

103^D CONGRESS
1ST SESSION

S. 54

To amend the Communications Act of 1934 and the Federal Election Campaign Act of 1971 to better inform the electorate in Senate elections.

IN THE SENATE OF THE UNITED STATES

JANUARY 21 (legislative day, JANUARY 5), 1993

Mr. PELL (for himself and Mr. WOFFORD) introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

A BILL

To amend the Communications Act of 1934 and the Federal Election Campaign Act of 1971 to better inform the electorate in Senate elections.

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. AVAILABILITY OF FREE BROADCAST TIME.**

4 Title III of the Communications Act of 1934 (47
5 U.S.C. 301 et seq.) is amended by inserting after section
6 315 the following new section:

7 “FREE BROADCAST TIME FOR SENATE CANDIDATES

8 “SEC. 315A. (a) In addition to broadcast time that
9 a licensee makes available to a candidate under section
10 315(a), a television station licensee shall make available

1 at no charge, for allocation to Senate candidates within
 2 its broadcast area under section 503 of the Federal Elec-
 3 tion Campaign Act of 1971, 3 hours of broadcast time
 4 during a prime time access period described in section 501
 5 of that Act to each Senatorial campaign committee des-
 6 ignated under section 502 of that Act.

7 “(b) An appearance by a candidate on a news or pub-
 8 lic service program at the invitation of a television station
 9 or other organization that presents such a program shall
 10 not be counted toward time made available pursuant to
 11 subsection (a).”.

12 **SEC. 2. ALLOCATION BY SENATORIAL CAMPAIGN COMMIT-**
 13 **TEES.**

14 The Federal Election Campaign Act of 1971 (2
 15 U.S.C. 301 et seq.) is amended by adding at the end there-
 16 of the following new title:

17 **“TITLE V—DISSEMINATION OF**
 18 **POLITICAL INFORMATION**

19 **“SEC. 501. DEFINITIONS.**

20 “For the purposes of this title—

21 “(1) the term ‘free broadcast time’ means time
 22 provided by a television station during a prime time
 23 access period pursuant to section 315A of the Com-
 24 munications Act of 1934;

1 “(2) the term ‘major party’ means a political
2 party whose candidate the Senate in a State placed
3 first or second in the number of popular votes re-
4 ceived in either of the 2 most recent general elec-
5 tions;

6 “(3) the term ‘minor party’ means a political
7 party other than a major party—

8 “(A) whose candidate for the Senate in a
9 State received more than 5 percent of the popu-
10 lar vote in the most recent general election; or

11 “(B) which files with the Commission, not
12 later than 90 days before the date of a general
13 or special election in a State, the number of sig-
14 natures of registered voters in the State that is
15 equal to 5 percent of the popular vote for the
16 office of Senator in the most recent general or
17 special election in the State;

18 “(4) the term ‘prime time access period’ means
19 the time between 7:30 p.m. and 8:00 p.m. of a week-
20 day during the period beginning on the date that is
21 60 days before the date of a general election or spe-
22 cial election for the Senate and ending on the day
23 before the date of the election; and

1 eral and special elections in which at least 1 other
2 candidate for the Senate have qualified for the gen-
3 eral election ballot;

4 “(B) keep and furnish to the Commission any
5 books, records, or other information it may request;
6 and

7 “(C) cooperate in any audit by the Commission.

8 “(3) The Commission shall determine whether to ap-
9 prove or deny an application under this section not later
10 than 7 days after receipt.

11 “(b) If the Commission makes a determination to
12 deny an application under this section, the applicant shall
13 be afforded a hearing with respect to the determination
14 in accordance with section 554 of title 5, United States
15 Code.

16 **“SEC. 503. ALLOCATION AND USE OF FREE BROADCAST**
17 **TIME.**

18 “(a) ALLOCATION.—A Senatorial campaign commit-
19 tee of a political party shall allocate free broadcast time
20 made available by a television station licensee under sec-
21 tion 315A of the Communications Act of 1934 among the
22 candidates of that party for the Senate in the licensee’s
23 broadcast area.

24 “(b) USE.—A Senatorial campaign committee shall
25 ensure that—

1 “(1) free broadcast time is used in a manner
2 that promotes a rational discussion and debate of is-
3 sues with respect to the elections involved;

4 “(2) in programs in which free broadcast time
5 is used, not more than 25 percent of the time of the
6 broadcast shall consist of presentations other than a
7 candidate’s own remarks;

8 “(3) free broadcast time is used in segments of
9 not less than 1 minute; and

10 “(4) not more than 15 minutes of free broad-
11 cast time is used by any 1 candidate in a 24-hour
12 period.

13 **“SEC. 504. REPORTS TO CONGRESS.**

14 “The Commission shall submit to Congress, not later
15 than June 1 of each year that follows a year in a general
16 election for the Senate is held, a report setting forth the
17 amount of free broadcast time allocated to candidates
18 under section 503.

19 **“SEC. 505. PARTICIPATION BY COMMISSION IN JUDICIAL**
20 **PROCEEDINGS.**

21 “(a) IN GENERAL.—The Commission may appear in
22 any action filed under this section, either by attorneys em-
23 ployed in its office or by counsel whom it may appoint
24 without regard to the provisions of title 5, United States
25 Code, governing appointments in the competitive service,

1 and whose compensation it may fix without regard to the
2 provisions of chapter 51 and title III of chapter 53 of that
3 title.

4 “(b) ENFORCEMENT.—The Commission may petition
5 a district court of the United States for declaratory or
6 injunctive relief concerning any civil matter arising under
7 this title, through attorneys and counsel described in sub-
8 section (a).

9 “(c) APPEALS.—The Commission may, on behalf of
10 the United States, appeal from, and petition the Supreme
11 Court of the United States for certiorari to review, a judg-
12 ment or decree entered with respect to an action in which
13 it appeared pursuant to this section.”.

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