

106TH CONGRESS
1ST SESSION

H. R. 2033

To amend the Communications Act of 1934 to provide that the lowest unit rate for campaign advertising shall not be available for communications in which a candidate attacks an opponent of the candidate unless the candidate does so in person.

IN THE HOUSE OF REPRESENTATIVES

JUNE 7, 1999

Mr. WALDEN of Oregon introduced the following bill; which was referred to the Committee on Commerce

A BILL

To amend the Communications Act of 1934 to provide that the lowest unit rate for campaign advertising shall not be available for communications in which a candidate attacks an opponent of the candidate unless the candidate does so in person.

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 “Political Candidate
5 Personal Responsibility Act of 1999”.

6 **SEC. 2. FINDINGS.**

7 Congress makes the following findings:

1 (1) Local broadcasters are currently required to
 2 offer the “lowest unit charge” for advertising to can-
 3 didates for all political offices 45 days before a pri-
 4 mary election, and 60 days before a general election.

5 (2) The “lowest unit charge” requirement rep-
 6 resents a federally mandated subsidy for political
 7 candidates.

8 (3) Campaigns for public office are too fre-
 9 quently dominated by negative and attack-oriented
 10 television and radio advertising.

11 (4) The Government should take action to en-
 12 sure that it does not subsidize negative and attack
 13 oriented advertising where the candidate fails to
 14 demonstrate personal responsibility for the tenor of
 15 the candidate’s advertising.

16 **SEC. 3. LIMITATION ON AVAILABILITY OF LOWEST UNIT**
 17 **CHARGE FOR PUBLIC CANDIDATES ATTACK-**
 18 **ING OPPOSITION.**

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

21 (1) by striking “(b) The charges” and inserting
 22 “(b)(1) The charges”;

23 (2) by redesignating paragraphs (1) and (2) as
 24 subparagraphs (A) and (B), respectively; and

1 (3) by adding at the end the following new
2 paragraph:

3 “(2)(A) In the case of a candidate for public of-
4 fice, such candidate shall not be entitled to receive
5 the rate under paragraph (1)(A) for the use of any
6 broadcasting station unless the candidate certifies
7 that the candidate (and any authorized committee of
8 the candidate) shall not make any direct reference to
9 another candidate for the same office, in any broad-
10 cast using the rights and conditions of access under
11 this Act, unless—

12 “(i) such reference meets the requirements
13 of subparagraph (C), and

14 “(ii) a communication which contains such
15 reference—

16 “(I) in the case of a television broad-
17 cast, contains a clearly identifiable photo-
18 graphic or similar image of the candidate
19 that is prominently displayed during at
20 least 75 percent of the broadcast time, and

21 “(II) in the case of a radio broadcast,
22 contains the voice of the candidate during
23 at least 75 percent of the broadcast time.

24 “(B) If a candidate for public office (or any au-
25 thorized committee of such candidate) makes a ref-

1 erence described in subparagraph (A) in any broad-
2 cast that does not meet the requirements of sub-
3 paragraph (C) or makes a communication that does
4 not meet the requirements of subparagraph (A)(ii),
5 such candidate shall not be entitled to receive the
6 rate under paragraph (1)(A) for such broadcast or
7 any other broadcast during any portion of the 45-
8 day and 60-day periods described in paragraph
9 (1)(A), that occur on or after the date of such
10 broadcast, for election to such office.

11 “(C) A candidate meets the requirements of
12 this subparagraph with respect to any reference to
13 another candidate if—

14 “(i) in the case of a television broadcast,
15 the reference (and any statement relating to the
16 other candidate) is made by the candidate in a
17 personal appearance on the screen, and

18 “(ii) in the case of a radio broadcast, the
19 reference (and any statement relating to the
20 other candidate) is made by the candidate in a
21 personal audio statement during which the can-
22 didate and the office for which the candidate is
23 running are identified by such candidate.

24 “(D) For purposes of this paragraph, the term
25 ‘authorized committee’ has the meanings given such

1 term by section 301 of the Federal Election Cam-
2 paign Act of 1971 (2 U.S.C. 431).”

3 (b) CONFORMING AMENDMENT.—Section
4 315(b)(1)(A) of the Communications Act of 1934 (47
5 U.S.C. 315(b)(1)(A)), as redesignated by subsection
6 (a)(2), is amended by inserting “subject to paragraph
7 (2),” before “during the forty-five days”.

8 (c) EFFECTIVE DATE.—The amendments made by
9 this section shall apply to broadcasts made after the date
10 of enactment of this Act.

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