



# PUBLIC NOTICE

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## MEDIA BUREAU ANNOUNCES GUIDELINES FOR THE PROCESSING OF CERTAIN BROADCAST APPLICATIONS FILED DURING THE PENDENCY OF A REMEDIAL FOREIGN OWNERSHIP PETITION

### GN Docket No. 25-149

By this *Public Notice*, the Media Bureau (Bureau) announces guidance on how the Bureau expects to process broadcast applications filed, or already pending, while a licensee also has pending at the Commission a remedial foreign ownership petition for declaratory ruling seeking to remedy noncompliance with the Commission's foreign ownership rules pursuant to section 1.5004(f).<sup>1</sup>

*Background.* Section 310(b) of the Act imposes restrictions on who may hold various types of Commission authorizations and requires the Commission to review foreign investment in broadcast and various other licensees.<sup>2</sup> A broadcast licensee or applicant proposing foreign ownership in its controlling U.S. parent that exceeds the benchmarks established by section 310(b)(4) of the Act may seek a declaratory ruling from the Commission authorizing such ownership by filing a petition for declaratory ruling.<sup>3</sup>

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<sup>1</sup> 47 CFR § 1.5004(f). In this *Public Notice* we will refer to such a petition for declaratory ruling filed pursuant to section 1.5004(f) of the Commission's rules (Rules) seeking to rectify noncompliance with the foreign ownership rules as a "Remedial Petition." We note further that the guidance we provide herein applies only to situations involving foreign ownership in the controlling U.S. parent of a broadcast licensee under section 310(b)(4) of the Communications Act or 1934, as amended (Act). 47 U.S.C. § 310(b)(4). The ability to file a Remedial Petition does not apply to situations governed by section 310(b)(3) of the Act, involving direct foreign ownership of a broadcast licensee, or indirect foreign ownership of a broadcast licensee through an entity other than a controlling U.S. parent. With respect to direct foreign ownership in the controlling U.S. parent of a broadcast licensee, the Commission's rules specify a different remedial process, which generally involves remediation of the offending foreign ownership interest within 30 days of the date the licensee or permittee learned of the non-compliant foreign interest(s). See *Review of Foreign Ownership Policies for Broadcast, Common Carrier and Aeronautical Radio Licensees Under Section 310(b)(4) of the Communications Act of 1934, as Amended*, Report and Order, 31 FCC Rcd 11272, 11310-11, paras. 82-83 (2016) (*2016 Foreign Ownership Report and Order*).

<sup>2</sup> 47 U.S.C. § 310(b) ("No broadcast or common carrier or aeronautical en route or aeronautical fixed radio station license shall be granted to or held by—(1) any alien or the representative of any alien; (2) any corporation organized under the laws of any foreign government; (3) any corporation of which more than one-fifth of the capital stock is owned of record or voted by aliens or their representatives or by a foreign government or representative thereof or by any corporation organized under the laws of a foreign country; (4) any corporation directly or indirectly controlled by any other corporation of which more than one-fourth of the capital stock is owned of record or voted by aliens, their representatives, or by a foreign government or representative thereof, or by any corporation organized under the laws of a foreign country, if the Commission finds that the public interest will be served by the refusal or revocation of such license.").

<sup>3</sup> Section 1.5000 *et seq.* of the Rules establish the framework for seeking such Commission approval. 47 CFR § 1.5000 *et seq.*

In situations where a broadcast licensee determines that, due to circumstances beyond its control, it is out of compliance with an existing foreign ownership declaratory ruling or with the Rules relating to foreign ownership, the Rules provide a remedial mechanism by which the licensee can notify the Commission of the infraction and either remediate the violation or seek approval for the change in indirect foreign ownership of the licensee's controlling U.S. parent.<sup>4</sup> Generally, in such situations the Commission would not expect to take enforcement action due to the licensee's inadvertent non-compliance with the foreign ownership rules, provided the licensee satisfies the specified requirements.<sup>5</sup>

On January 29, 2026, the Commission adopted the *2026 Foreign Ownership Report and Order* modifying the Commission's foreign ownership rules and streamlining its foreign ownership review process.<sup>6</sup> Among other things, the *2026 Foreign Ownership Report and Order* revised the Rules to permit privately held entities to avail themselves of the Remedial Petition process, and, by extension, the safe harbor it affords.<sup>7</sup> Previously, the Remedial Petition process and safe harbor had been available to broadcast licensees only if the licensee's controlling U.S. parent was an eligible U.S. public company.<sup>8</sup>

In addition, the *2026 Foreign Ownership Report and Order* directed the Bureau to specify processing guidelines for the treatment of applications filed by a broadcast licensee during the pendency of a foreign ownership Remedial Petition.<sup>9</sup> In order to permit individualized approaches to specific cases, the Commission concluded that guidelines issued by the Bureau were preferable to rules for this purpose.<sup>10</sup> Accordingly, to provide clarity to the broadcast industry and licensees, we provide the following guidance on the processing of broadcast applications during the pendency of a Remedial Petition.

*Discussion.* Consistent with the discussion outlined in the *2026 Foreign Ownership Report and Order*,<sup>11</sup> the Bureau will typically proceed with the normal processing of routine types of applications, such as applications related to the continued operations of currently authorized broadcast facilities, and either grant with conditions or hold the processing of non-routine applications, such as applications seeking authorization for new facilities, the renewal of licenses, or the assignment or transfer of control of

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<sup>4</sup> See 47 CFR § 1.5004(f)(3).

<sup>5</sup> *Id.* The expectation that a licensee that complies with the remediation processes set forth in section 1.5004(f) will generally not be subject to enforcement action for an inadvertent lapse in foreign ownership compliance is generally referred to as a "safe harbor." See *2016 Foreign Ownership Report and Order*, 31 FCC Rcd at 11309-10, para. 80; *Review of Foreign Ownership Policies for Broadcast, Common Carrier and Aeronautical Radio Licensees under Section 310(b)(4) of the Communications Act of 1934, as Amended*, GN Docket 25-149, Report and Order, at para. 16 (rel. Jan. 30, 2026) (*2026 Foreign Ownership Report and Order*).

<sup>6</sup> *2026 Foreign Ownership Report and Order*. The *2026 Foreign Ownership Report and Order* addressed issues raised in the underlying Notice of Proposed Rulemaking. *Review of Foreign Ownership Policies for Broadcast, Common Carrier and Aeronautical Radio Licensees under Section 310(b)(4) of the Communications Act of 1934, as Amended*, Notice of Proposed Rulemaking, 40 FCC Rcd 3516 (2025) (*Section 310 NPRM*).

<sup>7</sup> *2026 Foreign Ownership Report and Order* at paras. 15-17.

<sup>8</sup> *Id.* at para. 15.

<sup>9</sup> *Id.* at paras. 26-29 (stating that processing guidelines would provide "guidance on the topics discussed in the Section 310 NPRM, including: (1) routine types of applications that should continue to be processed in the normal course during the pendency of the remedial process, such as applications related to the continued operations of currently authorized broadcast facilities (e.g., applications for special temporary authority or minor modifications); and (2) non-routine applications such as major modifications, license renewals, and assignments/transfers of control, that would require heightened scrutiny during the pendency of a remedial petition.").

<sup>10</sup> *Id.* at para. 29.

<sup>11</sup> *2026 Foreign Ownership Report and Order* at paras. 26-29; see also *Section 310 NPRM*, 40 FCC Rcd at 3536-38, paras. 42-47 (seeking comment on how the Commission should handle the processing of new or pending broadcast applications during the pendency of a Remedial Petition).

licenses.<sup>12</sup> Accordingly, as detailed further below, for purposes of processing applications during the pendency of a Remedial Petition, we will generally divide broadcast applications into three categories: (1) applications related to the continued operation of existing broadcast facilities, including requests for special temporary authority (STA) and minor modification of existing facilities;<sup>13</sup> (2) applications for transfer of control or assignment of license, including *pro forma* changes in ownership;<sup>14</sup> and (3) applications for new authorizations, including construction permits for new facilities, construction permits for major modification of existing facilities, licenses to cover construction of either new facilities or major modification of existing facilities, and renewals of license.<sup>15</sup>

With regard to the first category involving applications related to the continued operation of an existing broadcast facility, provided that the Remedial Petition is complete and there are no unresolved questions about whether the licensee/permittee is otherwise in compliance with the Rules and Commission policies, we will typically proceed with the processing of such applications despite the pendency of a Remedial Petition and without the need for additional conditions on the grant of any subsequent authorization.<sup>16</sup>

With regard to the second category of applications involving the transfer of control or assignment of license, including *pro forma* ownership changes, and provided that the Remedial Petition is complete and there are no unresolved questions about whether the parties to the application are otherwise in compliance with the Rules and Commission policies, we will typically proceed with the processing of such applications during the pendency of a Remedial Petition; however, the grant of any such ensuing authorization will typically be subject to the imposition of conditions designed to minimize the involvement of the as-yet-unapproved foreign interest holder(s).<sup>17</sup> Further, the grant of authorizations will typically be conditioned on the ultimate approval of the Remedial Petition or, alternatively, remediation of the noncompliant foreign ownership, as well as subject to any enforcement action that may be warranted, such as if the Commission determines that the Remedial Petition was improper under section 1.5004(f)(3). The Bureau may choose not to impose such conditions depending on the particular facts presented, such as in situations where the licensee/permittee with the pending Remedial Petition is

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<sup>12</sup> 2026 *Foreign Ownership Report and Order* at para. 29.

<sup>13</sup> *Id.*

<sup>14</sup> *Id.*

<sup>15</sup> *Id.*

<sup>16</sup> *Id.* (stating that the processing guidelines will provide guidance on topics to include “routine types of applications that should continue to be processed in the normal course during the pendency of the remedial process, such as applications related to the continued operations of currently authorized broadcast facilities (e.g., applications for special temporary authority or minor modifications)”).

<sup>17</sup> The Commission considered that grant of some authorizations should be explicitly conditioned on the grant of the pending remedial petition. See 2026 *Foreign Ownership Report and Order* at para. 29. In addition, imposing conditions will preserve the Bureau’s ability to give the necessary “heightened scrutiny” to “non-routine applications” involving “assignments/transfers of control” (among others), as the Commission envisioned. See *id.* at para. 29. The imposition of conditions is also consistent with past agency practice. Specifically, in such instances, the Bureau has concluded that the public interest would be served by granting certain applications with conditions that are designed to insulate, to the extent possible, certain foreign interests while a remedial petition for declaratory ruling is pending. See, e.g., *Cumulus Licensing LLC (Assignor) and Cumulus Licensing Holding Company II LLC (Assignee), et al.*, Memorandum Opinion and Order, 39 FCC Rcd 4108 (MB 2024) (granting applications for pro forma assignment of license to Cumulus Licensing Holding Company II LLC, with conditions designed to insulate new foreign interests in Cumulus Media, Inc., while a remedial petition for declaratory ruling seeking specific approval of such interests was pending); *Applications of Mortenson Broadcasting Co. of Texas, Inc., et al.*, Memorandum Opinion and Order, 36 FCC Rcd 5935, 5939-42, paras. 9-12 (MB 2021) (granting applications for assignment of licenses to iHM Licenses, LLC, with conditions designed to insulate new foreign interests in iHeart Media, Inc., while a remedial petition for declaratory seeking specific approval of such interests was pending).

the party assigning or transferring control of an authorization, as opposed to the party acquiring a new authorization.

Finally, with regard to the third category of applications involving authorizations for the construction of new facilities or for the major modification of existing facilities, licenses to cover construction of the same, or license renewals, generally we will hold processing of such applications during the pendency of a Remedial Petition. Applications for new authorizations, construction permits for new facilities, and licenses to cover construction of new facilities involve the grant of a new license or approval of a new facility, rather than the continued, routine operation of an existing station, and we believe are best treated like applications for major modification of facilities, renewals of licenses, and acquisitions of new licenses, which similarly involve requests for new facilities or authorizations.<sup>18</sup>

Regardless of the categories outlined above, the Bureau may determine in a particular case that grant of a new authorization, even with conditions, is not advisable during the pendency of the Remedial Petition. Therefore, the Bureau may decide to defer action on a pending application until the Remedial Petition is resolved or the non-compliant foreign ownership interest is otherwise remedied. In determining whether to proceed with or suspend the processing of applications and/or whether to impose conditions, the Bureau will carefully consider the number and type of authorization(s) sought by the particular application, as well as the scope and significance of the non-compliant foreign ownership interest for which the pending Remedial Petition seeks consent, national security concerns, and any other relevant factors.

Further, while we provide this general guidance for purposes of processing the various categories of applications set forth above, the Bureau retains the flexibility to address future situations individually depending on the particular facts and circumstances of a situation, which may require a different approach than the guidelines outlined above. Furthermore, the Bureau retains the authority to tailor the processing of future applications as necessary, either on an individual basis or through the issuance of a subsequent public notice.

This action is taken by the Acting Chief, Media Bureau, pursuant to authority delegated by 47 CFR § 0.283 of the Commission's Rules and contained in section 553 of the Administrative Procedure Act, 5 U.S.C. § 553(b)(A).

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<sup>18</sup> See 2026 Foreign Ownership Report and Order at para. 29.