

Fairness Doctrine – Background on this Pence Initiative

Congressman **Pence** and Congressman **Greg Walden** reintroduced the **Broadcaster Freedom Act (H.R. 226)** on January 7, 2009. The bill seeks to prevent the **Federal Communications Commission** from repromulgating the Fairness Doctrine. The language is identical to the bill's language in the 110th Congress (H.R. 2905). There are 183 cosponsors including every Republican in the House of Representatives and Democrat Congressmen **Mike McIntyre**, **Jason Altmire**, **John Yarmuth**, **Jared Polis**, **Michael Arcuri** and **Lincoln Davis**. A companion bill (**S.34**) introduced in the Senate by Senator **Jim DeMint** has 30 cosponsors including Senators **James Inhofe** and **John Thune**.

Congressman Pence offered an amendment to the **FY08 Financial Services Appropriations bill (H.R. 2829)**, which funds the FCC on June 28, 2007. The amendment was passed by a recorded vote of 309-115, prohibiting "the use of funds to be used by the Federal Communications Commission to implement the Fairness Doctrine, as repealed in General Fairness Doctrine Obligations of Broadcast Licensees or any other regulations having the same substances." The prohibition on the reinstatement of the Fairness Doctrine stayed in effect as part of the FY09 CR (H.R. 2638) through March 6, 2009 and temporary extension CR (H.J.Res. 38) which expired on March 11, 2009.

President **Obama** announced through a spokesman on February 18, 2009 that he does not support reinstating the Fairness Doctrine. "As the president stated during the campaign, he does not believe the Fairness Doctrine should be reinstated," White House spokesman Ben LaBolt told FOXNews.com.

Congressmen **Pence** and **Walden** offered an amendment to the **FY09 Omnibus Appropriations bill (H.R. 1105)** identical to the amendment that passed in 2007; however, the motion in the Rules Committee to make the amendment in order was defeated 4 to 7 on February 24, 2009. Sen. **John Thune** offered an amendment seeking "To prohibit the use of funds by the Federal Communications Commission to repromulgate the Fairness Doctrine" to the FY09 Omnibus during Senate consideration and it failed by a vote of 47-50 on March 10, 2009.

Sen. **Jim DeMint** offered an amendment to the **District of Columbia Voting Rights Act (S.160)** that passed by a vote of 87-11 on February 26, 2009. DeMint's amendment changed the repeal citation and stated that (in addition to the Fairness Doctrine) the FCC would also be prohibited from repromulgating "any similar requirement that broadcasters meet programming quotas or guidelines for issues of public importance." Sen. **Dick Durbin** also offered an amendment "to encourage and promote diversity in communication media ownership, and to ensure that the public airwaves are used in the public interest." Durbin's amendment also passed, by a vote of 57-41. Congressman **Pence** and Congressman **Walden** filed an amendment using identical language to DeMint's amendment to the House version of the District of Columbia Voting Rights Act (**H.R. 157**) with the Rules Committee, but the bill was pulled by Democratic Leadership and the Walden/Pence amendment was not considered.

Obama officially nominated campaign advisor and former law school friend **Julius Genachowski** to head the FCC on March 3, 2009. His Senate confirmation hearing will serve as an opportunity for Senators to ask the nominee questions before he assumes control of the agency that grants broadcast licenses for television and radio stations. The FCC is also considering regulations on localism and media diversity that could also threaten freedom of speech and religious expression on the broadcast airwaves of America.