

103^D CONGRESS
1ST SESSION

S. 333

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.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 4 (legislative day, JANUARY 5), 1993

Mr. HOLLINGS (for himself, Mr. DANFORTH, and Mr. INOUE) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

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 opportunity 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—

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

4 (2) there are still substantially more people who
5 want to broadcast than there are frequencies to allo-
6 cate;

7 (3) a broadcast license confers the right to use
8 a valuable public resource and a broadcaster is
9 therefore required to utilize that resource as a trust-
10 ee for the American people;

11 (4) there is a substantial governmental interest
12 in conditioning the award or renewal of a broadcast
13 license on the requirement that the licensee ensure
14 the widest possible dissemination of information
15 from diverse and antagonistic sources by presenting
16 a reasonable opportunity for the discussion of con-
17 flicting views on issues of public importance;

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

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

1 (7) for more than thirty years, the Fairness
2 Doctrine and its corollaries, as developed by the
3 Federal Communications Commission on the basis of
4 the provisions of the Communications Act of 1934,
5 have enhanced free speech by securing the para-
6 mount right of the broadcast audience to robust de-
7 bate on issues of public importance;

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

11 (9) the Fairness Doctrine (A) fairly reflects the
12 statutory obligations of broadcasters under that Act
13 to operate in the public interest, (B) was given stat-
14 utory approval by the Congress in making certain
15 amendments to that Act in 1959, and (C) strikes a
16 reasonable balance among the First Amendment
17 rights of the public, broadcast licensees, and speak-
18 ers other than owners of broadcast facilities.

19 **SEC. 3. AMENDMENT TO THE COMMUNICATIONS ACT OF**
20 **1934.**

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

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

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

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

6 “(2) The enforcement and application of the require-
7 ment imposed by this subsection shall be consistent with
8 the rules and policies of the Commission in effect on Janu-
9 ary 1, 1987. Such rules and policies shall not be construed
10 to authorize the application of any criminal sanction pur-
11 suant to section 501 of this Act.”.

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