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REVISED PRESS RELEASE

FCC PROPOSES NEW EQUAL EMPLOYMENT OPPORTUNITY (EEO) RULES FOR BROADCAST AND CABLE

Washington, D.C. – The Federal Communications Commission (FCC) adopted a Second Notice of Proposed Rule Making seeking comments on new equal employment opportunity (EEO) rules for broadcast and cable, including multichannel video program distributors (MVPDs). The Commission reaffirmed the Commission’s long-standing anti-discrimination rule and proposed to require broad outreach to all qualified job candidates for positions at radio, television and cable companies.

The proposed rules respond to the D.C. Circuit Court of Appeals decision in 2001 in *DC/MD/DE Broadcasters Association v. FCC (Association)* which held that a portion of the outreach requirements of the broadcast EEO rule adopted in 2000 was unconstitutional. The former rule provided two recruitment options, which were referred to as “Option A” and “Option B.” The Court found no statutory or constitutional infirmity with Option A. However, it found that Option B was unconstitutional. Even though the Court found only Option B unconstitutional, it vacated the Commission’s EEO rules. The Court concluded that the two options could not be readily severed.

The Commission stated that it is important to have EEO rules that prohibit discrimination in broadcast and cable employment and also require broadcasters and cable entities to reach out to all segments of the community in filling vacancies. The proposed new rules require broadcast licensees to widely disseminate information about job openings to all segments of the community to ensure that all qualified applicants have sufficient opportunity to compete for jobs in the broadcast industry. The Commission also proposes new EEO rules applicable to cable entities, including MVPDs, to conform them, as much as possible, to the broadcast EEO rule.

In addition to requiring broadcasters and cable entities, including MVPDs to recruit for every full-time vacancy in a manner designed to achieve broad outreach, the proposed rules would require the implementation of two supplemental recruitment measures: (1) sending job vacancy announcements to recruitment organizations that request them; and (2) selecting from a menu of non-vacancy specific outreach approaches, such as job fairs, internship programs, and interaction with educational and community groups.

Broadcast stations with fewer than five full-time employees and cable entities, including MVPDs, with fewer than six full-time employees in the past have not been required to demonstrate compliance with the EEO program requirements. The Second Notice requests comments as to whether these exemptions can or should be increased. The proposed rules would require all other broadcasters and cable entities to place an annual EEO report in their public file detailing their outreach efforts. Under the Commission's former rule, broadcasters were required to file a Statement of Compliance every second, fourth and sixth year of the license term certifying compliance with the EEO rule. The proposed rules would eliminate this requirement in the second and sixth years and require a filing only by radio stations with more than ten full-time employees and television stations with five or more full-time employees, which would be subject to mid-term review of their EEO efforts, in the fourth year of the license term. Cable entities would be required to file annual reports concerning their EEO efforts and to submit their annual EEO public file reports as part of the supplemental information required by statute to be filed every five years.

The Commission also proposes to retain the requirement that broadcasters and cable entities file annual employment reports. The Commission would use the information in the annual employment reports only to monitor industry employment trends and prepare reports to Congress. Nevertheless, the Commission welcomes comments on whether the forms can or should be revised.

Action by the Commission December 12, 2001, by Second Notice of Proposed Rule Making (FCC 01-363). Chairman Powell, Commissioners Abernathy, Copps, and Martin, with Chairman Powell, Commissioners Copps and Martin issuing separate statements.

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