

Broadcast Newsletter

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REPUBLICAN FCC MAJORITY RESTORED

After the departures of Democratic FCC Commissioner Geoffrey Starks and Republican FCC Commissioner Nathan Simington a month ago, which left the FCC without a Republican majority or quorum to hold meetings, the Senate quickly moved Republican Olivia Trusty's nomination to a vote. Her nomination was approved and she has now been sworn in as an FCC Commissioner. She has quickly [announced](#) initial staff appointments and already issued a [statement](#) regarding a recent US Supreme Court decision.

With a restored 2-1 Republican majority, FCC Chairman Carr's deregulatory agenda is expected to move forward quickly. In the broadcast arena, the TV national ownership cap is being teed up for a likely decision, with a recent [call](#) to refresh the record in that proceeding. Other broadcast ownership deregulation efforts, including for radio, are likely set for review soon, along with numerous other recommended actions in the Delete, Delete, Delete proceeding where the comment period ended in April, but new filings continue to be made.

Media Bureau Announces December 8 Deadline for Compliance with Revised Foreign Sponsorship ID Requirements

The FCC's foreign sponsorship identification rules for broadcasters have been around for a few years, requiring disclosures when foreign governments or their agents purchase air time on commercial stations. While an NAB legal challenge to those requirements is continuing, the FCC announced the effectiveness of a revised part of the rule allowing stations to optionally use two short "forms" when assessing whether a buyer of program time on the station is a foreign government or agent. Stations have been using their own certifications until now, with any affirmative responses requiring on-air disclosure and public file uploads.

The Media Bureau's June 10, 2025 public [notice](#) announces a December 8, 2025 effective date for the part of the rule

that allows the use of two forms – one a licensee certification that details the actions taken and attempts to get the programmer to sign a certification, and the other being the programmer certification itself. When signed by the station or ad buyer, the station enjoys a safe harbor that the buyer is not a foreign agent. The forms can be found at [Appendix C and D](#) of the FCC's 2024 Order.

The ongoing NAB legal proceeding challenges whether the rules apply to paid PSAs, issue ads, and other spot time not for a commercial product or service. A decision in that case may be issued by the fall.

FCC Responds to Executive Order Directing Issuance of Guidance for Addressing Criminally Liable Offenses

On June 26, the FCC issued a public [notice](#) responding to President Trump's Executive Order requiring agencies to provide guidance describing the FCC's plans to address criminally liable offenses. In the notice, the FCC advises that by May 9, 2026, the Agency, in consultation with the Attorney General, will provide to the Director of the Office of Management and Budget a report containing: (1) a list of all criminal regulatory offenses enforceable by the FCC or the Department of Justice ("DOJ"); and (2) for each such criminal regulatory offense, the range of potential criminal penalties for a violation.

In addition, the FCC announced a general policy, subject to appropriate exceptions and to the extent consistent with law, that when the FCC is deciding whether to refer alleged violations of criminal regulatory offenses to DOJ, officers and employees of the FCC should consider, among other factors, the harm or risk of harm, pecuniary or otherwise, caused by the alleged offense, the potential gain to the putative defendant that could result from the offense, whether the putative defendant held specialized knowledge, expertise, or was licensed in an industry related to the rule or regulation at issue, and evidence, if any is available, of the putative defendant's general awareness of the unlawfulness of his conduct as well as his knowledge or lack thereof of the regulation at issue.

Numerous broadcast station regulations carry criminal penalties, including those related to payola, obscenity/indecency, and any unauthorized use of the radio waves.

Comments Due in FCC Rulemaking Requiring Certifications that Ownership is Not Held by Foreign Adversaries

The FCC has set July 21 as the deadline for initial comments in its rulemaking [proceeding](#) considering requirements for FCC regulated entities, including broadcasters, to certify that ownership interests are not held by foreign adversaries. The proposal would adopt new certification and disclosure requirements on entities holding every type of license, permit, or authorization, rather than only certain specific licenses, as the Commission currently does. Furthermore, the Commission proposes to go beyond foreign ownership to also cover all regulated entities controlled by or subject to the jurisdiction or direction of a foreign adversary.

The rulemaking identifies the following as foreign adversaries: (1) the People's Republic of China (including Hong Kong and Macau); (2) the Republic of Cuba; (3) the Islamic Republic of Iran; (4) the Democratic People's Republic of Korea (North Korea); (5) the Russian Federation; and (6) Venezuelan politician Nicolás Maduro (Maduro Regime). By focusing on foreign adversary ownership or control, rather than foreign influence more broadly, the FCC seeks to adopt rules tailored to avoid needless burdens on regulated entities.

Dates to Remember

July 7, 2025

Deadline to file comments responding to the FCC's Annual Regulatory Fee Proposed [Rulemaking](#).

July 10, 2025

TV, Class A, AM & FM Stations (commercial & noncommercial): deadline to complete and upload to online public file the 2nd Quarter 2025 issues/program lists and any foreign sponsorship identification reports

Class A TV Stations Only: deadline to complete and post to your online public file the 2nd Quarter 2025 certification of ongoing Class A eligibility

Noncommercial Broadcast Stations: deadline to complete and post to your online public file the 2nd Quarter 2025 report for any 3rd Party Fundraising conducted during the quarter

July 21, 2025

Deadline to file comments in response to the FCC's Proposed [Rulemaking](#) requiring FCC-regulated entities and auction applicants to file a foreign adversary ownership certification. Foreign adversaries are defined as Peoples' Republic of China, Cuba, Iran, North Korea, Russia, and Venezuela.

August 1, 2025

Radio and TV Stations located in North Carolina, South Carolina, Illinois, Wisconsin and California: if five (5) full time employee threshold is met, prepare EEO public file report covering the period from August 1, 2024 – July 31, 2025, upload it to the station online public inspection file and post it on the station website

Mid-Term EEO Review for Radio stations located in California: if station employment unit has **eleven (11) or more full-time employees**, an independent **mid-term EEO review** of your last two EEO public file reports by the FCC will occur in connection with the 2024-25 EEO public file report due August 1, and when uploading the report, each station in the SEU must indicate that the SEU has 11 or more full-timers using the "Mid-Term Review" tab is the OPIF settings section. If the SEU has **between five and ten full-time employees**, when uploading the 2024-25 report, each station in the SEU should indicate that the SEU has fewer than 11 full-time employees using the "Mid-Term Review" tab in the OPIF settings section (by doing so, no mid-term review of the SEU will take place)

Mid-Term EEO Review for Television stations located in Illinois and Wisconsin: if station employment unit has **five (5) or more full-time employees**, an independent **mid-term EEO review** of your last two EEO public file reports by the FCC will occur in connection with your upload

of the 2024-25 EEO public file report due August 1. By uploading an EEO public file report, the FCC automatically knows that your television station meets the 5 or more full-time employee threshold for a mid-term review. Therefore unlike for radio, there is no OPIF mechanism available or needed for TV stations to specify the number of SEU employees.

All Commercial full power/Class A Television and radio stations: upload documentation to the public file for any programming time in the 2nd quarter 2025 that was leased by a foreign government (or agent of a foreign government) or was provided by a foreign entity for free in exchange for its broadcast.

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Actual resolution of legal issues depends upon many factors, including variations of facts and applicable Federal laws. This publication is not intended to provide legal advice on specific subjects, rather, it seeks to provide insight into legal developments and issues that we feel could be useful to our clients and friends.

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