

**STATEMENT OF  
COMMISSIONER MIGNON L. CLYBURN**

Re: *Elimination of Obligation to File Broadcast Mid-Term Report (Form 397) Under Section 73.2080(f)(2)*, MB Docket No. 18-23; *Modernization of Media Regulation Initiative*, MB Docket No. 17-105

On the surface, elimination of the obligation to file the Broadcast Mid-Term Report, otherwise known as Form 397, seems innocuous, because it contains information about a broadcasters' equal employment opportunity (EEO) practices that can be found in other places, including a stations' public inspection files. But if you were to slow down for a moment and look at what these reports show, you will discover a stunning lack of diversity across the broadcast industry. And no matter by what platform this information is reported, the question that deserves an answer is this: Is the FCC complying with its statutory obligation to ensure that broadcasters are seeking and attracting diverse employees, including by maintaining an EEO recruitment program?

In an ex parte filed by Common Cause last week, I was struck by this statement: "[E]liminating EEO reporting requirements sends a bad message the agency is abandoning its public interest responsibilities." This prompted me to ask whether the FCC's newly established Advisory Committee on Diversity and Digital Empowerment was formally consulted before teeing up today's Notice of Proposed Rulemaking (NPRM)?

To this I say: If we are going to take a weedwhacker to EEO reporting obligations that the majority deems to be "unnecessary" or "unduly burdensome," then we ought to simultaneously discuss compliance practices, in order to ensure that the rules we have on the books are effectively enforced.

So, I asked that we seek comment on the FCC's track record on EEO enforcement and how the agency can make improvements to EEO compliance and enforcement. I also asked that we determine whether elimination of Form 397 will impact the FCC's ability to ensure compliance and enforcement of EEO rules, and if so, how? Similarly, if Form 397 is eliminated, what other mechanisms will the FCC have to monitor and enforce its EEO rules? I am grateful that my colleagues have agreed to include these questions in the NPRM.

For these reasons, I will vote to approve and look forward to reviewing the record that develops from today's NPRM.