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FCC Shifts Equal Employment Opportunity Oversight of Broadcasters and Multichannel Video Program Distributors to Its Enforcement Bureau

On July 24, 2018, the Federal Communications Commission (FCC) made an important organizational change. It transferred responsibility for equal employment opportunity (EEO) compliance from its Media Bureau to its Enforcement Bureau. While this may sound like just another intragovernmental organizational change, this shift emphasizes the importance of FCC EEO compliance.

Fifty years ago, in 1968, the FCC determined EEO in the broadcast radio and television industry to be a critical aspect of the public interest obligations of licensed broadcasters. It established rules imposing EEO reporting requirements on broadcasters and considered broadcasters' EEO performance as part of the license renewal process. Among other things, broadcasters have been required to provide EEO reports as part of their license renewal applications. A special unit within the FCC's Media Bureau conducts random audits of broadcast stations and refers broadcasters for enforcement activities based on those audit results. More recently, the FCC's EEO rules have been expanded to cover Multichannel Video Program Distributors, including cable television operators and direct broadcast satellite operators. The FCC does not have EEO rules specifically applicable to wireline or wireless common carriers.

By reassigning the EEO compliance responsibility from the Media Bureau to the Enforcement Bureau and transferring the team of employees who perform EEO audits to the Enforcement Bureau, the FCC has elevated the importance of EEO compliance. The Media Bureau's primary responsibilities include broadcast licensing and regulation of cable and satellite television services to the extent such services are subject to regulation. The Enforcement Bureau's responsibilities include conducting investigations into

alleged violations of the Communications Act and the FCC's rules and imposition of sanctions for such violations, including monetary forfeitures. In recent years, the FCC's Enforcement Bureau has stepped up its enforcement activities and has announced many high dollar forfeitures and negotiated consent decrees.

This organizational change may not result in more enforcement actions being taken or in stricter review of EEO performance. Neither will the change necessarily result in more sanctions or in greater sanctions. However, the change does reflect the seriousness with which the FCC takes EEO performance and is expected to make the EEO oversight more efficient.

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