

ALERT

FCC Establishes Broadly Applicable Ownership Reporting and Information Collection Regime Targeting “Foreign Adversary” Interests

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On January 29, 2026, the Federal Communications Commission (FCC or Commission) adopted a Report and Order (Order) designed to enhance the Commission’s ability to “assess and respond to emerging threats from foreign adversaries” by categorizing entities holding FCC licenses and authorizations “based on risk to national security” and subjecting them to varying attestation and disclosure requirements. (¶ 1). The Order applies to virtually all holders of FCC licenses or authorizations and mandates that all regulated entities determine whether they are subject to “Foreign Adversary Control” as newly defined in the Order. The new rules adopted in the Order consider an entity to be under “Foreign Adversary Control” if it is “owned by, controlled by, or subject to the jurisdiction or direction of” a “foreign adversary,” with “ownership” defined to include voting or equity interests as low as 10%. If an entity certifies that it is subject to Foreign Adversary Control, the Order requires that it disclose all equity and/or voting interest holders who directly or indirectly hold a 5% or greater interest, among other required information. (¶ 67). The Order also establishes ongoing reporting requirements, a process for filing Foreign Adversary Control attestations and disclosures, and enforcement policies and procedures for non-compliance, while making clear that failure to comply can result in revocation.

The Order will take effect 60 days after publication in the Federal Register, although the attestation and disclosure requirements will not take effect until the Office of Management and Budget completes review of these information collection requirements. We summarize

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the Order’s key requirements below.

The Order Adopts Expansive and Open-Ended Definitions for Determining Which Regulated Entities Must Certify Regarding Foreign Adversary Control

The Order requires certain FCC-regulated entities to comply with new attestation and disclosure requirements if they are subject to Foreign Adversary Control. To be subject to Foreign Adversary Control, a regulated entity must be “owned by, controlled by, or subject to the jurisdiction or direction of” a “foreign adversary.” The operative definitions of the Order are generally consistent with those found in the Commission’s August 2025 Report and Order and Further Notice of Proposed Rulemaking and the Department of Commerce’s (Commerce) Information and Communications Technology and Services (ICTS) Supply Chain regulations (15 C.F.R. §§ 791.2, 791.4).[1]

“Foreign Adversary and Foreign Adversary Country.” The Order defines the term “foreign adversary” to include: (1) the People’s Republic of China, including the Hong Kong Special Administrative Region and the Macau Special Administrative Region; (2) the Republic of Cuba; (3) the Islamic Republic of Iran; (4) the Democratic People’s Republic of North Korea; (5) the Russian Federation; and (6) Venezuelan politician Nicolás Maduro. (§ 22). The Order defines the term “foreign adversary country” to include both foreign governments identified as foreign adversaries and countries controlled by a foreign adversary. (§ 22).[2]

“Owned By, Controlled By, or Subject to the Jurisdiction or Direction of a Foreign Adversary.” The Order defines the phrase “owned by, controlled by, or subject to the jurisdiction or direction of a foreign adversary” to include:

- Any individual or entity acting as an agent, representative, or employee, or any person who “acts in any other capacity at the order, request, or under the direction or control, of a foreign adversary or of an individual or entity whose activities are directly or indirectly supervised, directed, controlled, financed, or subsidized in whole or in majority part by a foreign adversary;”

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- Any individual who is a citizen of either a foreign adversary or a country controlled by a foreign adversary, and who is not a U.S. citizen or permanent U.S. resident;
- Any entity with a principal place of business in, headquarters in, or that is “incorporated in, or otherwise organized under the laws of a foreign adversary or a country controlled by a foreign adversary;” or
- Any entity that is owned or controlled by a foreign adversary, including circumstances in which any person identified in the three bullets above “possesses the power, direct or indirect, whether or not exercised, through the ownership of a majority or a dominant minority (10% or greater) of the total outstanding voting interest and/or equity interest, or through a controlling interest, in an entity, board representation, proxy voting, a special share, contractual arrangements, formal or informal arrangements to act in concert, or other means, to determine, direct, or decide important matters affecting an entity.”[3] (§ 15).

The inclusion of 10% equity and/or voting interests within the scope of the definition is particularly notable given the low threshold and the fact that it would arguably extend even to passive, 10% non-voting equity interests. This aspect of the definition also represents a departure from the Commission’s media ownership attribution standards for broadcasters, which generally do not require broadcasters to consider non-voting equity interests for ownership attribution purposes.[4] The Order explains that “[t]o the extent such [regulated entity] believes that the 10% or greater voting and/or equity interest in the [regulated entity] does not allow the interest holder to ‘determine, direct, or decide important matters affecting an entity,’ it must attest affirmatively and demonstrate by clear and convincing evidence why such interest does not” do so. (§ 16).

Given the broad and open-ended nature of this definition, it may be difficult for some regulated entities to determine whether they are owned by, controlled by, or subject to the jurisdiction or direction of a foreign adversary. The Order clarifies that if a regulated entity is unsure of how it should certify, the entity “must respond ‘yes,’ and Commission staff will review the matter.” “No” responses will be taken as definitive, and filers responding “no” will not be permitted to seek clarification or include any explanatory information in their responses. (§ 24).

The Order Establishes a Tiered Reporting Framework

The Order establishes a tiered information submission framework for FCC-regulated entities, grouped into three reporting categories: Schedule A, Schedule B, and Schedule C.

Schedule A. Entities grouped in Schedule A are required to submit an attestation either confirming or denying Foreign Adversary Control. (§ 25). The Order reasons that FCC-regulated entities listed on Schedule A pose a “heightened” national security risk because “any exploitation of such [entities] could directly compromise the integrity of the nation’s communications networks.” (§ 25). Specifically, the Order explains that such entities typically provide essential services that serve as the “backbone” of the entire communications network, and vulnerabilities in even a single facility could “cascade across multiple networks and sectors.” (§ 24). Moreover, the Order notes that Schedule A entities “typically have larger networks and greater resources” to comply with

enhanced reporting obligations. (¶ 25). The Order requires the following FCC-regulated entities to comply with Schedule A reporting requirements—

- Broadband-capable geographic-area wireless licenses capable of 4G or 5G mobile broadband service. (¶ 32).
- Entities that have or have applied for a Section 310(b) foreign ownership declaratory ruling. (¶ 37).
- Broadcast licensees (including licensees of low power FM and low power TV stations), Cable Television Relay Service (CARS) licensees, international broadcast station (IBS) licensees, and Section 325(c) authorization holders, provided that such licensees and authorization holders have six or more full-time employees. (¶¶ 39, 43-44).
- Space and earth station licensees. (¶ 38).
- Submarine cable landing license holders. (¶ 45).
- FCC equipment authorization holders (except for holders of Supplier’s Declarations of Conformity (SDoCs)). (¶ 54).
- Voice over Internet Protocol (VoIP) providers with direct access to numbering resources authorizations. (¶ 52).
- Eligible Telecommunications Carriers (ETCs). (¶ 49).
- Holders of domestic and international Section 214 authorizations. (¶¶ 47, 50).
- Entities holding other various authorizations, including frequency coordinator certifications, Data Network Identification Codes (DNICs), International Signaling Point Codes (ISPCs), and designations of recognized operating agencies under the International Telecommunication Convention. (¶¶ 32, 57-59).
- Internet-based Telecommunications Relay Service (TRS) certification holders. (¶ 60).

Schedule B. Entities in Schedule B are required to make an attestation only if they are subject to Foreign Adversary Control. (¶ 26). The Order explains that Schedule B entities pose a lower national security risk than those listed in Schedule A, but that they nonetheless operate in markets or provide services “where knowledge of the presence of Foreign Adversary Control would be critical to the Commission’s oversight and protection of the nation’s communications networks.” (¶ 26). The Order requires the following FCC-regulated entities to comply with Schedule B reporting requirements—

- Site-based wireless licenses and geographic-area wireless licenses not covered by Schedule A or C and FCC-appointed managers of third-party registration databases. (¶ 33).
- Broadcast licensees, CARS licensees, IBS licensees, and Section 325(c) authorization holders, provided that such licensees and authorization holders have fewer than six full-time employees. (¶¶ 39, 43-44).
- Entities subject to mandatory filing of Antenna Structure Registrations (ASRs). (¶ 34).

Schedule C. The Order exempts entities grouped in Schedule C from initial attestation requirements. (¶ 27). According to the Order, Schedule C entities are considered less likely to be subject to Foreign Adversary Control and pose a lesser risk to national security. (¶ 27). The Order groups the following FCC-regulated entities in Schedule C—

- Amateur Radio Service licenses. (¶ 35).
- Entities subject to voluntary filing of ASRs. (¶ 35).
- Ship and Aircraft licenses. (¶ 35).
- General Mobile Radio Service (GMRS) licenses. (¶ 35).
- Commercial Radio Operator licenses (pursuant to 47 CFR part 13). (¶ 35).
- Authorizations for individuals to operate stations by rule in the Ship, Aircraft, and Personal Radio Services (pursuant to 47 CFR parts 80, 87, and 95). (¶ 35).
- FCC auction applications. (¶ 53).
- Holders of SDoCs. (¶ 56).

Future Adjustments. The Order delegates authority to the FCC’s bureaus and offices responsible for issuing covered licenses and authorizations, including those not addressed in the Order, to update the list of licenses and authorizations within each Schedule by adding, removing, or reassigning them. (¶ 28). The Order directs the relevant FCC bureaus and offices to consider the following factors:

- National security risks;
- Administrability for both the Commission and FCC-regulated entities;
- Burden on the FCC-regulated entity; and
- Other criteria deemed relevant by the applicable Bureau or Office. (¶ 28).

The Order exempts federally recognized Tribal Nations, businesses controlled by federally recognized Tribal Nations, and state and local licensees and authorization holders from the attestation and disclosure requirements. (¶ 66).

The Order Requires FCC-Regulated Entities to Make Detailed Ownership Disclosures on an Ongoing Basis

The Order specifies that any FCC-regulated entity grouped under Schedules A, B, or C that affirmatively attests to having Foreign Adversary Control must:

- Disclose all of its 5% or greater direct or indirect equity and/or voting interest holders and controlling interest holders;
- Provide an ownership diagram that details the entity’s vertical ownership structure, including both natural persons and entities that hold 5% or greater equity and/or voting interests in the FCC-regulated entity;

- Specify the foreign adversary or foreign adversary country or countries the FCC-regulated entity is owned by, controlled by, or subject to the jurisdiction or direction of;
- Detail the nature of the foreign adversary ownership, control, jurisdiction, or direction to which the FCC-regulated entity is subject; and
- Attest to the truth and accuracy of the information. (§ 67).

These new mandates apply far more broadly than the FCC’s existing ownership reporting and monitoring requirements. Regulated entities will therefore need to engage in careful analysis and diligence to ensure compliance with the new rules.

Ongoing Applicability. After the initial deadline for attestations, the Order requires regulated entities to make new attestations (and additional disclosures for affirmative attestations) in certain circumstances. Below, we detail each of those circumstances, along with the deadlines for filing new attestations under the Order.

- *Regulated Entity Becomes Subject to Foreign Adversary Control.* A regulated entity holding a Schedule A or B authorization must file a new attestation: (a) within 30 days of the regulated entity becoming subject to Foreign Adversary Control, to the extent that the change does not require FCC approval; or (b) within 60 days (or for small entities within 120 days) of the effective date of an addition to Commerce’s list of foreign adversaries in 15 C.F.R. § 791.4 of a foreign government or foreign non-government person that has Foreign Adversary Control over the regulated entity.
- *Regulated Entity Holds an Authorization That is Newly Designated in Schedule A.* If a regulated entity holds an FCC authorization that is newly designated in Schedule A by the Commission or the FCC’s bureaus or offices, the regulated entity must file an attestation within 30 days of the effective date of a public notice announcing the designation.
- *Covered Changes Impacting Regulated Entities with Affirmative Attestations.* If a regulated entity holds a Schedule A or B FCC authorization and previously affirmed that it is subject to Foreign Adversary Control, the regulated entity must file a new attestation:
 - Upon application for any new FCC authorization regulated under the Order;
 - Upon application for a non-*pro forma* assignment of any FCC authorization regulated under the Order and held by the regulated entity;
 - Upon application for renewal of an FCC authorization regulated under the Order;
 - Upon application to modify an FCC authorization regulated under the Order;
 - Within 30 days of any changes to a 5% or greater direct or indirect equity and/or voting interest, or controlling interest, held in the regulated entity; or
 - Within 30 days of the effective date of a public notice designating an authorization regulated under the Order in Schedule B.
- *Entities Obtaining Schedule A Authorizations.* If an entity, regardless of Foreign Adversary Control, either: (a) applies for an initial authorization designated in Schedule A; or (b) applies for the entity to

be the transferee or assignee of an initial authorization designated in Schedule A (aside from *pro forma* applications), the prospective authorization holder, transferee, or assignee must file an attestation.

- *Entities Subject to Foreign Adversary Control Obtaining Schedule A or B Authorizations.* An entity subject to Foreign Adversary Control must file an attestation:
 - Upon application for the entity’s initial authorization designated in Schedule B;
 - Upon application for the entity to be the transferee or assignee of an initial authorization designated in Schedule B (aside from *pro forma* applications); or
 - Upon application for modification of an authorization designated in Schedule A or B that would cause the entity to be the licensee or lessee of the authorization.
- *Entities No Longer Subject to Foreign Adversary Control.* If a regulated entity whose last attestation was affirmative determines that it is no longer subject to Foreign Adversary Control, the regulated entity must file an attestation within 30 days of such determination. (§ 72).

Submission Database. The Order specifies that the Commission will create a Foreign Adversary Control System (FACS) to collect the information sought in its required attestations and disclosures. (§ 74). Attestations and disclosures submitted through FACS will generally be made available to the public. (§ 97). However, “[t]o account for the possibility that certain information may need to remain non-public,” the Order delegates authority to the Office of Economics and Analytics and the Public Safety and Homeland Security Bureau, in consultation with relevant Licensing Bureaus and Offices and the Office of General Counsel, “to determine what information, if any, should be withheld from public disclosure and the method and format in which to publicly disclose these filings.” (§ 97).

Filing Deadline. The Order establishes a filing deadline of 60 days “after the public notice announcing the launch of the FACS.” (§ 78). FCC-regulated entities holding or that have an application pending for a covered license must file the required information as of the date of the beginning of the 60-day period. (§ 78). Filing entities that meet the definition of a small business under the Regulatory Flexibility Act of 1980 are subject to an extended 120-day filing deadline. (§ 81).

The Order Specifies Various Enforcement Policies and Procedures for Late, Incomplete, or Inaccurate Filings

The Order specifies that the Commission may take a number of actions against entities that fail to comply with the new requirements, including citations, monetary penalties, and even license or authorization revocations in more serious cases. (§ 84). The Order also directs the responsible bureaus to compile lists of Schedule A regulated entities that fail to timely submit an initial filing on FACS and to refer such entities to the Enforcement Bureau. (§ 85). Incomplete or inaccurate FACS filings may also subject the FCC-regulated entity to an enforcement action. (§ 86). The Order delegates authority to the relevant bureaus and offices to implement streamlined license and authorization revocation proceedings where consistent with existing statutory requirements. (§§ 87-92).

Wiley’s Telecom, Media & Technology, National Security, and Privacy, Cyber & Data Governance practitioners can help navigate these evolving issues. If you have questions about the Order please contact one of the authors of this alert.

[1] Commerce promulgated the ICTS Supply Chain regulations to implement Executive Order 13873, “Securing the Information and Communications Technology and Services Supply Chain.”

[2] As discussed below, the Order requires regulated entities that attest that they are owned by, controlled by, or subject to the jurisdiction or direction of a foreign adversary to disclose, among other things, if there are separately any foreign adversary countries that own, control, or subject the regulated entity to their jurisdiction or direction. (¶ 68).

[3] The Order explains, however, that a regulated entity would not be deemed to be “owned by, controlled by, or subject to the jurisdiction or direction of a foreign adversary” solely because it has an employee that is a citizen of a foreign adversary country.” (¶ 18).

[4] 47 C.F.R. § 73.3555 notes 2.a., 2.e. Broadcasters are, however, required to evaluate non-voting equity interests for the purpose of calculating foreign ownership. *See id.* § 1.5001(i)(1); note to *id.* § 1.5001(i)(1).