

103^D CONGRESS
1ST SESSION

S. 893

To provide television broadcast time without charge to Senate candidates,
and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 5 (legislative day APRIL 19), 1993

Mr. ROTH introduced the following bill; which was read twice and referred to
the Committee on Commerce, Science, and Transportation

A BILL

To provide television broadcast time without charge to Senate
candidates, 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,*

3 That section 315(a) of the Communications Act of 1934
4 (47 U.S.C. 315) is amended to read as follows:

5 “(a) ALLOWANCE OF TELEVISION BROADCAST TIME
6 FOR CERTAIN CANDIDATES; CENSORSHIP PROHIBI-
7 TION.—Each licensee operating a television broadcasting
8 station shall make available without charge to any legally
9 qualified candidate in the general election for the office
10 of United States Senator an amount of broadcast time,

1 determined by the Commission under subsection (d), for
2 use in his or her campaign for election, subject to the con-
3 ditions and limitations of subsection (e). No licensee shall
4 have power of censorship over the material broadcast
5 under the provisions of this section.

6 “(b) EQUAL OPPORTUNITIES REQUIREMENT; CEN-
7 SORSHIP PROHIBITION; ALLOWANCE OF STATION USE.—
8 Except in those circumstances to which subsection (a) ap-
9 plies, if any licensee shall permit any person who is a le-
10 gally qualified candidate for any public office to use a
11 broadcasting station, he or she shall afford equal opportu-
12 nities to all other such candidates for the office in the use
13 of such broadcasting station: *Provided*, That such licensee
14 shall have no power of censorship over the material broad-
15 cast under the provisions of this section. No obligation is
16 imposed under this subsection upon any licensee to allow
17 the use of its station by any such candidate.

18 “(c) NEWS APPEARANCES EXCEPTION; PUBLIC IN-
19 TEREST; PUBLIC ISSUES DISCUSSION OPPORTUNITIES.—
20 Appearance by a legally qualified candidate on any—

21 “(1) bona fide newscast;

22 “(2) bona fide news interview;

23 “(3) bona fide news documentary (if the ap-
24 pearance of the candidate is incidental to the presen-

1 tation of the subject or subjects covered by the news
2 documentary); or

3 “(4) on-the-spot coverage of bona fide events
4 (including but not limited to political conventions
5 and activities incidental thereto);

6 shall not be deemed to be use of a broadcasting station
7 within the meaning of subsections (a) or (b). Nothing in
8 the foregoing sentence shall be construed as relieving
9 broadcasters, in connection with the presentation of news-
10 cast, news interviews, new documentaries, and on-the-spot
11 coverage of news events, from the obligation imposed upon
12 them under this chapter to operate in the public interest
13 and to afford reasonable opportunity for the discussion of
14 conflicting views on issues of public importance.

15 “(d) RULES AND REGULATIONS REGARDING ALLOW-
16 ANCE OF TELEVISION BROADCAST TIME FOR CERTAIN
17 CANDIDATES.—The Commission shall, after consultation
18 with the Federal Election Commission, determine the
19 amount of television broadcast time that legally qualified
20 major-party candidates for a Senate office may receive
21 under subsection (a) on the basis of the amount of tele-
22 vision broadcast time used by major-party candidates in
23 the previous election for the United States Senate, pro-
24 vided that at a minimum such candidates be provided an
25 amount of television broadcast time necessary to make a

1 complete presentation of views to the electorate in the
2 pending election. The amount of television broadcast time
3 that each candidate is eligible to receive and the amount
4 of such time that each licensee must make available to
5 each eligible candidate by name shall be published prior
6 to each Senate election in the Federal Register by the
7 Commission on a date established by regulation. The
8 broadcast time made available under subsection (a) shall
9 be made available during the forty-five-day period preced-
10 ing the general election for such office. The Commission
11 shall ensure that the television broadcast time made avail-
12 able under subsection (a) shall be made available fairly
13 and equitably, through licensees commonly used by can-
14 didates seeking the particular United States Senate office,
15 and at hours of the day which reflect television viewing
16 habits and contemporaneous campaign practices. A legally
17 qualified candidate of a party other than a party which
18 obtained 5 percent or more of the popular vote in the last
19 presidential election shall, by regulation of the Commis-
20 sion, be granted an allocation of broadcast time in propor-
21 tion to the amount of contributions under \$250 such a
22 candidate has received when compared to such contribu-
23 tions received by candidates of the major parties, provided
24 that such proportion exceeds 5 percent. The Commission
25 shall require licensees operating television broadcasting

1 stations to enter into a pooling agreement to ameliorate
2 any disproportionate financial impact on particular licens-
3 ees. For purposes of this subsection, a major party is a
4 party which obtained more than 5 percent of the popular
5 vote in the previous presidential election.

6 “(e) CONDITIONS AND LIMITATIONS.—The entitle-
7 ment of any legally qualified candidate to television broad-
8 cast time under subsection (a) is conditional upon (1)
9 signing an agreement to forgo both the purchase of any
10 additional amount of television broadcast time, and the ac-
11 ceptance of any additional amount of television broadcast
12 time purchased by another, during the period that such
13 time is made available with respect to such candidacy pur-
14 suant to subsection (a) and the Commission’s regulations,
15 and (2) filing a copy of such agreement with the Commis-
16 sion.

17 “(f) PENALTIES AND REMEDIES.—Any candidate
18 who purchases or accepts purchased television broadcast
19 time in violation of such agreement shall be subject, upon
20 conviction, to imprisonment of up to one year or a fine
21 of up to \$10,000, or both. Any licensee who sells television
22 broadcast time to a candidate, who has filed an agreement,
23 in excess of the time to be provided by such licensee to
24 such candidate pursuant to subsection (a) and the Com-
25 mission’s regulations shall be subject to appropriate dis-

1 ciplinary action by the Commission, including (1) an order
2 requiring the licensee to provide an equal amount of time
3 to other candidates for the same office, or (2) an order
4 revoking the licensee's license.”.

5 SEC. 2. Section 315 of the Communications Act of
6 1934 is further amended as follows: (1) in subsection (b)
7 by striking the phrase “The charges” and inserting in lieu
8 thereof “Except to the extent that the provisions of sub-
9 section (a) apply, the charges”; (2) by redesignating sub-
10 sections (b), (c), and (d) as (f), (g), and (h) respectively;
11 and (3) by adding “generally” after “Rules and regula-
12 tions” in redesignated subsection (h).

13 SEC. 3. Subsection (a)(7) of section 312 of the Com-
14 munications Act of 1934, as amended, is amended to read
15 as follows: “(7) for willful or repeated failure to comply
16 with the provisions of section 315 of this title.”

17 SEC. 4. Subsection (8) of section 301 of the Federal
18 Election Campaign Act of 1971 (2 U.S.C. 431), as amend-
19 ed, relating to exclusions from the definition of contribu-
20 tions, is amended as follows: (1) at the end of paragraph
21 (B)(xiii) by striking the semicolon; (2) at the end of para-
22 graph (B)(xiv) by striking the period and inserting “;
23 and” in lieu thereof; and (3) at the end of paragraph (B)
24 by adding the following: “(xv) the value of any television
25 broadcast time provided without charge by a licensee pur-

1 suant to section 315(a) of the Communications Act of
2 1934, as amended.”

3 SEC. 5. Subsection (9) of section 301 of the Federal
4 Election Campaign Act of 1971, as amended, relating to
5 exclusions from the definition of expenditures, is amended
6 as follows: (1) by inserting after paragraph (B)(i) the fol-
7 lowing: “(ii) the provision without charge of any television
8 broadcast time by a licensee pursuant to section 315(a)
9 of the Communications Act of 1934, as amended;” and
10 (2) by redesignating subsequent subparagraphs accord-
11 ingly.

12 SEC. 6. The Federal Communications Commission
13 shall study the application of section 315(a) of the Com-
14 munications Act of 1934, as amended by this Act, to the
15 first general election campaign conducted under the provi-
16 sions of that section and shall report the results of that
17 study, together with recommendations, including rec-
18 ommendations for legislation, not later than the first day
19 of March following such general election. The study shall
20 also evaluate the desirability and feasibility of extending
21 the provisions of section 315(a) of the Communications
22 Act of 1934 to primary and other election campaigns.

23 SEC. 7. The Federal Communications Commission
24 shall promulgate rules and regulations to implement this
25 Act no later than one hundred and eighty days after the

1 date of enactment of this Act. Sections 1 and 2 of this
2 Act shall not take effect until the first day of July follow-
3 ing the promulgation of such rules and regulations.

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