

ALERT

FCC Foreign Government-Sponsored Programming Rule Update and Important September 15 Compliance Deadline

September 7, 2022

On September 6, 2022, the D.C. Circuit issued its mandate in *NAB v. FCC*, causing the vacatur of the requirement that broadcasters independently verify whether parties leasing time on their stations are “foreign governmental entities” by searching two federal databases to become formally effective. ***Thus, broadcasters are no longer obligated to undertake their own research to verify the status of lessees.***

The other requirements under the foreign government-sponsored programming rule remain in effect and are summarized in greater detail here.

In brief, broadcasters still must take the following steps whenever they lease airtime to a third party:

- Tell the third party about the FCC’s foreign government-sponsored programming rule;
- 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;
- Document those inquiries and investigations.

The rule has been effective since March 15, 2022 as to leases entered into or renewed on or after that date. ***By September 15, 2022, broadcasters must comply with respect to arrangements that existed prior to March 15, 2022.***

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If you have any question about the D.C. Circuit's opinion or the FCC's foreign government-sponsored programming rule, please contact one of the authors of this alert or the attorney who regularly handles your station matters.