

107TH CONGRESS
1ST SESSION

H. R. 2396

To amend the Communications Act of 1934 to require candidates for election for Federal office who refer to other candidates in their television or radio advertisements to include personal statements or images in the advertisements as a condition for receiving the lowest unit charge available for advertisements broadcast immediately before the election.

IN THE HOUSE OF REPRESENTATIVES

JUNE 28, 2001

Mrs. MALONEY of New York 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 candidates for election for Federal office who refer to other candidates in their television or radio advertisements to include personal statements or images in the advertisements as a condition for receiving the lowest unit charge available for advertisements broadcast immediately before the election.

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. REQUIRING CANDIDATES TO INCLUDE PER-**
2 **SONAL STATEMENTS OR IMAGES AS A CONDI-**
3 **TION OF RECEIVING LOWEST UNIT CHARGE**
4 **FOR BROADCAST ADVERTISEMENTS.**

5 (a) IN GENERAL.—Section 315(b) of the Commu-
6 nications Act of 1934 (47 U.S.C. 315(b)) is amended—

7 (1) by redesignating paragraphs (1) and (2) as
8 subparagraphs (A) and (B) and moving such sub-
9 paragraphs (as so redesignated) 2 ems to the right;

10 (2) by striking “(b) The charges” and inserting
11 the following:

12 “(b) CHARGES.—

13 “(1) IN GENERAL.—Subject to paragraph (2),
14 the charges”; and

15 (3) by adding at the end the following new
16 paragraph:

17 “(2) CONTENT OF BROADCASTS.—

18 “(A) CERTIFICATION OF CONTENTS.—In
19 the case of a candidate for Federal office, such
20 candidate shall not be entitled to receive the
21 rate under paragraph (1)(A) for the use of any
22 broadcasting station during the periods de-
23 scribed in such paragraph unless the candidate
24 provides written certification to the broadcast
25 station that the candidate (and any authorized
26 committee of the candidate) shall not make any

1 direct reference to another candidate for the
2 same office, in any broadcast using the rights
3 and conditions of access under this Act, unless
4 such broadcast meets the requirements of sub-
5 paragraph (C) or (D).

6 “(B) VIOLATION.—If a candidate for Fed-
7 eral office (or any authorized committee of such
8 candidate) makes a reference described in sub-
9 paragraph (A) in any broadcast that does not
10 meet the requirements of subparagraph (C) or
11 (D), such candidate shall not be entitled to re-
12 ceive the rate under paragraph (1)(A) for such
13 broadcast or any other broadcast during any
14 portion of the 45-day and 60-day periods de-
15 scribed in such paragraph (1)(A) that occurs on
16 or after the date of such broadcast.

17 “(C) TELEVISION BROADCASTS.—A tele-
18 vision broadcast of a candidate meets the re-
19 quirements of this subparagraph if, at the end
20 of such broadcast there appears simultaneously,
21 for a period of not less than 4 seconds—

22 “(i) a clearly identifiable photographic
23 or similar image of the candidate; and

24 “(ii) a clearly readable printed state-
25 ment, identifying the candidate and stating

1 that the candidate has approved the broad-
2 cast and that the candidate's authorized
3 committee paid for the broadcast.

4 “(D) RADIO BROADCASTS.—A radio broad-
5 cast of a candidate meets the requirements of
6 this subparagraph if the broadcast includes a
7 personal audio statement by the candidate that
8 identifies the candidate, the office the candidate
9 is seeking, and indicates that the candidate has
10 approved the broadcast.

11 “(E) CERTIFICATION.—Certifications
12 under this section shall be provided and cer-
13 tified as accurate by the candidate (or any au-
14 thorized committee of the candidate) at the
15 time of purchase.

16 “(F) DEFINITIONS.—For purposes of this
17 paragraph, the terms ‘authorized committee’
18 and ‘Federal office’ have the meanings given
19 such terms by section 301 of the Federal Elec-
20 tion Campaign Act of 1971 (2 U.S.C. 431).”.

21 (b) EFFECTIVE DATE.—The amendments made by
22 subsection (a) shall apply with respect to broadcasts made
23 on or after the date of the enactment of this Act.

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