of Proposed Rulemaking, 40 FCC Rcd 8430 (2025) (*Second Report and Order*).

[63] *Id.* at 8436-46, paras. 14-31.

[64] *Id.* at 8447-58, paras. 32-53.

Order further barred modifications or permissive changes to covered equipment or previously authorized equipment that would become covered as a result of the modification or permissive change.[65]

25. Most recently, in July 2026, the Commission adopted the *Third EA Security Report and Order* in which it extended this national-security justification to logic-bearing hardware components, the chips, modules, processors, and programmable elements that formed the technological core of modern communications equipment.[66] The Commission found that hostile foreign entities could compromise devices at this component level, even when the final product was manufactured or branded by an unrelated company. Because malicious logic embedded at the hardware level could enable persistent backdoors, unobservable data exfiltration, remote sabotage, or critical infrastructure disruption, the Commission determined that devices containing logic-bearing hardware from Covered List entities posed the same national-security risks as fully assembled devices from those entities. It concluded that preventing component-level threats was imperative because hardware compromises were extremely difficult to detect, remediate, or neutralize once deployed. The Commission's equipment authorization program now has a responsibility to guard against devices containing dangerous components.

26. Additionally, the Covered List has continued to expand as the FCC implements new national security determinations under the Secure Networks Act and directives from Congress, creating new responsibilities for the participants in the equipment authorization. In 2024, the Commission added Kaspersky's cybersecurity and anti-virus products, including when embedded in third-party hardware or software, to the Covered List.[67] As a result, the equipment authorization program took on greater responsibility for evaluating equipment that includes integrated software. The Covered List has also expanded at the direction of Congress. Under section 1709 of the FY2025 National Defense Authorization Act (NDAA), Congress set a deadline for a national security agency to make a specific determination whether certain equipment and services pose unacceptable risks to the national security of the United States or the security and safety of United States persons, and, if no determination was made by the deadline, directed the FCC to automatically place all communications or video surveillance equipment and services produced by certain entities on the Covered List.[68] Before that deadline, the FCC received a national security determination made by an Executive Branch interagency body placing all such equipment on the Covered List.[69] In 2025 and 2026, the Covered List expanded to include production-location-based updates, marking a shift from specific determinations identifying specific producers or providers to identifying entire classes of equipment produced in certain locations. Those new determinations added all foreign-produced uncrewed aircraft systems (UAS) and UAS critical

[65] *Id.* at 8447, paras. 54-55.

[66] Protecting Against National Security Threats to the Communications Supply Chain through the Equipment Authorization Program, ET Docket No. 21-232, Second Report and Order and Second Further Notice Of Proposed Rulemaking, 40 FCC Rcd 8430 (2025) (Second EA Security Report and Order).

[67] *Office of Engineering and Technology and Public Safety and Homeland Security Bureau Announce Prohibition on Authorization of Equipment that Includes Kaspersky Cybersecurity or Anti-Virus Software,* 39 FCC Rcd 9739, WC Docket No. 18-89, ET Docket No. 21-232, EA Docket No. 21-233, Public Notice, DA-24-886 (Sept. 3, 2024).

[68] FY25 NDAA § 1709, Pub. L. No. 118-159, 138 Stat. 1773, 2209–11 (to be codified as Note to 47 U.S.C. § 1601).

[69] *Public Safety and Homeland Security Bureau Announces Addition of Uncrewed Aircraft Systems (UAS) and UAS Critical Components Produced Abroad, and Equipment and Services Listed In Section 1709 of the FY2025 NDAA, to FCC Covered List*, WC Docket No. 18-89, Public Notice, DA 25-1086 (Dec. 22, 2025) (*First UAS Public Notice*).

components,[70] routers,[71] and power inverters and advanced robotic devices[72] to the Covered List, subject to exceptions.[73]

27. Finally, the Commission has a pending proceeding to upgrade and modernize our equipment security rules in light of the expanded Covered List. Specifically, we proposed targeted rules to close these gaps and prevent entities from exploiting ambiguities that undermine the Commission's safeguards, such as: measures to strengthen enforcement by requiring a U.S.-based liable party for FCC-certified equipment; updates to parts 2 and 15 of our rules concerning the Covered List; white-labelling; hardware and software bills of materials; further prohibitions or presumptions against authorization of equipment containing Covered List components or software; certification requirements for devices in Covered List sectors; equipment importation rules (including the importation for personal use and related definitions in part 15); equipment marketing rules (including prohibitions on marketing and use for illegal or unlawful purposes and related definitions in part 15); use of the FCC logo; streamlined revocation proceedings; codifying previously granted and expanded waivers permitting permissive changes; operating devices prior to authorization; UAS and router Covered List definitions; term limits on equipment authorizations; registration of SDoC devices; data analytics capability and need for modern Equipment Authorization System (EAS) database; submarine cables; and a U.S.-based liable party requirement for FCC-certified equipment.[74] If the Commission goes on to adopt proposed rules, the equipment authorization program will have yet more critical responsibilities. Not only will more devices require certification, but also hardware and software disclosures will become integral to the equipment authorization process.

28. All these actions demonstrate how the equipment authorization program has become increasingly vital to national security, serving as a foundational mechanism for ensuring that communications equipment entering the U.S. marketplace is safe, reliable, and free from vulnerabilities that could present risks to critical infrastructure or compromise the integrity of federal spectrum operations. It is therefore vital that the Commission has the utmost confidence in the integrity of the equipment authorization program.

D. First EA Integrity Report & Order and FNPRM

29. In light of the major new national security role the equipment authorization program plays following the Secure Networks Act, Secure Equipment Act, and the *EA Security* rulemakings, the Commission opened this docket in May 2024 to consider "potential revisions to the Commission's rules designed to promote the integrity of our equipment authorization program and ensure that it serves the Commission's goals in protecting our communications equipment supply chain from entities posing unacceptable national security concerns."[75] In May 2025, the Commission adopted a Report and Order

[70] *Id.; Public Safety and Homeland Security Bureau Announces Exemption of Certain Uncrewed Aircraft Systems (UAS) and UAS Critical Components from FCC Covered List*, WC Docket No. 18-89, Public Notice, DA 26-22 (Jan. 7, 2026) (*Second UAS Public Notice*).

[71] *FCC's Public Safety and Homeland Security Bureau Announces Addition of Routers Produced in Foreign Countries to FCC Covered List*, WC Docket No. 18-89, Public Notice, DA 26-278 (Mar. 23, 2026).

[72] *FCC's Public Safety and Homeland Security Bureau Announces Addition of Foreign-Produced Power Inverters and Advanced Robotics Devices to FCC Covered List*, WC Docket No. 18-89, Public Notice, DA 26-786 (July 28, 2026).

[73] List of Equipment and Services Covered by Section 2 of the Secure Networks Act, https://www.fcc.gov/supplychain/coveredlist.

[74] *Second EA Security Report and Order,* 40 FCC Rcd at 8430, paras. 128-234.

[75] See, *supra,* 21.

and Further Notice of Proposed Rulemaking in this proceeding.[76] The *First EA Integrity R&O* accepted that the integrity of the equipment authorization program depended on more than mere technical accreditation of individual Test Labs, TCBs, and laboratory accreditation bodies, given the sensitive role these entities play and the importance of the equipment authorization program generally.[77] Because such entities are entrusted with receiving and maintaining sensitive and proprietary information regarding communications equipment, we emphasized the need to have trustworthy actors in the equipment program.[78] We also focused on the need to protect existing manufacturers from unknowing reliance on untrustworthy entities.[79] We stated that "[i]n light of ongoing security risks, the Commission must take measures to ensure that entities with access to equipment, and related data, prior to authorization for importing and marketing, as well as entities that assess the competence of such … are operating consistent with their responsibilities."[80]

30. The *First EA Integrity R&O* also strengthened the integrity and security of the equipment authorization program by imposing new restrictions on TCBs, Test Labs, and laboratory accreditation bodies. The Commission adopted rules to 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 2023, Section 5949 semiconductor companies, Department of War 1260H Chinese Military Companies, and Treasury Non-Specially Designated Nationals Chinese Military-Industrial Complex Companies List.[81] Ownership was defined as holding 10% or more equity or voting interest, while reporting obligations apply to interests of 5% or greater.[82]

31. 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 United States 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.[83]

32. Since the adopting of the *First EA Integrity R&O*, the Commission has been diligently 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

[76] *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 or First EA Integrity FNPRM).

[77] *See, e.g.*, *First EA Integrity R&O* at para. 52.

[78] *Id.* at para. 2.

[79] *Id.* at para. 25.

[80] *First EA Integrity R&O* at para. 52.

[81] 47 CFR § 2.902 (defining *prohibited entities*).

[82] *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).

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

governments. A total of 29 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.[84]

E. Second EA Integrity Report and Order

33. In May 2026, the Commission continued its efforts to strengthen the integrity and security of the Equipment Authorization Program by adopting the *Second Report and Order and Second Further Notice of Proposed Rulemaking* in this proceeding.[85] Building on the foundation established in the *First EA Integrity R&O*,[86] this action addressed emerging national security risks and supply chain vulnerabilities by refining our rules governing TCBs, Test Labs, and laboratory accreditation bodies.

34. Specifically, the Commission adopted 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 Reciprocal Economies under the Pre-Approval Guidance (PAG) system.[87] These steps aimed 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 enhanced transparency by requiring disclosure of the location and number of employees engaged in Commission-recognized testing and certification, including foreign-based staff, to assess trustworthiness, impartiality and compliance with Commission rules.[88] The *Second EA Integrity R&O* also directed revisions to post-market surveillance procedures, strengthened enforcement mechanisms, and established confidential reporting channels for industry participants to raise concerns about violations or national security threats.[89] To streamline compliance, we created consolidated human-readable, machine-readable list of prohibited entities to assist TCBs in screening applicants efficiently.[90]

35. In the *Second EA Integrity FNPRM*, the Commission sought comment on whether it should prohibit recognizing Test Labs, TCBs, and accreditation bodies located in or tied to non-Reciprocal Economies, and whether withdrawing existing recognition would have strengthened the

[84] 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.; CQC Internet of Vehicles Technical Service; TUV SUD Certification and Testing (China) Co., Ltd; SGS-CSTC Shanghai; SGS-CSTC Xi'an; Shenzhen Academy of Metrology and Quality Inspection; SGS-CSTC Guangzhou; and STS-CSTC Anhui. These do not include labs and a TCB located in a non-Reciprocal Economy whose recognitions were recently withdrawn or have not been renewed for other reasons, including Derycom Certification Services, Inc., SLG-CPC Test Laboratory Co., Ltd, and Shenzhen STS Test Services Co., Ltd. *See infra*, paras. 75 and 114 n.289.

[85] *See 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, 91 FCC Rcd 27843 (adopted May 1, 2026) (Second EA Integrity R&O or Second EA Integrity FNPRM).

[86] *First EA Integrity R&O and First EA Integrity FNPRM.*

[87] *Second EA Integrity R&O* at paras. XX.

[88] *Id.* at paras. XX.

[89] *Id.* at paras. XX.

[90] *Id.* at paras. XX.

integrity, security, and reciprocity of the Commission's equipment authorization program. We inquired whether such rules should have applied to entities owned or controlled by non-Reciprocal Economies; how our rules should have been clarified or modified, including possible delayed implementation or phased transitions; and what alternative interim approaches, such as additional fees, enhanced surveillance, auditing, or extended review periods, might have eased industry impacts before a full prohibition. The Commission also sought input on protection of intellectual property (IP) during testing and certification, including the effectiveness of existing safeguards and whether risks in non-Reciprocal Economies warranted stricter measures. Additionally, commenters were invited to suggest other ways to expand and streamline testing within the United States and allied countries, and to provide guidance on modernizing the Commission's equipment authorization databases to support enforcement, reduce administrative burdens, and improve information sharing with TCBs.[91]

III. THIRD REPORT AND ORDER

36. In this Third Report and Order, the Commission continues its work to bolster the integrity of the equipment authorization program. We adopt rules to prohibit the recognition of any Test Lab located in non-Reciprocal Economies, i.e. foreign countries with which the Commission lacks an MRA or other comparable reciprocal trade agreement.[92] We adopt similar rules for TCBs and laboratory accreditation bodies, which codifies existing practice. These rules also apply to Test Labs, TCBs, and laboratory accreditation bodies that conduct their testing, certification, and/or accrediting (which we define as "covered activity") for the equipment authorization program in non-Reciprocal Economies. To facilitate an orderly, efficient, and transparent transition, we adopt rules that would delay the effective date of the Test Lab prohibition rules until December 1, 2028.

37. The Commission's equipment authorization program plays a vital role in U.S. economic life, protecting against harmful and dangerous interference, and now holds a central role in national security. In light of these responsibilities, the Commission initiated this proceeding to consider "potential revisions to the Commission's rules designed to promote the integrity of our equipment authorization program and ensure that it serves the Commission's goals in protecting our communications equipment supply chain from entities posing unacceptable national security concerns."[93] As part of this review, the Commission considered whether continuing to allow Test Labs, TCBs, and laboratory accreditation bodies in any jurisdiction globally was still the best policy for ensuring the integrity of the program.[94] We conclude that it is not. The equipment authorization program is too important, especially for national security, for us to continue to recognize Test Labs, TCBs, or laboratory accreditation bodies in non-Reciprocal Economies. Because there are no TCBs or laboratory accreditation bodies affected by today's action and because the record overwhelmingly focused on Test Labs, we concentrate on Test Labs, before briefly addressing TCBs and laboratory accreditation bodies.

38. First, we explain that reciprocal agreements ensure that these crucially important private entities are either subject to U.S. jurisdiction, with its robust oversight, governance, transparency, and enforcement mechanisms, or the jurisdiction of a Reciprocal Economy, which is a territory of an economy with whom the United States has an MRA or analogous reciprocal agreement. These agreements ensure that (a) the U.S. government has had an opportunity to verify the jurisdiction's comparable oversight, governance, transparency, and enforcement capabilities before allowing Test Labs in the jurisdiction to be

[91] *Second EA Integrity FNPRM*, at para. 70-76.

[92] Because at present there are no TCBs or laboratory accreditation bodies located in non-Reciprocal Economies, the bulk of the record and the bulk of our discussion focus on Test Labs. We do, however, discuss the TCB and laboratory accreditation body issue below. *See, supra*, at 40.

[93] *Promoting the Integrity and Security of Telecommunications Certification Bodies, Measurement Facilities, and the Equipment Authorization Program*, Notice of Proposed Rulemaking, ET Docket No. 24-136, 39 FCC Rcd 5950, 5962, para. 22 (adopted May 23, 2024).

[94] *E.g.*, *Second EA Integrity FNPRM*, at para. 70-75.

recognized and (b) provide a baseline of cooperation on which cooperation on oversight, governance, transparency, and enforcement can be based. Such oversight, governance, transparency, and enforcement capabilities are particularly vital, given the national security role that the equipment authorization process now plays. Today's action eliminates a concern about the lack of such capability with non-Reciprocal Economy Test Labs. Second, we explain how today's action protects the equipment authorization program against the increasing overconcentration of Test Labs in, and thus reduces harmful dependence on Test Labs in non-Reciprocal Economies, which poses systemic risks to the overall equipment authorization program. Third, we explain that reciprocity in RF testing is itself a virtue, which we embrace, one which will also prevent the market distortions that have caused the hollowing out of U.S. testing capacity.

A. Limiting Test Lab Recognition

39. As part of a first principles reexamination of the equipment authorization program, in this *Third Report and Order*, we strengthen the integrity and effectiveness of the equipment authorization program by limiting recognition of Test Labs to those located in the United States and Reciprocal Economies. This prohibition on recognizing non-MRA Test Labs will be effective on December 1, 2028, applied prospectively to applications received on or after that date, and will not disturb equipment authorizations granted or applications received before that date. We define a Reciprocal Economy as the territory of an economy with which the United States has entered into reciprocal treatment through an MRA or trade agreement with comparable reciprocal provisions. OET will publish and regularly update the list of Reciprocal Economies on its website; the current such list is provided in Appendix D. OET shall maintain a regular review schedule and will modify the list of Reciprocal Economies as appropriate. In evaluating whether to add an economy, OET shall consult with the relevant federal agencies, including the Office of the U.S. Trade Representative, as appropriate to ensure that any underlying MRA or trade agreement provides for meaningful reciprocal treatment. OET shall also establish a mechanism for removing an economy from the list if it is determined that reciprocal treatment is not being provided in practice.

40. *Background*. In the *First EA Integrity FNPRM*, the Commission sought comment on "ways in which the Commission can facilitate and encourage more equipment authorization testing and certification within the United States" and MRA countries.[95] The Commission declined to adopt a general prohibition on Test Labs located in non-MRA countries in immediate response to the record developed following the *First EA Integrity FNPRM* but stated that it would "revisit this decision" after considering additional information and sources.[96] Consequently, in the *Second EA Integrity FNPRM*, following further development of the record, the Commission reopened 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 United States (non-Reciprocal Economies) and withdraw recognition of those Test Labs, TCBs, and laboratory accreditation bodies already recognized.[97]

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

[96] *First EA Integrity R*&O, at paras. 110-112 (deferring potential action on a general prohibition on Test Labs located in non-MRA countries and identifying record support for a further assessment of the impacts of such action).

[97] *Second EA Integrity FNPRM* at para. 69. We also opened 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. *Id*. at para. 70.

41. There are currently no TCBs or laboratory accreditation bodies in non-Reciprocal Economies.[98] Our rules already practically and implicitly prohibit TCBs from being located in non-Reciprocal Economies by requiring TCBs be "designated in accordance with the terms of an effective" MRA[99] and even barring TCBs in MRA partner economies that do "not permit TCBs in the United States to authorize equipment to its requirements."[100] Despite this limitation on TCBs even in certain MRA Economies that fail to grant adequate reciprocity, the Commission's rules to do not expressly prohibit recognition of TCBs in non-Reciprocal Economies, as long as such TCBs are designated in accordance with MRAs. Similarly, while in practice laboratory accreditation bodies have never been recognized in non-Reciprocal Economies, the Commission's rules do not prohibit such recognition. By contrast, there are hundreds of FCC-recognized Test Labs in non-Reciprocal Economies.[101]

42. *Testing Data*. The Commission currently recognizes 609 test labs, 25.1% are located in the PRC,[102] 18.4% are located in Taiwan, 17.9% are located in the United States, 9.4% are located in Japan, 6.6% are located in South Korea, 3.3% are located in Germany, 2.8% are located in Canada, 2.6 % are located in the United Kingdom, 1.6% are located in Italy, 1.5% are located in France, 1% are located in Isreal, 1% are located in Finland, 1% are located in India, and the remaining 7.9% of recognitions in various other countries. Despite only 27% of the Test Labs located in non-Reciprocal Economies, the concentration of equipment authorization applications processed in the last few years demonstrates an operational disproportionate and growing dependence on a small subset of non-Reciprocal Economy Test Labs.

43. Looking at the distribution of place of actual testing for equipment authorization applications, the charts and graphs in Figures 2-4 show a major shift in the countries where FCC equipment authorization testing is performed. In Figure 2, we see that in 2007, U.S. Test Labs handled the largest share at about 31%, followed by Taiwan at 20%, "all other" countries at 27%, PRC at 13%, and South Korea at 10%. The landscape has changed dramatically over the following 18 years: the share of testing in the PRC (a non-Reciprocal Economy) increased steadily and sharply—from roughly 13% in 2007 to more than 82% by 2025. In contrast, all other major testing countries experienced consistent declines over the same period. By 2025, the United States's share had fallen to less than 4%, Taiwan's

[98] *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*, Active Test Firm Accrediting Bodies (TFAB)*, https://apps.fcc.gov/oetcf/mra/reports/AccreditingBodyReport.cfm.

[99] 47 CFR § 2.960(d).

[100] 47 CFR § 2.960(d)(1).

[101] 47 CFR § 2.948(f)(2).

[102] We note that PRC's share of test firms has recently been reduced by about one percent as a result of the Commission's bad labs actions.

share had fallen to about 8%, South Korea's to around 2%, and all other countries' category also dropped to just above 4%.

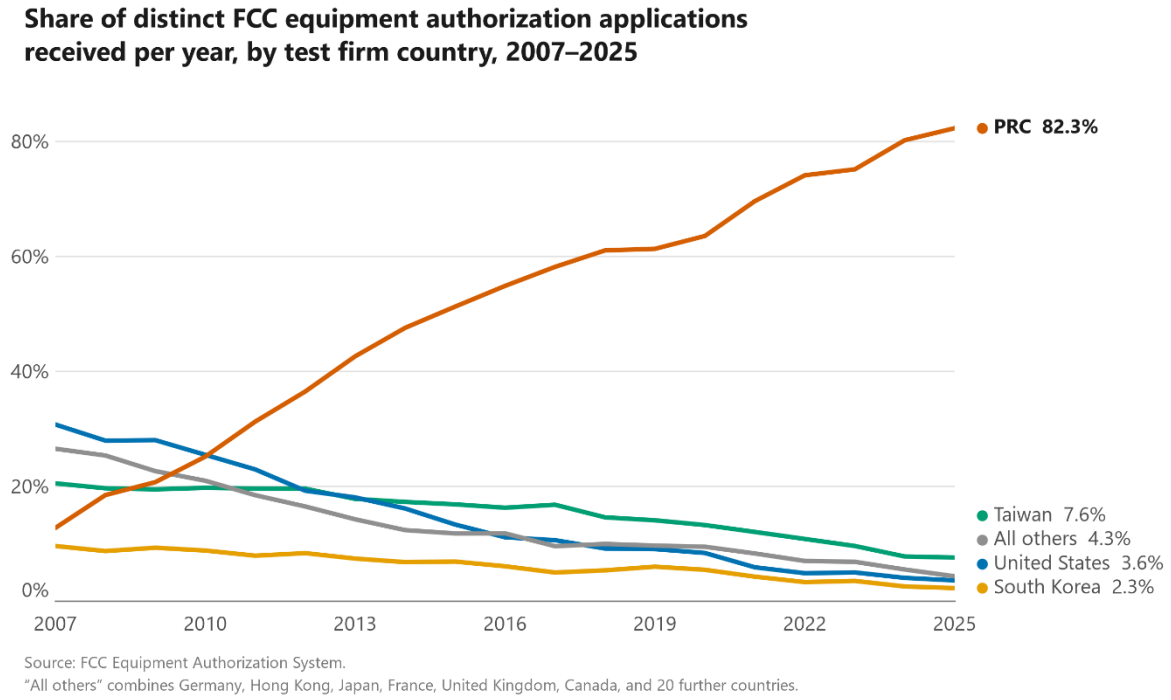


Figure 2

44. The 2025 pie chart in Figure 4 reinforces this trend, showing PRC overwhelmingly dominating FCC application testing with an 82% share of all distinct applications received that year. No other country accounts for more than single-digit percentages. Taken together, these figures show the consolidation of FCC testing activity in Test Labs in a single non-Reciprocal Economy, while testing activity in the United States, Taiwan, and other countries has declined proportionally.[103] This data signifies the operational workload is heavily dominated by Test Labs in a single country, which is a non-Reciprocal economy, and that one economy processed more than four-fifths of all equipment authorization application. It also highlights a significant reliance on a relatively small subset of non-Reciprocal Economy Test Labs for application processing. Barring a shift in policy, based on our experience overseeing equipment authorization data, the Commission expects this concentration to continue.

[103] These statistics are derived from FCC records in its equipment authorization system.

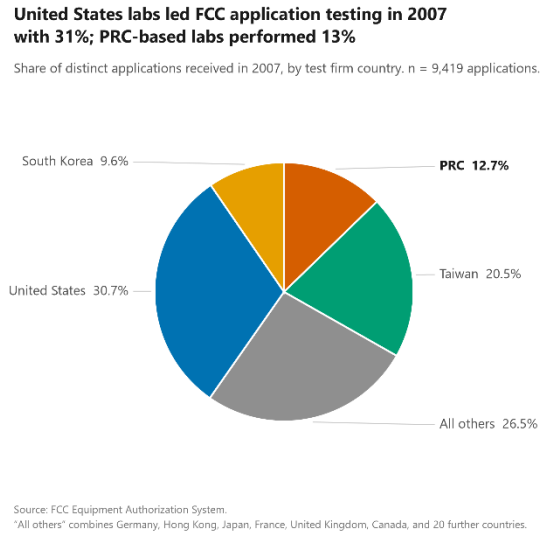


Figure 3

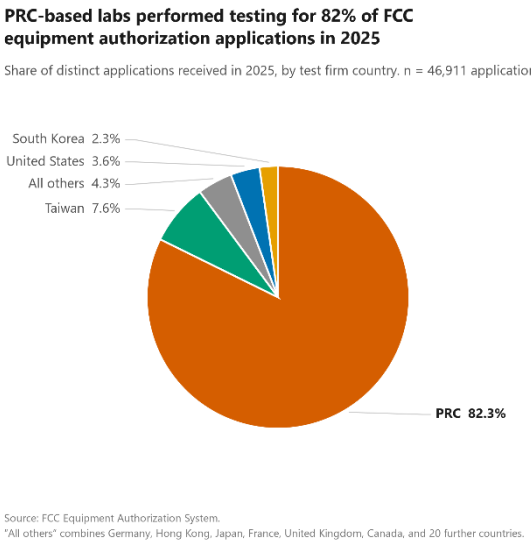


Figure 4

45. To maintain the integrity of the equipment authorization program, the Commission must have effective oversight of Test Lab activities and the authority to require corrective actions. However, the operational core of the equipment authorization program now resides in foreign jurisdictions with which the United States does not have a framework providing for reciprocal recognition of testing and certification. non-Reciprocal Economies have established an effective monopoly for the testing of equipment for the U.S. market; one non-Reciprocal Economy alone performs over 82% of FCC compliance testing annually. The charts above illustrate how the U.S. testing industry has shrunk dramatically in less than two decades, as testing moved to non-Reciprocal Economies. Because Test Labs in non-Reciprocal Economies do not have to demonstrate competent oversight, governance, transparency, or enforcement capacity, they can operate with lower compliance costs and offer artificially low rates to customers. Such conditions may provide opportunities for regulatory arbitrage; they may disadvantage labs that invest in robust compliance and create market distortions and overconcentration in non-Reciprocal Economies. This degree of concentration also renders the equipment authorization process vulnerable to substantial disruption and raises significant economic and national security concerns.

46. *Comments.* The record reflects support for reciprocity-based recognition and opposition based on cost, technical capacity and competence, and discriminatory treatment. We address these concerns in in turn below.

47. RF Safety Laboratory, LLC (RF Safety Lab) supports the FCC's proposed rules to prohibit the recognition of Test Labs, TCBs, or laboratory accreditation bodies that are based in non-Reciprocal Economies, and even to prohibit those owned or controlled by entities in non-Reciprocal Economies.[104] RF Safety Lab argued that "the existence of a [MRA] or comparable trade agreement with reciprocity provisions provides a workable and administrable threshold for determining which foreign entities may be recognized in the equipment authorization program" and asserts that such agreements "represent a formal government-to-government commitment to mutual accountability."[105] RF Safety Lab supports the Commission's embrace of reciprocity in the equipment authorization program.[106]

48. On the need for reciprocity, RF Safety Lab notes that "opposition grounded in free trade principles presupposes a reciprocal trading environment that does not presently exist," given that "US laboratories lack equivalent access to markets that mandate in-country testing, yet accredited laboratories

[104] RFSL Comment at 2.

[105] RFSL Comment at 2.

[106] RFSL Comment at 5-7.

from those same markets are permitted to submit test reports for FCC equipment authorization."[107] RF Safety Lab further explains that the Commission's proposed rules would level the playing field, noting that "a significant portion of equipment authorization testing that could be conducted in the United States has instead been conducted overseas, because foreign regulatory environments effectively require in-country testing for access to those markets while offering no comparable access for U.S. labs" and that asymmetric market access "has contributed to the offshoring of domestic testing capacity that both the Commission and RF Safety Lab have sought to reverse."[108]

49. As to the costs of transitioning to a reciprocity-based equipment authorization program, RF Safety Lab goes on to argue that "[t]he Commission has a responsibility to the integrity of the equipment authorization program and to national security that outweighs the commercial convenience of maintaining the status quo."[109] involved in the transition, these costs can be addressed through "a clear and well-communicated implementation roadmap that gives affected parties adequate time to adapt."[110] Moreover, RF Safety Lab notes other public interest benefits from incentivizing domestic testing along the lines of the Commission's proposed prohibitions, because "[t]his accumulated expertise strengthens the government's own capacity as well, as OET and the federal technical community benefit from a domestic testing ecosystem that is actively engaged with cutting-edge technologies rather than observing them from a distance."[111]

50. Similarly, the Foundation for the Defense of Democracies (FDD) supports the FCC's proposed rules to prohibit the recognition of Test Labs, TCBs, or laboratory accreditation bodies that are in, or that conduct testing, certification, or accreditation in, countries that lack an MRA or trade agreements that provides for reciprocity with the United States[112] FDD argues that the absence of an MRA limits reciprocal oversight, enforcement, and market access for U.S. testing facilities and that excluding these jurisdictions from recognition will secure critical technology supply chains while strengthening domestic and allied demand for testing facilities.[113] FDD explains that current certification processes allow American adversaries to access sensitive proprietary data submitted by manufacturers, including engineering documents, radiofrequency emissions, and other critical systems, potentially allowing them to directly affect the types of hardware that can legally be imported into the United States.[114] FDD also states that foreign governments have the authority to compel their firms and citizens, regardless of physical location, to share sensitive information to further government priorities.[115]

51. The Coalition for a Prosperous America (CPA) also commented in support of the prohibition, stating that "[a]ny economy may secure recognition for its laboratories by extending the same courtesy to ours" and that the prohibition on non-Reciprocal Economies would end "something no other major economy offers: unconditional, unreciprocated access to the certification gateway of the world's most valuable consumer market."[116] The America First Policy Institute (AFPI) likewise supports the proposal, urging the Commission to cease recognition of Test Labs, TCBs, and laboratory accreditation bodies located in, or conducting covered activity in, jurisdictions that lack an MRA or comparable

[107] RFSL Comment at 6.

[108] RFSL Comment at 6.

[109] RFSL Comment at 6.

[110] RFSL Comment at 6.

[111] RFSL Comment at 7.

[112] Comments of Foundation for the Defense of Democracies at 1.

[113] Comments of Foundation for the Defense of Democracies at 1.

[114] Comments of Foundation for the Defense of Democracies at 1.

[115] Comments of Foundation for the Defense of Democracies at 1-2.

[116] Comments of CPA at 2.

reciprocal trade agreement with the United States.[117] Michael Schafer, CEO of Compliance Testing LLC with more than two decades of direct experience with Test Labs and TCBs, including with contract TCB reviewers in Shenzhen, also agrees with the prohibition. He states that Test Labs in the PRC (a non-Reciprocal Economy) use artificially low prices, often 30-70% below what is feasible for U.S. Test Labs.[118] He characterized these pricing practices as strategic, to undercut and displace U.S. testing capacity while centralizing FCC compliance testing in the PRC in order to gain early access to confidential, pre-market product information.[119] He stated that IP theft is a core risk in testing in non-Reciprocal Economies, where foreign labs can misappropriate U.S. intellectual property outside the protection of U.S. law.[120] The most effective IP protection is keeping IP in trustworthy hands, and not in those of non-Reciprocal Economies.[121] In his view, adopting the FCC's proposed rules would protect both U.S. intellectual property and national security.[122]

52. RF Safety Lab and Michael Schafer each go further and support prioritizing U.S.-based testing.[123] RF Safety Lab contends that US-based testing uniquely builds and retains technical expertise within the domestic workforce and states this accumulated expertise benefits the federal government and technical community at large.[124] Michael Schafer states that U.S. Test Labs should "go first" in receiving any testing transitioning out of a non-Reciprocal economy.[125]

53. By contrast, the PRC government, including the PRC's World Trade Organization (WTO) Agreement on Technical Barriers to Trade (TBT) National Notification and Enquiry Center (PRC WTO/TBT), and several American trade associations, including the Consumer Technology Association (CTA), Auto Innovators and ITI, oppose prohibiting test labs, TCBs, and laboratory accreditation bodies in non-Reciprocal Economies.[126] The PRC WTO/TBT states that such actions are discriminatory and violate Article 5.1.1 of the WTO Agreement on Technical Barriers to Trade (WTO TBT Agreement), which specifically requires that "conformity assessment procedures are prepared, adopted and applied so as to grant access for suppliers of like products originating in the territories of other Members under conditions no less favourable than those accorded to suppliers of like products of national origin or originating in any other country, in a comparable situation."[127]

54. The PRC also opposes the rule and argues that eligibility should turn on technical competence rather than location; withdrawal should rest on specific, verifiable instances of technical noncompliance; the rule would conflict with national-treatment and most-favored-nation principles in the WTO TBT Agreement; and the rule would result in increased consumer retail prices due to newfound

[117] Comments of AFPI at 1.

[118] Michael Schafer Comments at 1-2, 11-12.

[119] Michael Schafer Comments at 2.

[120] Michael Schafer Comments at 2-3.

[121] Michael Schafer Comments at 2-3.

[122] *E.g.* Michael Schafer Comments at 3-4.

[123] Michael Schafer Comments.

[124] RF Safety Laboratory Comments at 6.

[125] Michael Schafer Reply at 1.

[126] CTA Comments; Auto Innovators Reply at 5; ITI Comments; PRC WTO/TBT Comments.

[127] PRC WTO/TBT Comments; *see also* Comments of Shenzhen CTL Testing Technology Co., Ltd; and Comments of "yang." *See, e.g.*, Coalition for a Prosperous America, Comment at 2; *id*. ("A government whose own rules require testing on its own soil as the price of market access cannot be heard to complain that American reciprocity violates world trade rules.").

testing delays.[128] The filing from the PRC WTO/TBT challenges the MRA/FTA criterion on two grounds: that conditioning recognition on the existence of a bilateral MRA or qualifying FTA treats conformity-assessment bodies from different WTO members differently and thereby gives suppliers from non-MRA/FTA economies less favorable access to the FCC's conformity assessment procedure; and that laboratories in non-MRA economies are already accredited to ISO/IEC 17025 through the International Laboratory Accreditation Cooperation (ILAC) mutual recognition framework.[129] In its view, requiring an additional bilateral government agreement improperly supplements the ILAC framework with a unilateral policy criterion.[130] It separately requests an 18- to 24-month transition period before existing recognitions are rescinded.[131]

55. Many other PRC-based commenters oppose the proposed rules on related bases. Several Test Labs and individual filers contend that ISO/IEC 17025 accreditation, FCC compliance history, and/or a willingness to undergo enhanced audits or case-specific review are more probative of integrity than geography.[132] Other commenters claim that excluding PRC-based entities from the Equipment Authorization regime would result in testing delays and bottlenecks.[133] For example, PRC-based lab LCTECH Guangdong Testing Services Co., Ltd. (Guangdong Testing) states that "eliminating China's efficient and large-scale testing capacity will cause bottlenecks in product certification."[134] The China Chamber of Commerce for Import and Export of Machinery and Electronic Products (PRC Chamber) suggests that "Deprived of domestic Chinese lab resources, tens of thousands of manufacturers exporting to the United States will be compelled to shift certification work…resulting in strained global testing capacity."[135]

56. PRC Chamber states that the abrupt disqualification of PRC Test Labs will increase compliance costs, reduce the availability of products on the U.S. market, and present supply chain failure risks.[136] Aaron Ma commented that the Commission's proposal will lead "to much longer logistics cycles, multiplied certification costs, delayed product export delivery and loss of overseas orders,"[137] and PRC-based Shenzhen LCS Compliance Testing Laboratory Ltd. (Shenzhen LCS) forecasted that "the import substitution cycle for critical components such as RF chips and optical modules in the United States will take 5-8 years, during which time there is a risk of technological gap."[138]

57. Various commenters identified entities with apparent reliance interests in the current equipment authorization regime that they contend would be particularly harmed by today's rule. Several PRC-based labs indicated they would lose revenue if the rules were adopted, with Shenzhen BKC Testing Co., Ltd. commenting that the "sudden loss of access to accredited Chinese labs would immediately

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[128] *See* Comments of Jiao Yang, WTO/TBT National Notification and Enquiry Center, at 3-4 (PRC WTO/TBT Comments); *see also* Auto Innovators Reply at 3-4.

[129] PRC WTO/TBT Comments, Attachment 1, at 1-2.

[130] *See id.*

[131] PRC WTO/TBT Comments, Attachment 2, at 1-3.

[132] *See* Shenzen BKC Testing Co., Ltd. Comments at 1; Shenzen Most Technology Service Co., Ltd. Comments at 1-2; Shenzen CTL Testing Technology Co., Ltd. Comments at 1-2; EMTEK (Shenzhen) Co., Ltd. Comments at 2-4; Shenzen BALUN Technology Co., Ltd. Comments at 2-3; Comments of yang at 1-2; Comments of Mark Chraime Comments at 1-4; Comments of Owen Shan at 1.

[133] Mark Chraime Comment at 2; LCTECH Guangdong Testing Services Co., Ltd. at 1.

[134] LCTECH Guangdong Testing Services Co.,Ltd. at 1.

[135] PRC Chamber Comments at 2.

[136] *Id*. at 4.

[137] Aaron Ma Comment at 1.

[138] Shenzhen LCS Compliance Testing Laboratory Ltd at 1.

disrupt our RF/EMC compliance testing workflows. This will lead to critical product launch delays, our competitiveness, and cause measurable financial losses."[139] The PRC Chamber stated that full "revocation of their accreditation will inflict heavy damages on China's testing and certification industry as well as relevant export manufacturers, with adverse impacts cascading across the entire industrial chain…. [as] FCC-related testing and certification accounts for 20% to 30% or even higher of total revenue for most accredited Chinese laboratories."[140] Global United Technology Services Co., Ltd suggests that this would affect exporters of equipment who will have to "find alternative, non-Chinese laboratories that are recognized by the FCC to conduct re-testing."[141] Regarding reliance interests of U.S.-based entities, some commenters raised potential harms to: A2LA, claiming that A2LA accreditation would "will lose its practical value" for laboratories no longer recognized based on today's rule;[142] to U.S. consumers who may be unable to access "newly launched electronics;"[143] and, to "leading U.S. manufacturers including Thermo Fisher Scientific, Agilent Technologies, Danaher, Micromeritics and Bruker," since "[a]ccreditation withdrawal will drive reduced procurement of U.S.-origin instruments and related services" by Chinese Test Labs impacted by today's rule who extensively procure these instruments and services.[144]

58. PRC-based commenters also raised general concerns that the proposed rules, if viewed as being specifically PRC-based, would fragment the global trade structure, impair ongoing trade talks between the United States and the PRC, or constitute either a non-specific violation of domestic procedural or international trade norms or a specific violation of certain WTO obligations.[145]

59. Finally, some PRC-based commenters proposed alternative or additional measures the Commission might adopt in response to the issues they raised. These include adopting either an ultimate control-based[146] or a quality control-based[147] approach to risk assessment, performing a thorough economic impact assessment before adopting the proposed rules,[148] seeking international cooperation on equipment authorization,[149] redesigning the equipment authorization program to facilitate a transition period to the proposed rules,[150] redesigning the TCB program for increased oversight,[151] creating

[139] Shenzhen BKC Testing Co., Ltd. At 1.

[140] PRC Chamber Comments at 1-2.

[141] Global United Technology Services Co., Ltd. Comment at 1.

[142] Shenzhen Tongzhou Testing Co., Ltd. Comment at 1; BlueAsia Technical Services (Shenzhen) Co., Ltd. at 1. Notably, A2LA itself filed comments in this proceeding and did *not* assert that its accreditation would lose value. *See* A2LA Comments.

[143] PRC Chamber Comments at 4.

[144] *Id*.

[145] *See, e.g*, LCTECH Guangdong Testing Services Co., Ltd. at 2; Carol Chen Comment at 4; Wendy Zhan Comment at 1-2; Precise Testing & Certification (Guangdong) Co., Ltd. at 1; Shenzhen HongBiao Certification & Testing Co., Ltd at 1.

[146] Mark Chraime Comment at 2-3; Eurofins Electrical Testing Service (Shenzhen) Co., Ltd

[147] Shenzhen Tongzhou Testing Co., Ltd. Comment at 1; AJT Testing Services Limited at 2.

[148] Carol Chen Comment at 5; Owen Shan Comment at 2.

[149] Carol Chen Comment at 5; Leon Comment at 5.

[150] Michael Schafer Comment at 10.

[151] *Id.*at 6.

programs to recruit FCC Test Lab Engineers or to provide grants to U.S. Test Labs,[152] or to prohibit non-Reciprocal Economies from entering into new MRAs altogether.[153]

60. Trade associations identified concerns with our proposed prohibition on Test Labs, TCBs, and laboratory accreditation bodies in non-Reciprocal Economies. ITI, Auto Innovators, CTA, EMTEK, Eurofins entities, Association of Home Applicance Manufacturers (AHAM), National Association of Manufacturers (NAM), National Electrical Manufacturers Association (NEMA), TIC Council, and Toy Association contend that the proposal improperly treats the absence of an MRA as a proxy for risk or is otherwise under and/or overinclusive in scope.[154] EMTEK claims that the Commission has not provided sufficient evidence of risks or quantified costs associated with the rule,[155] and EMTEK, and TIA request that the Commission provide additional information on available testing capacity and related information associated with the rule.[156] Many trade associations opined that a prohibition would raise costs for manufacturers (potentially driving some out of the market),[157] raise costs and/or create delays in or a loss of product availability for American consumers,[158] and/or result in a loss of other efficiencies currently made possible by recognizing Test Labs, TCBs, and laboratory accreditation bodies located in non-Reciprocal Economies.[159] Some of these entities argue that standing up new testing facilities and processes, and/or altering existing supply chains, could itself introduce new unintended risks or impair American technological leadership.[160] Many of these trade association commenters, however, proposed

[152] *Id*. at 12-14.

[153] *Id.* at 4.

[154] ITI Comments at 2; Auto Innovators Reply at 3; CTA Comments at 3-4 (arguing that the Commission could improve its other systems and processes to improve its national security goals); EMTEK Comments 1-2, 4-5; Comments of Eurofins Electrical Testing Service (Shenzhen) Co., Ltd. at 1; Comments of Eurofins Product Service GmbH at 1 (each seeking an exception for overseas affiliates located in a non-Reciprocal Economy provided that a U.S. parent company provides oversight and controls); AHAM Comments at 6-7, 10-11; NAM Comments at 2-3 (seeking exceptions for certain product categories and entities with demonstrated "good standing" characteristics); NEMA Comments at 3 (citing "positive, productive" working relationships with implicated entities in non-Reciprocal Economies while also advocating for increasing testing/certification in the United States, including by instituting "priority review" for FCC recognition of U.S. entities and increasing NIST resources); TIC Council Comments (requesting that the Commission use other tools and authorities to identify and mitigation risks associated with the equipment authorization program and that the proposed approach will not address underlying differences intellectual property laws and remedies among the U.S. and Reciprocal Economies); Toy Association Comments at 2-3, 5-7 (requesting exceptions for certain categories of "basic" equipment).

[155] EMTEK Comments at 2-3, 5-6; *see also* NAM Comments at 3 (seeking clarification of the Commission's evaluation criteria for the recognition of Test Labs, TCBs, accreditation bodies, and international standards in non-Reciprocal Economies in the recognition process).

[156] EMTEK Comments at 2-3 (contending that the record is missing information on the ability of U.S. and Reciprocal Economy entities to absorb redirected testing volume); TIA Comments at 4 (requesting information, including on the number of facilities the Commission currently recognizes and how many would be impacted by the rule); *see also* TIA Comments at 5-7 (recommending additional Commission action to increase overall testing capacity); Toy Association Comments at 4.

[157] Auto Innovators Reply at 3 (prohibition could cause the auto industry to make "duplicative investments and operational changes, resulting in significant cost increases"); CTA Comments at 3; EMTEK Comments at 2-3; ITI Comments at 2-3; NEMA Comments at 3; TIC Council Comments at 6-7; Toy Association Comments at 2-3.

[158] Auto Innovators Reply at 4; CTA Comments at 3; EMTEK Comments at 2-3 (prohibition would result in delays and the loss of some consumer products as some entities may be unable to shift their testing activities); ITI Comments at 2-3; NEMA Comments at 3; TIC Council Comments at 6-7; Toy Association Comments at 2-3.

[159] ITI Comments at 2 (the current regime "reduc[es] compliance costs, expand[s] global testing capacity, and enabl[es] timely market access for innovative products."); Auto Innovators Reply at 3-4; CTA Comments at 3.

[160] CTA Comments at 3; EMTEK Comments at 3-4; AHAM Comments at 7-8; ITI Comments at 3.

mitigation steps to address such concerns, including related to implementing a sufficiently long period before the prohibition takes effect,[161] applying any new rules on equipment and entities only prospectively,[162] and implementing an expedited or streamlined equipment approval processes.[163] Numerous other commenters submitted filings also opposing the proposed rule on grounds that relocating testing to United States or Reciprocal Economy locations would sharply raise compliance costs passed through to U.S. importers and consumers; outstrip available U.S. and Reciprocal Economy testing capacity; and/or incorrectly use location as a proxy for risk, rather than its technical competence and ISO/IEC 17025 accreditation.[164] Some of these commenters represent PRC-based Test Labs affected by the prohibition, while others purport to be submitted on behalf of unverified individuals without an organizational affiliation.[165] We have considered each of these filings, but are unpersuaded except as otherwise described herein.[166]

[161] ITI Comments at 4 (proposing a transition period of three to five years); NAM Comments at 3 (proposing phased approach tied to renewal cycles while allowing a final renewal for entities with near-term renewal dates); CTA Comments at 5 (proposing a transition period of at least three years); TIA Comments at 4 (proposing a phased approach based on existing renewal dates while also ensuring that no entity loses recognition is less than two years, or a date certain no sooner than two years from the rule effective date); Auto Innovators Reply at 4 (proposing that "any affected facilities retain recognition for at least 36 months after the effective date of any final rules" and a "gradual transition instead of immediate derecognition [to] allow automotive companies and other industry sectors sufficient time to adjust their operations and preserve access to testing capacity."); EMTEK Comments at 5-6 (requesting a three to five year transition); AHAM Comments at 4-5 (requesting at least two accreditation cycles, spanning approximately four years); NAM Comments at 2-3; NEMA Comments at 4 (requesting at least one year of advance notice for non-MRA countries to "swiftly adopt" MRAs before "los[ing] access to the U.S. market); TIC Council Comments at 7-8; Toy Association Comments at 4-5 (requesting a phased transition period with a buffer period for labs whose recognitions are scheduled to expire in the near term and that OET publish a list of when each facility would be affected.).

[162] CTA Comments at 4-5; AHAM Comments at 4-5.

[163] CTA Comments at 5.

[164] Some of these commenters made arguments in filings that, in many cases, used nearly identical language. *See, e.g.*, Shenzhen Timeway Testing Laboratories Comment; Guangdong Anbotek Standard Testing Comment; Shenzhen Anbotek Compliance Lab Ltd Comment; Shenzhen HongBiao Certification and Testing Co Comment; "Colin" Comment; "HR Zhou" Comment; "Monica Lau" Comment (providing nearly identical comments).

[165] *See, e.g.,* Comments of "Olivia," "Sophia," "Winnie," "Colin," "Shawn," "Leon," "Alex," "yang," "Lias Wu," "HR Zhou," "Owen Shan," "Angela Li," "Alex Li," "Huaixin Guo," "Zhang Shenglong," "Tim zhang," "Nancy Hong," "Aaron Ma," "Emily Davis," "Carol Chen."

[166] The shorter, similar filings are collected here to reflect the extent to which their theories and requested relief differ. Mark Chraime Comments at 1-4 (addressing low-power toys and proposing that we rely on existing tools rather than geographic exclusion); Shenzhen Tongzhou Testing Co., Ltd. Comments at 1 (emphasizing that the adoption of the proposal would result in sunk accreditation resources, sunk cost, and product-cycle delay); Wendy Zhan Comments at 1-2 (asserting that adoption of the proposed rule will result in increased costs to consumers and small-businesses, as well as supply-chain disruption); Shenzhen BKC Testing Co., Ltd. Comments at 1 (emphasizing the importance of accreditation and compliance history and proposing enhanced audits and a multi-year phaseout); LCTECH (Guangdong) Testing Services Co., Ltd. Comments at 1-2 (recommending a targeted, risk-based review); Carol Chen Comments at 1-3 (emphasizing an asserted mismatch between geography and security risk); Emily Davis Comments at 1 (focusing on increased household prices); Shenzhen LCS Compliance Testing Laboratory Ltd. Comments at 1-3 (asserting that the proposal lacks evidentiary support); Aaron Ma Comments at 1-2 (asserting that the proposal lacks evidentiary support); Shenzhen Most Technology Service Co., Ltd. Comments at 1 (advocating for continued reliance on existing technical-competence criteria, supplemented by enhanced audits); Precise Testing & Certification (Guangdong) Co., Ltd. Comments at 1 (proposing a merit- and risk-based framework); UnionTrust Lab Comments at 1-2 (predicting 300% to 400% higher costs, and two-to-three-times longer testing cycles); AJT Testing Services Limited Comments at 1-2 (emphasizing investment, competition, cost, procedure, and lack of specific evidence); Angela Li Comments at 1-2; Aibo Standard Technology (Shenzhen) Co., Ltd. Comments at 1

61. *Discussion.* Our rules must be understood in the context of our reevaluation of the equipment authorization program's integrity in light of its growing importance to American life, our statutory national security responsibilities, and our recognition of the sensitive role that Test Labs play. We adopt rules prohibiting the recognition of Test Labs in non-Reciprocal Economies for at least three interrelated reasons: (i) our lack of confidence in the integrity of these Test Labs; (ii) the increasing dangers of overconcentrated testing capacity in non-Reciprocal Economies; and (iii) a commitment to the principle of reciprocity in international commerce. We discuss each in turn.

62. It is also important to emphasize that the Commission already possesses discretionary authority to deny recognition to, or withdraw recognition from, a Test Lab when there is reason to doubt its integrity.[167] The rules adopted here do not create new authority but rather codify, systematize, and clarify the exercise of authority the Commission already has. The policy therefore aligns with existing statutory and regulatory capabilities while providing a consistent and transparent framework to guide the Commission's recognition decisions.

1. Concerns about non-Reciprocal Economy Test Labs

63. In undertaking a comprehensive, top-to-bottom review of the integrity of the equipment authorization program in this proceeding, we found that the integrity of Test Labs is of vital importance, given the critical role they play in the equipment authorization program and the potential for bad actors to use their privileged access for nefarious means.[168] In addition to playing a crucial role in ensuring the

(predicting two-to-three-times higher cost and requesting grandfathering or a longer transition); Winnie Comments at 1 (proposing technical-competence review); UTT Quality and Technology Limited Comments at 1 (predicting two-to-three-times longer cycles and three-to-five-times higher cost); BlueAsia Technical Services (Shenzhen) Co., Ltd. Comments at 1 (proposing strengthened product oversight); Leon Comments at 1-5 (proposing technical dialogue, broader MRAs, and enhanced controls); Global United Technology Services Co., Ltd. Comments at 1-2 (emphasizing cost, supply chain risks and the need to rely on technical standards); Shenzhen PSI Testing Co., Ltd. Comments at 1 (arguing that the proposal lacks an evidentiary basis and supporting grandfathering); Shenzhen Tongce Testing Lab Comments at 1 (emphasizing cost and delay and proposing strengthened market surveillance); Shenzhen CTL Testing Technology Co., Ltd. Comments at 1-2 (arguing that the proposal lacks an evidentiary basis, emphasizing cost and delay, and recommending targeted supervision); Owen Shan Comments at 1 (proposing additional controls instead of a geographic rule); Sophia Comments at 1-3 (emphasizing manufacturing proximity, logistics and cost; proposing risk-based oversight); EMTEK (Shenzhen) Co., Ltd. Comments at 1-4 (emphasizing the importance of ISO/IEC 17025, that the proposed rule would increase costs and testing delays, and proposing enhanced controls); Alex Comments at 1-2 (focusing on costs to consumers); Shenzhen NCT Testing Technology Co., Ltd. Comments at 1-2 (identifying sunk costs and capacity effects); yang Comments at 1-2 (arguing that the proposal lacks an evidentiary basis and for a longer transition); Shenzhen BALUN Technology Co., Ltd. Comments at 1-3 (proposing inspections and periodic review instead of a geography-based rule); Lias Wu Comments at 1 (emphasizing the potential for increased costs); Olivia Smith Comments at 1-2 (proposing risk-based treatment and predicting relocation to lower-cost Asian economies); Alex Li Comments at 1 (predicting relocation to Japan, South Korea, or Taiwan); Blockchain Verified Sweden AB Comments at 1-3 (proposing a voluntary provenance pilot). Several other one-page filings state more general objections: Shenzhen HongBiao Certification & Testing Co., Ltd. Comments at 1; Guangdong Anbotek Standard Testing Co., Ltd. Comments at 1 (May 14, 2026); Colin Comments at 1 (listing the same five general categories without elaboration); Monica Lau Comments at 1; Shenzhen Timeway Testing Laboratories Comments at 1 (listing business, U.S.-industry, supply-chain, international-cooperation, and procedural concerns); HR Zhou Comments at 1; Shenzhen Anbotek Compliance Laboratory Limited Comments at 1; Guangdong Anbotek Standard Testing Co., Ltd. Comments at 1 (May 18, 2026); Tim zhang Comments at 1; Nancy Hong Comments at 1; AUDIX Technology (Shenzhen) Co., Ltd. Comments at 1; Shawn Comments at 1; Huaixin Guo Comments at 1, shandonguniversity Comments at 1; Zhang Shenglong Comments at 1.

[167] 47 U.S.C. § 302a(e); 47 CFR § 0.241(f), 2.948; *see also* Comments of AFPI at 1-2 (noting that section 302(e) authorizes the Commission to establish the "qualifications and standards" it deems appropriate for private entities performing testing and certification functions and arguing that those qualifications may include the jurisdiction in which FCC-recognized activity occurs).

[168] *See generally First EA Integrity R&O*.

safety, security, and reliability of RF devices, Test Labs must be trusted, because they are "entrusted with access to equipment, and related data, prior to authorization for importing and marketing."[169] We have previously emphasized the importance of Test Labs' trustworthiness, especially given their "access to proprietary, sometimes sensitive information about suppliers and their devices."[170] As the Department of Justice (DOJ) recognized last year in an *ex parte* filing in this docket, "TCBs and test labs possess privileged access to sensitive technical specifications, design information, and security and protection protocols for thousands of devices annually. Together, they conduct testing protocols, evaluate radiofrequency emissions, and ultimately determine whether products comply with FCC regulations. This position grants these entities significant influence over the composition of the U.S. telecommunications ecosystem."[171] DOJ specifically noted that several risks from untrusted Test Labs and TCBs: (i) intelligence collection and industrial espionage through their "privileged access to highly sensitive intellectual property, including proprietary designs, security and protection protocols, and emerging technologies"; (ii) supply chain compromise through selective certification; (iii) vulnerability introduction and exploitation; (iv) technical data manipulation, and (v) using an "aggregated view of upcoming technologies seeking certification" through which Test Labs and TCBs can collectively or individually gain "unique insights into emerging U.S. technology trends, capabilities and potential vulnerabilities."[172] Thus, we concluded that while technical "compliance with generally universally-applied standards may be necessary to ensure technical competency, it may not be sufficient."[173] We recognized that, "[i]n light of ongoing security risks, the Commission must take measures to ensure that entities entrusted with access to equipment, and related data, prior to authorization for importing and marketing … are operating consistent with their responsibilities" to conduct complete and accurate testing as well as guard the American market against national security risks.[174] FDD notes in this proceeding that Test Labs "are critical gatekeepers" and "handle highly sensitive proprietary data submitted by manufacturers — engineering documents, radiofrequency emissions, and other critical systems — and directly affect the types of hardware that can legally be imported into the United States."[175] AFPI similarly emphasizes that Test Labs obtain pre-market access to American hardware, firmware, and design information, and states that directing FCC-recognized testing to laboratories subject to U.S. law or reciprocal-agreement obligations reduces the risk of misappropriation while enhancing the Commission's ability to enforce its requirements. We agree with that assessment today.

64. We conclude that our ability to have maximum confidence in the integrity of Test Labs depends on our having direct jurisdiction or a meaningful proxy for jurisdiction through which we can ensure oversight, transparency, accountability, and enforcement capability. These elements are fundamental to any system that is expected to ensure both technical compliance and program integrity. This is ensured when Test Labs are based in the United States or in a Reciprocal Economy. When the United States enters into reciprocal arrangements, at minimum, we acquire an opportunity to evaluate the governance characteristics of the partner economy, including its oversight practices, its enforcement regimes, and its ability to uphold standards. These agreements also create a baseline for cooperation that facilitates information-sharing and joint enforcement activities. In the case of MRAs, this cooperation is not merely theoretical: MRAs include defined mechanisms for engagement, monitoring, and resolution of compliance concerns. By contrast, in non-Reciprocal Economies we lack both the initial evaluative assurance and the ongoing cooperative infrastructure needed to be assured of transparency, an ability to

[169] *First EA Integrity Report & Order* at para. 52.

[170] *Id.* at para. 54.

[171] DOJ *ex parte* at 2.

[172] DOJ *ex parte* at 4-5.

[173] *First EA Integrity Report & Order* at para. 52.

[174] *First EA Integrity Report & Order* at para. 52.

[175] FDD Comment at 1.

conduct oversight, and a confidence in accountability and enforcement. Recent enforcement efforts illustrate this point.

65. *The Integrity of Test Labs based in the United States* In-country testing provides the U.S. Government with essential jurisdiction, oversight, transparency, accountability, and enforceability—the foundation protecting the integrity of our equipment authorization program. Jurisdiction is indispensable to ensuring effective enforcement, regulatory oversight, transparency, sound governance, and broader confidence in the conformity assessment system. A Test Lab performing FCC-recognized testing in the United States is directly subject to U.S. law and compulsory process. OET can obtain records, inspect conduct consistent with its authority, and coordinate with domestic enforcement partners without the additional barriers inherent in foreign service and evidence gathering. Domestic activity also supports a base of engineers, facilities, and expertise that can respond when foreign capacity is interrupted, benefits that commenters have recognized.[176] These are program-integrity and resilience benefits even though domestic location does not guarantee good conduct and does not eliminate the need for accreditation and oversight.

66. Even if we can have the most confidence in the integrity of Test Labs in the United States, the Commission acknowledges benefits from recognizing foreign-based Test Labs, provided this recognition is reciprocal and provides us assurance in the integrity of the Test Labs in question. Foreign testing remains important to global manufacturing, and reciprocity benefits U.S. Test Labs and manufacturers by facilitating recognition across markets. Even commenters opposing a categorical location prohibition rule generally support expanding reciprocal market access.[177] And we acknowledge the value in not abandoning the many reciprocal agreements, such as MRAs, that the United States has entered into over several decades.

67. *The Integrity of Test Labs based in Reciprocal Economies.* Luckily, the Commission need not abandon these benefits by excluding *all* foreign-based Test Labs, because we find that we can have sufficient confidence in the integrity of Test Labs based in Reciprocal Economies to continue to recognize them. Reciprocal agreements, at minimum, serve two critical functions. First, they allow the United States to evaluate the prospective partner economy's governance structures, oversight capabilities, enforcement practices, and overall regulatory integrity. Second, they establish a baseline framework that facilitates ongoing cooperation in oversight and enforcement.

68. Many reciprocal agreements, notably MRAs, provide agreed methods of due diligence on the trustworthiness and reliability of testing and certification bodies in a fulsome manner before these entities are considered for recognition. MRAs define how conformity-assessment bodies are accredited, designated, and recognized and generally establish procedures to challenge competence, exchange information, suspend recognition, and withdraw recognition.[178] They also preserve each party's substantive regulatory authority. An MRA, therefore, does not transfer FCC oversight to a foreign government or guarantee a laboratory's conduct; it adds an identified counterpart and agreed procedures through which oversight, accountability, and enforcement concerns can be raised and addressed.[179]

[176] RF Safety Laboratory Comments at 6-7; Michael Schafer Comments at 2-4, 8, 14-19.

[177] *See*, *e.g.*, CPA Reply at 2-3; ITI Comments at 2-3 (supporting expansion of reciprocity while opposing a categorical prohibition); RF Safety Laboratory Comments at 6-7.

[178] *See*, *e.g.*, Asia-Pacific Economic Cooperation Mutual Recognition Arrangement for Conformity Assessment of Telecommunications Equipment arts. 4-9 (May 8, 1998); Agreement on Mutual Recognition Between the European Community and the United States of America arts. 7-9 (May 18, 1998); Agreement on Mutual Recognition of Results of Conformity Assessment Procedures, U.S.-Japan, arts. 5-9 (Feb. 16, 2007); 47 CFR § 2.960(e)(2)-(3).

[179] We recognize TIC Council's narrower point that an MRA does not itself harmonize all intellectual property laws or replace entity-level accreditation controls. TIC Council Comments at 8-9.

69. For example, the umbrella arrangement among APEC economies is the APEC MRA.[180] Appendix A of that agreement includes an extensive set of qualification requirements which must be met by all prospective certification and testing bodies.[181] In addition, the APEC MRA provides procedures for the exchange of regulatory and technical requirements which must be met by recognized testing and certification bodies. Most importantly, numerous provisions of the APEC MRA aim to ensure that testing and certification bodies maintain and provide their physical addresses, legal representatives and contact information current to facilitate trustworthiness and compliance.[182] This ensures that measures are in place as between economies for cooperation in enforcement and compliance activities. Where no such agreed procedures are in place it can be difficult to formally notify and provide legal notice to parties located in foreign jurisdictions. Similar terms that ensure technical capability and trustworthiness of prospective test labs and certification bodies are found in other MRAs to which the United States is a party.[183] In total, the United States is a party to eight MRAs which cover a total of at least 56 other participating economies.[184]

70. FTAs and ARTs with relevant conformity-assessment provisions are broader in scope than the MRAs, but we find that they remain sufficient to assure us of the integrity of Test Labs in such jurisdictions. Before the United States seeks reciprocal commitments in its trade agreements, it evaluates the partner economy and its legal and commercial framework. This pre-agreement opportunity for evaluation allows the United States to consider the other party's governance, oversight, and willingness to cooperate on enforcement and accountability. This detailed evaluation allows the United States to have at least a baseline confidence in the integrity of the other party's Test Labs. In addition to the pre-agreement evaluation and verification, the resulting reciprocal agreement supplies a market-access obligation and a government-to-government channel for cooperation.[185] This ensures that when issues arise, the United States has a means of working collaboratively with the Reciprocal Economy to address such concerns. While those agreements are not equivalent to an MRA in every respect, we conclude that they provide a negotiated baseline sufficient to retain Test Lab eligibility, together with accreditation, Commission recognition, and ongoing oversight. Finally, we note that the Commission has never observed problems with transparency, oversight, accountability, or enforcement in Reciprocal Economy (MRA, FTA, ART) jurisdictions.

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[180] Asia-Pacific Economic Cooperation [APEC] Telecommunications and Information Working Group, Mutual Recognition Arrangement for Conformity Assessment of Telecommunications Equipment (APEC-TEL MRA), May 8, 1998, https://www.apec.org/docs/default-source/publications/1998/5/mutual-recognition-arrangement-for-conformity-assessment-of-telecommunications-equipment/98_tel_apecmra.pdf. *See also* APEC Telecommunications and Information Working Group, Mutual Recognition Arrangement for Equivalence of Technical Requirements (MRA-ETR), October 31, 2010, https://www.apec.org/docs/default-source/groups/tel/2010_mra-etr.doc?sfvrsn=853a3b7d_1.

[181] *Id.* at pp. 16*ff*.

[182] *Id.* at Appendix B, §2.3.3, p. 24.

[183] *See e.g.* Sectoral Annex for Telecommunication Equipment (Telecommunications Annex), and Sectoral Annex for Electromagnetic Compatibility (EMC Annex), Agreement on Mutual Recognition Between the European Community and the United States of America, December 12, 1998, https://www.nist.gov/system/files/documents/2018/08/13/us-eu_mra_final_version_1998_-_access.pdf at CE/USA/Annex/en 17.

[184] FCC, *Equipment Authorization - Mutual Recognition Agreements* (last visited August 26, 2026), https://www.fcc.gov/general/equipment-authorization-mutual-recognition-agreements..

[185] *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, FCC 26-28, paras. 9-10 & nn.19-27 (2026) (*Second EA Integrity Order*); CPA Reply at 2-3 (describing reciprocal trade arrangements).

71. *Concerns with Test Labs in non-Reciprocal Economies*. In contrast to Test Labs in the U.S. and Reciprocal Economies, for Test Labs in non-Reciprocal Economies, the Commission lacks both direct U.S. jurisdiction over a Test Lab's conduct and a negotiated reciprocal agreement that can serve as a proxy for direct jurisdiction. The United States has no formalized structure for oversight and accountability comparable to Test Labs in MRA Economies, has never had the opportunity to evaluate the non-Reciprocal Economy's reliability to oversee Test Labs, and lacks any reciprocal agreement on which cooperation can be built.

72. The Commission cannot vouch for the integrity of testing performed in jurisdictions with which the United States shares no reciprocal framework. Reciprocal agreements provide the foundation on which trust in foreign testing is built: they give the United States the opportunity to evaluate a partner economy's governance, oversight, and enforcement regimes before recognition is extended. In addition, reciprocal agreements establish standing mechanisms for cooperation, information sharing, and recourse when problems arise. Where no such framework exists, the Commission lacks reliable means to verify operational standards, monitor compliance, or hold distant entities accountable. The lack of a reciprocal agreement hinders the establishment of mutual trust and cooperation on Test Lab transparency, oversight, accountability, and enforcement. Therefore, the Commission cannot be confident that Test Labs in non-Reciprocal Economies will faithfully comply with their requirements for accurate testing, fulfill their national security obligations, and not exploit their privileged position in any of the ways that DOJ has previously outlined.[186] Limiting recognition to the U.S. and Reciprocal Economies ensures that every participant in the equipment authorization process operates within a jurisdiction that the United States has evaluated for trustworthiness and that has made government-to-government commitments to mutual accountability. The record also supports our determination that ownership-based screening alone is insufficient. As AFPI states, jurisdiction is not merely a geographic proxy for risk: the jurisdiction in which a Test Lab operates determines the governing legal regime and the Commission's practical ability to hold a Test Lab accountable.[187] Where a lab operates outside the reach of enforceable U.S. or reciprocal-agreement jurisdiction, the Commission has less ability to test and correct unreliable certifications. By contrast, jurisdiction-based screening turns on the legal regime governing the lab—a criterion that is stable, verifiable, and directly relevant to enforceability.

73. Moreover, as detailed in the record, some Non-Reciprocal Economies operate under legal, regulatory, and industrial policies that may subject Test Labs to governmental direction or compulsory disclosure requirements, and may increase risks of intellectual property theft or unauthorized transfer of controlled technology.[188] As DOJ noted and we recognized last year, Test Labs have the opportunity to exploit their privileged access to sensitive information.[189] The lack of a reciprocal agreement with such economies means the Commission never had the opportunity to evaluate these Economies for such risks before agreeing to recognize their Test Labs and now lacks a forum with which to address such concerns with our foreign government counterparts or ensure they would not pose risks.

74. The Commission's recent experience indicates specific problems with private actors in the equipment authorization program from non-Reciprocal Economies. Even aside from national security concerns or worries about access to sensitive information, in recent months, the Commission has found a pattern of fraudulent testing in non-Reciprocal Economies, indicating that non-Reciprocal Economy Test Labs are failing to even meet the most basic responsibilities. For example, in just the last few months, the Commission has found four instances of Test Labs in non-Reciprocal Economies that have willfully provided incorrect or false test results in connection with applications for equipment

[186] *See, supra*, 75.

[187] Comments of AFPI at 3.

[188] Comments of Michael Schafer at 5-6; Comments of AFPI at 2-3.

[189] *First EA Integrity R&O* at para. 52; DOJ *ex parte* at 4-5.

authorization.[190] The Commission identified 33 incorrect or false test reports submitted by SLG-CPC Test Laboratory Co. Ltd., including identical test reports for wholly different groups of products, such as wireless earbuds and smart tags; noise cancelling earbuds and thermal label printers; and temperature loggers and Bluetooth LoRaWAN gateways.[191] The Commission also identified 38 incorrect or false test reports submitted by Shenzhen STS Test Services Co. Ltd. (Shenzhen STS), including identical test reports for wholly different products.[192] For example, Shenzhen STS submitted used identical test reports for tablets and sleep monitors; smartphones and wireless headsets; and Bluetooth headsets and 4-in-1 home speakers.[193] The Commission also discovered 18 instances in which Shenzhen CTB Testing Technology Co. Ltd. (Shenzhen CTB) submitted incorrect or false test reports for particular products containing test results for entirely different products.[194] After the Commission opened an investigation into Shenzhen CTB, the lab accreditation body suspended its accreditation which led to automatic de-recognition by the FCC.[195] More recently, the Commission discovered 17 instances of identical test reports for wholly different products submitted by Shenzhen BKC Testing.[196] All four Test Labs were located in a non-Reciprocal Economy.

75. A comment in the record alleged testing improprieties by laboratories located in a non-Reciprocal Economy "whose objectivity and technical integrity are questionable based on observed market behavior."[197] Specifically, an audio broadcast engineer identified allegedly non-compliant UHF microphone transmitters sold under the Deity and Saramonic brands and tested in a non-Reciprocal Economy.[198] The commenter further stated that these transmitters are known in the live broadcast industry for violating FCC emissions standards and that Deity UHF transmitters have been prohibited for use in live sports broadcasts and other large public events.[199] The OET Lab conducted in-house testing and confirmed that these transmitters operated at power levels significantly above their certified limits—by as much as approximately 100-fold.[200] OET subsequently sent letters to the grantees and the TCBs seeking an explanation for these discrepancies.[201] These findings reinforce concerns regarding the reliability and integrity of testing conducted by non-Reciprocal Economy Test Labs.

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[190] *See, e.g., In the Matter of SLG-CPC Test Laboratory Co. Ltd.*, ET Docket No. 26-140, Order Instituting Proceedings to Withdraw Recognition as an Accredited Test Laboratory (June 9, 2026) (*SLG-CPC Order Instituting Proceedings)*; *In the Matter of Shenzhen STS Test Services Co. Ltd.*, ET Docket No. 26-140, Order Instituting Proceedings to Withdraw Recognition as an Accredited Test Laboratory (July 21, 2026) (*Shenzhen STS Order Instituting Proceedings*); [*In the Matter of Shenzhen CTB Testing Technology Co. Ltd* (TBD)].

[191] *SLG-CPC Order Instituting Proceedings*, para. 7.

[192] *Shenzhen STS Order Instituting Proceedings*, para. 8.

[193] *Id.*

[194] [*In the Matter of Shenzhen CTB Testing Technology Co. Ltd* (TBD)].

[195] [*In the Matter of Shenzhen CTB Testing Technology Co. Ltd* (TBD)].

[196] [*In the Matter of Shenzhen BKC Testing Co. Ltd* (TBD)].

[197] Jeremy Eugene Hackman Comment (filed May 1, 2025), https://www.fcc.gov/ecfs/document/10501786820878/1

[198] *Id.* (identifying non-compliant ultra-high frequency (UHF) microphone transmitters produced by Aputure Imaging Industries Co. Ltd. sold under the Deity brand and tested by Bay Area Compliance Laboratory Corp. (Dongguan), as well as apparently identical transmitters produced by Shenzhen Jiayz Photo Industrial Ltd sold under the Saramonic K9 brand and tested by Shenzhen BCTC Testing Co. Ltd.)

[199] *Id.*

[200] [CITE TBD; Letter from FCC OET Lab to Aputure Imaging Industries Co. Ltd. (DATE); Letter from FCC OET Lab to Shenzhen Jiayz Photo Industrial Ltd (DATE); Letter from FCC OET Lab to Bay Area Compliance Laboratory Corp. (Dongguan) (DATE); and Letter from FCC OET Lab to Shenzhen BCTC Testing Co. Ltd. (DATE).

[201] *Id.*

76. Fraudulent testing undermines the Commission's core statutory mission to protect the public from harmful interference and poses risks to the safety and security of U.S. persons. Equipment authorization testing verifies that devices operate within authorized frequency bands and power levels, comply with limits on unwanted, out-of-band, and spurious emissions, and, where applicable, satisfy RF-exposure limits. If that testing is falsified, performed on a non-representative "golden unit" designed to evade testing requirements, or otherwise inaccurate, a noncompliant device may be improperly authorized for sale in the United States. Once in the U.S. supply chain, such a device may transmit excessive RF energy at levels harmful to human safety, emit outside of intended operating bands, or cause harmful interference. Fraudulent testing may also expose consumers to unsafe levels of RF energy. Devices such as wireless earbuds and noise-cancelling headphones, operate in close proximity to the human head or body, and FCC rules require testing to ensure compliance with applicable human-exposure limits.[202]Interference may also affect medical devices used in hospitals and spectrum used for public-safety and other safety-of-life communications, including first-responder communications, critical-infrastructure control systems, aviation systems, 911 systems, and the Emergency Alert System. Because these systems depend on reliable radio communications, particularly during emergencies, such interference can directly jeopardize public safety.

77. Fraudulent testing also raises broader concerns about the integrity and reliability of Test Labs and the Commission's ability to oversee them. An entity that willfully or negligently falsifies test data cannot reasonably be trusted with other obligations of the equipment authorization program, including safeguarding device schematics and other trade secret information submitted by device manufacturers from private actors or even a government actor. Fraudulent testing may also distort competition in the testing industry by allowing Test Labs that disregard applicable technical standards to offer artificially low-cost services relative to others that conduct compliant testing and bear higher costs. These risks justify declining to recognize test laboratories in non-Reciprocal Economies where the Commission lacks oversight and enforcement capabilities comparable to those available in Reciprocal Economies. Without such capabilities, the Commission cannot adequately verify laboratory compliance, investigate misconduct, or take effective enforcement action when violations occur.

78. The Commission can identify some of these issues on a case-by-case basis, we have every reason to believe that Test Labs in non-Reciprocal Economies are committing other violations or abusing their sensitive positions that we are unaware of, given the challenges with transparency and accountability for Test Labs in non-Reciprocal Economies. Indeed, Michael Schafer, based on years of industry experience, contends in our record that Test Labs in non-Reciprocal Economies use below-market pricing in order to gain early access to confidential, pre-market product information.[203] Although we have not been able to independently verify this claim, that is precisely one of the concerns with allowing Test Labs in non-Reciprocal Economies: we have no basis on which we can work with the non-Reciprocal Economy in question to investigate and address concerns like this as they arise. Moreover, in our experience, we have often struggled to assert FCC jurisdiction over bad actors in non-Reciprocal Economies who have abused the protections of the Hague Service Convention to evade accountability for repeated violations in our equipment authorization program.[204] These problems have not arisen in Reciprocal Economies.

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[202] 47 CFR § 2.1093; *see also* KDB 47498, https://apps.fcc.gov/oetcf/kdb/forms/FTSSearchResultPage.cfm?id=20676&switch=P&utm.

[203] Michael Schafer Comment at 2.

[204] *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); *C.T.S. Tech. Co. Ltd.,* Forfeiture Order, 31 FCC Rcd 6126 (2016) (entering default judgment and imposing $34.9 million penalty on foreign company that marketed signal jammers that could endanger life and property in violation of FCC equipment authorization rules; noting that despite efforts to serve

79. Although it is possible that some Test Labs in non-Reciprocal Economies could be trustworthy and reliable, our equipment authorization program is now too important and sensitive for us to risk recognizing Test Labs in these unaccountable jurisdictions. By limiting recognition strictly to U.S. and Reciprocal Economy entities, the Commission can ensure that testing and certification activities occur only within jurisdictions that give us confidence in oversight and transparency, mutual accountability, stable governance, and predictable market access.

80. We emphasize that the Commission is not prohibiting such Test Labs as a sanction for past conduct, but rather to strengthen governance and integrity of the equipment authorization program going forward. The Commission simply cannot be confident enough in the integrity of non-Reciprocal Economy Test Labs to trust them with the vital and sensitive role they play in the equipment authorization program.[205] The United States will evaluate the appropriateness of entering into trusted legal and regulatory frameworks, such as MRAs, that would enable effective cooperation with current non-Reciprocal Economies. In fact, the Commission notes for the record that several non-Reciprocal Economies have approached the Commission since the publication of the *Second EA Integrity FNPRM* to negotiate MRAs.

2. Overconcentration

81. *Overconcentration and Test Lab Integrity.* Our concerns with the risks from Test Labs in non-Reciprocal Economies[206] are exacerbated by the fact that testing is overwhelmingly and disproportionately concentrated in a relatively small number of Test Labs in non-Reciprocal Economies.[207] If a handful of Test Labs were located in non-Reciprocal Economies, perhaps the Commission could treat that on a case-by-case basis. But the fact that approximately 6 out of every 7 RF devices that get FCC certification are tested at Test Labs in non-Reciprocal Economies (with all the concerns around transparency, oversight, accountability, and enforcement in such jurisdictions) has created a systemic problem that calls into question the integrity of the equipment authorization program. We cannot continue to allow the overwhelming majority of testing to occur at Test Labs in which the Commission does not have confidence.

82. We have every reason to believe that, without this action, the share of testing in non-Reciprocal Economies will continue to increase over time. In addition to our analysis of the two-decade trend of such increasing concentration,[208] this comports with basic economic common sense, when Economy A in the United States recognizes Test Labs in both Economy A and Economy B, while Economy B only recognizes Test Labs in Economy B, all else being equal, every manufacturer seeking access to both markets will conduct testing in Economy B. In the real world, price, proximity to manufacturing, expertise, and speed also affect actual choices, so the existence of reciprocity is not the sole decider on where testing occurs. However, manufacturers seeking access to both markets at the very

company in the PRC, a non-Reciprocal Economy, pursuant to Hague Service Convention, no response to prior notice of apparent liability for forfeiture and no timely certification of service from the PRC's designated authority was received); *Shenzhen Tangreat Tech. Co. Ltd*., Order to Show Cause and Notice of Opportunity for Hearing, 30 FCC Rcd 3501, 3505, paras. 12-14 (2015) (ordering foreign company to show cause why its equipment authorization should not be revoked for apparent misrepresentations in its application to mislead test certification body and ordering a copy of the Order to Show Cause to be sent pursuant to the Hague Convention on Service Abroad of Judicial and Extrajudicial Documents to PRC Ministry of Justice to effect service on foreign company)). *See also* AFPI Comment at 3-4 (stating that directing testing to labs subject to U.S. or reciprocal jurisdictions ensures that the Commission can compel timely responses and enhances its enforcement capacity, one that it currently lacks against actors that have used the Hague Service Convention to evade accountability).

[205] *See, infra* at para. 69.

[206] *See, infra* at para. 68-69.

[207] *See, infra* Figures 2-4.

[208] *See, e.g.*, Figure 2.

least have an *incentive* to conduct testing in Economy B; doing so can support both market pathways, whereas performing testing in Economy A may support only one. This incentive can thus distort the location of testing services so they are artificially concentrated in Economy B, thus reducing the scale and competitiveness of laboratories located in Economy A. This asymmetry functions to impose costs on Economy A, as testing shifts to Economy B. The asymmetric recognition of test laboratories can divert testing activity and investment away from Economy A for reasons attributable to regulatory barriers rather than market-driven comparative advantage. The asymmetric rule creates a directional incentive that compounds those other advantages over time, as supporters argue in the record.[209]

83. *Overconcentration and Supply Chain Risks.* Worse yet, the market distortions caused by recognizing non-Reciprocal Economy Test Labs has caused overconcentration in a *single* non-Reciprocal Economy, creating strategic overreliance on a single jurisdiction, with which we lack the basis for trust and cooperation that we have with Reciprocal Economies. FCC data reveals that 82.3% of testing last year occurred in just one non-Reciprocal Economy. The concentration of test labs in non-Reciprocal Economies presents several risks. A legal restriction, political dispute, natural disaster, cyber incident, or operational failure affecting the single non-Reciprocal Economy in which 82.3% testing occurs could delay a large portion of new certification applications, while the reduced, and decreasing U.S. and Reciprocal Economy base may be less able to absorb the shock.[210] Recent events have indicated that over-concentrated supply chains can create chokepoints, which foreign governments can leverage. Worse, as explained based on empirics and commonsense, we have every reason to believe concentration will increase over time, threatening to create a virtually single point of failure. A durable, trustworthy equipment authorization system cannot operate in a way that makes the United States dependent on a single jurisdiction, especially one that we cannot functionally oversee. Although CTA commented in opposition to the rules we adopt today, we note that a recent CTA report highlighted the value of supply chain diversification and concluded that "[t]he most significant threat to consumer technology supply chain resiliency is dependence on a single geographical area."[211] CTA's report was focused on the manufacturing supply chain, but we think this conclusion and the report's support for built around diversification among like-minded allies and partners provides strong support in the RF device testing component of the consumer technology supply chain, which is even more concentrated than device manufacturing.[212]Reducing the overconcentration and dependence on non-Reciprocal Economies through a governance framework rooted in reciprocal oversight is essential to ensuring the long-term resilience and accountability of our equipment authorization program. As President Trump says, we must "ensur[e] that America is never again reliant on hostile foreign nations for the resources our country needs to dominate in the future."[213] This includes avoiding dependencies on non-Reciprocal Economies for RF device testing.

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[209] Comments of XX.

[210] *See* Foundation for Defense of Democracies Comments at 1-4; RF Safety Laboratory Comments at 6-7; Michael Schafer Comments at 2-4, 8, 18-19; *but see* Shenzhen BALUN Technology Comments at 2-3 (warning that exclusion could create a different overseas concentration); Alex Li Comments at 1 and Olivia Smith Comments at 2 (predicting relocation to lower-cost Asian economies). The disagreement about destination does not defeat the diversification rationale: movement among multiple Reciprocal Economies would still reduce the program's present dependence on one non-Reciprocal Economy, while additional U.S. capacity would provide the separate benefit of a directly reachable domestic base.

[211] https://www.cta.tech/press-releases/landmark-study-shows-bringing-all-tech-manufacturing-back-to-us-not-feasible.

[212] *Id*.

[213] President Donald J. Trump, Remarks at Mining Industry Round Table (August 7, 2026); *see also* https://www.whitehouse.gov/fact-sheets/2026/08/fact-sheet-president-donald-j-trump-announces-billions-in-new-deals-and-investments-to-power-american-mining/; https://miningdigital.com/news/inside-president-trumps-2bn-us-mining-commitment.

84. We find that we must act now to stop this trend toward overconcentration, before the costs of reversing this overconcentration compound over time. Better to end the overconcentration on the Commission's own terms, and with a suitable transition period, now than in the future when the RF device test market is virtually entirely dependent on a single non-Reciprocal Economy.

3. The Value of Reciprocity

85. Finally, reciprocity is a bedrock, common sense principle in international commerce that we should respect rooted in basic fairness. Fully 27 countries have signed reciprocal agreements with the United States, such as MRAs, often multiple such agreements.[214] The Economies which are parties to these agreements pledged themselves to basic principles of reciprocity, rooted in the spirit of mutual trust and cooperation. We no longer deem it appropriate or in the public interest[215] to recognize Test Labs in Economies that never agreed to such principles. The Commission therefore returns to the "fair competitive trade" principles that it embraced when it established the modern equipment authorization program, recognizing that it "would be unfair to accept the accreditation of labs from foreign countries that either do not accept U.S. accreditations or that impose additional barriers upon U.S. companies."[216] We agree with RF Safety Laboratory that "[t]he concept of reciprocity is at the heart of the proposed framework, and reciprocity is the opposite of unfairness."[217] Since the Commission last addressed reciprocity, the equipment authorization program has assumed a central national security role for the communications supply chain.[218] It has also exponentially increased equipment authorizations approved each year while also approving new emerging technologies. This makes reciprocity a baseline of trust for recognizing gatekeepers to our equipment authorization program.[219] Our recent experience with fraudulent testing confirms that meaningful jurisdiction is essential to the oversight, governance, transparency and enforcement over conformity assessment bodies, whether directly through U.S. jurisdiction or a vetted reciprocal framework.[220] Recognition of laboratories in non-Reciprocal Economies has produced overconcentration of testing in a jurisdiction where we lack visibility, creating a systemic vulnerability and a single point of failure for U.S. market access in the device supply chain.[221] We also recognize that re-calibrating back to the principle of reciprocity may incur short-term adjustment costs and have considered these costs in adopting a uniform 24-month transition to allow greater trusted capacity from Reciprocal Economies to mitigate those costs.[222] Ultimately, the integrity, security, and resiliency benefits to our communications supply chain outweigh these short-term costs.

86. Our record illustrates the damage that this unfair lack of reciprocity has gutted the American RF device testing industry, with domestic testing falling to 3.6% of the overall market last year. We agree with CPA that "[r]ecognition flowed overwhelmingly to laboratories in a country that offered American laboratories nothing in return, and the domestic and allied testing industry was, in the words of commenters in this docket, 'hollow[ed] out.'"[223] As RF Safety Laboratory noted, "US laboratories lack

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[214] *See, supra*, Appendix B.

[215] 47 USC 302a(e)(3).

[216] *In the Matter of: Amendment of Parts 2 and 15 of the Commission's Rules to Deregulate the Equipment Authorization Requirements for Digital Devices*, ET Docket No. 95-19, Report and Order (1996), https://www.fcc.gov/ecfs/document/162316/1 at para. 40.

[217] RFSL Comment at 6.

[218] *See supra,* para XX.

[219] *See supra,* para XX.

[220] *See supra,* para XX.

[221] *See supra,* para XX.

[222] *See supra,* para XX.

[223] Coalition for a Prosperous America Comment at 3.

equivalent access to markets that mandate in-country testing, yet accredited laboratories from those same markets are permitted to submit test reports for FCC equipment authorization."[224] Further, RF Safety Laboratory notes that, "[f]or years, a significant portion of equipment authorization testing that could be conducted in the United States has instead been conducted overseas, because foreign regulatory environments effectively require in-country testing for access to those markets while offering no comparable access for U.S. labs," an "asymmetry [that] has contributed to the offshoring of domestic testing capacity." We also note Michael Schafer's argument, based on his industry experience, that in addition to lack of reciprocity, non-Reciprocal Economies use artificially low prices designed to undercut American Test Labs.[225]

87. Worse yet, the recognition of Test Labs in non-Reciprocal Economies has also led to the gutting of U.S.-based Test Lab capacity, raising serious risks that the United States will lack even a bare minimum of Test Lab capacity (and the corresponding technical knowledge and expertise) that is essential to the overall integrity of the equipment authorization program. We agree with RF Safety Laboratory that such technical expertise "strengthens the government's own capacity as well, as OET and the federal technical community benefit from a domestic testing ecosystem that is actively engaged with cutting edge-technologies rather than observing them from a distance."[226] We further agree that protecting "domestic testing" against unfair practices "is therefore not only a reshoring initiative in the traditional manufacturing sense, it is an investment in the technical knowledge base that positions the United States to regulate, secure, and lead in advanced wireless technologies as they continue to emerge."[227] Ending recognition of Test Labs located in non-Reciprocal economies will help level the competitive playing field by aligning market access with reciprocal treatment and removing the regulatory advantage currently afforded to laboratories in those economies.

88. In sum, in light of the equipment authorization program's increasing importance (as seen by the centrality of RF devices to American life) and its new national security relevance, we have reconsidered whether we should continue to recognize Test Labs in non-Reciprocal Economies and decided we should not do so. As described above, we lack confidence in their integrity for such an important and sensitive role, our policy has led to a dangerous overconcentration of testing in a single non-Reciprocal Economy, and we believe the principle of reciprocity is important.

4. Record Objection and Alternatives

a. Discriminatory Treatment Rebuttal

89. The Commission finds the assertions made by PRC and PRC-based commenters regarding the prohibition being discriminatory to lack merit. The PRC's comments allege the prohibition violates provisions of the WTO TBT Agreement.[228] The referenced provisions in the TBT Agreement do not apply to requirements for conformity assessment bodies to receive accreditation. Any economy that has entered into an MRA or other comparable reciprocal agreement with the United States will be considered a Reciprocal Economy.

b. Technical Capability, Not Geographic Location

90. Several commenters opine that evidence of a laboratory's competence, compliance, and integrity should determine the laboratory's eligibility for U.S. recognition, rather than the laboratory's

[224] RFSL Comment at 6.

[225] Michael Schafer Comments at 12.

[226] RF Safety Laboratory at 6.

[227] RF Safety Laboratory at 7.

[228] PRC Comments.

geographic location.[229] PRC WTO/TBT, EMTEK, and BALUN argue that that the Commission should assess competence based on technical testing capability as demonstrated through ISO/IEC 17025 accreditation.[230] BALUN, BK, and Shenzhen Most Technology add that the Commission should consider a laboratory's record of compliance "quality-control level."[231] NAM and NEMA add that the Commission should consider an entity's "good standing" as a criterion, as manifest through its longstanding relationships with manufacturers.[232] Trade associations, including TIC Council, Auto Innovators, ITI, and CTA, argue more broadly that the presence or absence of an MRA is not a proxy for security risk, technical competence, impartiality, and/or consistency.[233] TIC Council further argues that the Commission should use EAS analytics to identify anomalous or potentially deficient testing and focus additional scrutiny where objective indicators warrant.[234]

91. Each of these organizations recommends that the Commission take a more targeted and individualized approach to withdrawing recognition. PRC WTO/TBT states that suspension or withdrawal of recognition should rest on verifiable technical noncompliance, such as falsified data or violations of ISO management-system requirements.[235] BALUN adds that, should the United States have concerns about an entity, it could address them through on-site inspections and other tools.[236] EMTEK, NAM, and TIC Council recommend that, should the Commission have concerns, it could vindicate those concerns through third-party audits.[237]

92. Some commenters appear to endorse location-based rules, but advocate that the Commission should make individualized exceptions. World Standardization proposes that the Commission create a "white list" for laboratories with proven compliance, while AHAM proposes a defined, case-by-case waiver process for trustworthy non-MRA laboratories that satisfy specific risk-based criteria.[238] The two Eurofins commenters recommend that the Commission make an exception for FCC-trusted labs to conduct testing through overseas affiliates located in non-Reciprocal Economies provided that a U.S. parent company oversees the affiliate and puts in place compensating controls, such as data traceability and quality audits.[239]

93. We agree with these commenters' view that technical competence is necessary, and every eligible Test Lab will remain subject to the same accreditation requirement to which they are subject today; however, as we recognized last year, ISO/IEC 17025 technical competence is not sufficient to guarantee the integrity of the program.[240] The rule we adopt today addresses additional risks that *do* depend on geography: what sovereign nation has jurisdiction over the work, what formal mechanism

[229] *See* PRC WTO/TBT Comments at 3-4; EMTEK Comments at 1, 4; NAM Comments at 2; TIC Council Comments at 2, 7; *see also* CTA Comments; Auto Innovators Reply at 5; ITI Comments.

[230] *See* PRC WTO/TBT Comments at 3-4; EMTEK Comments at 1, 4; BALUN Comments at 3.

[231] *See* BALUN Comments at 3; BKC Comments at 1 and Shenzhen Most Technology Service Comments at 1 (also recommending that competence be assessed based on proven compliance records).

[232] *See* NAM Comments at 2; NEMA Comments at 3.

[233] *See* TIC Council Comments; Auto Innovators Reply at 3; ITI Comments at 2-3; CTA Comments at 3

[234] *See* TIC Council Comments at 2.

[235] *See* PRC WTO/TBT Comments at 3-4.

[236] *See* BALUN Comments at 3.

[237] *See* EMTEK Comments at 1, 4; NAM Comments at 2; TIC Council Comments at 4-5.

[238] *See* World Standardization Certification Testing Group Comments at 1; AHAM Comments at 2.

[239] *See* Comments of Eurofins Electrical Testing Service (Shenzhen) Co., Ltd. at 1; Comments of Eurofins Product Service GmbH at 1.

[240] *First EA Integrity R&O* at para. 52.

exists for government cooperation and recourse, whether U.S. bodies receive reciprocal access, how much of the FCC testing pathway is concentrated in a single jurisdiction. These risks are all the more acute given the increasingly sensitive role that Test Labs play in an equipment authorization program that is increasingly geared toward national security. Parent-company supervision, a strong history, or enhanced audits may reduce entity-level risk, but none changes the sovereign law governing work physically performed in the non-Reciprocal Economy or supplies the missing reciprocal relationship. As AFPI states, ownership-based screening and jurisdiction-based screening address different concerns: ownership screening requires the Commission to identify and continually verify control relationships, whereas jurisdiction-based screening turns on the legal regime governing the laboratory and whether that regime provides an enforceable basis for oversight and accountability.[241] The case-by-case exceptions recommended by commenters,[242] therefore, would fail to address the common institutional criterion on which the rule rests and would perpetuate concentration in non-Reciprocal Economies with all the jurisdiction, reliability, and supply chain dependencies inherent therein. We also believe that creating a system of routine exceptions would risk granting an unfair commercial advantage to one laboratory over another and incentivize manipulative behavior (just as NIST NVLAP observes would be the case for a staged phase out of approval for Test Labs in non-Reciprocal Economies).[243]

94. As explained above,[244] ensuring that testing and certification activities occur only within mutually accountable jurisdictions is necessary for the Commission to have confidence in the integrity of the equipment authorization process. Reciprocal Agreements are a proxy that allows us to have confidence that a Test Lab is subject to comparable oversight, governance, transparency, or enforcement mechanisms. Additionally, permitting Test Labs to be based in non-Reciprocal Economies has led to an overconcentration of Test Labs in certain countries,[245] which alone calls into question the long-term integrity and resilience of the equipment authorization program. Technical competence does not address these concerns. Further, these commenters do not explain how relying on technical competence alone, disregarding the principles of reciprocity and fair trade, and allowing U.S. RF device testing to be entirely offshored as a result of asymmetric recognition is in the public interest.

c. Lack of Evidence of Risk

95. Shenzhen CTL, BKC, EMTEK, and Olivia Smith contend that the Commission has not identified sufficient evidence of a widespread or systemic security or integrity problem among test labs.[246] CTA and ITI argue for the Commission to implement the ownership, disclosure, surveillance, and enforcement measures that it has already adopted *instead of* a location-based rule,[247] while TIC Council recommends that the Commission assess the effectiveness of the previously-adopted controls *before* changing permissible testing locations.[248] As noted above, multiple PRC-based test labs and unaffiliated individuals, commented using nearly identical language, stating that "[n]o specific and verifiable factual

[241] Comments of AFPI at 3.

[242] NAM Comments at 2; PRC Chamber Comments at 7; Toy Association Comments at 2-7; EMTEK Comments at 2-4.

[243] *See* NIST NVLAP Comments at 1.

[244] *See, supra*, at 34.

[245] *See, e.g.* Glory Comments at 1; Michael Schafer Reply at 4; *see also* Sophia Comments at 1; Shenzhen PSI Testing Co. Comments at 1; PRC Chamber Comments at 1.

[246] *See* Shenzhen CTL Comments at 1; BKC Comments at 1; EMTEK Comments at 3; Olivia Smith Comments at 1; *see also* ITI Comments at 1.

[247] *See* CTA Comments at 1, 3; ITI Comments at 2; *see also* AHAM Comments at 6-7 (arguing that location and control are not interchangeable and asking what risk the location-based criterion addresses that the existing prohibited-entity framework does not).

[248] *See* TIC Council Comments at 2.

evidence has been provided to demonstrate that test reports or certification results issued by laboratories located in non-MRA countries inherently pose systemic security risks or data leakage cases."[249] These commenters generally contend that the Commission could satisfy its national security objectives without imposing the rule that we adopt today.

96. First of all, "[t]he Commission need not wait for a risk to materialize before revoking [an FCC] authorization. In the national security context, conclusions must often be based on informed judgment rather than concrete evidence[.]"[250] The Commission has numerous reasons to lack confidence in the integrity Test Labs in non-Reciprocal Economies, as we explain above, given challenges of oversight, transparency, accountability, and enforcement.[251] As indicated, some of these risks have come to fruition, as OET's recent record of enforcement against Test Labs located in non-Reciprocal Economies that admitted to submitting falsified test results, despite their accreditation, and the allegations in our record about deliberate efforts to engage in IP theft.[252] Moreover, the Commission has judged that the overconcentration of testing in non-Reciprocal Economies already and itself threatens the integrity of the equipment authorization program. Therefore, the Commission is making a reasonable judgment that it will not grant new recognitions in Test Labs in non-Reciprocal Economies.

97. The rule we adopt today does not depend on proof that any particular Test Lab is a bad actor or that it routinely permits security vulnerabilities into the products it tests. Instead, the rule is justified by our concerns about the conditions under which the Commission delegates and oversees Test Labs' measurement function and the systemic risk of concentration in non-Reciprocal Economies.

d. Increased Costs

98. Commenters argue that the prohibition will increase costs, including by introducing bottlenecks and delays, for certification testing,[253] and some argue that the Commission has not quantified these costs.[254] For example, NAM and NEMA opine that manufacturers' operations may be disrupted as they qualify new vendors and potentially retest products,[255] while PRC WTO/TBT contends that testing delays and bottlenecks can cause a short-lived consumer product to miss its market window.[256] Another group of commenters, comprised of largely PRC-based Test Labs and unaffiliated individuals using similar language, stated there would be massive testing cost increases caused by this prohibition that

[249] Shenzhen PSI Testing Co. Comments; Shenzhen CTL Testing Technology Co., Ltd. Comment (identical quote); Shenzhen LCS Comments; Precise Testing & Certification (Guangdong) Co., Ltd. Comments; Shenzhen BKC Testing Co., Ltd. Comments; Shenzhen LCS Compliance Testing Laboratory Ltd. Comments; A|T Testing Services Limited Comment; shangdong University Comment; LCTECH Guangdong Testing Services Co., Ltd. Comment; World Standardization Certification & Testing Group (Shenzhen) Co., Ltd Comment; *see also* Comments of "yang," "Olivia," "Angela Li," "Huaxin Guo."

[250] *China Telecom (Americas) Corp. v. FCC,* 57 F.4th 256, 267-68 (D.C. Cir. 2022) (internal quotations omitted) (quoting *Holder v. Humanitarian Law Project*, 561 U.S. 1, 34-35 (2010)).

[251] *See, supra*, at 68-69.

[252] SLG-CPC Withdrawal Order; Shenzhen STS Test Services Withdrawal Order; Michael Schafer Comment.

[253] *See*, *e.g.*, Auto Innovators Reply at 3-4; CTA Comments at 3; EMTEK Comments at 2-3; ITI Comments at 2-3; NEMA Comments at 3; TIC Council Comments at 6-7; Toy Association Comments at 2-3.; Sophia Comments at 1; Shenzhen PSI Testing Co. Comments at 1; PRC Chamber Comments at 1 (each stating that laboratories in non-Reciprocal Economies presently perform the great majority of reported certification testing).

[254] *See, e.g.*, EMTEK Comments at 2-3, 5-6

[255] *See*, *e.g.*, National Association of Manufacturers Comments at 1-2; National Electrical Manufacturers Association Comments at 3.

[256] PRC WTO/TBT Comments at 4.

would be passed on to U.S. importers and consumers.[257] Auto Innovators states that the proposal would complicate testing in the automotive industry beyond the tens or hundreds of thousands of dollars of cost per test that is already customary, and Toy Association contends that the proposal will increase costs and delays, disproportionately impacting the smaller-sized businesses that typify the toy industry.[258] PRC Chamber predicts two-to-three-times higher testing costs and eight-to-twelve-week delays, while other commenters predict price increases ranging from 20% to 400% and delays ranging from several weeks to several months.[259] Those estimates use materially different units, products, baselines, and time horizons, and most provide no underlying data. We thus find that while the estimates do not support a reliable aggregate estimate, they do support the narrower conclusion that the rule we adopt today may impose material adjustment costs on some firms.

99. Moreover, we have accounted for the various costs raised by commenters. We disagree that today's prohibition will unduly increase consumer costs, drive manufacturers and/or potential products out of the market, and/or curtail American innovation and technical leadership. While we acknowledge that today's action may result in some costs that will be absorbed by manufacturers or passed through to consumers, we find that any such costs will be outweighed by the resulting additional revenue that will be generated by the domestic testing industry and the significant and far-reaching benefits produced by today's action.[260]

100. These benefits include ensuring the integrity of the equipment authorization program—vital as it is to American life and national security. We agree with RF Safety Laboratory that "[t]he Commission has a responsibility to the integrity of the equipment authorization program and to national security that outweighs the commercial convenience of maintaining the status quo."[261] After all, "it is obvious and unarguable that no governmental interest is more compelling than the security of the Nation."[262] Moreover, any short-term adjustment costs over the next few years are far less than the costs that could arise if non-Reciprocal Economies increasingly dominate the testing market and opt to suddenly and without warning or Transition Period, seek to weaponize our dependence on their market. We see tremendous value in an international equipment authorization system rooted in reciprocal principles, not to mention the economic benefits of rules that do not threaten to offshore the last remaining U.S.-based RF testing and the economic and security benefits it maintains.[263] We also find it unlikely that the costs associated with device certification would hinder innovative products from reaching the market given the likelihood that such products will be met with higher demand and in view of the larger overall financial costs associated with developing and bringing such products to market. On balance, we find that today's action will foster, rather than dimmish, conditions enabling American innovation and leadership. We expect that it will "strengthen the domestic workforce," better integrate America's federal community with "cutting-edge technologies" and "position[] the United States to regulate, secure, and lead in advanced wireless technologies as they continue to emerge."[264]

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[257] *See* PRC Chamber Comments; EMTEK (Shenzhen) Co., Ltd.; Shenzhen PSI Testing Co., Ltd.; UnionTrust Lab; LCTECH Guangdong Testing Services Co., Ltd.; Global United Technology Services Co., Ltd.; Aibo Standard Technology (Shenzhen) Co., Ltd; Comments of "yang," "Angela Li," "Aaron Ma,"

[258] *See*, *e.g.*, Auto Innovators Reply at 2; Toy Association at 4.

[259] *See* PRC Chamber Comments at 2-3; *see also* CTA Comments at 3; UnionTrust Lab Comments at 1; Shenzhen CTL Testing Technology Co., Ltd Comments at 1;

[260] *See infra* Section IV.

[261] RFSL Comment at 6.

[262] *Haig v. Agee,* 450 U.S. 280, 307 (1981).

[263] RFSL Comments 6-7.

[264] RFSL Comments at 6-7. We find this to be true when equipment authorization testing is conducted in the United States and pursuant to United States' interests in Reciprocal Economies.

101. Additionally, we also find that such costs are mitigated for a number of specific reasons. First, the rule concerns formal FCC certification testing. As Glory observes, manufacturers may continue pre-compliance, design, debugging, and other R&D work wherever they choose.[265] Second, eligible testing is not limited to the United States and we expect that manufacturers will redirect their testing across the U.S. and Reciprocal Economies, based on a combination of testing cost considerations, proximity of testing to their other operations, and other case-by-case and business-specific factors.[266] Third, the rule is prospective: it does not revoke existing equipment grants or require retesting of already authorized devices, and applications received before the Compliance Date may proceed under the prior rule. Existing model certifications likewise remain valid. Fourth, in acknowledgment of some initial increase in costs for certain producers, we do not adopt an immediate prohibition. Instead, our 24-month transition period gives manufacturers time to identify alternatives for testing and eligible providers time to hire and train engineers and expand facilities to meet new demand for testing in Reciprocal Economies. By phasing in the prohibitions that we adopt today over two years, the Commission will make it possible for domestic and Reciprocal Economy countries to absorb increased demand. Fifth, testing generally represents an upfront market-entry cost for many products rather than an ongoing per-unit cost. Sixth, commenters generally failed to provide specific evidence of substantial costs tied to this prohibition, and we note there is countervailing evidence in the record that these costs are insubstantial.[267] Seventh, any short-term adjustment costs must be weighed against the risk of the far more disruptive and costly effects of harmful dependence on Test Labs in non-Reciprocal Economies.

102. Finally, we are unpersuaded by the record that today's prohibition would give rise to new types of risks that would justify taking a different approach. While CTA alleges that lab migration activities could introduce new risks,[268] it fails to identify what these risks are or explain why such risks are not already effectively addressed through safeguards associated with the equipment authorization program. Similarly, while AHAM discusses incentives that manufactures may have to redesign products or find ways to avoid subjecting devices to the certification process (e.g., by increasing their use of SDoC procedures), these arguments are not supported by evidence amenable to our evaluation.[269] We thus have no reason to believe that a presumably modest increase in the number of devices approved through SDoC procedures going forward (if such an increase occurs at all) would be less determinantal than permitting additional devices to be tested in non-Reciprocal Economy Test Labs, i.e., if today's rule were not implemented.[270] Moreover, if there are concerns with overuse of SDoC, the proper response would be for us to address the potential misuse of SDoC in a separate proceeding than it would be to forgo implementation of today's rule, given the significant anticipated benefits associated with the rule, as described above and throughout this Order. For example, we keep the record open on our earlier proposal to require that equipment authorized under the SDoC procedure be tested at an accredited and FCC-recognized laboratory.[271]

[265] Glory Comment at 1.

[266] We thus disagree with the contention that manufacturers will divert their testing efforts solely to Reciprocal Economies, but not the United States, based purely on testing cost considerations. *See*, *e.g.*, Alex Li Comments; Olivia Smith Comments at 2.

[267] Michael Schafer Reply Comment at 5.

[268] CTA Comments at 3.

[269] AHAM Comments at 7-8.

[270] We confirm that today's action does not change existing SDoC eligibility rules or fees. *See* AHAM Comments at 2-4.

[271] *See, infra*, at XX [[FNPRM]]; First EA Integrity FNPRM at para. 147.

e. Reliance Interest

103. The National Electrical Manufacturers Association stated that many "manufacturers have engaged the entities in question for many years – decades for some – based on positive, productive working relationships nurtured over time."[272] Other commenters, comprised of largely PRC-based test labs and unaffiliated individuals using similar language, stated this action may damage longstanding cooperation between U.S. and PRC telecommunications sectors and decades of cross-border collaboration.[273] Many Test Labs noted the years of investments made into Test Labs in non-Reciprocal Economies.[274] The Telecommunication Terminal Industry Forum Association Beijing opposed the prohibition, stating that "the fundamental status of laboratories in non-MRA countries and regions being recognized by the FCC has remained unchanged for nearly three decades."[275] We acknowledge our change in policy leading to prohibition of non-Reciprocal Economies and explicitly consider the reliance interests that exist by participants that have made significant investments and built long-standing relationships in those non-Reciprocal Economies. Global United Technology Services Co., Ltd suggests that this would affect exporters of equipment who will have to "find alternative, non-Chinese laboratories that are recognized by the FCC to conduct re-testing."[276] As noted above, commenters claimed various reliance interests pertaining to A2LA, U.S. consumers, and a number of U.S. manufacturers,[277] but we find these views unpersuasive. These claims generally lack evidentiary support and are often made by commenters with no stated special knowledge of the entities they claim to have a reliance interest.[278]

104. The Commission has confronted similar reliance interest arguments in prior transitions to the equipment authorization program, including the 2014 shift to relying exclusively on TCBs for certification review[279] and the 2017 requirement that all test laboratories obtain ISO/IEC 17025 accreditation.[280] In both proceedings, stakeholders similarly expressed concern that significant historical investments by globally distributed Test Labs could not be reconfigured on the timelines proposed. In both cases, however, the Commission relied on established industry practice, stakeholder-submitted timelines, and broader market behavior to adopt transition periods that enabled affected entities to adjust.[281] These precedents demonstrate that the Commission has historically been able to implement major structural changes successfully, and that the market has consistently adapted within comparable timeframes.

105. Reliance interests are also less substantial here, because Test Lab recognition only lasts for two years. The Commission has always had the ability to deny recognition to any Test Lab when it

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[272] National Electrical Manufacturers Association Comment;

[273] *See, e.g.,* Shenzhen BKC Testing Co., Ltd. Comment; "Nancy Hong,"

[274] *See, e.g.,* A|T TESTING SERVICES LIMITED Comment; Eurofins Product Service GmbH, Nic Johnson Comment;

[275] Telecommunication Terminal Industry Forum Association Beijing Comment.

[276] Global United Technology Services Co., Ltd Comment at 1.

[277] See, *e.g.*, Shenzhen Tongzhou Testing Co., Ltd. Comment at 1; BlueAsia Technical Services (Shenzhen) Co., Ltd. at 1; PRC Chamber Comments at 4.

[278] *See, e.g.*, Shenzhen Tongzhou Testing Co., Ltd. Comment at 1; BlueAsia Technical Services (Shenzhen) Co., Ltd. at 1; PRC Chamber Comments at 4 (each claiming at least one entity with a reliance interest but failing to substantiate any particular knowledge of that entity's business).

[279] *See Amendment of Parts 0, 1, 2, and 15 of the Commission's Rules regarding Authorization of Radiofrequency Equipment, Amendment of Part 68 regarding Approval of Terminal Equipment by Telecommunications Certification Bodies*, Report and Order , ET Docket No. 13-44, 29 FCC Rcd 16335 (2014).

[280] *See Amendment of Parts 0, 1, 2, 15 and 18 of the Commission's Rules regarding Authorization of Radiofrequency Equipment*, Report and Order , ET Docket No. 15-170, 32 FCC Rcd 8746 (2017).

[281] Id at para 92.

comes up for re-recognition every two years.[282] We have had a long-standing practice of denying renewals of recognition, such as when a Test Lab fails to comply with our rules because it is no longer accredited. Given the transition period we adopt today, the Commission will not withdraw recognition from a single Test Lab as a direct result of this Order. The Commission will simply cease to renew recognition for these Test Labs after December 1, 2028.

106. Additionally, these claimed commercial reliance interests cannot override the public's national security interest or interest in the reliability of the equipment authorization program. We note that A2LA accreditation will remain relevant, and laboratory demand for equipment and services from U.S. manufacturers will continue to exist, in at least the U.S. and Reciprocal Economies even after the implementation of today's rule, seeing as demand for testing to satisfy FCC certification will not be substantially impacted by today's rule. Strengthening the program's governance and accountability is essential to its long-term integrity, even where long-standing business relationships exist.

107. The Commission believes this action will promote the integrity of the equipment authorization program, safeguard U.S. communications networks, and secure critical technology supply chains while strengthening domestic and allied demand for testing facilities. These steps overall 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.

f. Alternatives Considered

108. We have considered the principal alternatives: additional audits; analytics and artificial intelligence; test videos; heightened post-market surveillance; information-security standards; a private ILAC-MRA criterion; direct FCC accreditation or closer FCC supervision; Canada's asserted distinction between initial and surveillance testing; interim application fees; product-risk tiers; and white lists or waivers for particular laboratories.[283] Several may complement the program, and the Second Report and Order already advances analytics, reporting, and surveillance. But none of these alternatives could substitute for the rule we adopt today. Private arrangements, direct technical review, and audits do not bind sovereign nations or provide reciprocal market access; product tiers do not address falsified measurement data or systemic concentration; and a fee would preserve the same dependence while increasing costs. We therefore decline to use those proposals in place of the final rule.

g. Low-risk Products

109. The Toy Association and NAM urge exemptions for low-risk, closed-system, or general consumer products.[284] Their argument has force if the sole concern was whether a particular device is likely to carry sensitive data (although we note that pre-market access to such devices could still carry valuable intellectual property). But the rules we adopt today are rooted in the integrity and resilience of the equipment authorization process and are not dependent on a finding that each device presents the

[282] 47 USC § 302a(e); 47 CFR § 2.951(a); 47 CFR § 2.948(e) (requiring that accreditation bodies reassess test labs at least every two years).

[283] A2LA Comments at 2-4 (proposing clarification, audits, videos, security standards, and consideration of Canada's surveillance model); ITI Comments at 2-4 (identifying the ILAC MRA); RF Safety Laboratory Comments at 4-7 (proposing surveillance and analytics); TIC Council Comments at 4-9 (proposing targeted audits, direct FCC supervision or accreditation, and analytics); *see also* NAM Comments at 2-4 (proposing risk tiers, compliance-history treatment, and enhanced oversight); Blockchain Verified Sweden AB Comments at 2-3 (proposing the use of cryptographic verification to support risk analysis, anomaly detection, and integrity validation in the equipment authorization program and proposing new forms of Commission action related to integrity mechanisms); AFPI Comments at 3-4.

[284] NAM Comments at 1-4 (proposing different treatment for low-power and low-complexity consumer products); Toy Association Comments at 4-7 (proposing exemptions or differentiated treatment for low-range, low-power, non-connected toys).

same sensitivities. Incorrect measurements can permit harmful interference from a simple device, and categorical exemptions would not address the market distortions, over-concentration, and strategic dependencies that the rule we adopt today aims to address.[285] Moreover, we believe that the principles of reciprocity should apply to all RF device testing, not just the testing of specific categories of RF devices. Adopting a blanket rule also has the advantage of providing clarity to both equipment producers, TCBs, accreditation bodies, and test labs, reducing the burden of compliance and enforcement. We therefore do not adopt product-class exceptions.

B. Limiting Telecommunications Certifying Bodies

110. We further strengthen the integrity and effectiveness of the equipment authorization program by limiting the locations where a TCB may be located and conduct certification to the U.S. and Reciprocal Economies. Specifically, we amend our rules to expressly state that the Commission will not recognize any TCB located in a non-Reciprocal Economy. Under these rules, a TCB's FCC-recognized operations must be situated entirely within the United States or the territory of a Reciprocal Economy. Our current rules already require a foreign TCB to be designated under an effective MRA and denies recognition when the partner economy does not permit reciprocal U.S. authorization.[286] Therefore, the rules we adopt today regarding this location requirement principally codifies existing practice while establishing a clear and durable foundation for the integrity of the accreditation process moving forward.

111. Some comments opposed the proposed geographic restrictions in general terms for all three bodies (Test Labs, TCBs, and accreditation bodies), but no comments specifically opposed restrictions on TCBs.

112. TCBs are particularly central to the equipment authorization system, as they certify equipment and are responsible for refusing to certify covered equipment. They also have access to sensitive pre-market information, as we have previous recognized.[287] It would be internally inconsistent for us to adopt prohibitions with regard to Test Labs, but not for TCBs. As discussed herein, meaningful jurisdiction, oversight, transparency, accountability, and enforcement are only possible when the United States works with economies that have undergone a governance and oversight evaluation and with which formal cooperation mechanisms already exist.[288] MRAs and reciprocal trade agreements provide this foundation by enabling the United States to assess a partner economy's regulatory capability and establishing mechanisms for information exchange, joint oversight, and enforcement cooperation. Because no such assurances exist with non-Reciprocal Economies, and because compliance issues have arisen in those jurisdictions, the Commission concludes that TCBs should not be recognized in locations where no reciprocal relationship or evaluative baseline exists. Additionally, our conclusion that the principle of reciprocity is itself valuable applies equally to TCBs as it does for Test Labs. Finally, because no TCBs are based in non-Reciprocal Economies at present, none of the reliance or cost concerns associated with our Test Lab rule apply.

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[285] We thus find that today's action will address legitimate national security risks and also result in stronger conformity-assessment processes, and we disagree with commenters who suggest that our action premised on these two objectives is not warranted. *See, e.g.*, ITI Comments at 2; Auto Innovators Reply at 3-4.

[286] 47 CFR § 2.960(d).

[287] *First EA Integrity R&O* at para. 52.

[288] In a recent investigation into a TCB, OET found that Derycom falsely represented that it was based in the United States to obtain accreditation and FCC recognition, despite operating exclusively in a non-Reciprocal Economy. *See In the Matter of Derycom Certification Services, Inc.*, Citation, DA-26-970 (Sept. 11, 2026) (Derycom Citation). The investigation found that Derycom falsely misrepresented its presence in the United States, including by claiming operations at a Minnesota facility where, according to a sworn statement from a U.S.-based witness with personal knowledge, Derycom never performed any work. The investigation further found that key employees identified by Derycom were located in a non-Reciprocal Economy. *Id.* ¶ 11. The Commission lacks reliable government-to-government mechanisms to obtain evidence and address the concerns raised by *Derycom*.

C. Limiting Laboratory Accreditation Bodies

113. We likewise amend our rules to prohibit recognition of a laboratory accreditation body located in a non-Reciprocal Economy. All currently recognized accreditation bodies are in the United States or Reciprocal Economy, so the location component principally codifies present practice.[289] Laboratory accreditation bodies supply the competence assessment on which OET relies to recognize Test Labs. It would be internally inconsistent to require Test Labs to be located in the U.S. or a Reciprocal Economy while permitting laboratory accreditation bodies to perform their assessments of Test Labs from a jurisdiction that lacks the same baseline. No comments specifically opposed the adoption of this rule when it comes to laboratory accreditation bodies.

114. Because no laboratory accreditation bodies are based in non-Reciprocal Economies at present, none of the reliance or cost concerns associated with our Test Lab rule apply.

D. Limitations extend to testing and certifying within non-Reciprocal Economies

115. We prohibit recognized Test Labs, TCBs and laboratory accreditation bodies from maintaining a headquarters, place of organization, or recognized site in a Reciprocal Economy while conducting the testing, certifying, and accrediting in a non-Reciprocal Economy. That arrangement would recreate the jurisdictional gap and obscure the true geographic distribution on which oversight and resilience depend and so would not genuinely mitigate the risks that these rules are intended to address.

116. We agree with the American Council of Independent Laboratories (ACIL) and A2LA that the extension of the prohibition to activities conducted in non-Reciprocal Economies could sweep too broadly if not carefully cabined.[290] In recognition of this reasonable concern, the final rules therefore define a category of "covered activity" separately for each actor, and we prohibit the recognition of Test Labs, TCBs, and laboratory accreditation bodies that carry out covered activity in a non-Reciprocal Economy.[291] For a Test Lab, covered activity includes test setup and operation, required measurements, technical analysis of results, and preparation or approval of the test report relied on for certification. For a TCB, covered activity includes application evaluation, technical review, the certification decision, grant or dismissal, and FCC-required post-market surveillance. For an accreditation body, covered activity includes the assessment, technical evaluation, and decision to accredit a laboratory for a scope used to obtain FCC recognition.[292]

117. The rules do not reach pre-compliance or research and development (R&D) testing that is not represented to be FCC-recognized testing and is not relied on in a certification application; manufacture, maintenance, or calibration of measurement equipment; sales, accounting, payroll, scheduling, information-technology support, or other ministerial administration; or a global entity's facilities and personnel wholly segregated from its FCC function.[293] A person working remotely from a non-Reciprocal Economy may not perform the substantive covered tasks, but the entity does not lose recognition merely because it has unrelated business there. This construction responds directly to the record, gives regulated parties fair notice, and aligns the rule with the program-integrity rationale. Additionally, we limit the scope of our prohibition to only include *FCC-recognized* "covered activity" as defined in the rules we adopt today. Therefore, a Test Lab that conducts testing for FCC certification in

[289] *Second EA Integrity Order*, paras. 10, 68.

[290] A2LA Comments at 1-3 (requesting that the restriction apply only to FCC-specific accreditation or testing activity); ACIL Comments at 1-2 (requesting that unrelated facilities and operations of a global organization remain outside the rule); *see also* ITI Comments at 3-4 (requesting clarity that global operations and business relationships alone will not create ineligibility); TIA Comments at 4-7 (requesting that unrelated business ties not be treated as covered activity).

[291] *See* Appendix A.

[292] *Id*.

[293] *Id*.

the United States or a Reciprocal Economy but also conducts testing for another country's RF device authorization in a non-Reciprocal Economy, would not be prohibited from recognition under the rules we adopt today.

E. Transition Period

118. The Commission adopts a uniform, approximately 24-month transition ending December 1, 2028. A single date promotes equal treatment, planning certainty and avoids manipulation tied to renewal cycles, while providing adequate time to qualify alternative labs and expand capacity in the United States and Reciprocal Economies. Across industry associations, manufacturers, foreign government bodies, and individual commenters, there is broad, consistent support for adopting a transition period before withdrawing FCC recognition from Test Labs in non-Reciprocal Economies.[294] Commenters cite supply-chain continuity, testing-capacity limitations, vendor qualification, investment, product cycles and the need to avoid shocks to consumer-facing markets as the primary reasons for this extended transition.[295] Commenters proposed two different approaches, with proposed transition periods ranging from 1 year to five years.[296]

119. The Mobile Wireless Forum and the Toy Association prefer a rolling phaseout tied to each laboratory's biennial renewal, which could distribute workload and let some entities use the balance of an existing term.[297] They believed this approach would avoid simultaneous mass de-recognition that might overwhelm OET with administrative proceedings and simultaneously disrupt a large number of pending equipment authorization applications.[298] They also argued that the approach aligns with the Commission's existing procedural framework for test lab oversight, which is built around the two-year reassessment cycle.[299] Finally, they indicated that manufacturers would be provided with predictable notice as once a final rule is adopted, each non-Reciprocal Economy Lab's FCC recognition will expire at its next reassessment date, providing a date certain by which they would need to have transitioned to an appropriate Test Lab.[300]

120. In contrast, A2LA and NIST NVLAP prefer one date, which avoids giving Test Labs different commercial runways based solely on expiration timing and reduces opportunities to manipulate renewal timing.[301] They argued the deadline should be a two-year timeframe to allow for market stabilization, as the impact would be for both Test Labs and manufacturers that are utilizing prohibited Test Labs. A2LA further argued that a uniform cutoff date will alleviate additional premature requests for recognition to participate in the FCC program. NIST NVLAP also raised concerns that phased

[294] *See* Comments of Emtek, Mobile and Wireless Forum, CTA, and TIA

[295] *Id*.

[296] *See, e.g.*, Comments from China's Notification and Comment Center on Technical Barriers to Trade for the State Administration for Market Regulation (SAMR), Addendum 1 at 1 (filed July 14, 2026) ("we recommend US setting a transition period of at least 18-24 months to allow ongoing testing projects to be completed and to provide sufficient preparation time for the implementation of the new regulation"); ITI at 4 (5 years); CTA at 2 (3 years); Auto Innovators (3 years); EMTEK at 4 (seeking a "multi-year transition"); Shenzhen BKC Testing Co at 1 (same); Mobile and Wireless Forum at 2 (2 years); TIA Comment at 3 (2 years); NEMA Comment at 4 (1 year); America First Policy Institute *ex parte* at 4 (no transition period, but a phase out of recognition over 2-years). Additionally, other commenters suggest the Commission need not adopt *any* transition period and urge the Commission to withdraw recognition from already-recognized Test Labs in non-Reciprocal Economies. *See, e.g.*, FDD Comment at 2-3.

[297] MWF Comments at 5-10; Toy Association Comments at 5-7.

[298] *Id.*

[299] *Id.*

[300] *Id.*

[301] A2LA Comments at 3-4; NVLAP Comments at 1.

withdrawals will provide unfair commercial advantage to one laboratory over another, and that phased withdrawals may encourage participants to manipulate the system.[302] RF Safety Lab opined that either a single date approach or a phased approach, tied to current recognition renewal cycles, would be appropriate if enough notice was provided to avoid disruptions and abrupt costs for those that that currently rely on the to-be-prohibited labs.[303]

121. After reviewing the comment suggestions, the Commission adopts an approximately 24-month uniform transition period as of December 1, 2028 (Transition Date).[304] This approaches better ensures equal treatment, planning certainty, and transparency than a rolling phaseout would, and we note the 24-month period falls within the range of the record's proposals regarding the appropriate timeframe.[305] A single withdrawal date avoids commercial advantages based on renewal timing and prevents manipulation of recognition cycles. At the same time, it provides manufacturers and Test Labs sufficient time to reorganize testing pathways, expand Reciprocal Economy capacity, and avoid sudden bottlenecks. We find this approach strikes the appropriate balance of the uniform approach, while addressing risks to the equipment authorization process's integrity in a timely manner. Although several commenters requested a significantly longer transition period, we conclude that such lengthy timelines would unreasonably postpone critical national-security and program-integrity benefits. Extending recognition significantly beyond two years would also risk embedding prolonged uncertainty into compliance planning and delay industry investment in building trusted-network capacity.

122. The Commission finds that this process will maintain the advantages of a uniform Transition Date, while also avoiding the burdens required in hundreds of individual withdrawal proceedings. In practical terms, this approach establishes a predictable and orderly glide path for affected Test Labs, allowing them to continue operating through their next scheduled renewal while ensuring that their recognition does not extend beyond the prohibition transition deadline. We find this will avoid the administrative inefficiency and legal complexity of initiating separate, Test Lab-by-Test Lab withdrawal of recognition proceedings, many of which would have required evidentiary showings, written notices, and individualized Commission adjudications. By setting shortened recognition periods that all converge on a single date, the Commission provides clarity to manufacturers, accreditation bodies, and foreign regulators, allowing them to adjust project timelines, redirect testing resources, and shift long-term planning towards United States or Reciprocal Economy Test Labs well in advance.

123. The Commission adopts specific rules to implement this two-year transition period. Specifically, in the two years between December 1, 2026, and the Transition Date on December 1, 2028, OET will continue to grant Test Labs from a non-Reciprocal Economy recognition. However, such recognition will not be for the usual two years; instead, the Commission will grant a shortened recognition only until the Transition Date. In other words, a Test Lab in a non-Reciprocal Economy receiving recognition on November 15, 2026, will receive the usual 24-month recognition terminating on November 15, 2028; a Test Lab in a non-Reciprocal Economy receiving recognition on January 1, 2027,

[302] NVLAP Comment.

[303] RF Safety Laboratory Comments at 3.

[304] In fact, the Commission notes that the Transition Date is 25 months after the adoption of this Report and Order, but the Commission has chosen December 1, 2028, to allow for a reasonable period for Federal Register publication.

[305] PRC WTO/TBT Comments, Attachment 2, at 1-2 (requesting at least 18 to 24 months); TIA considers two years commercially reasonable, TIA Comments at 6-8; A2LA proposes two years, A2LA Comments at 3-4; and MWF offered at least 24 months as an alternative to its preferred renewal-cycle phaseout, MWF Comments at 8-10; AHAM Comments at 8-10 (requesting approximately four years); Auto Innovators Reply at 4-5 (requesting at least 36 months); CTA Comments at 5-6 (requesting at least three years); EMTEK Comments at 3-4 (requesting three to five years); ITI Comments at 3-4 (recommending three to five years); Comments of Owen Shan at 1 (requesting at least three years); Comments of Sophia at 1-2 (requesting three to five years), https://www.fcc.gov/ecfs/documents/10528183827879/1; Comments of UnionTrust Lab at 2 (requesting three to five years).

will receive the a 23-month recognition terminating on December 1, 2028; a Test Lab in a non-Reciprocal Economy receiving recognition on January 1, 2028, will receive the an 11-month recognition terminating on December 1, 2028. After December 1, 2028, the Commission will no longer grant recognition to any Test Lab in a non-Reciprocal Economy. Test Labs in non-Reciprocal Economies may therefore continue FCC-recognized activity until the Transition Date.[306] All equipment authorization applications received on December 1, 2028, must rely on testing and certification performed in compliance with the new rules. Certifications granted before the Transition Date remain valid unless separately set aside or revoked. The Commission directs OET to issue implementation guidance sufficiently in advance of the Transition Date to address renewal submissions, pending applications, and any other information to effectuate this change.

124. Finally, the Commission declines to establish a general waiver process for Test labs in non-Reciprocal Economies. Although some commenters suggested risk-based exceptions or white-list mechanisms for high-performing labs, the Commission finds that allowing exceptions for entities located in or controlled by Non-Reciprocal Economies would undermine the purpose of this prohibition and create regulatory uncertainty. Additionally, the Commission already maintains a general waiver provision.[307] We also decline RF Safety Lab's request that we implement a revised fee that would assess higher fees on to-be-prohibited labs and MRA-partner country labs during the sunset period, with the aim of creating incentives for entities to use preferred labs,[308] because we find it more beneficial to simplify and streamline any new processes associated with the limited-duration sunset period.

F. Proposals not adopted

125. We have also considered, but do not adopt here, a broader prohibition on Test Labs, TCBs, or lab accreditation bodies that are owned by, controlled by, or subject to the jurisdiction or direction of a non-Reciprocal Economy. Some commenters opposed this prohibition, while others, including FDD and RF Safety Lab, supported it. Supporters argued that ownership or control by entities in non-reciprocal jurisdictions presents similar risks as physical location.[309] We acknowledge these arguments but find that the broader prohibition would not address the core concerns of oversight, accountability, enforcement, and governance, which are most acutely tied to jurisdiction. We note that such a prohibition would not mitigate the problem of geographic overconcentration of testing. It would also not advance the principle of reciprocity; rather, it conflicts with existing MRA agreements by categorically prohibiting Test Labs in MRA countries that have ownership of ten percent or less from non-MRA entities. Finally, we note that some comments supporting this broader prohibition raise issues that we have already addressed in the *First EA Integrity Report and Order*.[310] We therefore decline to adopt a

[306] We note that OET maintains lists of currently accredited Test Labs, TCBs, and laboratory accreditation bodies. *See* FCC Office of Engineering and Technology, *Equipment Authorization System Test Firm Search*, https://apps.fcc.gov/oetcf/eas/reports/TestFirmSearch.cfm (Test Labs); FCC Office of Engineering and Technology, Telecommunications Certification Bodies (TCB) Search, https://apps.fcc.gov/oetcf/tcb/reports/TCBSearch.cfm (TCBs); FCC Office of Engineering and Technology, *Active Test Firm Accrediting Bodies (TFAB)*, https://apps.fcc.gov/oetcf/mra/reports/AccreditingBodyReport.cfm (accreditation bodies).

[307] 47 CFR 1.3.

[308] RF Safety Laboratory Comments at 3-4; *but see* EMTEK Comments at 6; AHAM Comments at 7-10; Toy Association Comments at 6 (each opposing such a fee).

[309] RF Safety Laboratory Comments; FDD Comments.

[310] FDD, for example, urges that we adopt rules to "prohibit 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" but argues that we should do so to counter the "legal and operational reach" of a foreign adversary. FDD Comment at 3. However, Test Labs that are owned by or subject to the direction or control of a foreign adversary are already prohibited from receiving FCC recognition following *First EA Integrity Report and Order*. *See* 47 CFR § 2.951(b)(1), (d)(1) (prohibiting recognition, and directing withdrawal of recognition, of any Test Lab owned by, controlled by, or subject to the direction of a "prohibited entity," as defined in section 2.902, which includes "foreign adversaries").

broader prohibition at this time, but we keep the record open on this point for further comment in the *Third Further Notice of Proposed Rulemaking* below.

III. THIRD FURTHER NOTICE OF PROPOSED RULEMAKING

126. *Legal Entity Identifier (LEI).* The Commission seeks comment on whether we should adopt a requirement to utilize the Legal Entity Identifier (LEI), a globally recognized identifier based on ISO 17442 and administered by the Global Legal Entity Identifier Foundation (GLEIF), to properly identify Test Labs, TCBs, and laboratory accreditation bodies in our equipment authorization program. The LEI is supported by the G20 and the Financial Stability Board and is overseen by the Regulatory Oversight Committee.[311] The Commission notes that other federal agencies use LEIs.[312] The Commission seeks comment on whether adopting LEI requirements would harmonize FCC rules with global and domestic ownership verification standards and whether such harmonization would support our efforts in this docket to ensure the integrity of the Commission's equipment authorization process. We tentatively conclude that the proposed rule would impose negligible costs while generating benefits by increasing the likelihood that ownership information is verified, thereby helping to ensure compliance with the Commission's equipment authorization rules; it may also reduce costs and streamline regulatory reporting burden because other regulatory regimes already requiring LEI reporting. We seek comment on this tentative conclusion, including the nature and magnitude of any costs or benefits associated with the proposed requirement.

127. As proposed in the *Second EA Integrity Further Notice of Proposed Rulemaking,* we seek further comment on additional proposals to strengthen the integrity of our equipment authorization program and ensure that only trustworthy entities are recognized by the Commission, and once recognized, such entities continue to demonstrate conduct that merits ongoing recognition. We keep the record open on whether we should extend these rules to prohibit recognition of any Test Lab, TCB, or laboratory accreditation body owned by, controlled by, or subject to the jurisdiction or direction of a non-Reciprocal Economy. Building on the record developed in this proceeding, we seek further comment on further restricting participation by entities associated with foreign adversaries or non-Reciprocal Economies,[313] expand the sources used to identify prohibited entities,[314] and address potential conflicts arising from common ownership or control of TCBs and Test Labs.[315] We also seek further comment on improving post-market surveillance procedures,[316] on whether equipment authorized through the SDoC process should be tested by recognized or accredited laboratories,[317] additional measures to promote testing and certification in the United States or Reciprocal Economies,[318] and safeguards necessary to protect intellectual property during the testing and certification process.[319] Finally, we seek further comment on modernizing the Equipment Authorization System (EAS) and improving data analytics and

[311] See *Legal Entity Identifier*, Office of Financial Research, https://www.financialresearch.gov/data/legal-entity-identifier/ (last visited August 7, 2026).

[312] *See, e.g.*, 17 CFR § 45.6 (Securities and Exchange Commission rule requiring use of Legal Entity Identifiers in recordkeeping and swap data reporting).

[313] *First EA Integrity FNPRM* at ¶ XX.

[314] *First EA Integrity FNPRM* at ¶ XX.

[315] *First EA Integrity FNPRM* at ¶ XX.

[316] *First EA Integrity FNPRM* at ¶ XX.

[317] *First EA Integrity FNPRM* at ¶ XX.

[318] *First EA Integrity FNPRM* at ¶ XX; *Second EA Integrity FNPRM* at ¶ XX.

[319] *Second EA Integrity FNPRM* at ¶ XX.

information sharing to strengthen enforcement, facilitate identification of prohibited entities,[320] and reduce other regulatory burdens for TCB partners, Test Labs, and laboratory accreditation bodies.[321]

IV. REGULATORY IMPACT ANALYSIS

A. Need for Regulatory Action

128. Regulatory action is necessary because the current equipment authorization framework contains unresolved vulnerabilities that adversarial actors can exploit, particularly through over-concentration of testing in non-reciprocal economies, opaque supply chain pathways, and permissive recognition practices. If these vulnerabilities remain unaddressed, entities operating in high-risk, non-reciprocal jurisdictions will continue to benefit from weak oversight, potentially enabling fraudulent testing, intellectual property theft, and supply chain disruption. These risks are compounded by the existing recognition framework that creates asymmetric incentives favoring testing in non-MRA economies. Equipment tested in such economies may use the same test results to access both the U.S. and foreign markets, while equipment tested in the United States may require additional testing to enter a non-MRA economy that does not recognize U.S. test results. This asymmetry disadvantages U.S. test laboratories by incentivizing manufacturers serving both markets to conduct testing abroad. Left unaddressed, these unequal incentives could further concentrate testing activities in non-MRA economies.[322] Without targeted updates to the recognition and oversight rules, these gaps would persist and could expose U.S. communications infrastructure and manufacturers to unacceptable national security and economic risks. The rule changes adopted herein are tailored to address these risks, focusing on entities located in non-reciprocal economies, while providing a uniform transition period to minimize disruption.

129. This significant regulatory action is submitted to the Office of Information and Regulatory Affairs (OIRA) for interagency review. This regulatory impact analysis (RIA) presents an assessment of the costs and benefits, including regulatory compliance costs, associated with this action and is consistent with Executive Order 12866. Comparing the adopted rules with alternative policy options, we find that the adoption of these rules will result in substantial benefits that, while difficult to quantify precisely, are expected to outweigh the associated costs. This rule is not an Executive Order 14192 regulatory action because it is being issued with respect to a national security function of the United States.

B. Costs

130. We estimate that the actions adopted today will impose approximately $23.6 million in one-time familiarization costs, and beginning two years after adoption of the rules, approximately $79.3 million in recurring annual incremental testing costs, reflecting the higher costs associated with shifting equipment testing from laboratories located in non-reciprocal economies to laboratories located in the United States or other reciprocal economies. Several commenters assert that the cost of alternative testing arrangements could range from approximately 20% to as much as 400% above the price of testing in non-reciprocal economies.[323] This wide range of estimates suggests that manufacturers whose equipment is currently tested by laboratories in non-reciprocal economies may have a range of alternatives. For

[320] *Second EA Integrity FNPRM* at ¶ XX.

[321] *Second EA Integrity FNPRM* at ¶ XX.

[322] The share of testing in the PRC (a non-Reciprocal Economy) increased dramatically from roughly 13% in 2007 to more than 82% by 2025. Notably, there is no sign that this upward trend is reversing, underscoring persistent shifts in increasing concentration of testing patterns. *See supra* Fig. 2.

[323] *See* Shenzhen CTL Testing Technology Co. Comment at 1 (stating global testing costs will increase by 20-30%); EMTEK Comments at 1 (stating testing fees will surge by 30% to 100%); Aibo Standard Technology Comments at 1 (stating that certification costs will rise by 2-3 times); Union Trust Lab Comments at 1 (stating that compliance costs will increase by 300% to 400%).

purposes of estimating the potential incremental costs, we assume that manufacturers may shift testing either to relatively low-cost laboratories in other MRA countries or to laboratories in the United States. Based on the record, we assume that testing at laboratories in other MRA countries would cost approximately 20% more than testing in non-reciprocal economies, while testing at U.S. laboratories would cost approximately 400% more.[324] These assumptions provide useful bounds for estimating the potential incremental testing costs. At one extreme, if all affected manufacturers shifted their testing to lower-cost laboratories in other MRA countries, we estimate that the additional testing expense would be approximately $11.5 million annually.[325] At the other extreme, if all affected testing were shifted to laboratories in the United States, we estimate that the additional expense would be approximately $205.1 million annually.[326] We do not believe either extreme is likely. Manufacturers are likely to select among eligible laboratories based on price as well as factors such as proximity to design and manufacturing operations, testing capacity, turnaround time, technical expertise, and existing commercial relationships. For purposes of our estimate, we therefore assume that approximately 65% of affected testing would shift to lower-cost laboratories in other MRA countries and approximately 35% would shift to laboratories in the United States.[327] Under this assumed allocation, we estimate incremental testing costs of

[324] We use the lower-end estimate of a 20% increase in testing costs as a proxy for relatively low-cost laboratories in MRA economies and the top-end estimate of a 400% increase in testing costs for laboratories in the United States, within the range of 20% to 400% suggested by commenters. *Id*.

[325] We estimate these costs using recent equipment authorization activity and estimated testing costs for unlicensed and licensed transmitting devices. Between January 2025 and July 2026, approximately 72,348 equipment authorization applications were filed, including 67,564 applications for unlicensed transmitting devices (93% of applications) and 4,784 applications for licensed transmitting devices (7% of applications), with total tests equivalent to approximately 45,693 applications annually. We assume that no more than 83% of the testing associated with these applications—or approximately 37,925 devices annually (45,693 × 83%)—currently occurs in non-reciprocal economies, such as China, India, and Switzerland. We estimate that testing in non-reciprocal economies costs approximately $1,400 per unlicensed transmitting device and $3,100 per licensed transmitting device. The $3,100 estimate represents the midpoint of the reported high-end range of $2,200 to $4,000. Applying the respective 93% and 7% shares of equipment authorization applications to the estimated 37,925 devices tested annually in non-reciprocal economies yields approximately 35,270 unlicensed devices and 2,655 licensed devices. At the assumed testing prices, the estimated baseline cost of testing these devices in non-reciprocal economies is therefore approximately $57.6 million annually (($1,400 × 35,270) + ($3,100 × 2,655)). For testing diverted to relatively low-cost laboratories in other MRA economies, we assume that testing costs would be approximately 30% higher than in non-reciprocal economies. Accordingly, if all 37,925 affected devices were diverted to such laboratories, the incremental testing cost would be approximately $11.5 million per year (20% × $57.6 million). *See* JJR Lab, *How Much Cost FCC Testing* (June 14, 2024), https://www.jjrlab.com/news/how-much-cost-fcc-testing.html (stating that the general cost of FCC ID certification is approximately $1,400 and can range as high as $2,200 to $4,000).

[326] Using the same methodology and assumptions described above, we estimate the incremental cost if affected testing were shifted to laboratories in the United States, where commenters indicate that testing costs could be as much as 400% higher than in non-reciprocal economies. Applying this 400% incremental cost (equivalent to 5-time higher price in the United States) to the estimated baseline annual testing cost of approximately $57.6 million, we estimate that, if all 37,925 affected devices were shifted to U.S. laboratories, manufacturers would incur approximately $288 million in total testing payments to U.S. test laboratories annually (500% × $57.6 million). Of the $288 million in estimated annual payments to U.S. test laboratories, we estimate that approximately $205.1 million (= $288 million × (1- 28.8%)) represents total resource costs, and $82.9 million (= $288 million × 28.8%) represents domestic transfers from manufacturers to test laboratories (not counted towards benefits or costs), based on an assumed 28.8% operating profit margin for U.S. test laboratories. *See* UL Solutions Inc., Annual Report (Form 10-K) for the Fiscal Year Ended Dec. 31, 2025, https://www.sec.gov/Archives/edgar/data/1901440/000190144026000005/uls-20251231.htm (reporting a 28.8% operating income margin for its Industrial segment).

[327] For purposes of our central estimate, we assume that approximately 35% of affected testing would shift to laboratories in the United States, with the remaining 65% shifting to laboratories in other MRA economies. We find

approximately $79.3 million per year.[328] We estimate these costs on an aggregate basis and do not attempt to separately estimate the incidence of these costs between equipment manufacturers and consumers, including the extent to which manufactures may absorb the additional testing costs or pass them through to consumers in the form of higher prices.

131. We also estimate one-time familiarization costs associated with the rules adopted in this Order. Because the record does not identify the number of unique entities associated with affected equipment authorization applications, we conservatively assume that each affected application represents a separate entity. Based on approximately 45,693 annualized applications, of which up to 83% involve testing in non-reciprocal economies, we estimate an upper bound of approximately 37,925 affected entities, recognizing that this likely overstates the number because a single manufacturer may submit multiple applications. We assume that familiarization requires four hours of engineering time at $90.62 per hour and two hours of attorney time at $130.45 per hour,[329] resulting in one-time familiarization costs of no more than approximately $23.6 million.[330] We do not expect these costs to recur and do not count familiarization costs for future entrants because they would need to review the applicable equipment authorization rules at the time of entry regardless of the rules adopted in this Order.

132. We do not expect the adopted rules to disproportionately burden any particular industry or category of small entities. Manufacturers that currently rely more heavily on test laboratories in non-reciprocal economies may incur greater adjustment costs, and testing costs may represent a larger share of revenues for some small manufacturers. At the same time, larger manufacturers generally submit more products for testing and therefore may incur greater aggregate costs. Moreover, the rules do not impose

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this assumption reasonable because manufacturers would have incentives to diversify testing among available jurisdictions based on cost, capacity, proximity, and other considerations, while recent evidence indicates meaningful interest in shifting production and related activities to the United States. For example, a 2025 survey of U.S. manufacturers found that approximately 30% of surveyed OEMs had reshored production or were actively undertaking additional reshoring, and another 16% were considering doing so. More recent survey evidence indicates that the share of OEMs that had reshored or were actively engaged in additional reshoring increased to 36% in 2026. *See* Reshoring Initiative, 2025 Reshoring Survey Report at 7, https://reshorenow.org/content/pdf/2025_Reshoring_Survey_Report.pdf (last visited Sept 22, 2026); *see also* Press Release, Reshoring Initiative, *New Survey: U.S. Reshoring Momentum Builds Despite Policy and Workforce Challenges* (Aug 31, 2026), https://www.reshorenow.org/august-30-2026/ (stating 36% of OEMs had reshored or were actively engaged in additional reshoring in 2026).

[328] For purposes of developing a reasonable point estimate, we assume that approximately 65% of affected testing would shift to relatively low-cost laboratories in other MRA economies and 35% would shift to laboratories in the United States. Applying the same methodology and cost assumptions described above, the 65% of testing shifted to other MRA economies would result in approximately $7.5 million (= $11.5 million × 65%) in additional annual testing costs. The 35% shifted to the U.S. market would result in approximately $100.8 million (= $288 million × 35%) in new payments to the U.S. laboratories. Subtracting 28.8% operating profit margin, we therefore estimate that the rule would result in an incremental testing costs in the United States of approximately $71.8 million (= 100.8 million × (1-28.8%)). Combining these estimates, the aggregate costs as a result of the rule is approximately $79.3 million (= $7.5 million + $71.8 million) per year under our estimated allocation.

[329] The Bureau of Labor Statistics reports May 2025 hourly mean wages for electrical and electronics engineers (SOC 17-2070) and lawyers (SOC 23-1011) as $62.07/hour and $89.35/hour, respectively. Bureau of Labor Statistics (BLS), *Occupational Employment and Wage Statistics Query System*, https://data.bls.gov/oes/ (accessed Sept 23, 2026). According to the Bureau of Labor Statistics, as of June 2026, civilian wages and salaries averaged $33.85/hour and benefits averaged $15.61/hour. Using these figures, benefits constitute a markup of $15.61/$33.85 ~ 46%. Taking 46% for cost of benefits, we arrive at an hourly compensation of $90.62/hour ($62.07/hour × $146%), and $130.45/hour ($89.35/hour × $146%), for engineers and attorneys, respectively. *See* Press Release, Bureau of Labor Statistics, Employer Costs for Employee Compensation—June 2026 (Sept 9, 2026), https://www.bls.gov/news.release/pdf/ecec.pdf (*Benefit Markup*).

[330] We calculate one-time familiarization costs as follows: 37,925 potentially affected entities × [(4 engineer hours × $90.62/hour) + (2 attorney hours × $130.45/hour)] = approximately $23.6 million.

different testing requirements based on firm size or industry, and manufacturers may obtain testing from laboratories in the United States or any reciprocal economy. Accordingly, absent evidence demonstrating substantial differences in reliance on non-reciprocal economy laboratories across industries or firm sizes, we do not find that the record establishes that the adopted rules would impose disproportionate costs on a particular industry or on small entities.

C. Benefits

133. The rules adopted in this Order serve the public interest by addressing significant national security and supply chain risks identified by the Commission and other federal agencies. Laboratories located in non-reciprocal economies where intellectual property protections, regulatory oversight, or enforcement may be less robust can create vulnerabilities in the equipment authorization process, including risks of intellectual property theft, compromised or unreliable testing, and the introduction of equipment that does not actually comply with the Commission's technical requirements. Moreover, laboratories operating in such jurisdictions tend to apply less rigorous testing practices as the Commission has identified in numerous recent cases,[331] which can undermine the integrity of the equipment authorization process and increase the risk that noncompliant devices enter the U.S. market. By limiting recognition to laboratories located in the United States or economies that maintain appropriate reciprocal arrangements with the United States, the rules adopted in this Order strengthen accountability, promote adherence to rigorous testing standards, protect intellectual property, and reduce the likelihood that equipment posing national security or public safety risks will receive authorization.

134. The economic benefits of withdrawing recognition from test laboratories located in non-reciprocal economies include reducing national security, intellectual property, and public safety risks associated with reliance on laboratories operating in jurisdictions that do not provide reciprocal recognition to U.S. conformity tests. Given that U.S. Gross Domestic Product (GDP) exceeded $30 trillion in 2025,[332] the economic consequences of preventing even a 0.0004% disruption of the economy attributable to insecure or noncompliant communications equipment could outweigh the costs of the adopted rules. The FBI reports that in 2025, the U.S. faced more than $20 billion in losses related to cyber-crime.[333] If the rules that we implemented prevented even half a percent (0.5%) of reported cyber-crime caused by the vulnerabilities of equipment certified by non-MRA test laboratories, doing so would exceed the costs of implementing the rules that we adopt.

135. Shifting a fraction of the testing activities from non-MRA economies to the United States will also result in an approximately $20.2 million in quantifiable annual benefits. Under our central assumption that 35% of the approximately $57.6 million in annual testing expenditures currently paid to laboratories in non-reciprocal economies would shift to laboratories in the United States, approximately $20.2 million ($57.6 million × 35%) in payments that otherwise would flow abroad would now shift back to the United States. Consistent with OMB Circular A-4's treatment of international transfers from a U.S. perspective, we count these redirected payments form non-MRA laboratories to domestic laboratories as benefits. This estimate does not account for the additional, difficult-to-quantify benefits associated with national security, testing integrity, resilience, and domestic technical expertise. In addition to the unquantified benefits to national security, public safety and supply chain resiliency, these incremental domestic testing activities could also support expanded business operations and investment in the United States, including through the hiring and training of engineers, technicians, and other skilled workers. Increased domestic testing activities also could contribute to the development and retention of technical

[331] *See supra* Section III.A.1; *see also* Comments of AFPI.

[332] *See* U.S. Bureau of Economic Analysis, *Table 1.1.5. Gross Domestic Product*, https://apps.bea.gov/iTable/?reqid=19&step=3&isuri=1&categories=survey&nipa_table_list=5&Series=A&select_all_years=1&_gl=1*16zt8m*_ga*MjY2NzAxMjE1LjE3NzUwNzA3ODk.*_ga_J4698JNNFT*czE3NzUwNzA3ODkkbzEkZzEkdDE3NzUwNzA5ODkkajE3JGwwJGgw (last visited Aug. 10, 2026).

[333] FBI, Internet Crime Report at 6-7 (2025), https://www.fbi.gov/file-repository/2025_ic3report.pdf/view.

expertise relating to radiofrequency devices, equipment testing, standards compliance, and equipment development. As RF Safety Laboratory observes, test engineers, RF technicians, and certification specialists working directly with emerging technologies acquire practical knowledge of device architectures, radiofrequency characteristics, and compliance challenges that may be difficult to develop without hands-on testing experience.[334] The resulting accumulation of technical expertise could strengthen the broader U.S. industrial and technology ecosystem by expanding the domestic pool of specialized technical talent and facilitating closer interaction among test laboratories, equipment manufacturers, engineers, and other participants in the equipment development and authorization process.

136. Greater domestic testing capacity and expertise also could provide benefits to the Commission and the broader federal technical community. A domestic testing ecosystem that is actively engaged with emerging technologies can help maintain a pool of technical knowledge and experience relevant to increasingly complex equipment authorization and spectrum-related issues.[335] Moreover, encouraging the development of a robust U.S. testing market would reduce reliance on testing capacity concentrated in a single foreign country or jurisdiction, thereby diversifying the sources of conformity-assessment services available to manufacturers seeking access to the U.S. market. Such diversification could strengthen the resilience of both the equipment authorization process and the broader U.S. device market by reducing exposure to foreign supply disruptions, capacity constraints, or other events that could impair the availability of testing services.

137. These benefits are particularly relevant given the incentives created by non-reciprocal recognition. Where a non-reciprocal economy recognizes only tests performed within its territory, while the United States recognizes tests performed in either jurisdiction, a manufacturer seeking to serve both markets can obtain access to both by testing in the non-reciprocal economy, whereas testing in the United States provides access only to the U.S. market. All else equal, this asymmetry can shift testing activities and associated investment toward laboratories in non-reciprocal economies. Withdrawing recognition in these circumstances would reduce that regulatory asymmetry and allow the location of testing activities to respond more directly to market conditions. In doing so, the rules could promote the development and growth of the U.S. testing market, diversify testing capacity, and support the domestic technical knowledge base necessary to evaluate and regulate advanced communications technologies as they continue to develop.

138. Accordingly, the Commission concludes that the adopted oversight measures are justified by substantial public safety, national security, resilience, and economic benefits. By reducing reliance on testing in non-reciprocal economies, the rules strengthen the integrity and resilience of the equipment authorization process, support domestic testing capacity and technical expertise, and reduce regulatory distortions that disadvantage U.S. laboratories. We therefore find that these measures advance the public interest by enhancing the security and reliability of the U.S. communications equipment market while supporting the Nation's capacity to evaluate emerging wireless technologies.

D. Alternative Policies

1. Alternative A – No Action

139. Under this alternative, the Commission would decline to adopt any new measures to address the persistent vulnerabilities identified in the record. This approach would preserve the status quo and impose zero additional implementation cost on regulated entities. However, maintaining the current regulatory framework would leave unaddressed the security gaps and systemic vulnerabilities that have been repeatedly identified across recent national security determinations. These gaps are precisely the channels adversarial nation states can exploit to facilitate intrusion, unauthorized surveillance, data exfiltration, network disruption, and covert access into U.S. communications infrastructure.

[334] *See* RF Safety Laboratory Comments at 6-7.

[335] *See* RF Safety Laboratory Comments at 6-7.

140. While it is difficult to estimate the incremental increase in risk of not adopting these rules, even a single compromise of network infrastructure can result in cascading economic losses, including service disruptions, theft of sensitive commercial or governmental information, and degradation of critical infrastructure reliability. With the national GDP exceeding $30 trillion in 2025, the Commission has already found that preventing only one percent of malicious activity or supply chain disruption would yield benefits in the billions of dollars. Under this no action alternative, those risks would remain unmitigated, exposing U.S. consumers, businesses, and government systems to continued and potentially escalating threats.

2. Alternative B – Immediate Cessation of Recognition

141. Under this alternative, the Commission would immediately cease recognition of all entities located in or controlled by non-reciprocal economies. While this approach would realize oversight and national security benefits sooner, it would front-load costs and risk temporary throughput stress, as manufacturers and labs would be required to migrate all testing immediately. This could lead to bottlenecks, increased prices, and possible equipment shortages.

3. Alternative C – Adopted Rules (24-month Transition)

142. This alternative, which we adopt, is a targeted set of rules designed to close specific national security and supply chain gaps while avoiding unnecessary disruption to manufacturers, supply chains, or consumers. The adopted approach focuses on test laboratories in non-reciprocal economies. By providing a uniform 24-month transition period, the Commission minimizes operational and redesign burdens on industry, allowing continued use of previously recognized labs during the transition.

143. This balanced approach also reduces potential downstream harms to consumers. By avoiding the broad, sweeping restrictions contemplated under Alternative B, the adopted rules help preserve product availability, maintain price stability, and prevent disruptions to critical communications deployments. At the same time, they strengthen oversight of high-risk entities, reinforce supply chain safeguards, and improve accountability in a manner proportionate to the threats identified.

E. Justification Determination

1. Benefits Exceeds Costs

144. We find that the changes adopted in this Order will generate substantial benefits to national security and the integrity and resiliency of the equipment authorization process and associated supply chains that justify the associated costs. We estimate approximately $20.2 million in quantifiable annual benefits, compared with $79.3 million in recurring annual incremental testing costs. Although the quantifiable benefits alone do not exceed these recurring costs, the adopted rules also provide substantial, but difficult-to-quantify, benefits from improved national security, public safety, testing integrity, and supply chain resilience, as well as increased domestic testing activity that could support U.S. businesses, employment, investment in testing capacity, and the development and retention of specialized technical expertise. These additional benefits need only exceed approximately $59.1 million annually for total recurring benefits to exceed recurring costs. We also estimate no more than $23.6 million in one-time familiarization costs under our highly conservative assumption that each affected equipment authorization application represents a separate entity; because manufacturers may submit multiple applications, actual familiarization costs are likely substantially lower. Accordingly, relatively modest incremental benefits would be sufficient to justify these one-time costs. Given the potentially significant economic consequences of compromised equipment testing, supply chain disruptions, and other national security and public safety risks, together with the broader benefits associated with increased domestic testing activities, we find that the benefits of the adopted rules justify their costs.

Table of Benefits and Costs

	One-time (Year 1)	Recurring (per year for Years 3-5)	Present Value over 5 Years (3% discount)	Present Value over 5 Years (7% discount)
Benefits				
Quantitative ($ millions)[336]		$20.2	$53.9	46.3
Qualitative	We estimate that recurring benefits to national security easily exceed $100 million per year.			
Costs ($ millions)[337]	$23.6	$79.3	$234.2	$203.7

145. Note: For the present value calculations, we assume that approximately one-time familiarization cost occurs in the first year following the adoption of the Order. Because the implementation will not occur until two years later, recurring benefits and costs will start accruing in the third year.

2. Highest Net Benefit Alternative

146. Based on the record and our economic analysis, we find that Alternative C is expected to produce the greatest net benefits among the three alternatives considered. The rules we adopt appropriately balance our national security objectives with the potential costs of implementation by strengthening the security and integrity of the nation's equipment authorization program while incorporating targeted measures designed to mitigate burdens on the equipment supply chain and minimize adverse effects on the domestic economy. We therefore conclude that Alternative C best advances our national security objectives while appropriately accounting for the economic effects of the rules.

V. PROCEDURAL MATTERS

147. *Regulatory Flexibility Act.* The Regulatory Flexibility Act of 1980, as amended (RFA),[338] 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."[339] Accordingly, the Commission has prepared a Final Regulatory Flexibility Analysis (FRFA) concerning the possible impact of the rule changes contained in this *Third Report and Order* on small entities. The FRFA is set forth in Appendix B.

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[336] We calculate the five-year present value of quantifiable benefits as of the date of adoption (Year 0), assuming no benefits accrue in Years 1 and 2 and approximately $20.2 million in annual benefits accrue in Years 3 through 5. At a 3% discount rate, the present value equals $\frac{\$20.2 \text{ million}}{(1+3\%)^3} + \frac{\$20.2 \text{ million}}{(1+3\%)^4} + \frac{\$20.2 \text{ million}}{(1+3\%)^5}$ = approximately $53.9 million. At a 7% discount rate, the present value equals $\frac{\$20.2 \text{ million}}{(1+7\%)^3} + \frac{\$20.2 \text{ million}}{(1+7\%)^4} + \frac{\$20.2 \text{ million}}{(1+7\%)^5}$ = approximately $46.3 million.

[337] We calculate the five-year present value of costs as of the date of adoption (Year 0), assuming approximately $23.6 million in one-time familiarization costs in Year 1, no additional costs in Year 2, and approximately $79.3 million in recurring annual costs in Years 3 through 5. At a 3% discount rate, the present value equals $\frac{\$23.6 \text{ million}}{(1+3\%)^1} + \frac{\$79.3 \text{ million}}{(1+3\%)^3} + \frac{\$79.3 \text{ million}}{(1+3\%)^4} + \frac{\$79.3 \text{ million}}{(1+3\%)^5}$ = approximately $234.2 million. At a 7% discount rate, the present value equals $\frac{\$23.6 \text{ million}}{(1+7\%)^1} + \frac{\$79.3 \text{ million}}{(1+7\%)^3} + \frac{\$79.3 \text{ million}}{(1+7\%)^4} + \frac{\$79.3 \text{ million}}{(1+7\%)^5}$ = approximately $203.7 million.

[338] 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).

[339] *Id*. § 605(b).

148. 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 *Third 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.

149. *Paperwork Reduction Act*. This document does not contain 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 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."]

150. *Providing Accountability Through Transparency Act.* Consistent with the Providing Accountability Through Transparency Act, Public Law 1189, a summary of this document will be available on https://www.fcc.gov/proposedrulemakings.

151. *OPEN Government Data Act*. The OPEN Government Data Act[340] 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.[341] This requirement is to be implemented "in accordance with guidance by the Director" of the OMB.[342] 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)]."[343] A "data asset" is "a collection of data elements or data sets that may be grouped together,"[344] and "data" is "recorded information, regardless of form or the media on which the data is recorded."[345]

152. *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.[346] 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

[340] 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.

[341] 44 U.S.C. §§ 3502(20), (22) (definitions of "open Government data asset" and "public data asset"), 3506(b)(6)(B) (public availability).

[342] OMB has not yet issued final guidance.

[343] 44 U.S.C. § 3502(22).

[344] 44 U.S.C. § 3502(17).

[345] 44 U.S.C. § 3502(16).

[346] 47 CFR § 1.1200 *et seq*.

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.

- *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.

153. *People with Disabilities*. To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an email to fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau at 2024180530 (voice).

154. *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 [nonmajor] 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).]

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

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

VI. ORDERING CLAUSE

157. 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 Third Report and Order and Third Further Notice of Proposed Rulemaking IS HEREBY ADOPTED.[347]

158. 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. 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.

159. IT IS FURTHER ORDERED that the Commission's Office of the Secretary, SHALL SEND a copy of this Third Report and Order and Third 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.

160. IT IS FURTHER ORDERED that the Office of the Managing Director, Performance Program Management, SHALL SEND a copy of the Third 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

[347] 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).

APPENDIX A

FINAL RULES

For the reasons set forth in the document above, the Federal Communications Commission amends 47 CFR part 2 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. Amend § 2.902 by adding the terms and definitions in alphabetical order to read as follows:

§ 2.902 Terms and Definitions

Covered Activity

(1) For a Test Lab, covered activity includes test setup and operation, required measurements, technical analysis of results, and preparation or approval of the test report relied on for certification.

(2) For a TCB, covered activity includes application evaluation, technical review, the certification decision, grant or dismissal, and FCC-required post-market surveillance.

(3) For an accreditation body, covered activity includes the assessment of, technical evaluation of, and decision to accredit a laboratory for a scope used to obtain FCC recognition.

(4) In any case, covered activity does not include pre-compliance or R&D testing that is not represented to be FCC-recognized testing and is not relied on in a certification application; manufacture, maintenance, or calibration of measurement equipment; sales, accounting, payroll, scheduling, information-technology support, or other ministerial administration; or a global entity's facilities and personnel wholly segregated from its FCC function

Non-Reciprocal Economy. The territory of an economy that is not:

(1) The United States; or

(2) A Reciprocal Economy.

Reciprocal Economy. The territory of an economy with which the United States has a MRA or comparable government-to-government agreement reciprocity agreement with respect to equipment authorization, such as a Free Trade Agreement or Agreement on Reciprocal Trade.

* * * * *

3. 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 performs any FCC-recognized covered activity from within, a non-Reciprocal Economy.

* * * * *

(e) * * *

(4) Is located in, or performs any FCC-recognized covered activity from within, a non-Reciprocal Economy.

4. Amend § 2.950 by adding paragraph (f) to read as follows:

§ 2.950 Transition periods

* * * * *

(f) Notwithstanding the provisions in sections 2.948(e), 2.951(b)(4) and (d)(4), measurement facilities either located in, or conducting or performing an FCC-recognized covered activity from within, a non-Reciprocal Economy shall only be eligible for recognition until November 30, 2028.

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

§ 2.951 Recognition of measurement facilities.

(b) * * *

(4) Starting December 1, 2028, is located in, or that conducts FCC-recognized covered activity from within, a non-Reciprocal Economy.

* * * * *

(d) * * *

(4) Starting December 1, 2028, is located in, or that conducts FCC-recognized covered activity from within, a non-Reciprocal Economy.

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

§ 2.960 Recognition of telecommunications certification bodies (TCBs)

(b) * * *

(4) Is located in, or that conducts FCC-recognized certification from within, a non-Reciprocal Economy.

* * * * *

(d) * * *

(4) Is located in, or that conducts FCC-recognized certification from within, a non-Reciprocal Economy.

APPENDIX B

Final Regulatory Flexibility Analysis

1. As required by the Regulatory Flexibility Act of 1980, as amended (RFA),[1] the Federal Communications Commission (Commission or FCC) 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, Second Report and Order, Order on Reconsideration, and Second Further Notice of Proposed Rulemaking (Second Further Notice) released in May 2026.[2] The Commission sought written public comment on the proposals in the Second 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 Third Report and Order (Third Report and Order), the Commission is strengthening the integrity and national security posture of the FCC's equipment authorization process by prohibiting recognition of Test Laboratories (Test Labs), Telecommunications Certification Bodies (TCBs), and laboratory accreditation bodies located in, or performing FCC recognized covered activity within, non-Reciprocal Economies — meaning jurisdictions without an applicable mutual recognition agreement or reciprocal trade arrangement with the United States.

3. Driven by concerns about inadequate oversight, documented instances of falsified test results, risks of intellectual property theft, and a dangerous overconcentration of FCC testing in a single non-Reciprocal Economy, the Commission believes that continued reliance on such entities threatens both program integrity and supply chain security. The *Third Report and Order* institutes a uniform transition period ending December 1, 2028, after which labs in non-Reciprocal Economies will no longer be eligible for recognition; existing recognitions will expire naturally on that date. The Commission also codifies location-based restrictions for TCBs and accreditation bodies, clarifies that "covered activities" must occur entirely within the U.S. or a Reciprocal Economy, and rejects proposed exceptions, waivers, and alternative oversight mechanisms

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

4. 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

5. Pursuant to the Small Business Jobs Act of 2010, which amended the RFA,[4] the Commission is required to respond to any comments filed by the Chief Counsel for the Small Business Administration (SBA) Office of Advocacy, and provide a detailed statement of any change made to the proposed rules as a result of those comments.[5] The Chief Counsel did not file any comments in response to the proposed rules in this proceeding.

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[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 (*Second Further Notice*).

[3] 5 U.S.C. § 604.

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

[5] 5 U.S.C. § 604 (a)(3).

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

6. 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.[6] The RFA generally defines the term "small entity" as having the same meaning as the terms "small business," "small organization," and "small governmental jurisdiction."[7] In addition, the term "small business" has the same meaning as the term "small business concern" under the Small Business Act.[8] 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.[9] 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.[10]

7. 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.[11] In general, a small business is an independent business having fewer than 500 employees.[12] These types of small businesses represent 99.9% of all businesses in the United States, which translates to 34.75 million businesses.[13] Next, "small organizations" are not-for-profit enterprises that are independently owned and operated and are not dominant in their field.[14] 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.[15] Finally, "small governmental jurisdictions" are defined as cities, counties, towns, townships, villages, school districts, or special districts with populations of less than fifty thousand.[16] 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.[17]

8. The rules adopted in the *Third 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

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[6] 5 U.S.C. § 604.

[7] *Id*. § 601(6).

[8] *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."

[9] 15 U.S.C. § 632.

[10] 13 CFR 121.903.

[11] 5 U.S.C. § 601(3)-(6).

[12] *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.

[13] *Id*.

[14] 5 U.S.C. § 601(4).

[15] *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/.

[16] 5 U.S.C. § 601(5).

[17] *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.

(NAICS)[18] codes and corresponding SBA size standard[19]. 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 (NAICS Classification)	NAICS Code	SBA Size Standard	Total Firms[20]	Small Firms[21]	% Small Firms in Industry
Electronic Computer Manufacturing	334111	1,500 employees	300	291	97.00
Other Communications Equipment Manufacturing[22]	334290	750 employees	321	310	96.57
Radio Stations[23]	516110	$47 million	2,963	1,879	63.42
Radio and Television Broadcasting and Wireless Communications Equip Manufacturing[24]	334220	1,250 employees	656	624	95.12
Satellite Telecommunications[25]	517410	$47 million	275	242	88.00
Wired Telecommunications Carriers[26]	517111	1,500 employees	3,054	2,964	97.05
Wireless Telecommunications Carriers (except Satellite)[27]	517112	1,500 employees	2,893	2,837	98.06
All Other Telecommunications[28]	517810	$40 million	1,079	1,039	96.29

[18] 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.

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

[20] *See* U.S. Census Bureau, *2017 Economic Census of the United States*, *Employment Size of Firms for the U.S.: 2017,* Table ID: EC1700SIZEEMPFIRM, and *2017 Economic Census of the United States*, *Selected Sectors: Sales, Value of Shipments, or Revenue Size of Firms for the U.S.: 2017,* Table ID: EC1700SIZEREVFIRM.

[21] *Id.*

[22] Affected Entities in this industry include Vendors of Infrastructure Development Network Buildout.

[23] Affected Entities in this industry include Auxiliary, Special Broadcast and Other Program Distribution Services.

[24] Affected Entities in this industry include Aviation Radio Equipment Manufacturers, Broadcast Auxiliary Services (BAS) Remote Pickup (RPU) Manufacturing, Part 15 Handset Manufacturers, Uncrewed Aircraft Radio Equipment Manufacturers, and Vendors of Infrastructure Development Network.

[25] Affected Entities in this industry include Fixed Satellite Small Transmit/Receive Earth Stations and Mobile Satellite Earth Stations., and Fixed Satellite Very Small Aperture Terminal (VSAT) Systems.

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

[27] Affected Entities in this industry include Fixed Microwave Services, Private Land Mobile Radio Licensees (PLMR), Radio Frequency Equipment Manufacturers (RF Manufacturers) and Wireless Carriers and Service Providers.

[28] Affected Entities in this industry include Internet Service Providers (Non-Broadband), Non Licensee Owners of Towers and Other Infrastructure, and Telecommunications Relay Service (TRS) Providers.

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)		
Affected Entity	**Total # FCC Form 499A Filers**	**Small Firms**	**% Small Entities**
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

9. 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]

10. 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 filing the application and responding to Commission inquiries, we estimate that the adopted rules will yield approximately $1 million of annual benefits. This amount substantially exceeds the estimated annual reporting cost of at least $33,000, not including additional unquantified benefits such as enhancing our national security and strengthening our equipment authorization process. As a result, the cost savings to small and other applicants eligible for the fast track PAG process outweigh the costs associated with the adopted rules even before accounting for the substantial benefits of reducing the time it takes to bring products to market.

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

11. 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

[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).

other significant alternatives to the rule considered by the agency which affect the impact on small entities was rejected."[33]

12. In reaching its conclusions in the *Third 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 24 month uniform transition period, allowing small entities time to qualify new labs and adjust workflows. We also maintain recognition for Test Labs in MRA/FTA/ART economies, preserving international testing options. We declined to adopt costlier alternatives such as immediate cessation, heightened universal surveillance, or case by case exceptions that would undermine regulatory fairness.

13. The requirements adopted in the *Third 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 revisions to our part 2 rules, such as the requirement that all applicants must xx, which are similar to the types of information we routinely encounter and in many contexts would not create an undue burden for small entities.

14. We believe that 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 *Third Report and Order*.

G. Report to Congress

15. The Commission will send a copy of the *Third Report and Order*, including this Final Regulatory Flexibility Analysis, in a report to Congress pursuant to the Congressional Review Act.[34] In addition, the Commission will send a copy of the *Third 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 *Third Report and Order*, and this Final Regulatory Flexibility Analysis (or summaries thereof) in the Federal Register.[35]

[33] 5 U.S.C. § 604(a)(6).

[34] 5 U.S.C. § 801(a)(1)(A).

[35] *Id.* § 604(b).

APPENDIX C

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 *Third Further Notice of Proposed Rulemaking* (*Third 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 *Third Further Notice*. The Commission will send a copy of the *Third Further Notice*, including this IRFA, to the Chief Counsel for the Small Business Administration (SBA) Office of Advocacy.[2] In addition, the *Third Further Notice* and IRFA (or summaries thereof) will be published in the Federal Register.[3]

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

2. In the *Third Further Notice*, the Commission seeks comment on proposals to strengthen the integrity and security of the equipment authorization program. At present, the program's current framework contains unresolved vulnerabilities that can be potentially exploited by adversarial actors, particularly through over-concentration of testing in non-reciprocal economies, opaque supply chain pathways, and permissive recognition practices. Specifically, the Commission seeks comment on extending reciprocal economy requirements to ownership or control, not just physical location, and the adoption of Legal Entity Identifiers (LEIs) for all conformity assessment bodies as a means of strengthening supply-chain risk management. We seek comment on whether adopting LEI requirements would synchronize Commission rules with global and domestic ownership verification standards.

3. Additionally, the Commission seeks comment from small and other entities on whether our conclusion that the proposed rule has the benefit of imposing negligible costs, while simultaneously creating additional compliance with our equipment authorization rules by increasing the potential for verifying ownership information. We also seek comment from interested parties regarding the scope and scale of any costs or benefits associated with the proposed requirement. Collectively, these proposals support our objectives of safeguarding the integrity and security of the equipment authorization program by ensuring all Commission-recognized entities operate under jurisdictions with clear accountability mechanisms.

B. Legal Basis

4. 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.

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

5. 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.[4] The RFA generally

[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*.

[4] 5 U.S.C. § 603(b)(3).

defines the term "small entity" as having the same meaning as the terms "small business," "small organization," and "small governmental jurisdiction."[5] In addition, the term "small business" has the same meaning as the term "small business concern" under the Small Business Act.[6] 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.[7] 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.[8]

6. 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.[9] In general, a small business is an independent business having fewer than 500 employees.[10] These types of small businesses represent 99.9% of all businesses in the United States, which translates to 34.75 million businesses.[11] Next, "small organizations" are not-for-profit enterprises that are independently owned and operated and not dominant in their field.[12] 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.[13] Finally, "small governmental jurisdictions" are defined as cities, counties, towns, townships, villages, school districts, or special districts with populations of less than fifty thousand.[14] 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.[15]

7. The proposals in the Third 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)[16]

[5] *Id*. § 601(6).

[6] *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."

[7] 15 U.S.C. § 632.

[8] 13 CFR 121.903.

[9] 5 U.S.C. § 601(3)-(6).

[10] *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.

[11] *Id*.

[12] 5 U.S.C. § 601(4).

[13] *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/.

[14] 5 U.S.C. § 601(5).

[15] *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.

[16] 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.

codes and corresponding SBA size standard.[17] 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[18]	Total Small Firms[19]	% Small Firms
Radio and Television Broadcasting and Wireless Communications Equip Manufacturing[20]	334220	1,250 employees	155	136	87.74%
Other Communications Equipment Manufacturing[21]	334290	800 employees	310	294	94.84%
Radio Broadcasting Stations[22]	516110	$47 million	2,616	2,136	81.65%
Television Broadcasting Stations[23]	516120	$47 million	413	316	76.51%
Wired Telecommunications Carriers[24]	517111	1,500 employees	3,403	3,027	88.95%

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

[18] *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.

[19] *Id.*

[20] Affected Entities in this industry include Part 15 Handset Manufacturers, Radio Frequency Equipment Manufacturers, Uncrewed Aircraft Radio Equipment Manufacturers, Vendors of Infrastructure Development Network Buildout.

[21] Affected Entities in this industry include Radio Frequency Equipment Manufacturers (Non-standard specialized equipment) and Vendors of Infrastructure Development Network Buildout.

[22] Affected Entities in this industry include Amateur Radio Service, Broadcast Auxiliary Services (BAS) Remote Pickup (RPU) Licensees (Radio Stations), Auxiliary, Special Broadcast and Other Program Distribution Services FM Translator Stations and Low Power FM Stations, Educational Broadcasting Services (Radio), International Broadcast Stations, Low Power FM Stations, NCE and Public Broadcast Stations (Radio).

[23] Affected Entities in this industry include Auxiliary, Special Broadcast and Other Program Distribution Services, Broadcast Auxiliary Services (BAS) Remote Pickup (RPU) Licensees (TV Stations), Educational Broadcasting Services (TV), NCE and Public Broadcast Stations (TV).

[24] Affected Entities in this industry include Cable Television Distribution Services, Carrier RespOrgs, Competitive Access Providers, Cable Companies and Systems (Rate Regulation), Cable System Operators (Telecom Act Standard), Competitive Local Exchange Carriers (CLECs), Competitive Local Service Providers, Direct Broadcast Satellite (DBS), Facilities-Based Carriers (International Telecom Carriers), Home Satellite Dish (HSD) Service, Incumbent Local Exchange Carriers (Incumbent LECs), Interexchange Carriers (IXCs), Local Exchange Carriers (LECs), Open Video Systems, Operator Service Providers (OSPs), Operators of Common Carrier Non-Common Carrier Undersea Cable Systems, Other Toll Carriers, Providers of International Telecommunications Transmission Facilities, Satellite Master Antenna Television (SMATV) Systems aka Private Cable Operators (PCOs), and Wired Broadband Internet Access Service Providers.

Regulated Industry (Footnotes specify potentially affected entities within a regulated industry where applicable)	NAICS Code	SBA Size Standard	Total Firms[18]	Total Small Firms[19]	% Small Firms
Wireless Telecommunications Carriers (except Satellite)[25]	517112	1,500 employees	1,184	1,081	91.30%
Satellite Telecommunications[26]	517410	$44 million	332	195	58.73%

Table 2. Telecommunications Service Provider Data

2025 Universal Service Monitoring Report Telecommunications Service Provider Data [27] (Data as of December 2024)	SBA Size Standard (1500 Employees)		
Affected Entity	Total # FCC Form 499A Filers	Small Firms	% Small Entities
Wired Telecommunications Carriers[28]	4,971	4,531	91.15
Wireless Telecommunications Carriers (except Satellite)[29]	608	522	85.86
Wireless Telephony[30]	336	262	77.98

[25] Affected Entities in this industry include 1.4 GHz Band Licensees, 1670–1675 MHz Services, 2.3 GHz Wireless Communications Services, 218-219 MHz Service, 220 MHz Radio Service – Phase I and Phase II, 3650-3700 MHz Band, 39 GHz Service, 600 MHz Band, 700 MHz Guard Band Licensees, Advanced Wireless Services - AWS Services, Aeronautical en route Services, Aeronautical Fixed Radio Services, Air-Ground Radiotelephone Services, Aviation and Marine Radio Services, Broadband Personal Communications Service, Broadband Radio Service and Educational Broadband Service, Carrier RespOrgs, Cellular Radiotelephone Service, Experimental Radio Service (Other Than Broadcast), Fixed Microwave Services, Future 24 GHz Licensees, Government Transfer Bands, Incumbent 24 GHz Licensees, Local Multipoint Distribution Service (LMDS), Location and Monitoring Service (LMS), Low Power Auxiliary Station (LPAS) Licensees, Lower 700 MHz Band Licenses, Marine Radio Services, Multichannel Video Distribution and Data Service (MVDDS), Multiple Address Systems, Narrowband Personal Communications Services, Offshore Radiotelephone Service, Paging Services, Personal Radio Services, Private Land Mobile Radio - 900 MHz Band, Private Land Mobile Radio Licensees (PLMR), Public Safety Radio Licensees, Rural Radiotelephone Service, Specialized Mobile Radio Licenses, Upper 700 MHz Band Licenses, Wireless Broadband Internet Access Service Providers, Wireless Carriers and Service Providers, Wireless Communications Services, Wireless Telephony.

[26] Affected Entities in this industry include Fixed Satellite Small Transmit/Receive Earth Stations, Fixed Satellite Very Small Aperture Terminal (VSAT) Systems, Mobile Satellite Earth Stations.

[27] Federal-State Joint Board on Universal Service, Universal Service Monitoring Report at 25, Table 1.12 (2025), https://docs.fcc.gov/public/attachments/DOC-418505A1.pdf.

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

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

[30] Affected Entities in this industry include Cellular/PCS/SMR - Specialized Mobile Radio Licensees and SMR (Dispatch).

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

8. 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.[31]

9. We also seek comment on whether the Commission should require LEIs, which are already used by other federal agencies,[32] for Test Labs, and TCBs. Adoption of the use of LEIs would improve the proper identification of Test Labs, TCBs, and laboratory accreditation bodies in our equipment authorization program. We note that these requirements could increase administrative tasks. However, these tasks are intended to be streamlined through electronic systems, which may maintain or reduce administrative costs for small entities, many of which have limited budgetary or administrative resources. Further, we tentatively conclude that the proposals in the *Third Further Notice* would impose negligible costs while generating benefits by increasing the likelihood that ownership information is verified, thereby helping to ensure compliance with the Commission's equipment authorization rules. At this time, the Commission cannot quantify the cost of compliance, or whether the proposed rule, if adopted, will necessitate that small entities hire attorneys, consultants, or other professionals to comply. We seek comment on this tentative conclusion, including the nature and magnitude of any costs or benefits associated with the proposed requirement.

10. The Commission will fully consider the economic impact on small entities as it evaluates the comments filed in response to the *Third Further Notice*. We expect the information received in comments, including, where requested, costs and benefit analyses, will assist the Commission in identifying and evaluating relevant compliance matters for small entities. Further, alternative proposals and approaches from commenters will further develop the record and could help the Commission further minimize the economic impact on small entities.

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

11. 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.[33] 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."[34]

12. In developing the proposals outlined in the *Third Further Notice*, the Commission considered the impact of its proposals on small entities, if adopted. We considered the economic impact of adopting an LEI requirement on small and other entities, as opposed to the absence of such a requirement or the adoption of other approaches, and have tentatively concluded that the cost would be negligible. We seek comment on, and will consider, alternative proposals intended to address emerging national security risks and promote the trustworthiness and integrity of the FCC's equipment

[31] 5 U.S.C. § 603(b)(4).

[32] *See, e.g.*, 17 CFR § 45.6 (Securities and Exchange Commission rule requiring use of Legal Entity Identifiers in recordkeeping and swap data reporting).

[33] *Id.* § 603(c).

[34] *Id.* § 603(c)(1)-(4).

authorization process, including expanding prohibitions against Test Labs and TCBs owned or controlled by non-Reciprocal Economies.

13. The Commission will fully consider the economic impact on small entities as it reviews and evaluates comments filed in response to the *Third Further Notice*, including those related to the costs and benefits to small entities should the proposals in the *Third 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 affect on small entities as a result of the final rules.

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

14. None.

APPENDIX D

Reciprocal Economy	Basis for Reciprocal-Economy Status
Argentina	Party under the Agreement between the United States of America and Argentina on Reciprocal Trade and Investment.
Australia	Party to the Asia-Pacific Economic Cooperation (APEC) Mutual Recognition Arrangement for Conformity Assessment of Telecommunications Equipment, endorsed by APEC Telecommunications Ministers on June 5, 1998, and implemented in the United States under 47 CFR § 2.960 pursuant to the Commission's order in GEN Docket No. 98-68, FCC 98-338, 64 Fed. Reg. 4984 (Feb. 2, 1999), and further qualifies under the United States-Australia Free Trade Agreement Implementation Act, Pub. L. No. 108-286, 118 Stat. 919 (2004).
Austria	Party under the Agreement on Mutual Recognition Between the United States of America and the European Community (U.S.-European Community MRA), signed May 1998, published at 63 Fed. Reg. 36, 238 (July 2, 1998), and implemented via GEN Docket No. 98-68, FCC 98-338, 64 Fed. Reg. 4984 (Feb. 2, 1999).
Bahrain	Party under the United Staes-Bahrain Free Trade Agreement Implementation Act, Pub. L. No. 109-169, 119 Stat. 3581 (2006).
Bangladesh	Party under the Agreement Between the United States of America and the People's Republic of Bangladesh on Reciprocal Trade.
Belgium	Party under the U.S.-European Community MRA, 63 Fed. Reg. 36, 238 (July 2, 1998), implemented at 64 Fed. Reg. 4984 (Feb. 2, 1999).
Bulgaria	Party under the U.S.-European Community MRA, 63 Fed. Reg. 36, 238 (July 2, 1998), implemented at 64 Fed. Reg. 4984 (Feb. 2, 1999).
Cambodia	Party under the Agreement Between the United States of America and the Kingdom of Cambodia on Reciprocal Trade.
Canada	Party to the APEC Telecom MRA, 64 Fed. Reg. 4984 (Feb. 2, 1999); the United States-Mexico-Canada Agreement Implementation Act, Pub. L. No. 116-113, 134 Stat.11 (2020).
Chile	Party under the United States-Chile Free Trade Agreement Implementation Act, Pub. L. No. 108-77, 117 Stat 909 (2003)..
Colombia	Party under the United States-Columbia Trade Promotion Agreement Implementation Act, Pub. L. No. 112-42, 125 Stat. 462 (2011).
Costa Rica	Party under the Dominican Republic-Central America-United States Free Trade Agreement Implementation Act (CAFTA-DR), Pub. L. No. 109-53, 119 Stat. 462 (2005)..
Croatia	Party under the U.S.-European Community MRA, 63 Fed. Reg. 36, 238 (July 2, 1998), implemented at 64 Fed. Reg. 4984 (Feb. 2, 1999).
Cyprus	Party under the U.S.-European Community MRA, 63 Fed. Reg. 36, 238 (July 2, 1998), implemented at 64 Fed. Reg. 4984 (Feb. 2, 1999).
Czech Republic	Party under the U.S.-European Community MRA, 63 Fed. Reg. 36, 238 (July 2, 1998), implemented at 64 Fed. Reg. 4984 (Feb. 2, 1999).
Denmark	Party under the U.S.-European Community MRA, 63 Fed. Reg. 36, 238 (July 2, 1998), implemented at 64 Fed. Reg. 4984 (Feb. 2, 1999).

Dominican Republic	Party under the CAFTA-DR, Pub. L. No. 109-53, 119 Stat. 462 (2005).
Ecuador	Party under the Agreement Between the United States of America and the Republic of Ecuador on Reciprocal Trade.
El Salvador	Party under the CAFTA-DR, Pub. L. No. 109-53, 119 Stat. 462 (2005), the Agreement Between the United States of America and the Republic of El Salvador on Reciprocal Trade.
Estonia	Party under the U.S.-European Community MRA, 63 Fed. Reg. 36, 238 (July 2, 1998), implemented at 64 Fed. Reg. 4984 (Feb. 2, 1999).
Finland	Party under the U.S.-European Community MRA, 63 Fed. Reg. 36, 238 (July 2, 1998), implemented at 64 Fed. Reg. 4984 (Feb. 2, 1999).
France	Party under the U.S.-European Community MRA, 63 Fed. Reg. 36, 238 (July 2, 1998), implemented at 64 Fed. Reg. 4984 (Feb. 2, 1999).
Germany	Party under the U.S.-European Community MRA, 63 Fed. Reg. 36, 238 (July 2, 1998), implemented at 64 Fed. Reg. 4984 (Feb. 2, 1999).
Greece	Party under the U.S.-European Community MRA, 63 Fed. Reg. 36, 238 (July 2, 1998), implemented at 64 Fed. Reg. 4984 (Feb. 2, 1999).
Guatemala	Party under the CAFTA-DR, Pub. L. No. 109-53, 119 Stat. 462 (2005), the Agreement Between the United States of America and the Republic of Guatemala on Reciprocal Trade.
Honduras	Party under the CAFTA-DR, Pub. L. No. 109-53, 119 Stat. 462 (2005).
Hong Kong	Party to the APEC Telecom MRA, 64 Fed Reg. 4984 (Feb. 2, 1999)
Hungary	Party under the U.S.-European Community MRA, 63 Fed. Reg. 36, 238 (July 2, 1998), implemented at 64 Fed. Reg. 4984 (Feb. 2, 1999).
Iceland	Party under the same Agreement on Mutual Recognition between the United States and the EFTA/EEA Member States, signed Oct. 17, 2005.
Indonesia	Party under the Agreement Between the United States of America and the Republic of Indonesia on Reciprocal Trade.
Ireland	Party under the U.S.-European Community MRA, 63 Fed. Reg. 36, 238 (July 2, 1998), implemented at 64 Fed. Reg. 4984 (Feb. 2, 1999).
Israel	Party under the Agreement Between the Government of the United States of America and the Government of the State of Israel on Mutual Recognition of Conformity Assessment of Telecommunications Equipment, signed Oct. 15, and the United States-Israel Free Trade Area Implementation Act of 1985, Pub. L. No. 99-47, 99 Stat. 82 (1995).
Italy	Party under the U.S.-European Community MRA, 63 Fed. Reg. 36, 238 (July 2, 1998), implemented at 64 Fed. Reg. 4984 (Feb. 2, 1999).
Japan	Party under the Arrangement Between the Government of the United States of America and the Government of Japan Concerning the Mutual Acceptance of Conformity Assessments Results, formalized by exchange of letters dated Feb. 16 and Feb. 26, 2007, effective April 1, 2007.
Jordan	Party under the United States-Jordan Free Trade Area Implementation Act, Pub. L. No. 107-43, 115 Stat. 243 (2001), and the Agreement Between the United States of America and the Hashemite Kingdom of Jordan on Reciprocal Trade.

Latvia	Party under the U.S.-European Community MRA, 63 Fed. Reg. 36, 238 (July 2, 1998), implemented at 64 Fed. Reg. 4984 (Feb. 2, 1999).
Liechtenstein	Party under the same Agreement on Mutual Recognition between the United States and the EFTA/EEA Member States, signed Oct. 17, 2005.
Lithuania	Party under the U.S.-European Community MRA, 63 Fed. Reg. 36, 238 (July 2, 1998), implemented at 64 Fed. Reg. 4984 (Feb. 2, 1999).
Luxembourg	Party under the U.S.-European Community MRA, 63 Fed. Reg. 36, 238 (July 2, 1998), implemented at 64 Fed. Reg. 4984 (Feb. 2, 1999).
Malaysia	Party to the APEC Telecom MRA, 64 Fed. Reg. 4984 (Feb. 2, 1999), and the Agreement Between the United States of America and Malaysia on Reciprocal Trade.
Malta	Party under the U.S.-European Community MRA, 63 Fed. Reg. 36, 238 (July 2, 1998), implemented at 64 Fed. Reg. 4984 (Feb. 2, 1999).
Mexico	Party under the Agreement Between the Government of the United States of America and the Government of the United Mexican States on Conformity Assessment of Telecommunications Equipment, signed May 2001; the United States-Mexico-Canada Agreement Implementation Act, Pub. L. No. 116-113, 134 Stat. 11 (2020).
Morocco	Party under the United States-Morocco Free Trade Agreement Implementation Act, Pub. L. No. 108-302, 118 Stat. 1103 (2004).
Netherlands	Party under the U.S.-European Community MRA, 63 Fed. Reg. 36, 238 (July 2, 1998), implemented at 64 Fed. Reg. 4984 (Feb. 2, 1999).
New Zealand	Party to the APEC Telecom MRA, 64 Fed. Reg. 4984 (Feb. 2, 1999).
Nicaragua	Party under the CAFTA-DR, Pub. L. No. 109-53, 119 Stat. 462 (2005)..
Norway	Party to the Agreement on Mutual Recognition Between the United States of America and the European Free Trade Association (EFTA) Member States Which Are Also Members of the European Economic Area (EEA), signed Oct. 17, 2005.
Oman	Party under the United States-Oman Free Trade Agreement Implementation Act, Pub. L. No. 109-283, 120 Stat. 1191 (2006).
Panama	Party under the United States-Panama Trade Promotion Agreement Implementation Act, Pub. L. No. 112-43, 125 Stat. 497 (2011).
Peru	Party under the United States-Peru Trade Promotion Agreement Implementation Act, Pub. L. 110-138, 121 Stat. 1455 (2007)..
Poland	Party under the U.S.-European Community MRA, 63 Fed. Reg. 36, 238 (July 2, 1998), implemented at 64 Fed. Reg. 4984 (Feb. 2, 1999).
Portugal	Party under the U.S.-European Community MRA, 63 Fed. Reg. 36, 238 (July 2, 1998), implemented at 64 Fed. Reg. 4984 (Feb. 2, 1999).
Romania	Party under the U.S.-European Community MRA, 63 Fed. Reg. 36, 238 (July 2, 1998), implemented at 64 Fed. Reg. 4984 (Feb. 2, 1999).
Singapore	Par Party to the APEC Telecom MRA, 64 Fed. Reg. 4984 (Feb. 2, 1999), and the United States-Singapore Free Trade Agreement Implementation Act, Pub. L. No. 108-78, 117 Stat. 948 (2003).ty to the APEC Telecom MRA and U.S.–Singapore FTA Implementation Act (2003).

Slovakia	Party under the U.S.-European Community MRA, 63 Fed. Reg. 36, 238 (July 2, 1998), implemented at 64 Fed. Reg. 4984 (Feb. 2, 1999).
Slovenia	Party under the U.S.-European Community MRA, 63 Fed. Reg. 36, 238 (July 2, 1998), implemented at 64 Fed. Reg. 4984 (Feb. 2, 1999).
South Korea	Party to the APEC Telecom MRA, 64 Fed. Reg. 4984 (Feb. 2, 1999), and the United States-Korea Free Trade Agreement Implement Act, Pub. L. No. 112-41, 125 Stat. 428 (2011).
Spain	Party under the U.S.-European Community MRA, 63 Fed. Reg. 36, 238 (July 2, 1998), implemented at 64 Fed. Reg. 4984 (Feb. 2, 1999).
Sweden	Party under the U.S.-European Community MRA, 63 Fed. Reg. 36, 238 (July 2, 1998), implemented at 64 Fed. Reg. 4984 (Feb. 2, 1999).
Taiwan[1]	Party to the APEC Telecom MRA, 64 Fed. Reg. 4984 (Feb. 2, 1999), and the Agreement Between the American Institute in Taiwan and the Taipei Economic and Cultural Representative Office in the United States on Reciprocal Trade.
United Kingdom	Party under the Agreement on Mutual Recognition Between the United Kingdom of Great Britain and Northern Ireland and the United States of America, signed Feb. 14, 2019, published as UK Treaty Series CS USA No. 5 (2019).
Vietnam	Party to the APEC Telecom MRA, 64 Fed. Reg. 4984 (Feb. 2, 1999).

[1] Taiwan is referred to as “Chinese Taipei” in the APEC Telecom MRA.