

**Before the
Office of Management and Budget
Washington, D.C. 20503
and the Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Information Collection Being Submitted for Review and Approval to Office of Management and Budget)	OMB Control No. 3060-0174
)	
Sponsorship Identification Requirements for Foreign Government-Provided Programming)	MB Docket No. 20-299
)	
)	

To: Cathy Williams, Federal Communications Commission via Email

**COMMENTS OF THE
NATIONAL ASSOCIATION OF BROADCASTERS**

**NATIONAL ASSOCIATION OF
BROADCASTERS**
1 M Street, SE
Washington, DC 20003
(202) 429-5430
Rick Kaplan
Jerianne Timmerman
Erin Dozier

April 21, 2025

TABLE OF CONTENTS

I. INTRODUCTION AND SUMMARY	1
II. APPROVING THE PROPOSED INFORMATION COLLECTIONS WOULD VIOLATE THE PRA, THE APA, THE CONSTITUTION AND THE COMMUNICATIONS ACT	3
III. THE MARCH 2025 SUPPORTING STATEMENT CONTINUES TO UNDERESTIMATE THE BURDENS OF THE PROPOSED INFORMATION COLLECTIONS AND FAILS TO EXPLAIN HOW CERTAIN ESTIMATES WERE DEVELOPED	7
IV. CONCLUSION.....	10

**Before the
Office of Management and Budget
Washington, D.C. 20503
and the Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Information Collection Being Submitted for Review and Approval to Office of Management and Budget)	OMB Control No. 3060-0174
)	
Sponsorship Identification Requirements for Foreign Government-Provided Programming)	MB Docket No. 20-299
)	

To: Cathy Williams, Federal Communications Commission via Email

**COMMENTS OF THE
NATIONAL ASSOCIATION OF BROADCASTERS**

I. INTRODUCTION AND SUMMARY

The National Association of Broadcasters (NAB)¹ submits these comments in response to the Federal Register Notice concerning information collection requirements arising from the Commission’s new foreign sponsorship identification rules.² As required by the Paperwork Reduction Act of 1995 (PRA),³ the Notice seeks comment on: (a) whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the

¹ NAB is a nonprofit trade association that advocates on behalf of free local radio and television stations and broadcast networks before Congress, the Federal Communications Commission and other federal agencies, and the courts.

² See *Notice of Information Collection Being Submitted for Review and Approval to the Office of Management and Budget*, 90 FR 13362 (Mar. 21, 2025) (Notice). See also *Notice of Information Collection Being Submitted for Review and Approval to the Office of Management and Budget*, 89 FR 100491 (Dec. 12, 2024) (December OMB Notice); *Notice of Public Information Collection Being Reviewed by the Federal Communications Commission*, 89 FR 72398 (Sept. 5, 2024) (FCC PRA Notice).

³ 44 U.S.C. §§ 3501-3520.

accuracy of the Commission's burden estimate; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology.⁴

Although the proposed information collection was withdrawn from Office of Management and Budget (OMB) consideration and resubmitted,⁵ it remains unchanged and still does not comport with the PRA or any of the current Administration's goals. The newly expanded foreign sponsor ID rules that undergird the proposed information collection do not comport with the Communications Act of 1934 (Act), the First Amendment, or the Administrative Procedure Act (APA) and therefore cannot be necessary to the proper performance of the functions of the Commission. The Commission also has not demonstrated the need for or the practical utility of the information collections, and has not demonstrated that it considered ways to minimize burdens on the respondents. Moreover, although the Commission made some modifications in response to NAB's comments on the FCC PRA Notice and provided additional information about how it developed its estimates in the supporting statement, the Commission continues to underestimate both the number of respondents and responses and the burdens of compliance, especially in light of the last-minute dramatic expansion of the scope of its rules over the objection of the Commission's two Republican members. Because the proposed information collections do not meet PRA standards or the current Administration's laudable efforts to reduce unnecessarily burdens

⁴ Notice at 13363.

⁵ *Notice of Office of Management and Budget Action*, OMB Action: Withdrawn and Continue (Feb. 10, 2025), available at: <https://www.reginfo.gov/public/do/DownloadNOA?requestID=1045992>. The Notice states that the December request for OMB approval was withdrawn by the FCC.

on American businesses, they should not be approved by OMB. Absent disapproval, OMB should at least require the Commission to gather more data and develop more accurate estimates in connection with the proposed information collections and make changes to minimize the burden on affected respondents.

II. APPROVING THE PROPOSED INFORMATION COLLECTIONS WOULD VIOLATE THE PRA, THE APA, THE CONSTITUTION AND THE COMMUNICATIONS ACT

The Commission seeks OMB approval for information collections to effectuate modifications to its foreign sponsorship identification rules adopted in its June 2024 Order, adopted over the dissents of the Commission's two Republican members. The Commission's latest Supporting Statement continues to disregard key elements of the agency's obligations under the PRA and issues NAB has raised before the Commission and OMB.⁶ For these reasons, OMB should not approve the proposed information collections.

First and most importantly, the March 2025 Supporting Statement contends that NAB is attempting to raise issues that concern the merits of the Order,⁷ which it believes are beyond the scope of PRA review.⁸ However, as NAB has explained, for the same reasons that the changes adopted in the Order violate the Communications Act, the APA, and the Constitution, the proposed information collections would violate the PRA.⁹ When the

⁶ NAB incorporates by reference thereto its previous filings. See Comments of NAB Before the Office of Management and the Federal Communications Commission, OMB Control No. 3060-0174; MB Docket No. 20-299 (Jan. 13, 2025) (NAB January OMB Comments); Comments of NAB Before the Federal Communications Commission, OMB Control No. 3060-0174; MB Docket No. 20-299 (Nov. 4, 2024).

⁷ *Sponsorship Identification Requirements for Foreign Government-Provided Programming*, Second Report and Order, MB Docket No. 20-299, FCC No. 24-61 (rel. June 10, 2024) (Order).

⁸ March 2025 Supporting Statement at 8-9, 12.

⁹ NAB January OMB Comments at 2-10. Significantly, two of the five Commissioners dissented from the Order or parts thereof. Chairman Carr objected that the Commission had

Commission failed to give a reasoned explanation or provide any evidence supporting the need to alter its foreign sponsorship identification rules to cover not only “leases” by also thousands of lawful political advertisements and paid public service announcements (PSAs), this expansion also would violate the PRA. Without a reasoned explanation or evidence for a rule, the Commission cannot demonstrate the practical utility of and need for expanding its diligence requirements to the wide array of entities sponsoring these ads and PSAs and all the broadcasters airing them.¹⁰ Similarly, when the Commission failed to provide notice that it was even considering expanding the rules in this manner, the Commission also failed to adequately consider ways to minimize the burden of the collection of information on the respondents as required by the PRA.¹¹ Specifically, the Commission could not have adequately considered ways to minimize the burden of the collection on respondents *since many affected parties were not even aware of the changes being contemplated and did not have an opportunity to comment on them.*¹² These issues are not outside the scope of PRA review or OMB consideration. With these and other legal deficiencies discussed in NAB’s previous filings, the information collections that follow from the Order cannot comport with

changed the definition of leasing, and subjected previously excluded non-candidate political advertising and paid PSAs to the foreign-governmental-sponsor identification requirements, without adhering to its notice-and-comment obligations. Commissioner Simington likewise objected that the Commission had violated the APA’s notice-and-comment requirements. He also objected to the Order’s extension to non-candidate issue advertising. Commissioner Simington observed that it was “senseless” for the Commission to exclude candidate advertising because the federal prohibition on foreign national involvement eliminated the risk of foreign governmental sponsorship, but include non-candidate issue advertising that is subject to the same prohibition. See Order at Statement of Brendan Carr, Dissenting in Part; Order at Statement of Nathan Simington, Dissenting.

¹⁰ See NAB January OMB Comments at 8-9, 10; see also 44 U.S.C. § 3506(c)(2)(A)(i).

¹¹ See NAB January OMB Comments at 7-8, 10; see also 44 U.S.C. § 3506(c)(2)(A)(iv).

¹² NAB January OMB Comments at 7-8, 10.

the PRA because they cannot be “necessary for the proper performance of the functions of the Commission,” nor can they have practical utility. Accordingly, OMB should not approve the proposed information collections.

Indeed, the diligence requirements associated with the foreign sponsorship identification rules and related information collections are precisely the sorts of requirements that the current Administration expects federal agencies to repeal (or not adopt in the first instance).¹³ One Executive Order recently signed by President Trump observes that “[t]he ever-expanding morass of complicated Federal regulation imposes massive costs on the lives of millions of Americans, creates a substantial restraint on our economic growth and ability to build and innovate, and hampers our global competitiveness.”¹⁴ That Order requires, among other things, that 10 regulations be eliminated for every new regulation issued, that the total incremental cost of new regulations be “significantly less than zero,” and that any new regulatory costs be offset by the elimination of costs associated with 10 existing regulations.¹⁵ Another one of President Trump’s Executive Orders directs federal agencies to examine its regulations and identify for elimination those that meet certain criteria.¹⁶ Those that, like the foreign sponsorship

¹³ See, e.g., *Unleashing Prosperity Through Deregulation*, Executive Order 14192 (Jan. 31, 2025); *Ensuring Lawful Governance and Implementing the President’s “Department Of Government Efficiency” Deregulatory Initiative*, Executive Order 14219 (Feb. 19, 2025); *Directing the Repeal of Unlawful Regulations*, Presidential Memorandum (Apr. 9, 2025) (directing each agency to prioritize ten recent Supreme Court opinions in completing its EO 14219 review including *Loper Bright v. Raimondo*, *West Virginia v. EPA*, and *SEC v. Jarkesy* and to repeal regulations it finds unlawful without notice and comment where doing so is consistent with the “good cause” exception in the APA).

¹⁴ See Executive Order 14192.

¹⁵ *Id.*

¹⁶ See Executive Order 14219.

identification rules, are unconstitutional/raise serious constitutional issues, are based on anything other than the best reading of the underlying statute, are not authorized by clear statutory authority, impose significant costs upon private parties that are not outweighed by public benefits, or impose under burdens on small business and impede private enterprise and entrepreneurship, are to be submitted to the Office of Information and Regulatory Affairs which will develop a plan for their rescission or modification.¹⁷ A regulation that already requires thousands of local broadcast stations to ask thousands of local houses of worship, high school football teams, and other local entities that lease time on local stations whether they are foreign governments and to document those inquiries has now been expanded to require both the broadcaster and the lessee to make and retain written certifications to this effect. Pursuant the June 2024 Order and related information collections proposed here, broadcasters would be required to do the same when airing advertising from such entities as the United States Army, a state highway administration airing a paid PSA campaign to deter distracted driving, or non-candidate issue advertising (even though many issue ads are subject to statutory prohibitions on contributions from foreign nationals).¹⁸ While broadcasters have no objection to the requirement to disclose foreign government sponsored content, the elaborate “morass” of regulations the Commission has created for undertaking diligence requires them to make inquiries and obtain certifications from entities that are obviously domestic, review and understand complex statutory and regulatory language,¹⁹ develop burdensome compliance systems,

¹⁷ Executive Order 14219.

¹⁸ See 52 U.S.C. § 30121; 11 C.F.R. § 110.20.

¹⁹ As one Executive Order has observed, it is not always simple for non-lawyers to interpret and understand government regulations. See Executive Order 14192 (“Despite the

and risk losing lessees/advertisers to platforms that have no such regulations. OMB should not approve the proposed information collections in light of the legal issues and unjustified burdens raised by the foreign sponsorship ID diligence standards and related information collections, particularly in light of administration's directives to rescind, modify and stop adopting such regulations.

III. THE MARCH 2025 SUPPORTING STATEMENT CONTINUES TO UNDERESTIMATE THE BURDENS OF THE PROPOSED INFORMATION COLLECTIONS AND FAILS TO EXPLAIN HOW CERTAIN ESTIMATES WERE DEVELOPED

Even if the proposed information collections and underlying rules were lawful or consistent with current Administration directives, the Commission continues to underestimate the burdens of its proposed information collections and/or fail to explain the basis for its estimates. The Commission should be directed to find ways to make the regulation less burdensome, but if not, it should be required to revise its estimates upward and explain the basis for certain estimates.

The March 2025 Supporting Statement persists in contending that the correct number of "leases" to use for purposes of calculating the burdens of the proposed information collections is the number of time brokerage agreements (TBAs) in the Commission's online public inspection file (OPIF).²⁰ The March 2025 Supporting Statement still does not explain how the number of "leases" can be limited to TBAs for purposes of calculating the burdens for PRA purposes, even though that term was defined much more

magnitude of their impact, these measures are often difficult for the average person or business to understand, as they require synthesizing the collective meaning not just of formal regulations but also rules, memoranda, administrative orders, guidance documents, policy statements . . . further increasing compliance costs and the risk of costs of non-compliance.").

²⁰ March 2025 Supporting Statement at 9-10, 15-19.

broadly than TBAs in the Commission’s own orders and past supporting statements (and this was prior to the 2024 expansion).²¹ The Commission cannot have it both ways. NAB again asserts that the FCC’s continued reliance on TBA data is unreasonable and urges OMB to require the Commission to take reasonable steps to understand the extent and nature of their use. Based on our research, NAB has estimates that there are nearly 200,000 leases in place across all television and radio broadcast stations.²² The disparity in the two estimates requires further investigation and analysis.

NAB also notes that, even if TBAs were a reasonable proxy for the number of “leases” as the Commission has defined this term, it is surprising that the number of TBAs currently in OPIF remains exactly the same in 2025 as it was in 2021 when the Commission initially sought OMB approval for this information collection. NAB urges OMB to require the Commission to revise its estimates upward. At a minimum, OMB should ensure that the Commission has updated its count of TBAs.

NAB also previously urged the Commission to update its OMB approval request to reflect that the Order extends foreign sponsorship identification diligence and disclosure obligations not only to political issue advertising but also to paid PSAs.²³ The March 2025 Supporting Statement did not include any additional respondents or responses to reflect paid PSAs. Instead, it asserts, without evidence or explanation, that “paid PSAs overlap

²¹ See NAB January OMB Comments at 15, *citing* December 2024 Supporting Statement at Note 9 (“The Commission also recognized ‘that leasing agreements within the broadcast industry may be known by different designations’”) and 2021 Order at ¶ 27 (“the disclosure requirements we adopt today apply to leasing agreements, regardless of what those agreements are called, how they are styled, and whether they are reduced to writing. We recognize that leasing agreements within the broadcast industry may be known by different designations.”).

²² NAB January OMB Comments at 14, note 32.

²³ NAB January OMB Comments at 14.

sufficiently with issue advertisements as to be accounted for in the current calculations.”²⁴ It is not clear from the Commission’s conclusory statement whether, and if so, how, issue ads and paid PSAs overlap. If these two categories of broadcast material are the same, NAB does not understand why the Order would discuss them separately in re-defining leases. The Commission should be required to explain why it believes paid PSAs “overlap with” issue ads, and if it cannot, it should be required to include paid PSAs in its estimates. NAB also renews its objection to the Commission’s estimates regarding the percentage of respondents that will rely upon counsel and the estimated rate for legal fees, both of which are too low.²⁵

Overall, the proposed information collection will involve thousands of stations, lessees, issue advertisers, and PSA sponsors in a series of burdensome exercises that will not contribute to the public’s understanding of who has sponsored what is being aired. The proposed information collections were adopted without any evidence that any foreign governmental entities have ever attempted to purchase political advertising or paid PSAs on broadcast stations. NAB urges OMB to deny the proposed information collections or, at a minimum, direct the Commission to identify additional ways to make the information collections less burdensome.

²⁴ March 2025 Supporting Statement at 13 and Note 44.

²⁵ NAB January OMB Comments at 15. See *also* March 2025 Supporting Statement at 13. NAB did not state that the hourly rate for legal representation should be changed from \$300 to \$500. We stated that the rate for a lawyer with only a single year of experience was \$500 to highlight the absurdity of using \$300 for purposes of burden estimates. Most lawyers who will be engaged for this purpose will have more years of experience. A better estimate would be \$700-\$800/hour.

IV. CONCLUSION

The Commission's expansion of its rules to require multi-step diligence involving thousands of non-candidate issue advertisements and paid public service announcements, with no evidence that any foreign governmental entity has even attempted to sponsor such advertising, cannot pass muster under the PRA and runs headlong into some of the most critical priorities of the Trump Administration. The Commission has not demonstrated the need for or practical utility of the proposed information collections, and, by failing to provide sufficient notice of its proposed rule changes, eliminated the opportunity to learn about ways to minimize the burdens of its revised rules and related collections. Additionally, the aspects of the rules that violate the Communications Act and the First Amendment cannot be necessary for the proper performance of the FCC's duties because they are unlawful. The underlying rules and related information collections also are at odds with recent administration directives to eliminate, modify and stop adopting/approving unlawful, burdensome regulations. Accordingly, OMB should not approve the proposed information collections. Absent disapproval, OMB should at least require the Commission to gather more data and develop more accurate estimates in connection with the proposed information collections and make changes to minimize the burden on affected respondents.

**NATIONAL ASSOCIATION OF
BROADCASTERS**

1 M Street, SE
Washington, DC 20003
(202) 429-5430



Rick Kaplan
Jerianne Timmerman
Erin Dozier

April 21, 2025