

108TH CONGRESS
1ST SESSION

S. 1497

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

JULY 30 (legislative day, JULY 21), 2003

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 “Our Democracy, Our
3 Airwaves Act of 2003”.

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 “for pre-emptible use thereof”
13 after “station” in subparagraph (A) of paragraph
14 (1).

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 (c) 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), and notwithstanding the requirements of
 3 subsection (b)(1)(A), a licensee shall not preempt
 4 the use of a broadcasting station by an eligible can-
 5 didate or political committee of a political party who
 6 has purchased and paid for such use.

7 “(2) CIRCUMSTANCES BEYOND CONTROL OF LI-
 8 CENSEE.—If a program to be broadcast by a broad-
 9 casting station is preempted because of cir-
 10 cumstances beyond the control of the station, any
 11 candidate or party advertising spot scheduled to be
 12 broadcast during that program shall be treated in
 13 the same fashion as a comparable commercial adver-
 14 tising spot.

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

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

1 as subsections (f) and (g), respectively, and” and in-
 2 serting “315) is amended by”.

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

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

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

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

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

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

21 (a) **IN GENERAL.**—

22 (1) **PROGRAM CONTENT REQUIREMENTS.**—In
 23 the administration of the Communications Act of
 24 1934 (47 U.S.C. 151 et seq.), the Federal Commu-
 25 nications Commission may not determine that a

1 broadcasting station has met its obligation to oper-
2 ate in the public interest unless the station dem-
3 onstrates to the satisfaction of the Commission
4 that—

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

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

17 (2) NIGHTOWL BROADCASTS NOT COUNTED.—
18 For purposes of paragraph (1), any candidate-cen-
19 tered programming or issue-centered programming
20 broadcast between midnight and 6:00 a.m. in the
21 time zone in which the primary broadcast audience
22 for the station is located shall not be taken into ac-
23 count.

24 (3) NONPARTISAN VOTER REGISTRATION AND
25 GET-OUT-THE-VOTE BROADCASTS.—For purposes of

paragraph (1), programming that constitutes non-partisan activity designed to encourage individuals to vote or to register to vote, within the meaning of section 301(9)(B)(ii) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(9)(B)(ii)), is deemed to be issue-centered programming to the extent it does not exceed—

(A) 30 minutes per week for purposes of paragraph (1)(A); and

(B) 15 minutes per week for purposes of paragraph (1)(B).

(b) DEFINITIONS.—In this section:

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

(2) CANDIDATE-CENTERED PROGRAMMING.—The term “candidate-centered programming”—

(A) includes debates, interviews, candidate statements, and other program formats that provide for a discussion of issues by the candidate; but

(B) does not include paid political advertisements.

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

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

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

10 (B) does not include paid political adver-
11 tisements.

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

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

16 **“SEC. 315A. POLITICAL ADVERTISEMENT VOUCHER PRO-**
17 **GRAM.**

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

22 “(b) CANDIDATES.—

23 “(1) DISBURSEMENT OF VOUCHERS.—Begin-
24 ning no earlier than January of each even-numbered
25 year after 2003, the Commission shall disburse

1 vouchers at least once each month for the purchase
 2 of radio or television broadcast airtime for political
 3 advertisements on broadcasting stations to each in-
 4 dividual certified by the Federal Election Commis-
 5 sion under paragraph (2) as an eligible candidate.

6 “(2) FEC TO CERTIFY ELIGIBLE CAN-
 7 DIDATES.—The Commission may not disburse
 8 vouchers under paragraph (1) to an individual, until
 9 the Federal Election Commission has made the fol-
 10 lowing certifications with respect to that individual:

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

13 “(B) AGREEMENT.—The individual has
 14 agreed in writing—

15 “(i) to keep and furnish to the Fed-
 16 eral Election Commission such records,
 17 books, and other information as it may re-
 18 quire; and

19 “(ii) to repay to the Federal Commu-
 20 nications Commission an amount equal to
 21 150 percent of the dollar value of vouchers
 22 received from the Commission if the Fed-
 23 eral Election Commission makes a final de-
 24 termination that the individual violated
 25 any term of the agreement.

1 “(C) HOUSE OF REPRESENTATIVES CAN-
2 DIDATES.—For candidates for election to the
3 House of Representatives, that—

4 “(i) the individual has received at
5 least \$25,000 in contributions from indi-
6 viduals, not counting any amount in excess
7 of \$250 received from any individual;

8 “(ii) the individual agrees not know-
9 ingly to make expenditures from the indi-
10 vidual’s personal funds, or the personal
11 funds of the individual’s immediate family,
12 in connection with the campaign for elec-
13 tion to the House of Representatives in ex-
14 cess of, in the aggregate, \$125,000; and

15 “(iii) the individual faces opposition
16 by at least 1 other candidate who has re-
17 ceived contributions or made expenditures
18 of, in the aggregate, at least \$25,000 or
19 who has been certified by the Federal Elec-
20 tion Commission under this paragraph as
21 eligible to receive vouchers under para-
22 graph (1).

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

1 “(i) the individual has received at
2 least \$25,000 in contributions from indi-
3 viduals, not counting any amount in excess
4 of \$250 received from any individual, mul-
5 tiplied by the number of Representatives
6 from the State in which the individual
7 seeks election;

8 “(ii) the individual agrees not know-
9 ingly to make expenditures from the indi-
10 vidual’s personal funds, or the personal
11 funds of the individual’s immediate family,
12 in connection with the campaign for elec-
13 tion to the Senate in excess of, in the ag-
14 gregate, \$500,000; and

15 “(iii) the individual faces opposition
16 by at least 1 other candidate who has re-
17 ceived contributions or made expenditures
18 of, in the aggregate, at least \$25,000 mul-
19 tiplied by the number of Representatives
20 from the State in which the individual
21 seeks election or who has been certified by
22 the Federal Election Commission under
23 this paragraph as eligible to receive vouch-
24 ers under paragraph (1).

1 “(E) PRESIDENTIAL CANDIDATES.—For
2 candidates for nomination for election, or elec-
3 tion, to the Office of President—

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

8 “(ii) in order to be eligible to receive
9 vouchers under this section, the candidate
10 shall—

11 “(I) execute the agreement de-
12 scribed in subparagraph (B); and

13 “(II) certify in writing under
14 penalty of perjury that the candidate
15 has qualified to receive payments
16 under section 9006 or 9037 of the In-
17 ternal Revenue Code of 1986.

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

21 “(A) provide the requested certification, if
22 the individual meets the requirements for cer-
23 tification, within 7 days after it receives the in-
24 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 on the basis of the Commission’s good
10 faith estimate of demand by minor party
11 committees, of the amount available for
12 disbursement as provided in subparagraph
13 (B) to political party committees described
14 in subsection (c)(2)(B) that have been or
15 will be certified by the Federal Election
16 Commission as eligible political party com-
17 mittees.

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

1 “(B) MINOR PARTY COMMITTEE
 2 AMOUNT.—From the amount reserved under
 3 subparagraph (A)(i), the Commission shall dis-
 4 burse to political party committees described in
 5 subsection (c)(2)(B) certified by the Federal
 6 Election Commission as eligible political party
 7 committees—

8 “(i) the same amount as the Commis-
 9 sion disburses to each political party com-
 10 mittee under subparagraph (A)(ii) if the
 11 political party with which the political com-
 12 mittee is affiliated has—

13 “(I) candidates for election to the
 14 House of Representatives certified by
 15 the Federal Election Commission
 16 under subsection (b)(2) as eligible
 17 candidates in 218 or more districts; or

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

1 “(ii) a percentage of such amount, de-
 2 termined under subparagraph (C), if the
 3 political party with which the political com-
 4 mittee is affiliated does not qualify for the
 5 full amount under clause (i).

6 “(C) PROPORTIONATE AMOUNT DETER-
 7 MINATION.—The amount the Commission shall
 8 disburse to a political party committee de-
 9 scribed in subparagraph (B)(ii) is a percentage
 10 of the amount disbursed to a political party
 11 committee under subparagraph (A)(2) equal to
 12 the greater of the following percentages:

13 “(i) A percentage—

14 “(I) the numerator of which is
 15 the number of districts in which the
 16 party has candidates for election to
 17 the House of Representatives certified
 18 by the Federal Election Commission
 19 under subsection (b)(2) as eligible
 20 candidates; and

21 “(II) the denominator of which is
 22 435.

23 “(ii) A percentage—

24 “(I) the numerator of which is
 25 the number of States in which the

1 party has candidates for election to
 2 the Senate certified by the Federal
 3 Election Commission under subsection
 4 (b)(2) as eligible candidates; and

5 “(II) the denominator of which is
 6 33 (or 34 in any year in which there
 7 are 34 Senators for election).

8 “(e) INFLATION ADJUSTMENT.—Each dollar amount
 9 in this section shall be adjusted for even-numbered years
 10 after 2003 in the same manner as the limitations in sec-
 11 tion 315(b) and (d) of the Federal Election Campaign Act
 12 of 1971 (2 U.S.C. 441a(b) and (d)) are adjusted under
 13 section 315(c) of that Act (2 U.S.C. 441a(c)), except that,
 14 for the purpose of applying section 315(c)—

15 “(1) ‘(commencing in 2005)’ shall be sub-
 16 stituted for ‘(commencing in 1976)’ in paragraph
 17 (1) of that section; and

18 “(2) ‘2003’ shall be substituted for ‘1974’ in
 19 paragraph (2)(B) of that section.

20 “(f) USE.—

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

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

3 “(B) a political party may use vouchers to
4 purchase broadcast airtime for political adver-
5 tisements for its candidates in a general elec-
6 tion for any Federal, State, or local office if it
7 discloses the value of the voucher used as an ex-
8 penditure under section 315(d) of the Federal
9 Election Campaign Act of 1971 (2 U.S.C.
10 441(d)).

11 “(2) EXCHANGE WITH POLITICAL PARTY COM-
12 MITTEE.—

13 “(A) IN GENERAL.—A individual who re-
14 ceives a voucher under this section may transfer
15 the right to use all or a portion of the value of
16 the voucher to a committee, described in sub-
17 section (c)(2)(A), of the political party of which
18 the individual is a candidate in exchange for
19 money in an amount equal to the cash value of
20 the voucher or portion exchanged.

21 “(B) CONTINUATION OF CANDIDATE OBLI-
22 GATIONS.—The transfer of a voucher, in whole
23 or in part, to a political party committee under
24 this paragraph does not release the candidate
25 from any obligation under the agreement made

1 under subsection (b)(2) or otherwise modify
 2 that agreement or its application to that can-
 3 didate.

4 “(C) PARTY COMMITTEE OBLIGATIONS.—
 5 Any political party committee to which a vouch-
 6 er or portion thereof is transferred under sub-
 7 paragraph (A)—

8 “(i) shall account fully, in accordance
 9 with such requirements as the Commission
 10 may establish, for the receipt of the vouch-
 11 er; and

12 “(ii) may not use the transferred
 13 voucher or portion thereof for any purpose
 14 other than a purpose described in para-
 15 graph (1)(B).

16 “(D) VOUCHER AS A CONTRIBUTION
 17 UNDER FECA.—If a candidate transfers a
 18 voucher or any portion thereof to a political
 19 party committee under subparagraph (A)—

20 “(i) the value of the voucher or por-
 21 tion thereof transferred shall be treated as
 22 a contribution from the candidate to the
 23 committee, and from the committee to the
 24 candidate, for purposes of sections 302

1 and 304 of the Federal Election Campaign
2 Act of 1971 (2 U.S.C. 432 and 434);

3 “(ii) the committee may, in exchange,
4 provide to the candidate only funds subject
5 to the prohibitions, limitations, and report-
6 ing requirements of the Federal Election
7 Campaign Act of 1971 (2 U.S.C. 431 et
8 seq.); and

9 “(iii) the amount, if identified as a
10 ‘voucher exchange’ shall not be considered
11 a contribution for the purposes of section
12 315 of that Act (2 U.S.C. 441a).

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

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

21 “(2) ACCEPTANCE.—A broadcasting station
22 shall accept vouchers in payment for the purchase of
23 broadcast airtime for political advertisements in ac-
24 cordance with this section.

1 “(3) REDEMPTION.—The Commission shall re-
2 deem vouchers accepted by broadcasting stations
3 under paragraph (2) upon presentation, subject to
4 such documentation, verification, accounting, and
5 application requirements as the Commission may im-
6 pose to ensure the accuracy and integrity of the
7 voucher redemption system. The Commission shall
8 use amounts in the Political Advertising Voucher
9 Account established under subsection (h) to redeem
10 vouchers presented under this subsection.

11 “(4) EXPIRATION.—

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

19 “(B) EXCEPTION FOR POLITICAL PARTY
20 COMMITTEES.—A voucher held by a political
21 party committee may be used to pay for broad-
22 cast airtime for political advertisements to be
23 broadcast before midnight on December 31st of
24 the odd-numbered year following the year in

1 which the voucher was issued by the Commis-
2 sion.

3 “(5) VOUCHER AS EXPENDITURE UNDER
4 FECA.—

5 “(A) CONGRESSIONAL CAMPAIGNS.—Ex-
6 cept as provided in subparagraph (B), for pur-
7 poses of the Federal Election Campaign Act of
8 1971 (2 U.S.C. 431 et seq.), the use of a
9 voucher to purchase broadcast airtime con-
10 stitutes an expenditure as defined in section
11 301(9)(A) of that Act (2 U.S.C. 431(9)(A)).

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

20 “(h) POLITICAL ADVERTISING VOUCHER AC-
21 COUNT.—

22 “(1) IN GENERAL.—The Commission shall es-
23 tablish an account to be known as the Political Ad-
24 vertising Voucher Account, which shall be credited
25 with commercial television and radio spectrum use

1 fees assessed under this subsection, together with
2 any amounts repaid or otherwise reimbursed under
3 this section.

4 “(2) SPECTRUM USE FEE.—

5 “(A) IN GENERAL.—The Commission shall
6 assess, and collect annually, a spectrum use fee
7 based on a percentage of a broadcasting sta-
8 tion’s gross revenues in an amount necessary to
9 carry out the provisions of this section.

10 “(B) LIMITATIONS.—The percentage
11 under subparagraph (A) may not be—

12 “(i) greater than 1 percent; nor

13 “(ii) less than .05 percent.

14 “(C) AVAILABILITY.—Any amount as-
15 sessed and collected under this paragraph shall
16 be retained by the Commission as an offsetting
17 collection for the purposes of making disburse-
18 ments under this section, except that—

19 “(i) the salaries and expenses account
20 of the Commission shall be credited with
21 such sums as are necessary from those
22 amounts for the costs of developing and
23 implementing the program established by
24 this section; and

1 “(ii) the Commission may reimburse
 2 the Federal Election Commission for any
 3 expenses incurred by the Commission
 4 under this section.

5 “(D) FEE DOES NOT APPLY TO PUBLIC
 6 BROADCASTING STATIONS.—Subparagraph (A)
 7 does not apply to a public telecommunications
 8 entity (as defined in section 397(12) of this
 9 Act).

10 “(3) ADMINISTRATIVE PROVISIONS.—Except as
 11 otherwise provided in this subsection, section 9 of
 12 this Act applies to the assessment and collection of
 13 fees under this subsection to the same extent as if
 14 those fees were regulatory fees imposed under sec-
 15 tion 9.

16 “(i) DEFINITIONS.—In this section:

17 “(1) BROADCASTING STATION.—The term
 18 ‘broadcasting station’ has the meaning given that
 19 term by section 315(e)(1) of this Act.

20 “(2) FEDERAL ELECTION.—The term ‘Federal
 21 election’ means any regularly-scheduled, primary,
 22 runoff, or special election held to nominate or elect
 23 a candidate to Federal office.

24 “(3) FEDERAL OFFICE.—The term ‘Federal of-
 25 fice’ has the meaning given that term by section

1 301(3) of the Federal Election Campaign Act of
2 1971 (2 U.S.C. 431(3)).

3 “(4) LEGALLY-QUALIFIED CANDIDATE.—The
4 term ‘legally-qualified candidate’ means a legally
5 qualified candidate within the meaning of section
6 315 of this Act.

7 “(5) POLITICAL PARTY.—The term ‘political
8 party’ means a major party or a minor party as de-
9 fined in section 9002(3) or (4) of the Internal Rev-
10 enue Code of 1986 (26 U.S.C. 9002(3) or (4)).

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

16 “(j) REGULATIONS.—The Commission shall prescribe
17 such regulations as may be necessary to carry out the pro-
18 visions of this section. In developing the regulations, the
19 Commission shall consult with the Federal Elections Com-
20 mission.”.

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

1 **SEC. 5. FCC TO PRESCRIBE STANDARDIZED FORM FOR RE-**
 2 **PORTING CANDIDATE CAMPAIGN ADS.**

3 (a) IN GENERAL.—Within 90 days after the date of
 4 enactment of this Act, the Federal Communications Com-
 5 mission shall initiate a rulemaking proceeding to establish
 6 a standardized form to be used by broadcasting stations
 7 (as defined in section 315(e)(1) of the Communications
 8 Act of 1934; 47 U.S.C. 315(e)(1)) to record and report
 9 the purchase of advertising time by or on behalf of a can-
 10 didate for nomination for election, or for election, to Fed-
 11 eral elective office.

12 (b) CONTENTS.—The form prescribed by the Com-
 13 mission shall require, broadcasting stations to report, at
 14 a minimum—

15 (1) the station call letters and mailing address;

16 (2) the name and telephone number of the sta-
 17 tion's sales manager (or individual with responsi-
 18 bility for advertising sales);

19 (3) the name of the candidate who purchased
 20 the advertising time, or on whose behalf the adver-
 21 tising time was purchased, and the Federal elective
 22 office for which he or she is a candidate;

23 (4) the name, mailing address, and telephone
 24 number of the person responsible for purchasing
 25 broadcast political advertising for the candidate;

1 (5) notation as to whether the purchase agree-
2 ment for which the information is being reported is
3 a draft or final version; and

4 (6) the following information about the adver-
5 tisement:

6 (A) The date and time of the broadcast.

7 (B) The program in which the advertise-
8 ment was broadcast.

9 (C) The length of the broadcast airtime.

10 (c) INTERNET ACCESS.—In its rulemaking, the Com-
11 mission shall require any broadcasting station reporting
12 under this section that maintains an Internet website to
13 make available a link to reports under this section on that
14 website.

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