

106TH CONGRESS  
1ST SESSION

# S. 1135

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.

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## IN THE SENATE OF THE UNITED STATES

MAY 26, 1999

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

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## 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 Federal 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 FEDERAL CANDIDATES AT-**  
 18 **TACKING 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 Federal  
4 office, 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 Federal office (or any  
25 authorized committee of such candidate) makes a

1 reference described in subparagraph (A) in any  
2 broadcast that does not meet the requirements of  
3 subparagraph (C) or makes a communication that  
4 does not meet the requirements of subparagraph  
5 (A)(ii), such candidate shall not be entitled to re-  
6 ceive the rate under paragraph (1)(A) for such  
7 broadcast or any other broadcast during any portion  
8 of the 45-day and 60-day periods described in para-  
9 graph (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 terms  
25 ‘authorized committee’ and ‘Federal office’ have the

1 meanings given such terms by section 301 of the  
2 Federal Election Campaign Act of 1971 (2 U.S.C.  
3 431).”

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

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

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