

Calendar No. 343

103D CONGRESS
1ST SESSION

S. 329

[Report No. 103-216]

A BILL

To amend section 315 of the Communications Act of 1934 with respect to the purchase and use of broadcasting time by candidates for public office, and for other purposes.

DECEMBER 9, 1993

Reported with an amendment

Calendar No. 343103^D CONGRESS
1ST SESSION**S. 329****[Report No. 103-216]**

To amend section 315 of the Communications Act of 1934 with respect to the purchase and use of broadcasting time by candidates for public office, and for other purposes.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 4 (legislative day, JANUARY 5), 1993

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

DECEMBER 9, 1993

Reported under authority of the order of the Senate of November 17 (legislative day, November 2), 1993 by Mr. HOLLINGS, with an amendment

[Omit the part struck through and insert the part printed in italic]

A BILL

To amend section 315 of the Communications Act of 1934 with respect to the purchase and use of broadcasting time by candidates for public office, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Campaign Advertising
3 and Disclosure Act of 1993”.

4 **SEC. 2. FINDINGS.**

5 The Congress finds that—

6 (1) in the thirty days preceding a primary, and
7 in the forty-five days preceding a general election,
8 candidates for political office need to be able to buy,
9 at the lowest unit charge, nonpreemptible advertis-
10 ing spots from broadcast stations and community
11 antenna television systems to ensure that their mes-
12 sages reach the intended audience and that the vot-
13 ing public has an opportunity to make informed
14 decisions;

15 (2) since the Communications Act of 1934 was
16 amended in 1972 to guarantee the lowest unit
17 charge for candidates during these important
18 preelection periods, the method by which advertising
19 spots are sold in the broadcast and community an-
20 tenna television industries has changed significantly;

21 (3) changes in the method for selling advertis-
22 ing spots have made the interpretation and enforce-
23 ment of the lowest unit charge provision difficult
24 and complex;

25 (4) clarification and simplification of the lowest
26 unit charge provision in the Communications Act of

1 1934 are necessary to ensure compliance with the
2 original intent of the provision;

3 (5) in granting discounts and setting charges
4 for advertising time, broadcasters and operators of
5 community antenna television systems shall treat
6 candidates for political office at least as well as the
7 most favored commercial advertisers; and

8 (6) enhancing the disclosure requirements of
9 the Federal Election Campaign Act of 1971 will in-
10 crease candidate accountability to the electorate and
11 enhance the ability of the individual citizen to exer-
12 cise informed judgment by more effectively identify-
13 ing the source of political advertising and the credi-
14 bility of each advocate.

15 **SEC. 3. USE OF BROADCASTING STATIONS BY CANDIDATES**
16 **FOR PUBLIC OFFICE.**

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

19 (1) in subsection (b)(1)—

20 (A) by striking “forty-five” and inserting
21 in lieu thereof “thirty”;

22 (B) by striking “sixty” and inserting in
23 lieu thereof “forty-five”; and

24 (C) by striking “class and”;

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

3 (3) by inserting immediately after subsection
4 (b) the following new subsection:

5 “(c)(1) Except as provided in paragraph (2), a li-
6 censee shall not preempt the use, during any period speci-
7 fied in subsection (b)(1), of a broadcasting station by a
8 legally qualified candidate for public office who has pur-
9 chased and paid for such use pursuant to the provisions
10 of subsection (b)(1).

11 “(2) If a program to be broadcast by a broadcasting
12 station is preempted because of circumstances beyond the
13 control of the broadcasting station, any candidate adver-
14 tising spot scheduled to be broadcast during that program
15 may also be preempted.”.

16 **SEC. 4. POLITICAL ADVERTISING REQUIREMENTS.**

17 ~~(a) Section 318(a) of the Federal Election Campaign~~
18 ~~Act of 1971 (2 U.S.C. 441d(a)) is amended—~~

19 ~~(1) by striking the period at the end of para-~~
20 ~~graph (3) and inserting in lieu thereof a semicolon;~~
21 ~~and~~

22 ~~(2) by adding at the end the following:~~

23 ~~“except that in the case of any communication authorized~~
24 ~~by a candidate and made through a broadcasting station~~

1 or a community antenna television system, such commu-
2 nication shall also meet the following requirements:

3 ~~“(A) During the communication, the following~~
4 shall be stated aurally in the candidate’s voice: ‘I,
5 _____, A CANDIDATE FOR
6 _____, HAVE APPROVED OF THIS AD’,
7 with the first blank space being filled with the can-
8 didate’s name and the second blank space being
9 filled with the name of the office sought by the can-
10 didate.

11 ~~“(B) The statement required by subparagraph~~
12 (A) shall be spoken clearly without rushing, disguis-
13 ing, or deemphasizing particular words.

14 ~~“(C) In the case of a communication made~~
15 through a television broadcasting station or commu-
16 nity antenna television system, the background pho-
17 tography during the entire time the statement re-
18 quired by subparagraph (A) is made shall consist of
19 an unobscured full face picture of the candidate, oc-
20 cupying no less than 40 percent of the television safe
21 screen area, against a neutral background.”.

22 (b) Section 318 of the Federal Election Campaign
23 Act of 1971 (2 U.S.C. 441d) is amended by adding at
24 the end the following new subsection:

1 “(c) As used in this section, the ‘community antenna
2 television system’ has the meaning given that term under
3 section 315 of the Communications Act of 1934 (47
4 U.S.C. 315).”.

5 **SEC. 4. POLITICAL ADVERTISING REQUIREMENTS.**

6 *Section 318 of the Federal Election Campaign Act of*
7 *1971 (2 U.S.C. 441d) is amended by adding at the end the*
8 *following new subsection:*

9 “(c)(1) *In the case of any communication described in*
10 *subsection (a) that is authorized by a candidate, or by an*
11 *authorized political committee of the candidate or its*
12 *agents, and made through a broadcasting station or a com-*
13 *munity antenna television system, such communication*
14 *shall, in addition to the requirements of subsection (a), also*
15 *meet the following requirements:*

16 “(A) *At the end of the communication, and for*
17 *no less than 6 seconds, the following shall be stated*
18 *aurally in the candidate’s voice: ‘APPROVED BY*
19 *_____, CANDIDATE FOR _____,*
20 *AND PAID FOR BY _____’; with the first*
21 *blank space being filled with the name of the can-*
22 *didate or candidate’s committee, the second blank*
23 *space being filled with the name of the office sought*
24 *by the candidate, and the third blank space being*

1 *filled with the name of the person who paid for the*
2 *communication.*

3 “(B) *The statement required by subparagraph*
4 *(A) shall be spoken clearly without rushing, disguis-*
5 *ing, or deemphasizing particular words.*

6 “(C) *In the case of a communication made*
7 *through a television broadcasting station or commu-*
8 *nity antenna television system—*

9 “(i) *simultaneously with the statement re-*
10 *quired by subparagraph (A), and occupying no*
11 *less than 15 percent of the television safe screen*
12 *area, the following shall appear visually: ‘AP-*
13 *PROVED BY _____, CANDIDATE*
14 *FOR _____, AND PAID FOR BY*
15 *_____’; with the first blank space being*
16 *filled with the name of the candidate or can-*
17 *didate’s committee, the second blank space being*
18 *filled with the name of the office sought by the*
19 *candidate, and the third blank space being filled*
20 *with the name of the person who paid for the*
21 *communication; and*

22 “(ii) *the background photography during*
23 *the entire time the statement required by sub-*
24 *paragraph (A) is made shall consist of an*
25 *unobscured full face picture of the candidate, oc-*

1 *cupying no less than 40 percent of the television*
2 *safe screen area, against a neutral background.*

3 “(2) *In the case of any communication described in*
4 *subsection (a) that is not authorized by a candidate, an*
5 *authorized political committee of a candidate, or its agents,*
6 *and that is made through a broadcasting station or a com-*
7 *munity antenna television system, such communication*
8 *shall, in addition to the requirements of subsection (a), also*
9 *meet the following requirements:*

10 “(A) *At the end of the communication, and for*
11 *no less than 6 seconds, the following shall be stated*
12 *aurally: ‘PAID FOR BY _____, AND NOT*
13 *AUTHORIZED BY ANY CANDIDATE. FOR*
14 *MORE INFORMATION ON THE SPONSOR OF*
15 *THIS PAID POLITICAL ANNOUNCEMENT, CON-*
16 *TACT _____’; with the first blank space*
17 *being filled with the name of the person who paid for*
18 *the communication and the second blank space being*
19 *filled with the name, address, and business phone*
20 *number of the person who paid for the communica-*
21 *tion.*

22 “(B) *The statement required by subparagraph*
23 *(A) shall be spoken clearly without rushing, disguis-*
24 *ing, or deemphasizing particular words.*

1 “(C) In the case of a communication made
2 through a television broadcasting station or commu-
3 nity antenna television system, the following shall, si-
4 multaneously with the statement required by subpara-
5 graph (A), and occupying no less than 40 percent of
6 the television safe screen area, appear visually: ‘PAID
7 FOR BY _____, AND NOT AUTHORIZED
8 BY ANY CANDIDATE. FOR MORE INFORMA-
9 TION ON THE SPONSOR OF THIS PAID POLIT-
10 ICAL ANNOUNCEMENT, CONTACT
11 _____’, with the first blank space being filled
12 with the name of the person who paid for the commu-
13 nication and the second blank space being filled with
14 the name, address, and business phone number of the
15 person who paid for the communication.

16 “(3) As used in this subsection, the term ‘community
17 antenna television system’ has the meaning given that term
18 under section 315 of the Communications Act of 1934 (47
19 U.S.C. 315).”.