

**STATEMENT OF
COMMISSIONER GEOFFREY STARKS**

Re: In the Matter of Review of the Commission’s Broadcast and Cable Equal Employment Opportunity Rules and Policies, MB Docket No. 98-204, Fourth Report and Order, Order on Reconsideration, and Second Further Notice of Proposed Rulemaking

A ’98 docket number. A fourth report and order. Today’s item has a long history. Let me summarize briefly: in 1970, the FCC, under its public interest authority, began requiring broadcasters to submit annual employment reports listing the composition of their workforce in terms of race, ethnicity, and gender. In 1992, Congress amended the Communications Act to affirm the Commission’s authority to do so, specifically requiring the Commission to maintain its existing EEO regulations, including its collection of workforce diversity data on Form 395-B. In 2001, following a pair of D.C. Circuit decisions, the Commission temporarily suspended its collection of Form 395-B data as it reconsidered its full suite of EEO rules. But an intended temporary suspension lasted more than 20 years.

Some might pretend that what we do today is a radical break outside of this agency’s authority. It is not. Quite simply, today we reinstate a longstanding, statutorily-mandated requirement to collect workforce diversity data from broadcasters.

We know how critical it is to have diversity in our media organizations. It’s clear – a successful media organization serves its viewers, listeners, and readers. And an organization does that by ensuring that its employees, its decisionmakers, reflect those viewers, listeners, and readers, and can speak for and to them.¹ Let me share an example that hits close to home. In December 2020, the Kansas City Star issued an apology, acknowledging that over decades through its news coverage the paper had “disenfranchised, ignored, and scorned generations of Black Kansas Citians” and “robbed an entire community of opportunity, dignity, justice and recognition.” The paper explained: “Like most metro newspapers of the early to mid-20th century, The Star was a white newspaper produced by white reporters and editors for white readers and advertisers.”² These poignant words capture the harm at issue here. Certainly, individual employees and candidates are harmed by a hostile work environment. But whole communities are harmed when they are subjected to content that lacks balance, fairness, or accuracy.

We must get our arms around this issue. As always with good government, we start with data. And data is most effective when it is available to everyone. The rules we reinstate today require broadcasters to file their workforce composition data publicly. This data will enable the Commission to monitor employment trends in the industry – as we know, a dynamic and fast-changing one – and report to Congress on its learnings. It will give researchers new workforce composition information to explore. And it will grant members of the public transparency – a window into their local broadcast station, not just as a programmer, but as an employer.

Ultimately, the strength of this item speaks for itself. But I am proud to have been a voice for it over the last five years. I’d like to thank the other voices who have joined with me. Thank you to

¹ See generally Alicia W. Stewart, “Why Newsroom Diversity Works,” Nieman Reports (June 10, 2015), <https://niemanreports.org/articles/why-newsroom-diversity-works/>.

² Mike Fannin, “The Truth in Black and white: An apology from the Kansas City Star,” The Kansas City Star (Dec. 20, 2020), <https://www.kansascity.com/news/local/article247928045.html>. Other papers, including the LA Times, have made similar public apologies. See “Editorial: An examination of The Times’ failures on race, our apology and a path forward,” Los Angeles Times (Sept. 27, 2020), <https://www.latimes.com/opinion/story/2020-09-27/los-angeles-timesapology-racism>.

Congresswoman Yvette Clarke and Senator Chris Van Hollen, who first raised the urgent need to restart the collection of workforce diversity data in 2019, and who spoke up again last month in a letter to the FCC to ensure we finished the job. Thank you to the Members of Congress who joined Rep. Clarke and Sen. Van Hollen in that letter, including Senators Ben Ray Luján and Raphael Warnock, Congressional Hispanic Caucus Chair Nanette Diaz Barragán, and Congressional Black Caucus Chair Steven Horsford, along with Reps. Delia C. Ramirez, Eleanor Holmes Norton, Kevin Mullin, André Carson, James P. McGovern, Dan Goldman, Paul D. Tonko, Darren Soto, Frederica S. Wilson, Jim Costa, Marc A. Veasey, Raul Ruiz, M.D., Al Green, Robin L. Kelly, Troy A. Carter, Sr., Alma S. Adams, Ph.D., Nydia M. Velázquez, Jerrold Nadler, Bonnie Watson Coleman, Tony Cárdenas, and Sheila Jackson Lee.

Thank you to Chairwoman Rosenworcel, for her support and attention to this proceeding, and to Commissioner Gomez. And I especially thank the FCC staff who worked diligently to prepare this item. From the Media Bureau: John Bat, James Elustondo, Rosemary Harold, Brendan Holland, Radhika Karmarkar, Jake Riehm, Julie Salovaara, and Chris Sova. From the Office of General Counsel: Susan Aaron, David Konczal, Joel Rabinovitz, and Jeff Steinberg. From the Enforcement Bureau: Elizabeth Goldin and Lynn Kalagian. And from the Office of Economics and Analytics: Zaira Gonzalez, Kenneth Lynch, Kim Markuch, and Andy Wise.