

103^D CONGRESS
1ST SESSION

H. R. 449

To amend the Communications Act of 1934 to require radio and television
broadcasters to provide free broadcasting time for political advertising.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 6, 1993

Mr. BLILEY introduced the following bill; which was referred to the Committee
on Energy and Commerce

A BILL

To amend the Communications Act of 1934 to require radio
and television broadcasters to provide free broadcasting
time for political advertising.

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 “Political Broadcasting
5 Access Act of 1993”.

6 **SEC. 2. ALLOCATION TO POLITICAL PARTIES OF FREE**
7 **BROADCAST TIME FOR POLITICAL ADVERTIS-**
8 **ING.**

9 (a) **CONDITION OF LICENSE RENEWAL.**—Section
10 309(h) of the Communications Act of 1934 (47 U.S.C.

1 309(h)) is amended by inserting before the period at the
2 end thereof the following: “; and (4) every broadcast sta-
3 tion license issued under this Act shall be subject to the
4 free broadcast time obligations imposed by section
5 315(c)”.

6 (b) FREE-TIME OBLIGATIONS.—Section 315 of the
7 Communications Act of 1934 (47 U.S.C. 315) is amend-
8 ed—

9 (1) by redesignating subsections (c) and (d) as
10 subsections (d) and (e), respectively; and

11 (2) by inserting after subsection (b) the follow-
12 ing new subsection:

13 “(c)(1) Each license for a broadcasting station shall
14 annually make available free broadcast time for political
15 advertising in accordance with the requirements of this
16 subsection. The Commission shall not renew the license
17 of any licensee who substantially fails or refuses to comply
18 with the requirements of this subsection, but such licensee
19 shall not be subject to any other sanction or remedy for
20 such failure or refusal.

21 “(2) A licensee subject to this subsection shall allot
22 free broadcast time to each qualified political party in ac-
23 cordance with the following standards:

1 “(A) Such licensee shall allot an equal amount,
2 but not less than 2 hours, of free broadcast time an-
3 nually to—

4 “(i) the national organization of each
5 qualified political party; and

6 “(ii) the State organization of each quali-
7 fied political party of the State within which the
8 preponderance of the station’s audience resides.

9 “(B) The 2 or more hours of free broadcast
10 time allotted to any organization under subpara-
11 graph (A) shall be composed of units of varying
12 lengths of not more than 5 minutes nor less than 10
13 seconds, as determined by negotiation between such
14 organization and the licensee.

15 “(C) The broadcast time allotted by any li-
16 censee shall be allotted so that—

17 “(i) at least one-half is broadcast during
18 the hours of 7 to 10 p.m. on weekdays;

19 “(ii) during any even numbered year, at
20 least two-thirds is broadcast during the two
21 months immediately preceding election day and
22 at least one-half is broadcast during the three
23 weeks immediately preceding election day;

24 “(iii) each national organization of a quali-
25 fied political party is allotted free broadcast

1 time that is comparable, by time of day and day
2 of week, to the time allotted to other such na-
3 tional organizations, and each State organiza-
4 tion of a qualified political party is allotted free
5 broadcast time that is comparable, by time of
6 day and day of week, to the time allotted to
7 other such State organizations.

8 “(3) A political party shall be treated as a qualified
9 political party for purposes of paragraph (2)(A) if the can-
10 didate for President of such party in the most recent presi-
11 dential election received more than 5 percent of the total
12 number of votes cast by individuals for that office, except
13 that, in the case of any political party whose candidate
14 (as described in subparagraph (A) or (B)) received less
15 than $33\frac{1}{3}$ percent of such total votes, the amount of free
16 broadcast time required to be allotted under clause (i) or
17 (ii) of paragraph (2)(A) shall be reduced by 0.4 hours for
18 each percent of such vote received that is less than $33\frac{1}{3}$
19 percent.

20 “(4) A licensee allots free broadcast time as required
21 by this subsection by broadcasting the statements, presen-
22 tations, announcements, or other sounds or visual images
23 requested to be broadcast by a political organization with-
24 out remuneration or compensation in any form, whether

1 by public or private funds, tax deduction or credit, or oth-
2 erwise.

3 “(5) Nothing in this subsection, and no use of free
4 broadcast time allotted under this subsection, shall be con-
5 strued to restrict or otherwise affect the purchase of ad-
6 vertising time under subsection (b) of this section.”.

7 **SEC. 3. FREE CABLE TIME.**

8 Section 611 of the Communications Act of 1934 (47
9 U.S.C. 531) is amended—

10 (1) by redesignating subsection (f) as sub-
11 section (g); and

12 (2) by inserting after subsection (e) the follow-
13 ing new subsection:

14 “(f) A cable operator shall annually make available
15 free cable time for political advertising in accordance with
16 the requirements of regulations prescribed by the Commis-
17 sion. Such regulations shall, to the extent practicable, re-
18 quire each such cable operator to provide such free cable
19 time in the same amounts and manner, to the same eligi-
20 ble political organizations, and subject to the same condi-
21 tions as free broadcast time is required to be provided by
22 broadcast station licensees under section 315(c) of this
23 Act. No franchise authority shall renew the franchise of
24 any cable operator that fails to comply with such regula-

- 1 tions, but such operator shall not be subject to any other
- 2 sanction or remedy for such failure or refusal.”.

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