

**JOINT STATEMENT OF
COMMISSIONERS MICHAEL J. COPPS AND JONATHAN S. ADELSTEIN
APPROVING IN PART AND DISSENTING IN PART**

Re: Review of the Commission's Broadcast and Cable Equal Employment Opportunity Rules and Policies, Third Report and Order and Fourth Notice of Proposed Rulemaking

We support the readoption of annual employment reporting forms. The Commission has an obligation under the Act to collect these data from broadcasters and MVPDs. The Commission uses this information to ascertain industry trends, report to Congress, and respond to inquiries from Congress, while it has made clear that it will not use these data to screen renewal applications.

We are concerned, however, that today's decision prolongs the actual filing of the data by seeking additional comment on whether we can or should modify our procedures to collect the data confidentially. We recognize that some may believe additional comment is necessary out of an abundance of caution. We believe, however, that given the fundamental importance of this information, additional comment is not needed. The Commission has never sought this information under a pledge of confidentiality. In fact, broadcasters have filed these employment forms for decades knowing that the Commission would make the information available to the public for inspection. Later, when Congress adopted requirements for MVPDs, it required that their forms be made available for public inspection at their offices. This is a strong indication of Congress's desire that these forms be publicly accessible.

We are also concerned how a change in policy to make this information confidential could affect the work of the Commission's Advisory Committee on Diversity for Communications in the Digital Age. This Committee's express purpose is to create opportunities for minorities and women to advance to managerial positions and participate in new and emerging technologies in the communications sector.

In addition, although not specifically addressed in today's Order, we also express our concern about the manner in which the Commission has implemented the EEO rules it adopted in November 2002. In that Order, the Commission emphasized its commitment to examine and act upon licensee's compliance with our EEO rules at license renewal time. The Commission stated that it would audit five percent of all licensees each year in order to monitor compliance with our rules. Yet, even as this Order is adopted, the Commission has yet to conduct a single audit. This issue takes on added importance because we are in the middle of a license renewal cycle. It now appears that the Commission is beginning some type of audit procedure. We support *full* implementation of the steps outlined in our November 2002 Order. Equal employment opportunity is an essential part of the obligation to serve the public interest. Broadcasters and multichannel video programming distributors should draw upon the strength and vibrancy that flows from the diversity of the American people.