

Representative Henry A. Waxman  
H.R. 3717, Broadcast Decency Enforcement Act  
Energy and Commerce Committee  
March 3, 2004

Mr. Chairman, thank you for recognizing me. I strongly oppose H.R. 3717.

It's been quite a few years since the committee has held a hearing on children's broadcast television; or broadcasters' public interest obligations; or localism and diversity in broadcasting; or vertical integration in the industry.

Last year, the Republican leadership shut out the possibility of hearings on media concentration and the FCC's new rules that allow for more media mega-mergers and cross-ownership. And the Republican leadership watered down legislation supported in both bodies to curb the FCC's rules.

Although journalistic standards and political debate have suffered, this committee has held no hearings on the elimination of the Fairness Doctrine, which was established to ensure that all coverage of controversial issues by broadcast stations be balanced and fair. The House did find time, however, to pass legislation to "loan" broadcasters an additional \$70 billion worth of scarce spectrum.

Broadcasters are trustees of the public airwaves. I believe they should accept the principle that they have a responsibility to their viewers -- that sex and violence should not be gratuitous, but adapted to their thematic and informational context.

But the remedy shouldn't be more government regulation of speech. We should be offering people more choices. Communities should have the choice to accept or reject programming according to their own standards.

Individuals should have more choice in marketplace solutions that keep programming they don't want out of their homes.

Most Americans get their programming from cable and satellite companies, and they should have more choice in the programs they're paying for.

Americans resent their loss of community identity. They resent that a handful of corporations control the nation's media outlets. The House leadership has refused to allow Congress to address these concerns, and the Broadcast Decency Enforcement Act ignores them altogether.

This bill will not result in higher quality, more innovative, more local, or more informative television programming. I fear it will simply open the door to efforts in the future to further expand government control of speech.

In 1945, the Supreme Court set out the constitutional requirement that “the widest possible dissemination of information from diverse and antagonistic sources is essential to the welfare of the people.” This bedrock principle is being threatened by the FCC’s decision to allow a few powerful corporations to own the major media outlets and to control information and public discourse.

If the FCC’s decision is allowed to stand, an already heavily concentrated market will become obscenely more concentrated. We’ve already seen what’s happened in radio in which a single company based hundreds or thousands of miles away can dominate an entire market; in which the largest companies offend the most and care the least about the communities they serve; and in which cookie cutter formats and tired, predictable programming are the rule. What possible public interest is being served?

This is the problem the American public is demanding that we address and that the committee should be addressing today.