

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of)
)
 Sponsorship Identification Requirements)
)
)

ORDER

Adopted: June 26, 2020

Released: June 26, 2020

By the Chief, Media Bureau:

1. In light of the ongoing COVID-19 national emergency,¹ with this Order, the Media Bureau (Bureau) of the Federal Communications Commission (Commission) extends through August 31, 2020 the temporary waiver previously granted by the Bureau regarding certain sponsorship identification requirements.²

2. In the *Sponsorship ID Waiver Order*, released April 3, 2020, the Bureau, acting pursuant to the waiver authority granted in section 317(d) of the Communications Act of 1934, as amended, (the Act),³ waived the sponsorship identification requirements contained in section 317(a) of the Act⁴ and sections 73.1212(a)(1) and (a)(2)(i) of the Commission’s rules⁵ in the limited circumstances arising from the outbreak of COVID-19. The Bureau had learned that, as a result of the outbreak of COVID-19 and the associated social distancing requirements, suspension of regular business operations, and cancellation of events, many entities found they could no longer use the commercial advertising time that they had previously purchased from broadcast television and radio stations. In other cases, the entities that purchased advertising time found that the planned advertising was no longer appropriate under the circumstances. In order to make use of the previously purchased advertising time, some of these entities sought to donate the time for the purpose of broadcasting public service announcements (PSAs) prepared by, or on behalf of, the Centers for Disease Control and Prevention (CDC), or other governmental

¹ Proclamation on Declaring a National Emergency Concerning the Novel Coronavirus Disease (COVID-19) Outbreak (Mar. 13, 2020), <https://www.whitehouse.gov/presidential-actions/proclamation-declaring-national-emergency-concerning-novel-coronavirus-disease-covid-19-outbreak/>.

² *Sponsorship Identification Requirements*, Order, DA 20-376 (MB rel. Apr. 3, 2020) (*Sponsorship ID Waiver Order*). On June 17, 2020, The Ad Council requested that the Commission extend the temporary waiver beyond the June 30, 2020 expiration. *E-mail from Lisa Sherman, President and CEO The Ad Council, to Michelle M. Carey, Chief, Media Bureau, Federal Communications Commission* (June 17, 2020, 13:03 EDT).

³ See 47 U.S.C. § 317(d) (granting the Commission authority to waive the disclosure requirement contained in section 317 “in any case or class of cases with respect to which it determines that the public interest, convenience, or necessity does not require the broadcasting of such announcement”).

⁴ 47 U.S.C. § 317(a). Pursuant to section 317(a) of the Act and the Commission’s implementing regulations, when a broadcast station transmits any matter for which money, service, or other valuable consideration is either directly or indirectly paid or promised to, or charged or accepted, by such station, the station, at the time of the broadcast, shall announce: (1) that such matter is sponsored, paid for, or furnished, either in whole or in part, and (2) by whom or on whose behalf such consideration was supplied. See *Id.* and 47 CFR §§ 73.1212(a)(1) and (a)(2)(i).

⁵ 47 CFR §§ 73.1212(a)(1) and (a)(2)(i).

agencies or public health authorities, regarding COVID-19.⁶ Such PSAs can provide critical public health information to viewers and listeners. The PSAs identify the CDC, or other governmental agency or public health authority, as the source of the announcement. Notably, such PSAs would not display the name of the entity that had originally purchased and then donated the advertising time, which could run afoul of section 317(a) of the Act⁷ and the Commission's sponsorship identification rules.⁸ Finding that the public interest, convenience, and necessity would be best served by encouraging entities that have previously purchased advertising time but can no longer use it to donate such time for the broadcast of COVID-19-related PSAs, we granted a limited waiver of the sponsorship identification rules in such circumstances effective through June 30, 2020. We noted that we would continue to monitor this situation and address in a further order any necessary extension of this relief.⁹

3. At this time, the COVID-19 national emergency continues. Although many states have lifted "stay-at-home" orders through various phased reopening approaches, many restrictions, including "social distancing" measures, remain in effect with uncertain timetables for their removal.¹⁰ Federal, state, and local governments remain engaged in planning how they will allow schools, businesses, and

⁶ As the Ad Council explains on its website, the objective of a PSA is to raise awareness or change behaviors and attitudes on a particular issue, and ordinarily the airing of PSAs relies on the donation of time by a media outlet. PSAs typically are sponsored by a nonprofit or government agency, whereas commercials are paid for by private companies who purchase airtime to run their ads. See <https://www.adcouncil.org/About-Us/Frequently-Asked-Questions#What%E2%80%99s%20the%20difference%20between%20a%20commercial%20and%20a%20PSA> (last visited June 23, 2020). The Ad Council is a nonprofit organization that, through a collaboration among the advertising, media, and business communities, creates PSAs to inform the public about significant public issues and stimulate action on those issues.

⁷ 47 U.S.C. § 317(a).

⁸ 47 CFR §§ 73.1212(a)(1) and (a)(2)(i).

⁹ *Sponsorship ID Waiver Order* at para. 6.

¹⁰ See, e.g., White House Briefings, Guidelines for Opening Up America Again (Apr. 16, 2020), <https://www.whitehouse.gov/openingamerica> (proposing a three phased approach to recovery from the COVID-19 pandemic); see also Safe Start Washington, A Phased Approach to Recovery (May 4, 2020) https://www.governor.wa.gov/sites/default/files/SafeStartWA_4May20_1pm.pdf (establishing a four-phased approach to recovery); Restore Illinois, A Public Health Approach to Safely Reopen Our State (May 5, 2020) (executing a five-phased approach to recovery) <https://coronavirus.illinois.gov/sfc/servlet.shepherd/document/download/069t000000BadS0AAJ?operationContext=S1>; Rachel Chason, Dana Hedgpeth, and Antonio Olivo, *Prince George's Will Loosen Restrictions Next Week, While Northern VA Enters Phase 2 on Friday* (June 11, 2020) https://www.washingtonpost.com/local/coronavirus-maryland-prince-georges-virginia-dc-phase-2/2020/06/11/0b88bd34-abe7-11ea-9063-e69bd6520940_story.html. (noting the need to continue social distancing to make reopening safer, with Maryland's Prince George's County "tread[ing] carefully in its next stage, warning residents that it won't mean going back to a pre-covid lifestyle"); Ethan May, *Indianapolis Will Move to its Next Reopening Phase on June 19. Here's What to Know* (June 11, 2020) <https://www.indystar.com/story/news/local/indianapolis/2020/06/11/coronavirus-indiana-indianapolis-reopening-stage-4/5341726002/> ("While professional office buildings may reopen with precautions, [the Director of the Marion County Public Health Department] encouraged workers, especially those at the highest risk, to continue working from home.").

localities to reopen.¹¹ And, even with the loosening of state restrictions, many employers continue to maintain much of their workforce working remotely.¹²

4. Given the absence of material changes in the circumstances underlying the initial grant of waiver of the sponsorship identification requirements, and consistent with other Commission actions related to the pandemic,¹³ we find that good cause exists to extend the previously granted waiver of our sponsorship identification requirements through August 31, 2020, in this unique situation. Specifically, the Bureau acts pursuant to authority granted in section 317(d) of the Act,¹⁴ to waive the requirements of section 317(a) of the Act and sections 73.1212(a)(1) and (a)(2)(i) of the Commission's rules. Consequently, in this particular instance, the use of donated advertising time without disclosure of the entity that originally paid for the advertising time will not constitute a violation of the Act or the Commission's related rules. This flexibility will be afforded until August 31, 2020, at which time we will evaluate whether circumstances warrant a further extension.

5. Accordingly, **IT IS ORDERED** that, pursuant to the authority found in sections 4(i), 4(j), and 317(d) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 154(j), and 317(d), and sections 0.61, 0.283, and 1.3 of the Commission's rules, 47 CFR §§ 0.61, 0.283, and 1.3, this Order **IS ADOPTED**.

6. **IT IS FURTHER ORDERED**, that pursuant to section 1.102(b)(1) of the Commission's rules, 47 CFR § 1.102(b)(1), this Order **SHALL BE EFFECTIVE** upon release.

FEDERAL COMMUNICATIONS COMMISSION

Michelle M. Carey
Chief, Media Bureau

¹¹ See, e.g., Josie Fischels, *University of Iowa to Begin Phased Reopening of Select Campus Operations*, Daily Iowan (May 26, 2020) <https://dailyiowan.com/2020/05/22/university-of-iowa-to-begin-phased-reopening-of-select-campus-operations> (announcing the University of Iowa's pilot program for a phased reopening which "is being instituted in smaller settings in order to gauge how to implement recommended health and safety guidelines on a larger scale").

¹² See, e.g., Shannon Murray, *Many Large Companies Plan to Keep Employees Working from Home for Now* (June 4, 2020) <https://www.fox4news.com/news/many-large-companies-plan-to-keep-employees-working-from-home-for-now>.

¹³ See, e.g., *Lifeline and Link Up Reform and Modernization*, WC Docket No.11-42, Order, DA 20-577, paras. 3, 12-15 (WCB rel. Jun. 1, 2020) (extending prior waivers of the Lifeline program's recertification, reverification, general de-enrollment, usage requirements, and income documentation requirements through August 31, 2020).

¹⁴ 47 U.S.C. § 317(d).