

105TH CONGRESS
1ST SESSION

H. R. 84

To amend the Communications Act of 1934 to require radio and television
broadcasters to provide free broadcasting time for political advertising.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 7, 1997

Ms. SLAUGHTER introduced the following bill; which was referred to the
Committee on Commerce

A BILL

To amend the Communications Act of 1934 to require radio
and television broadcasters to provide free broadcasting
time for political advertising.

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. SHORT TITLE.**

4 This Act may be cited as the “Fairness in Political
5 Advertising Act of 1997”.

6 **SEC. 2. ALLOCATION TO POLITICAL CANDIDATES OF FREE**
7 **BROADCAST TIME FOR POLITICAL ADVERTIS-**
8 **ING.**

9 (a) **CONDITION OF LICENSE RENEWAL.**—Section
10 309(h) of the Communications Act of 1934 (47 U.S.C.

1 309(h)) is amended by inserting before the period at the
 2 end thereof the following: “; and (4) every television
 3 broadcast station license issued under this Act shall be
 4 subject to the free broadcast time obligations imposed by
 5 section 315(c)”.

6 (b) FREE TIME OBLIGATIONS.—Section 315 of the
 7 Communications Act of 1934 (47 U.S.C. 315) is amend-
 8 ed—

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

11 (2) by inserting after subsection (b) the follow-
 12 ing new subsection:

13 “(c)(1) Each licensee for a television broadcasting
 14 station shall annually make available free broadcast time
 15 for political advertising in accordance with the require-
 16 ments of this subsection. The Commission shall not renew
 17 the license of any licensee who substantially fails or re-
 18 fuses to comply with the requirements of this subsection,
 19 but such licensee shall not be subject to any other sanction
 20 or remedy for such failure or refusal.

21 “(2) A licensee subject to this subsection shall allot
 22 free broadcast time to each qualified political candidate
 23 in accordance with the following standards:

24 “(A) Such licensee shall allot an equal amount,
 25 but not less than 2 hours, of free broadcast time

1 each even-numbered year to each qualified political
2 candidate in a statewide or national election. In the
3 case of a television station whose market does not
4 encompass all of a congressional district, such li-
5 censee may apportion to each qualified candidate
6 from such district a fraction of such 2 hours that is
7 equal to the fraction of such district's population
8 that resides within such market, as determined in
9 accordance with regulations prescribed by the Com-
10 mission.

11 “(B) The free broadcast time allotted to any
12 candidate under subparagraph (A) shall be com-
13 posed of units of varying lengths of not more than
14 5 minutes nor less than 10 seconds, as determined
15 by negotiation between such organization and the li-
16 censee.

17 “(C) The broadcast time allotted by any li-
18 censee shall be allotted so that—

19 “(i) at least one-half is broadcast during
20 the hours of 7:00 p.m. to 10:00 p.m.;

21 “(ii) during any election year, at least two-
22 thirds is broadcast during the 2 months imme-
23 diately preceding election day and at least one-
24 half is broadcast during the 3 weeks imme-
25 diately preceding election day;

1 “(iii) each qualified candidate is allotted
2 free broadcast time that is comparable, by time
3 of day and day of week, to the time allotted to
4 other qualified candidates for the same office;
5 and

6 “(iv) no broadcaster shall allot more than
7 4½ hours per week of free broadcast time for
8 political advertising and, if the amount of time
9 required to or allotted by this paragraph would
10 exceed 4½ hours, the time required to be allot-
11 ted each qualified candidate shall be reduced
12 proportionately.

13 “(D) The broadcast time shall be used solely
14 for programming consisting of unedited segments in
15 which the candidate speaks directly to the camera.

16 “(3) A candidate shall be treated as a qualified politi-
17 cal candidate for purposes of paragraph (2)(A) if the can-
18 didate’s party, in the most recent statewide or national
19 election, received more than 2 percent of the total number
20 of votes.

21 “(4) A licensee allots free broadcast time as required
22 by this subsection by broadcasting statements without re-
23 muneration or compensation in any form, whether by pub-
24 lic or private funds, tax deduction or credit, or otherwise.

1 “(5) Nothing in this subsection, and no use of free
2 broadcast time allotted under this subsection, shall be con-
3 strued to restrict or otherwise affect the purchase of ad-
4 vertising time under subsection (b) of this section.”.

5 **SEC. 3. CABLE BROADCASTING OF POLITICAL ADVERTIS-**
6 **ING.**

7 Section 611 of the Communications Act of 1934 (47
8 U.S.C. 531) is amended—

9 (1) by redesignating subsection (f) as sub-
10 section (g); and

11 (2) by inserting after subsection (e) the follow-
12 ing new subsection:

13 “(f) A cable operator shall annually make available
14 free cable time for political advertising in accordance with
15 the requirements of regulations prescribed by the Commis-
16 sion. Such regulations shall, to the extent practicable, re-
17 quire each such cable operator to provide such free cable
18 time in the same amounts and manner, to the same eligi-
19 ble political candidates, and subject to the same conditions
20 as free broadcast time is required to be provided by tele-
21 vision broadcast station licensees under section 315(c) of
22 the Act. No franchise authority shall renew the franchise

1 of any cable operator that fails to comply with such regu-
2 lations, but such operator shall not be subject to any other
3 sanction or remedy for such failure or refusal.”.

