

103<sup>D</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 1985

To clarify the congressional intent concerning, and to codify, certain requirements of the Communications Act of 1934 that ensure that broadcasters afford reasonable opportunity for the discussion of conflicting views on issues of public importance.

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## IN THE HOUSE OF REPRESENTATIVES

MAY 5, 1993

Mr. HEFNER (for himself, Mrs. MINK, Mr. FILNER, Mr. DURBIN, Mrs. UNSOELD, Mr. CLAY, Ms. SLAUGHTER, and Mr. TANNER) introduced the following bill; which was referred to the Committee on Energy and Commerce

SEPTEMBER 7, 1993

Additional sponsors: Mr. BONIOR, Mr. RICHARDSON, Mr. WISE, Mr. LANCASTER, Ms. FURSE, Mr. SCHUMER, Mr. ABERCROMBIE, Ms. KAPTUR, Mr. HINCHEY, Mr. McDERMOTT, Mr. TRAFICANT, Mrs. SCHROEDER, Mr. BRYANT, Mr. TORRES, Mr. WAXMAN, Mr. DERRICK, Mr. HASTINGS, Mr. RANGEL, Mr. FROST, Ms. ESHOO, Mr. GLICKMAN, and Mr. HAMBURG

JANUARY 27, 1994

Additional sponsors: Mr. YATES, Mr. PICKETT, and Mr. JOHNSON of South Dakota

Deleted sponsors: Mr. McDERMOTT (added May 12, 1993; deleted September 27, 1993), and Mr. FROST (added August 3, 1993; deleted September 22, 1993)

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## A BILL

To clarify the congressional intent concerning, and to codify, certain requirements of the Communications Act of 1934 that ensure that broadcasters afford reasonable oppor-

tunity for the discussion of conflicting views on issues of public importance.

1        *Be it enacted by the Senate and House of Representa-*  
2        *tives of the United States of America in Congress assembled,*

3        **SECTION 1. SHORT TITLE.**

4        This Act may be cited as the “Fairness in Broadcast-  
5        ing Act of 1993”.

6        **SEC. 2. FINDINGS.**

7        The Congress finds that—

8                (1) despite technological advances, the electro-  
9                magnetic spectrum remains a scarce and valuable  
10               public resource;

11               (2) there are still substantially more people who  
12               want to broadcast than there are frequencies to allo-  
13               cate;

14               (3) a broadcast license confers the right to use  
15               a valuable public resource and a broadcaster is  
16               therefore required to utilize that resource as a  
17               trustee for the American people;

18               (4) there is a substantial governmental interest  
19               in conditioning the award or renewal of a broadcast  
20               license on the requirement that the licensee assure  
21               that widest possible dissemination of information  
22               from diverse and antagonistic sources by presenting  
23               a reasonable opportunity for the discussion of con-  
24               flicting views on issues of public importance;

1           (5) while new video and audio services have  
2           been proposed and introduced, many have not suc-  
3           ceeded and even those that are operating reach a far  
4           smaller audience than broadcast stations;

5           (6) even when and where new video and audio  
6           services are available, they do not provide meaning-  
7           ful alternatives to broadcast stations for the dissemi-  
8           nation of news and public affairs;

9           (7) for more than thirty years; the Fairness  
10          Doctrine and its corollaries, as developed by the  
11          Federal Communications Commission on the basis of  
12          the provisions of the Communications Act of 1934,  
13          have enhanced free speech by securing the para-  
14          mount right of the broadcast audience to robust de-  
15          bate on issues of public importance;

16          (8) because the Fairness Doctrine only requires  
17          more speech, it has no chilling effect on broad-  
18          casters; and

19          (9) the Fairness Doctrine (A) fairly reflects the  
20          statutory obligation of broadcasters under that Act  
21          to operate in the public interest, (B) was given stat-  
22          utory approval by the Congress in making certain  
23          amendments to that Act in 1959, and (C) strikes a  
24          reasonable balance among the first amendment

1 rights of the public, broadcast licensees, and speak-  
2 ers other than owners of broadcast facilities.

3 **SEC. 3. AMENDMENT TO THE COMMUNICATIONS ACT OF**  
4 **1934.**

5 Section 315 of the Communications Act of 1934 (47  
6 U.S.C. 315) is amended—

7 (1) by redesignating subsections (a) through (d)  
8 as subsections (b) through (e), respectively; and

9 (2) by inserting before subsection (b) the fol-  
10 lowing new subsection:

11 “(a)(1) A broadcast licensee shall afford reasonable  
12 opportunity for the discussion of conflicting views on is-  
13 sues of public importance.

14 “(2) The enforcement and application of the require-  
15 ment imposed by this subsection shall be consistent with  
16 the rules and policies of the Commission in effect on Janu-  
17 ary 1, 1987. Such rules and policies shall not be construed  
18 to authorize the application of any criminal sanction pur-  
19 suant to section 501 of this Act.”.

20 **SEC. 4. EFFECTIVE DATE.**

21 This Act and the amendment to the Communications  
22 Act of 1934 added by this Act shall take effect upon the  
23 date of enactment of this Act.

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