

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of)
)
)
Suspension of the Broadcast and Cable Equal)
Employment Opportunity Outreach)
Program Requirements)

MEMORANDUM OPINION AND ORDER

Adopted: January 30, 2001

Released: January 31, 2001

By the Commission: Commissioner Tristani issuing a separate statement.

1. In this *Memorandum Opinion and Order* the Commission suspends the effectiveness of Sections 73.2080(b) through (j), 73.3612, 76.73(b), 76.75, 76.77, 76.79, 76.1702, and 76.1802 of the Commission’s Rules, 47 C.F.R. §§ 73.2080(b) through (j), 73.3612, 76.73(b), 76.75, 76.77, 76.79, 76.1702, and 76.1802. These provisions relate to Equal Employment Opportunity (“EEO”) outreach program requirements applicable to broadcast licensees and cable entities. The suspension shall continue until further order of the Commission.¹

2. The Commission adopted new broadcast and cable EEO requirements in the *Report and Order in MM Docket Nos. 98-204 and 96-16*, 15 FCC Rcd 2329 (2000) (“*Report and Order*”), *recon. granted in part and otherwise denied*, FCC 00-338, released November 22, 2000. On January 16, 2001, the United States Court of Appeals for the District of Columbia Circuit found certain requirements adopted by the *Report and Order* to be unlawful and therefore vacated the broadcast rule in its entirety. *MD/DC/DE Broadcasters Association v. FCC*, Case No. 1094, January 16, 2001. We believe that it is appropriate to suspend the EEO outreach program rules for broadcast and cable pending issuance of the Court’s mandate and assessment of the Court’s decision.

¹ Our action herein will also have the effect of suspending the requirement that broadcasters file forms required by Section 73.2080, including FCC Form 396 (EEO Program Report filed with renewal applications), FCC Form 396-A (EEO Model Program Report filed with applications for new authorizations, assignments and transfers of control) and FCC Form 397 (Broadcast Statement of Compliance), as well as FCC Form 395-B (Broadcast Station Annual Employment Report) required to be filed by Section 73.3612. It will also suspend the filing of the cable annual employment reports, FCC Form 395-A (cable operators) and FCC Form 395-M (multichannel video program distributors).

3. Accordingly, **IT IS ORDERED** that this *Memorandum and Order* **IS ADOPTED**, to be effective upon release.

FEDERAL COMMUNICATIONS COMMISSION

Magalie Roman Salas
Secretary

January 30, 2001

SEPARATE STATEMENT OF COMMISSIONER GLORIA TRISTANI

Re: In the Matter of the Suspension of the Broadcast and Cable Equal Employment Opportunity Outreach Program

I concur in the pre-mandate suspension of the Commission's EEO rules because the filing requirements would have occurred between the date of the court's opinion and the submission of any post-opinion petitions for rehearing. I write separately to express that it would have been more appropriate to suspend only the filing requirements, rather than the rules themselves, pending disposition of any timely petition for rehearing.