

ALERT

New Foreign Programming Sponsorship ID Rules Published in Federal Register; Compliance Obligations Await OMB Approval

June 21, 2021

On June 17, 2021, the Report and Order adopting the FCC's new foreign sponsorship identification rules for broadcasters was published in the Federal Register. The rules, summarized here, require broadcasters to take certain steps to investigate whether "foreign governmental entities" are sponsoring leased programming on their stations and, if so, disclose that fact on-air and in the station's public inspection file.

The Federal Register publication establishes an effective date of July 19, 2021 for the new rules. However, because the rules involve new or revised information collection requirements, they must be approved by the Office of Management and Budget (OMB) pursuant to the Paperwork Reduction Act. Thus, broadcasters are not legally required to comply with the new rules until after OMB approval is received, which could take an additional number of weeks or even months.

This does not mean broadcasters should become complacent, however. Once OMB approval is received, the FCC will issue a public notice announcing the effective date of the rules. That public notice could come at any time with little warning, and it could very well trigger compliance obligations immediately or shortly thereafter. Thus, broadcasters should begin preparing now to comply with the reasonable diligence and disclosure requirements established by the new rules. The disclosure requirements would apply immediately upon the effective date to programming broadcast pursuant to a lease entered into on or after the date OMB approval is received. Broadcasters will need to ensure that programming aired pursuant to lease arrangements and entered into before the date OMB approval

Authors

Gregory L. Masters
Partner
202.719.7370
gmasters@wiley.law
Eve Klindera Reed
Partner
202.719.7404
ereed@wiley.law
Kathryne C. Dickerson
Partner
202.719.7279
kdickerson@wiley.law

Practice Areas

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Telecom, Media & Technology

is received comes into compliance with the new rules within six months of the effective date of the new rules.

Please contact any of the authors on this alert, or the Wiley attorney handling your station matters, if you have any questions about the new foreign sponsorship identification rules or your plan for compliance. Additionally, interested parties may submit comments in the OMB review process, which provides an additional opportunity to comment on the information collection aspects of the rules. If you are interested in filing comments, please do not hesitate to reach out.