

107TH CONGRESS
2^D SESSION

S. 3124

To amend the Communications Act of 1934 to revise and expand the lowest unit cost provision applicable to political campaign broadcasts, to establish commercial broadcasting station minimum airtime requirements for candidate-centered and issue-centered programming before primary and general elections, to establish a voucher system for the purchase of commercial broadcast airtime for political advertisements, and for other purposes.

IN THE SENATE OF THE UNITED STATES

OCTOBER 16, 2002

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

A BILL

To amend the Communications Act of 1934 to revise and expand the lowest unit cost provision applicable to political campaign broadcasts, to establish commercial broadcasting station minimum airtime requirements for candidate-centered and issue-centered programming before primary and general elections, to establish a voucher system for the purchase of commercial broadcast airtime for political advertisements, 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 “Political Campaign
3 Broadcast Activity Improvements Act”.

4 **SEC. 2. MEDIA RATES.**

5 (a) **LOWEST UNIT CHARGE; NATIONAL COMMIT-**
6 **TEES.**—Section 315(b) of the Communications Act of
7 1934 (47 U.S.C. 315(b)) is amended—

8 (1) by striking “to such office” in paragraph
9 (1) and inserting “to such office, or by a national
10 committee of a political party on behalf of such can-
11 didate in connection with such campaign,”; and

12 (2) by inserting “(at any time during the 120-
13 day period preceding the date of the use)” in sub-
14 paragraph (A) of paragraph (1) after “charge”.

15 (b) **PREEMPTION; AUDITS.**—

16 (1) **IN GENERAL.**—Section 315 of such Act (47
17 U.S.C. 315) is amended—

18 (A) by redesignating subsections (e) and
19 (d) as subsections (e) and (f), respectively and
20 moving them to follow the existing subsection
21 (e);

22 (B) by redesignating the existing sub-
23 section (e) as subsection (c); and

24 (C) by inserting after subsection (c) the
25 following:

26 “(d) **PREEMPTION.**—

1 “(1) IN GENERAL.—Except as provided in para-
2 graph (2), a licensee shall not preempt the use of a
3 broadcasting station by an eligible candidate or po-
4 litical committee of a political party who has pur-
5 chased and paid for such use.

6 “(2) CIRCUMSTANCES BEYOND CONTROL OF LI-
7 CENSEE.—If a program to be broadcast by a broad-
8 casting station is preempted because of cir-
9 cumstances beyond the control of the station, any
10 candidate or party advertising spot scheduled to be
11 broadcast during that program may also be pre-
12 empted.

13 “(e) AUDITS.—During the 45-day period preceding
14 a primary election and the 60-day period preceding a gen-
15 eral election, the Commission shall conduct such audits
16 as it deems necessary to ensure that each broadcaster to
17 which this section applies is allocating television broadcast
18 advertising time in accordance with this section and sec-
19 tion 312.”

20 (2) CONFORMING AMENDMENT.—Section 504
21 of the Bipartisan Campaign Reform Act of 2002 is
22 amended by striking “315), as amended by this Act,
23 is amended by redesignating subsections (e) and (f)
24 as subsections (f) and (g), respectively, and” and in-
25 serting “315) is amended by”.

1 (c) **STYLISTIC AMENDMENTS.**—Section 315 of such
2 Act (47 U.S.C. 315) is amended—

3 (1) by striking “For purposes of this
4 section—” in subsection (e), as redesignated by sub-
5 section (b)(1)(A) of this section, and inserting
6 “**DEFINITIONS.**—In this section:”;

7 (2) by striking “the” in paragraph (1) of that
8 subsection and inserting “**BROADCASTING STA-**
9 **TION.**—The”;

10 (3) by striking “the” in paragraph (2) of that
11 subsection and inserting “**LICENSEE; STATION LI-**
12 **CENSEE.**—The”; and

13 (4) by inserting “**REGULATIONS.**—” in sub-
14 section (f), as so redesignated, before “The Commis-
15 sion”.

16 **SEC. 3. MINIMUM TIME REQUIREMENTS FOR CANDIDATE-**
17 **CENTERED OR ISSUE-CENTERED BROAD-**
18 **CASTS BY BROADCASTING STATIONS.**

19 (a) **IN GENERAL.**—

20 (1) **PROGRAM CONTENT REQUIREMENTS.**—In
21 the administration of the Communications Act of
22 1934 (47 U.S.C. 151 et seq.), the Federal Commu-
23 nications Commission may not determine that a
24 broadcasting station has met its obligation to oper-
25 ate in the public interest unless the station dem-

1 onstrates to the satisfaction of the Commission
2 that—

3 (A) it broadcast at least 2 hours per week
4 of candidate-centered programming or issue-
5 centered programming during each of the 6
6 weeks preceding a Federal election, including at
7 least 4 of the weeks immediately preceding a
8 general election; and

9 (B) not less than 1 hour of such program-
10 ming was broadcast in each of those weeks dur-
11 ing the period beginning at 5:00 p.m. and end-
12 ing at 11:35 p.m. in the time zone in which the
13 primary broadcast audience for the station is
14 located.

15 (2) NIGHTOWL BROADCASTS NOT COUNTED.—
16 For purposes of paragraph (1) any such program-
17 ming broadcast between midnight and 6:00 a.m. in
18 the time zone in which the primary broadcast audi-
19 ence for the station is located shall not be taken into
20 account.

21 (b) DEFINITIONS.—In this section:

22 (1) BROADCASTING STATION.—The term
23 “broadcasting station” has the meaning given that
24 term by section 315(e)(1) of the Communications
25 Act of 1934.

1 (2) CANDIDATE-CENTERED PROGRAMMING.—

2 The term “candidate-centered programming”—

3 (A) includes debates, interviews, candidate
4 statements, and other program formats that
5 provide for a discussion of issues by the can-
6 didate; but

7 (B) does not include paid political adver-
8 tisements.

9 (3) FEDERAL ELECTION.—The term “Federal
10 election” has the meaning given that term in section
11 315A(g)(2) of the Communications Act of 1934.

12 (4) ISSUE-CENTERED PROGRAMMING.—The
13 term “issue-centered programming”—

14 (A) includes debates, interviews, state-
15 ments, and other program formats that provide
16 for a discussion of any ballot measure which ap-
17 pears on a ballot in a forthcoming election; but

18 (B) does not include paid political adver-
19 tisements.

20 **SEC. 4. POLITICAL ADVERTISEMENTS VOUCHER PROGRAM.**

21 (a) IN GENERAL.—Title III of the Communications
22 Act of 1934 (47 U.S.C. 301 et seq.) is amended by insert-
23 ing after section 315 the following:

1 **“SEC. 315A. POLITICAL ADVERTISEMENT VOUCHER PRO-**
 2 **GRAM.**

3 “(a) IN GENERAL.—The Commission shall establish
 4 and administer a voucher program for the purchase of
 5 airtime on broadcast stations for political advertisements
 6 in accordance with the provisions of this section.

7 “(b) CANDIDATES.—

8 “(1) DISBURSEMENT OF VOUCHERS.—Begin-
 9 ning no earlier than January of each even-numbered
 10 year after 2002, the Commission shall disburse
 11 vouchers at least once each month for the purchase
 12 of radio or television broadcast airtime for political
 13 advertisements on broadcasting stations to each in-
 14 dividual certified by the Federal Election Commis-
 15 sion under paragraph (2) as an eligible candidate.

16 “(2) FEC TO CERTIFY ELIGIBLE CAN-
 17 DIDATES.—The Commission may not disburse
 18 vouchers under paragraph (1) to an individual, until
 19 the Federal Election Commission has made the fol-
 20 lowing certifications with respect to that individual:

21 “(A) QUALIFICATION.—The individual is a
 22 legally-qualified candidate in a Federal election.

23 “(B) AGREEMENT.—The individual has
 24 agreed in writing—

25 “(i) to keep and furnish to the Fed-
 26 eral Election Commission such records,

1 books, and other information as it may re-
2 quire; and

3 “(ii) to repay to the Federal Commu-
4 nications Commission an amount equal to
5 150 percent of the dollar value of vouchers
6 received from the Commission if the Fed-
7 eral Election Commission makes a final de-
8 termination that the individual violated
9 any term of the agreement.

10 “(C) HOUSE OF REPRESENTATIVES CAN-
11 DIDATES.—For candidates for election to the
12 House of Representatives, that—

13 “(i) the individual has received at
14 least \$25,000 in contributions from indi-
15 viduals, not counting any amount in excess
16 of \$250 received from any individual;

17 “(ii) the individual agrees not know-
18 ingly to make expenditures from the indi-
19 vidual’s personal funds, or the personal
20 funds of the individual’s immediate family,
21 in connection with the campaign for elec-
22 tion to the House of Representatives in ex-
23 cess of, in the aggregate, \$125,000; and

24 “(iii) the individual faces opposition
25 by at least 1 other candidate who has re-

1 ceived contributions or made expenditures
2 of, in the aggregate, at least \$25,000 or
3 who has been certified by the Federal Elec-
4 tion Commission under this paragraph as
5 eligible to receive vouchers under para-
6 graph (1).

7 “(D) SENATE CANDIDATES.—For can-
8 didates for election to the Senate, that—

9 “(i) the individual has received at
10 least \$25,000 in contributions from indi-
11 viduals, not counting any amount in excess
12 of \$250 received from any individual, mul-
13 tiplied by the number of Representatives
14 from the State in which the individual
15 seeks election;

16 “(ii) the individual agrees not know-
17 ingly to make expenditures from the indi-
18 vidual’s personal funds, or the personal
19 funds of the individual’s immediate family,
20 in connection with the campaign for elec-
21 tion to the House of Representatives in ex-
22 cess of, in the aggregate, \$500,000; and

23 “(iii) the individual faces opposition
24 by at least 1 other candidate who has re-
25 ceived contributions or made expenditures

1 of, in the aggregate, at least \$25,000 mul-
2 tiplied by the number of Representatives
3 from the State in which the individual
4 seeks election or who has been certified by
5 the Federal Election Commission under
6 this paragraph as eligible to receive vouch-
7 ers under paragraph (1).

8 “(E) PRESIDENTIAL CANDIDATES.—For
9 candidates for nomination for election, or elec-
10 tion, to the Office of President—

11 “(i) the term ‘Federal election’ in-
12 cludes a primary election (as defined in
13 section 9032(7) of the Internal Revenue
14 Code of 1986 (26 U.S.C. 9032(7))); and

15 “(ii) in order to be eligible to receive
16 vouchers under this section, the candidate
17 shall execute the agreement described in
18 subparagraph (B).

19 “(3) CERTIFICATION PROCESS.—In carrying
20 out its duties under paragraph (2), the Federal
21 Election Commission shall—

22 “(A) provide the requested certification, if
23 the individual meets the requirements for cer-
24 tification, within 7 days after it receives the in-
25 formation necessary therefor; and

1 “(B) shall comply with the requirements of
2 chapter 35 of title 44, United States Code,
3 (commonly known as the Paperwork Reduction
4 Act) and take other appropriate steps to mini-
5 mize the paperwork burden on candidates seek-
6 ing certification under this subsection.

7 “(c) POLITICAL PARTIES.—

8 “(1) DISBURSEMENT OF VOUCHERS.—In Janu-
9 ary, 2004, and January of each even-numbered year
10 thereafter, the Commission shall disburse vouchers
11 for the purchase of radio or television broadcast
12 airtime for political advertisements on broadcasting
13 stations to each political party committee certified
14 by the Federal Election Commission under para-
15 graph (2) as an eligible committee.

16 “(2) FEC TO CERTIFY ELIGIBLE COMMIT-
17 TEES.—The Commission may not disburse vouchers
18 under paragraph (1) to a political party committee,
19 until the Federal Election Commission has made the
20 following certifications with respect to that com-
21 mittee:

22 “(A) NATIONAL PARTY COMMITTEES.—
23 The committee is the national committee of a
24 political party or the national congressional
25 campaign committee of a political party (as

1 those terms are used in section 323(a)(1) of the
2 Federal Election Campaign Act of 1971 (2
3 U.S.C. 441i(a)(1)).

4 “(B) MINOR PARTY COMMITTEES.—In the
5 case of a political party committee that is not
6 described in subparagraph (A), the committee
7 meets the candidate base requirement of sub-
8 paragraph (C).

9 “(C) CANDIDATE BASE.—The committee
10 has candidates—

11 “(i) for election to the House of Rep-
12 resentatives who have been certified by the
13 Federal Election Commission under sub-
14 section (b)(2) as eligible candidates in at
15 least 22 districts; or

16 “(ii) for election to the Senate in at
17 least 5 States who have been certified by
18 the Federal Election Commission under
19 subsection (b)(2) as eligible candidates.

20 “(D) AGREEMENT.—The committee agrees
21 in writing—

22 “(i) to keep and furnish to the Fed-
23 eral Election Commission such records,
24 books, and other information as it may re-
25 quire; and

1 “(ii) to repay to the Federal Commu-
2 nications Commission an amount equal to
3 150 percent of the dollar value of vouchers
4 received from the Commission if the Fed-
5 eral Election Commission makes a final de-
6 termination that the committee violated
7 any term of the agreement.

8 “(d) AMOUNTS.—

9 “(1) CALENDAR YEAR 2004 AGGREGATES.—For
10 calendar year 2004, the Commission shall disburse
11 vouchers in the aggregate amount of not more than
12 \$750,000,000, of which—

13 “(A) not more than \$650,000,000 shall be
14 available for disbursement to candidates under
15 subsection (b); and

16 “(B) not more than \$100,000,000 shall be
17 available for disbursement to political parties
18 under subsection (c).

19 “(2) PER-CANDIDATE AMOUNT.—

20 “(A) IN GENERAL.—Except as provided in
21 subparagraphs (B) and (C), the Commission
22 shall disburse vouchers to an individual can-
23 didate under subsection (b)(1) with respect to a
24 Federal election equal, in the aggregate, to \$3
25 multiplied by the contributions received by that

1 individual with respect to that election, not
2 counting any amount in excess of \$250 received
3 from any individual.

4 “(B) MAXIMUM.—Except as provided in
5 subparagraph (C), the Commission may not dis-
6 burse vouchers to an individual candidate under
7 subsection (b)(1) with respect to a Federal elec-
8 tion of more than—

9 “(i) \$375,000, for a candidate for
10 election to the House of Representatives;
11 or

12 “(ii) \$375,000 multiplied by the num-
13 ber of Representatives from the State from
14 which the individual seeks election, for a
15 candidate for election to the Senate.

16 “(C) SPECIAL RULE FOR PRESIDENTIAL
17 CANDIDATES.—The Commission shall disburse
18 vouchers to a candidate for nomination for elec-
19 tion, or election, to the Office of President who
20 receives payments under section 9037 or 9006
21 of the Internal Revenue Code of 1986 (26
22 U.S.C. 9037 or 9006), respectively, equal to—

23 “(i) \$1 for each dollar received under
24 section 9037 of such Code; and

1 “(ii) 50 cents for each dollar received
2 under section 9006 of such Code.

3 “(3) PER-COMMITTEE AMOUNT.—

4 “(A) IN GENERAL.—The \$100,000,000
5 available to be disbursed to political parties
6 shall be disbursed as follows:

7 “(i) The Commission shall reserve a
8 percentage, determined by the Commission,
9 of the amount available for disbursement
10 as provided in subparagraph (B) to polit-
11 ical party committees described in sub-
12 section (c)(2)(B) that have been or will be
13 certified by the Federal Election Commis-
14 sion as eligible political party committees.

15 “(ii) The Commission shall disburse
16 the remainder of the amount available for
17 disbursement in equal amounts among po-
18 litical party committees described in sub-
19 section (c)(2)(A) that have been or will be
20 certified by the Federal Election Commis-
21 sion as eligible political party committees.

22 “(B) MINOR PARTY COMMITTEE
23 AMOUNT.—From the amount reserved under
24 subparagraph (A)(i), the Commission shall dis-
25 burse to political party committees described in

1 subsection (c)(2)(B) certified by the Federal
2 Election Commission as eligible political party
3 committees—

4 “(i) the same amount as the Commis-
5 sion disburses to each political party com-
6 mittee under subparagraph (A)(ii) if the
7 political party with which the political com-
8 mittee is affiliated has—

9 “(I) candidates for election to the
10 House of Representatives certified by
11 the Federal Election Commission
12 under subsection (b)(2) as eligible
13 candidates in 218 or more districts; or

14 “(II) candidates for election to
15 the Senate certified by the Federal
16 Election Commission under subsection
17 (b)(2) as eligible candidates in 17 or
18 more of the States in which elections
19 for United States Senator are being
20 held; and

21 “(ii) a percentage of such amount, de-
22 termined under subparagraph (C), if the
23 political party with which the political com-
24 mittee is affiliated does not qualify for the
25 full amount under clause (i).

1 “(C) PROPORTIONATE AMOUNT DETER-
2 MINATION.—The amount the Commission may
3 disburse to a political party committee de-
4 scribed in subparagraph (B)(ii) is a percentage
5 of the amount disbursed to a political party
6 committee under subparagraph (A)(2) equal to
7 the greater of the following percentages:

8 “(i) A percentage—

9 “(I) the numerator of which is
10 the number of districts in which the
11 party has candidates for election to
12 the House of Representatives certified
13 by the Federal Election Commission
14 under subsection (b)(2) as eligible
15 candidates; and

16 “(II) the denominator of which is
17 435.

18 “(ii) A percentage—

19 “(I) the numerator of which is
20 the number of States in which the
21 party has candidates for election to
22 the Senate certified by the Federal
23 Election Commission under subsection
24 (b)(2) as eligible candidates; and

1 “(II) the denominator of which is
2 33 (or 34 in any year in which there
3 are 34 Senators for election).

4 “(e) INFLATION ADJUSTMENT.—Each dollar amount
5 in this section shall be adjusted for even-numbered years
6 after 2002 in the same manner as the limitations in sec-
7 tion 315(b) and (d) of the Federal Election Campaign Act
8 of 1971 are adjusted under section 301(c) of that Act,
9 except that, for the purpose of applying section 301(c)—

10 “(1) ‘(commencing in 2004)’ shall be sub-
11 stituted for ‘(commencing in 1976)’ in paragraph
12 (1) of that section; and

13 “(2) ‘2002’ shall be substituted for ‘1974’ in
14 paragraph (2)(B) of that section.

15 “(f) USE.—

16 “(1) EXCLUSIVE USE.—Vouchers disbursed by
17 the Commission under this section may be used ex-
18 clusively for the purpose described in subsection (b)
19 by the candidate or political party committee to
20 which the vouchers were disbursed, except that—

21 “(A) a candidate may exchange vouchers
22 with a political party under paragraph (2); and

23 “(B) a political party may use vouchers to
24 purchase broadcast airtime for political adver-

1 tishments for its candidates in a general elec-
2 tion for any Federal, State, or local office.

3 “(2) EXCHANGE WITH POLITICAL PARTY COM-
4 MITTEE.—

5 “(A) IN GENERAL.—A individual who re-
6 ceives a voucher under this section may transfer
7 the right to use all or a portion of the value of
8 the voucher to a committee, described in sub-
9 section (c)(2)(A), of the political party of which
10 the individual is a candidate in exchange for
11 money in an amount equal to the cash value of
12 the voucher or portion exchanged.

13 “(B) CONTINUATION OF CANDIDATE OBLI-
14 GATIONS.—The transfer of a voucher, in whole
15 or in part, to a political party committee under
16 this paragraph does not release the candidate
17 from any obligation under the agreement made
18 under subsection (b)(2) or otherwise modify
19 that agreement or its application to that can-
20 didate.

21 “(C) PARTY COMMITTEE OBLIGATIONS.—
22 Any political party committee to which a vouch-
23 er or portion thereof is transferred under sub-
24 paragraph (A)—

1 “(i) shall account fully, in accordance
2 with such requirements as the Commission
3 may establish, for the receipt of the vouch-
4 er; and

5 “(ii) may not use the transferred
6 voucher or portion thereof for any purpose
7 other than a purpose described in para-
8 graph (1)(B).

9 “(D) VOUCHER AS A CONTRIBUTION
10 UNDER FECA.—If a candidate transfers a
11 voucher or any portion thereof to a political
12 party committee under subparagraph (A)—

13 “(i) the value of the voucher or por-
14 tion thereof transferred shall be treated as
15 a contribution from the candidate to the
16 committee for purposes of sections 302
17 and 304 of the Federal Election Campaign
18 Act of 1971 (2 U.S.C. 432 and 434);

19 “(ii) the committee may, in exchange,
20 provide to the candidate only funds subject
21 to the prohibitions, limitations, and report-
22 ing requirements of the Federal Election
23 Campaign Act of 1971 (2 U.S.C. 431 et
24 seq.);

1 “(iii) the money received in exchange
2 by the candidate shall be treated as a con-
3 tribution from the committee to the can-
4 didate for purposes of those sections; and

5 “(iv) the amount, if identified as a
6 ‘voucher exchange’ shall not be considered
7 a contribution for the purposes of section
8 315 of that Act (2 U.S.C. 441a).

9 “(g) VALUE; ACCEPTANCE; REDEMPTION.—

10 “(1) VOUCHER.—Each voucher disbursed by
11 the Commission under this section shall have a value
12 in dollars, redeemable upon presentation to the
13 Commission, together with such documentation and
14 other information as the Commission may require,
15 for the purchase of broadcast airtime for political
16 advertisements in accordance with this section.

17 “(2) ACCEPTANCE.—A broadcasting station
18 shall accept vouchers in payment for the purchase of
19 broadcast airtime for political advertisements in ac-
20 cordance with this section.

21 “(3) REDEMPTION.—The Commission shall re-
22 deem vouchers accepted by broadcasting stations
23 under paragraph (2) upon presentation, subject to
24 such documentation, verification, accounting, and
25 application requirements as the Commission may im-

1 pose to ensure the accuracy and integrity of the
 2 voucher redemption system. The Commission shall
 3 use amounts in the Political Advertising Voucher
 4 Account established under subsection (h) to redeem
 5 vouchers presented under this subsection.

6 “(4) EXPIRATION.—

7 “(A) CANDIDATES.—A voucher may only
 8 be used to pay for broadcast airtime for polit-
 9 ical advertisements to be broadcast before mid-
 10 night on the day before the date of the Federal
 11 election in connection with which it was issued
 12 and shall be null and void for any other use or
 13 purpose.

14 “(B) EXCEPTION FOR POLITICAL PARTY
 15 COMMITTEES.—A voucher held by a political
 16 party committee may be used to pay for broad-
 17 cast airtime for political advertisements to be
 18 broadcast before midnight on December 31st of
 19 the odd-numbered year following the year in
 20 which the voucher was issued by the Commis-
 21 sion.

22 “(5) VOUCHER AS EXPENDITURE UNDER
 23 FECA.—

24 “(A) CONGRESSIONAL CAMPAIGNS.—Ex-
 25 cept as provided in subparagraph (B), for pur-

1 poses of the Federal Election Campaign Act of
 2 1971 (2 U.S.C. 431 et seq.), the use of a
 3 voucher to purchase broadcast airtime con-
 4 stitutes an expenditure as defined in section
 5 301(9)(A) of that Act (2 U.S.C. 431(9)(A)).

6 “(B) PRESIDENTIAL CAMPAIGNS.—Not-
 7 withstanding any provision of the Federal Elec-
 8 tion Campaign Act of 1971 or chapter 95 or 96
 9 of the Internal Revenue Code of 1986 to the
 10 contrary, the use of a voucher by a candidate
 11 for nomination for election, or election, to the
 12 Office of President does not constitute an ex-
 13 penditure for purposes of that Act or chapter.

14 “(h) POLITICAL ADVERTISING VOUCHER AC-
 15 COUNT.—

16 “(1) IN GENERAL.—The Commission shall es-
 17 tablish an account to be known as the Political Ad-
 18 vertising Voucher Account, which shall be credited
 19 with commercial television spectrum use fees as-
 20 sessed under this subsection, together with any
 21 amounts repaid or otherwise reimbursed under this
 22 section.

23 “(2) SPECTRUM USE FEE.—

24 “(A) IN GENERAL.—The Commission shall
 25 assess, and collect annually, a spectrum use fee

1 based on a percentage of a broadcasting sta-
2 tion's gross revenues in an amount necessary to
3 carry out the provisions of this section.

4 “(B) LIMITATIONS.—The percentage
5 under subparagraph (A) may not be—

6 “(i) greater than 1 percent; nor

7 “(ii) less than .05 percent.

8 “(C) AVAILABILITY.—Any amount as-
9 sessed and collected under this paragraph shall
10 be retained by the Commission as an offsetting
11 collection for the purposes of making disburse-
12 ments under this section, except that—

13 “(i) the salaries and expenses account
14 of the Commission shall be credited with
15 such sums as are necessary from those
16 amounts for the costs of developing and
17 implementing the program established by
18 this section; and

19 “(ii) the Commission may reimburse
20 the Federal Election Commission for any
21 expenses incurred by the Commission
22 under this section.

23 “(D) FEE DOES NOT APPLY TO PUBLIC
24 BROADCASTING STATIONS.—Subparagraph (A)
25 does not apply to a public telecommunications

1 entity (as defined in section 397(12) of this
2 Act).

3 “(3) ADMINISTRATIVE PROVISIONS.—Except as
4 otherwise provided in this subsection, section 9 ap-
5 plies to the assessment and collection of fees under
6 this subsection to the same extent as if those fees
7 were regulatory fees imposed under section 9.

8 “(i) DEFINITIONS.—In this section:

9 “(1) BROADCASTING STATION.—The term
10 ‘broadcasting station’ has the meaning given that
11 term by section 315(e)(1).

12 “(2) FEDERAL ELECTION.—The term ‘Federal
13 election’ means any regularly-scheduled, primary,
14 runoff, or special election held to nominate or elect
15 a candidate to Federal office.

16 “(3) FEDERAL OFFICE.—The term ‘Federal of-
17 fice’ has the meaning given that term by section
18 101(3) of the Federal Election Campaign Act of
19 1971 (2 U.S.C. 431(3)).

20 “(4) LEGALLY-QUALIFIED CANDIDATE.—The
21 term ‘legally-qualified candidate’ means a legally
22 qualified candidate within the meaning of section
23 315.

24 “(5) POLITICAL PARTY.—The term ‘political
25 party’ means a major party or a minor party as de-

1 fined in section 9002(3) or (4) of the Internal Rev-
2 enue Code of 1986 (26 U.S.C. 9002(3) or (4)).

3 “(6) OTHER TERMS.—Except as otherwise pro-
4 vided in this section, any term used in this section
5 that is defined in section 301 of the Federal Elec-
6 tion Campaign of 1971 (2 U.S.C. 431) has the
7 meaning given that term by section 301 of that Act.

8 “(j) REGULATIONS.—The Commission shall prescribe
9 such regulations as may be necessary to carry out the pro-
10 visions of this section. In developing the regulations, the
11 Commission shall consult with the Federal Elections Com-
12 mission.”.

13 (b) DELAYED EFFECTIVE DATE FOR PRESIDENTIAL
14 CANDIDATES.—The provisions of subsections (b)(2)(E)
15 and (d)(2)(C) of section 315A of the Communications Act
16 of 1934, as added by subsection (a), shall take effect on
17 January 1, 2008.

○