

109TH CONGRESS
1ST SESSION

H. R. 501

To enforce the public interest obligations of broadcast station licensees to their local communities.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 1, 2005

Ms. SLAUGHTER (for herself, Mr. HOLT, Mr. GRIJALVA, Mr. FILNER, Mr. RANGEL, Mr. OWENS, Ms. WATSON, Mr. KUCINICH, Mr. HINCHEY, Mr. McDERMOTT, Ms. WOOLSEY, and Mr. GEORGE MILLER of California) introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To enforce the public interest obligations of broadcast station licensees to their local communities.

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 and Account-
5 ability in Broadcasting Act”.

6 **SEC. 2. FINDINGS.**

7 The Congress finds the following:

8 (1) The Communications Act of 1934 requires
9 the Federal Communications Commission and broad-

1 cast licensees to promote the “public interest,” a
2 phrase that appears 40 times in the legislation.

3 (2) Because broadcasters receive free licenses to
4 use the public’s airwaves, estimated to be worth
5 hundreds of billions of dollars, they have an obliga-
6 tion to uphold the public’s interest, and to ade-
7 quately inform the public about news and opinion.

8 (3) From 1949 to 1987, a policy of the Federal
9 Communications Commission (FCC) required that
10 radio and television stations air all sides of impor-
11 tant or controversial issues, and give equal time to
12 all candidates.

13 (4) Since the rescission of the Fairness Doc-
14 trine, the country has experienced a proliferation of
15 highly partisan networks, news outlets, and owner-
16 ship groups that disseminate unbalanced news cov-
17 erage and broadcast content.

18 (5) News consumers, particularly those of talk
19 radio, are overwhelmingly exposed to a single point
20 of view. A 2004 survey by Democracy Radio revealed
21 that 90 percent of all broadcast hours on talk radio
22 are characterized as conservative. This imbalance re-
23 sults in issues of public importance receiving little or
24 no attention, while others are presented in a manner
25 not conducive to the listeners’ receiving the facts

1 and range of opinions necessary to make informed
2 decisions.

3 (6) The 2004 survey, done by Democracy
4 Radio, found that there were 2,349 hours of local
5 conservative programs broadcast every week versus
6 555 hours of local progressive programs, and 39,382
7 hours of national conservative programs broadcast
8 every week versus 2,487 hours of national progres-
9 sive programs.

10 (7) An April 2004 poll, conducted by Media
11 Matters for America of likely voters shows over-
12 whelming support across the political and demo-
13 graphic spectrum for restoring rules requiring fair-
14 ness and balance on the public's airwaves. When
15 asked whether television and radio stations that use
16 the public's airwaves should be required to present
17 the sides of an issue in a reasonably balanced way
18 including giving time to opposing points of view.

19 (8) Democracy is built on the concept that the
20 views, beliefs, and values of an informed citizenry
21 provide the best basis for political decision-making.

1 **SEC. 2. IMPLEMENTATION OF PUBLIC INTEREST STAND-**
2 **ARDS.**

3 Section 309 of the Communications Act of 1934 (47
4 U.S.C. 309) is amended by adding at the end the following
5 new subsection:

6 “(l) IMPLEMENTATION OF PUBLIC INTEREST STAND-
7 ARD.—

8 “(1) PURPOSE.—The purposes of this sub-
9 section are—

10 “(A) to restore fairness in broadcasting;

11 “(B) to ensure that broadcasters meet
12 their public interest obligations;

13 “(C) to promote diversity, localism, and
14 competition in American media; and

15 “(D) to ensure that all radio and television
16 broadcasters—

17 “(i) are accountable to the local com-
18 munities they are licensed to serve;

19 “(ii) offer diverse views on issues of
20 public importance, including local issues;
21 and

22 “(iii) provide regular opportunities for
23 meaningful public dialogue among lis-
24 teners, viewers, station personnel, and li-
25 censees.

1 “(2) STANDARDS FOR PUBLIC INTEREST DE-
2 TERMINATIONS.—The Commission may not issue or
3 renew any license for a broadcasting station based
4 upon a finding that the issuance or renewal serves
5 the public interest, convenience, and necessity unless
6 such station is in compliance with the requirements
7 of this subsection.

8 “(3) COVERAGE OF ISSUES OF PUBLIC IMPOR-
9 TANCE.—Each broadcast station licensee shall, con-
10 sistent with the purposes of this subsection, cover
11 issues of importance to their local communities in a
12 fair manner, taking into account the diverse inter-
13 ests and viewpoints in the local community.

14 “(4) HEARINGS ON NEEDS AND INTERESTS OF
15 THE COMMUNITY.—Each broadcast station licensee
16 shall hold two public hearings each year in its com-
17 munity of license during the term of each license to
18 ascertain the needs and interests of the communities
19 they are licensed to serve. One hearing shall take
20 place two months prior to the date of application for
21 license issuance or renewal. The licensee shall, on a
22 timely basis, place transcripts of these hearings in
23 the station’s public file, make such transcripts avail-
24 able via the Internet or other electronic means, and
25 submit such transcripts to the Commission as a part

1 of any license renewal application. All interested in-
2 dividuals shall be afforded the opportunity to partici-
3 pate in such hearings.

4 “(5) DOCUMENTATION OF ISSUE COVERAGE.—

5 Each broadcast station licensee shall document and
6 report in writing, on a biannual basis, to the Com-
7 mission, the programming that is broadcast to cover
8 the issues of public importance ascertained by the li-
9 censee under paragraph (3) or otherwise, and on
10 how such coverage reflects the diverse interests and
11 viewpoints in the local community of such station.
12 Such documents shall also be placed, on a timely
13 basis, in the station’s public file and made available
14 via the Internet or other electronic means.

15 “(6) CONSEQUENCES OF FAILURE.—

16 “(A) PETITIONS TO DENY.—Any interested
17 person may file a petition to deny a license re-
18 newal on the grounds of—

19 “(i) the applicant’s failure to afford
20 reasonable opportunities for presentation
21 of opposing points of view on issues of
22 public importance in its overall program-
23 ming, or the applicant’s non-compliance
24 with the Commission’s programming rules

1 and policies relating to news staging and
2 sponsorship identification;

3 “(ii) the failure to hold hearings as
4 required by paragraph (3);

5 “(iii) the failure to ascertain the needs
6 and interests of the community; or

7 “(iv) the failure to document and re-
8 port on the manner in which fairness and
9 diversity have been addressed in local pro-
10 gramming.

11 “(B) COMMISSION REVIEW.—Any petition
12 to deny filed under subparagraph (A) shall be
13 reviewed by the Commission. If the Commission
14 finds that the petition provides prima facie evi-
15 dence of a violation, the Commission shall con-
16 duct a hearing in the local community of license
17 to further investigate the charges prior to re-
18 newing the license that is the subject of such
19 petition.

20 “(C) OTHER REMEDIES.—Nothing in this
21 subsection shall preclude the Commission from
22 imposing on a station licensee any other sanc-
23 tion available under this Act or in law for a
24 failure to comply with the requirements of this
25 subsection.

1 “(7) ANNUAL REPORT.— The Commission shall
2 report annually to the Congress on petitions to deny
3 received under this subsection, and on the Commis-
4 sion’s decisions regarding those petitions.”.

5 **SEC. 3. TERM OF LICENSE.**

6 (a) AMENDMENT.—Section 307(c)(1) of the Commu-
7 nications Act of 1934 (47 U.S.C. 307(c)(1)) is amended
8 by striking “8 years” each place it appears and inserting
9 “4 years”.

10 (b) EFFECTIVE DATE.—The amendment made by
11 subsection (a) shall be effective with respect to any license
12 granted by the Federal Communications Commission after
13 the date of enactment of this Act.

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