

ALERT

Expanded FCC Foreign Government Sponsorship ID Rules Are Now in Effect; FCC Sets December 8 Compliance Deadline

June 12, 2025

On June 10, 2025, the Media Bureau of the Federal Communications Commission (FCC or Commission) issued a Public Notice (Notice) announcing that broadcasters have until December 8, 2025 to comply with the FCC's expanded rules concerning foreign government-sponsored programming (FSID Rules). The Notice represents the latest development in the Commission's efforts to expand the regulation of programming provided by foreign governmental entities.

Background

The FCC initially adopted its FSID Rules in an April 2021 Report and Order (Order). The Order required that licensees disclose the identity of any foreign governmental entities that lease time on their stations. In July 2022, the D.C. Circuit partially vacated the FSID Rules, striking down a requirement that broadcasters independently consult the U.S. Department of Justice's Foreign Agents Registration Act (FARA) website and the Commission's semi-annual U.S.-based foreign media outlets reports to check whether lessees qualified as foreign entities under the rules.

As explained in a previous Wiley alert, in response to the D.C. Circuit's ruling, the FCC released a Second Report and Order (Second R&O) nearly a year ago revising the FSID Rules.

Certain portions of the original FSID Rules have been in place since 2022 despite the D.C. Circuit's prior ruling, while other revisions adopted in the Second R&O became effective on August 15, 2024.

Authors

Kathleen A. Kirby
Partner
202.719.3360
kkirby@wiley.law
Eve Klindera Reed
Partner
202.719.7404
ereed@wiley.law
Ari Meltzer
Partner
202.719.7467
ameltzer@wiley.law

Practice Areas

Media
Telecom, Media & Technology
Telecommunications & Broadband Service

The National Association of Broadcasters (NAB) also challenged the Second R&O in the D.C. Circuit, with a ruling in the case likely this summer. Additionally, FCC Chairman Carr dissented in part from the Second R&O on the grounds that the FCC failed to provide adequate notice for certain of its rule changes, which is among the grounds for reversal raised by NAB.

Although the remaining portions of the Second R&O became effective on June 10, 2025, the Media Bureau announced in the Notice that it will defer requiring compliance with the revised rules for six months.

Obligations Under the FSID Rules

Broadcasters must continue to comply with all aspects of the previously-adopted FSID Rules. Thus, until December 8, 2025:

- The FSID Rules apply to “leases” of airtime to third parties, but do not apply to “traditional, short-form advertising”; and
- Broadcasters must take the following steps to satisfy their duty to obtain information about whether programming is sponsored by a foreign governmental entity:
 - Tell the third party about the FSID Rules;
 - Ask the third party whether it is a foreign governmental entity or an agent of one;
 - Ask the third party whether anyone further back in the production or distribution chain is a foreign governmental entity or an agent of one; and
 - Document those inquiries and investigations.

Beginning on December 8, 2025, the FSID Rules will:

- Apply more broadly to include advertising (including political issue advertising), except for (1) advertising for commercial products and services that is exempt from the sponsorship identification rules generally, and (2) political candidate advertising; and
- Require broadcasters to choose from two FCC-specified options to satisfy their duty of inquiry, consisting of (1) a certification requirement, or (2) a requirement to obtain screenshots demonstrating that the party purchasing airtime is not listed in government databases that compile foreign agents under the Foreign Agents Registration Act and the FCC’s U.S.-based foreign media outlet report.

Wiley is at the forefront of issues related to foreign involvement in U.S. communications businesses through our Telecom, Media & Technology (TMT), International Trade, and National Security practices, including our FARA Practice. If you have any questions about the FSID Rules, please contact one of the attorneys listed on this alert.