

Separate Statement of Commissioner James H. Quello

**In the Matter of Standards for Assessing Forfeitures
for Violations of the Broadcast EEO Rules**

The Commission today has voted an item that will prove to be a turning point in the enforcement of our EEO rules. This Policy Statement sets forth guidelines for assessing forfeitures for violations of the Commission's EEO rules. 47 C.F.R. 73.2080. As reflected in the statement, the base amount for a forfeiture will be \$12,500, an amount that can be increased or decreased depending on the facts of a given case. These higher forfeitures are a direct result of the increases in forfeiture amounts imposed by Congress. The guidelines are designed to ensure that these new, higher forfeitures are assessed in a reasoned, consistent manner. For this reason, and because I strongly support vigorous enforcement of our EEO rules, I have voted in favor of this item.

However, at the same time, I am concerned that the Commission may be entering the era of the telecommunications superhighway wielding a club, rather than offering a hand, to broadcasters making their way down the road. At the dawn of this new era, we are imposing fines against 22 of 24 radio stations whose EEO records were reviewed, in amounts ranging from \$18,750 to \$37,500. Short term renewals are assessed against 21 of the 22 stations receiving forfeitures. Radio broadcasters will be "contributing" a total of \$325,000 to the Federal Treasury as a result of our actions today. I am troubled by the amount of these forfeitures and the increased use of the short term renewal as a sanction. Yet, I recognize that, at least with respect to the increased forfeiture amounts, Congress increased our forfeiture authority.

I would have much preferred an approach that would have served three compelling goals: (1) ensuring compliance with our EEO rules by imposing meaningful sanctions; (2) imposing these sanctions in such a way so as not to cripple broadcasters in their travels along the information superhighway; and (3) directly furthering the underlying public interest purpose of the EEO rule -- the increased hiring and promotion of minorities and women in the broadcast industry. Specifically, if we had the legal authority to do so, I would have voted for a program that would have allowed monies received as a result of violations or alleged violations of our EEO or other rules to be placed into a fund and not into the Federal Treasury. Funds received for EEO violations would be used for training, educating, and providing placement services for minorities and women interested in a career in broadcast. What better use for the \$325,000 in forfeitures imposed for violations of the EEO rules today than for the very purpose underlying the rule?

