FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 1 and 2

[ET Docket No. 24-136; FCC 26-28; FR ID 345588]

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

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Federal Communications Commission (Commission or FCC) issues a Second Further Notice of Proposed Rulemaking proposing to cease recognition of test labs, Testing Certification Bodies (TCBs), and laboratory accreditation bodies in non-MRA or trade agreement participants (i.e. non-Reciprocal Territories). The Commission also seeks comment on modernizing data analytics capabilities, and explores additional measures to protect intellectual property and national security.

DATES: Comments are due on or before **[INSERT DATE 30 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER]** and reply comments are due on or before **[INSERT DATE 60 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER]**.

ADDRESSES: Pursuant to §§ 1.415 and 1.419 of the Commission's rules, 47 CFR 1.415, 1.419, interested parties may file comments and reply comments on or before the dates indicated in the DATES section above. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS). You may submit comments, identified by ET Docket No. 24-136, by any of the following methods:

- *Electronic Filers*: Comments may be filed electronically using the Internet by accessing the ECFS: https://www.fcc.gov/ecfs.
- *Paper Filers*: Parties who choose to file by paper must file an original and one copy of each filing.
    - Filings can be sent by hand or messenger delivery, by commercial courier, or by the U.S. Postal Service. **All filings must be addressed to the Secretary, Federal Communications Commission.**

- Hand-delivered or messenger-delivered paper filings for the Commission's Secretary are accepted between 8:00 a.m. and 4:00 p.m. by the FCC's mailing contractor at 9050 Junction Drive, Annapolis Junction, MD 20701. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes and boxes must be disposed of before entering the building.
- Commercial courier deliveries (any deliveries not by the U.S. Postal Service) must be sent to 9050 Junction Drive, Annapolis Junction, MD 20701.
- Filings sent by U.S. Postal Service First-Class Mail, Priority Mail, and Priority Mail Express must be sent to 45 L Street NE, Washington, DC 20554.

- *People with Disabilities*: To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an e-mail to fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau at 202-418-0530.

FOR FURTHER INFORMATION CONTACT: Katherine Nevitt of the Office of Engineering and Technology, at 301-317-0062 or katherine.nevitt@fcc.gov.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's *Second Further Notice of Proposed Rulemaking*, in ET Docket No. 24-136, FCC 26-28, adopted on April 30, 2026, and released on May 1, 2026. The full text of this document is available for public inspection and can be downloaded at https://docs.fcc.gov/public/attachments/FCC-26-28A1.pdf. Alternative formats are available for people with disabilities (Braille, large print, electronic files, audio format) by sending an email to *fcc504@fcc.gov* or calling the Commission's Consumer and Governmental Affairs Bureau at (202) 418–0530 (voice).

Ex Parte Presentations. The proceeding this document initiates shall be treated as a "permit-but-disclose" proceeding in accordance with the Commission's *ex parte* rules. Persons making *ex parte* presentations must file a copy of any written presentation or a memorandum summarizing any oral presentation within two business days after the presentation (unless a different deadline applicable to the Sunshine period applies). Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentation must (1) list all persons attending or otherwise participating in the meeting at which the *ex parte* presentation was made, and (2) summarize all data presented and arguments made

during the presentation. If the presentation consisted in whole or in part of the presentation of data or arguments already reflected in the presenter's written comments, memoranda or other filings in the proceeding, the presenter may provide citations to such data or arguments in his or her prior comments, memoranda, or other filings (specifying the relevant page and/or paragraph numbers where such data or arguments can be found) in lieu of summarizing them in the memorandum. Documents shown or given to Commission staff during *ex parte* meetings are deemed to be written *ex parte* presentations and must be filed consistent with rule 1.1206(b). In proceedings governed by rule 1.49(f) or for which the Commission has made available a method of electronic filing, written *ex parte* presentations and memoranda summarizing oral *ex parte* presentations, and all attachments thereto, must be filed through the electronic comment filing system available for that proceeding, and must be filed in their native format (*e.g.*, .doc, .xml, .ppt, searchable .pdf). Participants in this proceeding should familiarize themselves with the Commission's *ex parte* rules.

Regulatory Flexibility Act. The Regulatory Flexibility Act of 1980, as amended (RFA) requires that an agency prepare a regulatory flexibility analysis for notice and comment rulemakings, unless the agency certifies that "the rule will not, if promulgated, have a significant economic impact on a substantial number of small entities." Accordingly, the Commission has prepared an Initial Regulatory Flexibility Analysis (IRFA) concerning the possible/potential impact of rule and policy proposals on small entities in the FCC document. The IRFA is found in Appendix D of the *Second Further Notice of Proposed Rulemaking*. The Commission invites the general public, particularly small businesses, to comment on the IRFA. Comments must be filed by the deadlines for comments on the *Second Further Notice of Proposed Rulemaking* indicated on the first page of this document and must have a separate and distinct heading designating them as responses to the IRFA.

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

"further reduce the information collection burden for small business concerns with fewer than 25 employees."

Accessing Materials

Providing Accountability Through Transparency Act: Consistent with the Providing Accountability Through Transparency Act, Public Law 1189-9, a summary of the Notice of Proposed Rulemaking will be available at https://www.fcc.gov/proposed-rulemakings.

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

SYNOPSIS

In this document, the Commission issues a *Second Further Notice of Proposed Rulemaking* that seeks comment on ceasing recognition of test labs, TCBs, and laboratory accreditation bodies in non-Reciprocal FTA Economies, modernizing data analytics capabilities, and explore additional measures to protect intellectual property and national security.

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

In the *First EA Integrity R&O,* 90 FR 38045 (August 7, 2025), the Commission decided to defer taking any action to no longer recognize "test labs in non-MRA countries." The Commission reasoned that its rules around foreign adversary ownership, control, and direction "mitigate[d] the potential for national security threats arising from test labs in foreign countries." However, the Commission also noted that it "intend[ed] to revisit this decision" after reviewing the information received from test labs, further consultation with federal partners and others, and after conducting further consideration.

In the *First EA Integrity FNPRM*, *90 FR 31945 (July 16, 2025*), the Commission broadened its focus beyond core risks from foreign adversaries—seeking comment on "ways in which the Commission can facilitate and encourage more equipment authorization testing and certification within the United States" and MRA countries. To achieve this objective, a number of commenters proposed prohibiting the recognition of test labs, TCBs, and/or laboratory accreditation bodies in non-MRA countries, or related proposals. For example, the Hudson Institute called on the FCC to "revisit its decision in the First Report & Order to reject an MRA/non-MRA distinction for the location of test labs, TCBs, and laboratory accreditation bodies." RF Safety Laboratory advocated for the closely related idea of withholding "FCC recognition from foreign test laboratories located in countries that require in-country testing for market access." Commenters emphasized not just national security, but also the importance of the reciprocity commitments that MRAs provide, without which U.S. testing and certification capacity is undermined and even "hollow[ed] out."

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

Are there other reasons that the Commission should or should not adopt these rules or any refinement of these proposed rules the Commission should consider? The Commission notes that its rules already effectively prohibit TCBs from operating in foreign countries that lack an MRA with the United States and that, while OET has recognized hundreds of test labs based in non-MRA countries, the Commission's rules are ambiguous on the permissibility of this recognition. The Commission notes that

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

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

additional fee be earmarked for training hardware engineers, technicians, and other skilled labor to support U.S.-based testing?

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

The Commission also seeks comment on what specific protections should be given to intellectual property during the equipment authorization process, including during the testing and certification stages. What contractual, technical and procedural safeguards are necessary to protect intellectual property? How effective are the Commission's rules and the ISO/IEC 17025 requirements at preventing IP theft? Do MRAs or other reciprocal trade agreements (FTAs and ARTs) meaningfully reduce the risk of IP theft? Should safeguards differ between Reciprocal and non-Reciprocal Economies? Is IP theft in non-Reciprocal Economies a significant enough risk that non-Reciprocal Economies test labs should be prohibited? Are there differences in the IP protections available under different legal regimes? What other options should the Commission consider to address this issue? What are the costs and benefits of those solutions?

B. Other FNPRM Proposals (not adopted)

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

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

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

This document seeks further comment on adopting any other measures not adopted in the above portion of this document to expand and streamline testing and certification in United States and allied countries based on other comments the Commission received.

C. Data Analytics Capability and need for modern EAS database

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

ORDERING CLAUSES

IT IS ORDERED, pursuant to the authority found in sections 1, 4(i), 229, 301, 302, 303, 309, 312, 403, and 503 of the Communications Act of 1934, as amended, 47 U.S.C. 151, 154(i), 229, 301, 302a, 303, 309, 312, 403, and 503, section 105 of the Communications Assistance for Law Enforcement Act, 47 U.S.C. 1004; the Secure and Trusted Communications Networks Act of 2019, 47 U.S.C. 1601

1609; and the Secure Equipment Act of 2021, Pub. L. 117 55, 135 Stat. 423, 47 U.S.C. 1601 note, that this Second Further Notice of Proposed Rulemaking IS HEREBY ADOPTED.

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

IT IS ORDERED that the Office of the Managing Director, Performance Program Management, SHALL SEND a copy of the Second Further Notice of Proposed Rulemaking 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).

List of Subjects in 47 CFR Parts 1 and 2

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

Federal Communications Commission.

Aleta Bowers,
Federal Register Liaison Officer,
Office of the Secretary.

Proposed Rules

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

PART 1 – PRACTICE AND PROCEDURE

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

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

2. Revise § 1.103 to read as follows:

§ 1.1103 Schedule of charges for equipment approval, experimental radio services (or service).

Table 1 to § 1.1103

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

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

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

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

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

§ 2.941 Availability of Information relating to grants.

* * * * *

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

* * * * *

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

§ 2.949 Recognition of laboratory accreditation bodies.

* * * * *

(c) * * *

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

* * * * *

(e) * * *

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

* * * * *

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

§ 2.951 Recognition of measurement facilities.

* * * * *

(b) * * *

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

* * * * *

(d) * * *

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

* * * * *

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

§ 2.960 Recognition of Telecommunications Certification Bodies (TCBs)

* * * * *

(b) * * *

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

* * * * *

(h) * * *

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

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