

**Remarks of Commissioner Mignon L. Clyburn (as prepared)**  
**“How Media Policy Can Enhance Opportunities for Women”**  
**California Women’s Conference**  
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Good morning and thank you for the wonderful introduction. What an incredible opportunity it is for me to join so many accomplished leaders at a session with an expressed objective of enhancing opportunities for women. I am inspired by the stories I have heard and what they represent for our country.

Whether you work in the media sector or rely on it to enhance your business, we cannot overstate how the industry informs, entertains, and character-shapes our society. Gloria Steinem once said, “It’s hard to think of anything except air, food and water, that is more important than the media.” Media as the fourth estate, is vital to our democracy, informing citizens about actions of the government and holding that very same government, accountable to the people. Equally important, the media is a powerful economic and cultural force, molding and shaping our ideas, images, and understanding of the world.

What then is to be said about the state of affairs in the media today? While there has been much talk about media coverage during and after the recent presidential election, far less attention has been given to the state of diversity across the media landscape. This lack of diversity is reflected in who owns the major media companies, those in front of the camera, as well as those behind-the-scenes. Simply put, men dominate every single media platform, from television and film, to radio, newspapers and online sources.

Regardless of politics or point of view, you should find the following statistics disheartening. The Federal Communications Commission’s (FCC) most recent report on media ownership, released yesterday, revealed that women own just 8.6 percent of the 11,919 broadcast stations in this country. According to the Women’s Media Center 2017 report, at 20 of the nation’s top news outlets, men produced 62.3 percent of news reports. Women receive only 38 percent of byline and other credits in print, internet, television and wire news. Of the top 100-rated radio talk shows, only 13 are hosted by women. Of the 250 top-grossing domestic films last year, female directors, writers, producers, executive producers, editors and cinematographers, combined, totaled 17 percent – the same percentage as 1998 – yes, nearly twenty years ago— nothing has changed except that women now make up 51 percent of the U.S. population.

In further describing the media, the never-shy, often controversial Steinem said, and I will paraphrase in a way we hear often: You cannot be what you cannot see. The presence, or absence, of women in media truly matters, because credible studies show, that women are more likely to hire women, and create programming that relates to women. For example, entertainment shows online and on television that have at least one female executive producer, guess what, have more female characters. If we want our media landscape to reflect this nation’s rich diversity, it only makes sense, that women must have equal opportunities to be in decision-making roles.

Yet, with all of the progress that has inarguably been made, women continue to face many challenges when it comes to entering the media industry. Just over 20 years ago, Congress enacted landmark legislation known as the 1996 Telecom Act. In doing so, many ownership restrictions, which had previously been in place to prevent a single company from owning broadcast stations in multiple markets, were eliminated. Take for example, a rule that previously prevented one company from owning more than 40 radio stations. Today, one company owns 850 radio stations – this is more than 20 times larger than the limits set before the 1996 Act.

Across the board, deregulation and other actions since the Act was passed, have led to increased media consolidation and fewer opportunities. The result: women and minority media ownership remain at shockingly low levels. Despite the disheartening statistics I have already shared, many are still advocating to eliminate the few rules that remain in place that currently prevent the concentration of station ownership into the hands of a few large media conglomerates . . . and this effort is on a fast track of becoming a reality.

Access to capital remains one of the greatest barriers facing women and minorities, seeking to enter the broadcast business and it is extraordinarily expensive to break into the media industry. It has been estimated that launching a single new radio station can cost around \$10 million. Similarly, an FCC staff analysis of industry data found that the average sales price of a television station sold in 2015 and 2016 was \$20.5 million. These figures do not account for infrastructure, salaries, and other basic costs associated with launching a broadcast station. And on top of these costs is the difficulty in securing financing, especially without a past history of successfully running a station.

While the lack of diversity in media is glaring, we rarely hear solutions or answers to the question of how we transform this dismal reality of the present into a future that offers abundant opportunities for women. I believe there are concrete actions that the FCC can take to promote a more diverse media landscape. My office recently released an action plan known as #Solutions2020, where we outlined several steps designed to enhance digital inclusion and encourage more opportunities for women and underrepresented entrepreneurs.

The solution starts, from my perspective, with the reinstatement of a tax certificate program. During its 17 years of existence, this FCC-run program, successfully helped to bring the highest number of diverse entrepreneurs on record into the broadcast industry. Specifically, what it allowed, was for the seller of a broadcast or cable property, or an interest in such property, to defer the payment of federal income taxes under certain conditions, if the property was sold to an underrepresented purchaser.

And according to Dr. Jeffrey Layne Blevins of the University of Cincinnati, “[p]rior to the policy, minorities owned just 40 of 8,500 U.S. radio and television [stations], and during the existence of the policy minorities acquired 288 radio stations and 43 television stations.” Despite ending in 1995, I am convinced bipartisan support for this program remains. I am happy to report that last month, Congressman G.K. Butterfield introduced legislation known as the *Expanding Broadcast Ownership Act*, which would revive the tax certificate program. Passage of this bill would be an important step forward to increasing media diversity and the opportunities available to small businesses, including those owned by women.

Congressman Butterfield's legislation also directs the FCC to create an incubator program designed to expressly increase women and minority ownership. One way to achieve this is by waiving certain ownership restrictions for an established broadcaster in a market in exchange for that broadcaster incubating a woman-owned company.

Such incubation, perhaps in the form of lending financial, programming or technical support, could result in the successful entry of a new broadcaster, increasing the diversity of voices available to the public. Even absent an explicit incubator program, the industry should strive to nurture and support women-owned broadcasting businesses.

Much like minority- and women-owned broadcasters, small independent cable programmers face a constant battle to find avenues to display their content. Sadly, I am aware of only one woman-owned independent cable network. To speak plainly, today content production is currently dominated by a few large media companies. According to one estimate by the National Cable Television Cooperative (NCTC), just nine companies represent more than 100 different networks or channels. So for an independent programmer with a single channel, competing for carriage against a major network programmer with dozens of channels, the barriers to entry are steep, and the repercussions for speaking out about these barriers are many.

Since first arriving at the Commission in the summer of 2009, I have heard countless stories from independent programmers who struggle every day to remain viable. Those who have yet to strike a carriage deal with a major provider rarely if ever get their calls returned. Those independent programmers with carriage agreements may appear to have it made at first glance, but what you may not see is that too many are forced to renegotiate for lower rates or face being dropped from the channel lineup. And I have heard from others who want to innovate by offering their programming through new online platforms, but find that their contracts with traditional pay-TV providers prohibit them from doing so, even if there is no plan to air their content anytime in the near future.

So it is clear to me, that the definition of success must include the expeditious adoption of rules that will ensure a sustainable future for independent programmers. Included among these networks should be those that are women-owned. The FCC has the authority to adopt rules that ensure a level playing field for independent programmers and I have led the charge to bring these rules to adoption, and will continue to do everything I can to ensure independent voices have a seat at the table when it comes to their carriage by pay-TV providers. You see, ownership is just the first step, if the station is not carried, that will be your last step.

Within the FCC is an Office of Communications Business Opportunities, or OCBO for short, that was established in 1995, with a mission to recommend policies, programs, and practices "that promote participation by small entities, women, and minorities in the communications industry." In recent years, it has hosted a Small Business & Emerging Technologies Fair; a Supplier Diversity Conference and Workshop; a Government Advertising Roundtable and countless other events, aimed at supporting those seeking to enter or continue working in the communications sector. These events are open to the public, so I would encourage anyone interested, to utilize this valuable resource.

For many small businesses, navigating the federal government's processes can be challenging. In a survey last year of over 1,800 small business owners, nearly 60 percent "identif[ied] some level of difficulty understanding and managing government regulations and laws." This is why I think it is time for OCBO's role to be expanded, to include serving as the agency's Small Business Ombudsman. This idea was put forward by the American Cable Association as a way to help small businesses in "identifying and complying with their regulatory obligations." I agree and believe it would improve compliance and help mitigate regulatory burdens here and similar programs should be adopted elsewhere as needed.

And finally, while I acknowledge this is outside the direct scope of the FCC, I am nonetheless personally passionate about increasing the representation of women in the technology sector. According to the Equal Employment Opportunity Commission's (EEOC) *Diversity in High Tech* report, women represent 36 percent of tech hires compared to 48 percent in other industries. I saw this first-hand, during a visit to Silicon Valley last summer.

In October, the EEOC announced the launch of a working group aimed at improving both gender and racial diversity at tech companies. Identifying solutions requires us to first acknowledge the facts. So I am pleased that many of the nation's leading tech companies have begun this process by publishing annual data on employee diversity. Now it is time for the EEOC, working with industry and Congressional leaders, to establish a series of best practices that would encourage tech companies to increase the hiring of women and now is the time for those who have been silent to speak out.

While the FCC and its work might not be the topic of the nightly dinner conversation, the role we play as defenders of the public interest is vital to a vibrant democracy. So I am grateful for the opportunity to be here, and I hope that this will be the start of an on-going conversation on how public policy can enhance opportunities for women in the communications space and beyond.

Thank you.