

ALERT

FCC Grants Temporary Waiver Allowing TV Broadcasters to Air Live and Taped Community Programs During Children's Programming Slots

April 9, 2020

The Federal Communications Commission (FCC or Commission) has issued a Public Notice granting a temporary, limited waiver to TV broadcasters so that they may more easily air live and taped, same-day local content, such as religious services, during time slots regularly dedicated to children's programming. According to the Commission, allowing broadcasters to air important community programming, such as Easter religious services or Passover seders, will further the government's objectives of encouraging compliance with the Centers for Disease Control and Prevention's (CDC) coronavirus (COVID-19) guidance and promoting social distancing. Specifically, the FCC will not require stations to reschedule preempted children's programming that is not otherwise exempt from the rescheduling requirement where the purpose of broadcasting the community event is to serve the aforementioned objectives.

Stations are still required to provide on-air notices to viewers of the preemption as required by section 73.671(e) (1) and (2) of the Commission's rules. But stations are not required to reschedule the program. The FCC has also waived the requirement that stations must include in their on-air preemption announcements the alternate date and time when the preempted program will air. If stations do choose to reschedule the preempted children's program (which the FCC encourages stations to do, if possible), they should inform viewers through reasonable means (*e.g.*, website, social media, on-air announcements) when the preempted program will be aired.

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The limited waiver will remain in effect through **April 30, 2020**. The Commission will review the terms of the limited waiver as necessary. Stations must maintain proper records of the preemptions and will be required to report any preemptions on their annual Children's Television Programming Reports (FCC Form 2100, Schedule H) for programming aired in the calendar year 2020.

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