

Comment Deadline Approaching for FCC Proposal Eliminating Form 397 EEO Mid-Term Report

April 24, 2018

Comments and reply comments in response to the FCC's Notice of Proposed Rulemaking (NPRM) eliminating the Form 397 Broadcast Mid-Term Report are due April 30 and May 15, 2018, respectively. The Form 397 currently serves as a vehicle—essentially a cover page—through which a station employment unit (SEU) transmits its two most recent Public File Reports to the FCC, which conducts a review of the SEU's Equal Employment Opportunity (EEO) practices in the fourth year of the station(s) license term. Even if the Form 397 is eliminated, licensees should be aware that the FCC will perform the EEO mid-term review without the Form 397, but will simply access the EEO Public File Reports through the online public inspection file (OPIF).

Elimination of Form 397 would leave the FCC without two pieces of information: 1) the SEU's size (i.e., whether the SEU is subject to the mid-term review because it has five or more full-time employees for television and 11 or more full-timers for radio); and, 2) the SEU's point of contact for EEO compliance. To collect these details without the Form 397, the FCC proposes two alternatives, requiring SEUs to add these details to their EEO Public File Reports on an annual basis or provide the additional information via the station's OPIF.

This proceeding is significant not only because the FCC may change how some EEO information is collected but also because it may raise the issue of how the FCC enforces the EEO rules generally. In response to the concerns raised by Democrat Commissioners Clyburn and Rosenworcel's over the proposed elimination of an EEO obligation, the FCC also asks for comment on its track record of EEO enforcement and how the agency can improve both enforcement of

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Practice Areas

Media
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and compliance with its EEO rules.

If you are interested in commenting in this proceeding, please contact the Wiley Rein attorneys listed on this alert.