

103D CONGRESS
1ST SESSION

S. 54

To amend the Communications Act of 1934 and the Federal Election Campaign Act of 1971 to better inform the electorate in Senate elections.

IN THE SENATE OF THE UNITED STATES

JANUARY 21 (legislative day, JANUARY 5), 1993

Mr. PELL (for himself and Mr. WOFFORD) introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

JANUARY 28 (legislative day, JANUARY 5), 1993

Committee discharged; ordered referred to the Committee on Commerce, Science, and Transportation

A BILL

To amend the Communications Act of 1934 and the Federal Election Campaign Act of 1971 to better inform the electorate in Senate elections.

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. AVAILABILITY OF FREE BROADCAST TIME.**

4 Title III of the Communications Act of 1934 (47
5 U.S.C. 301 et seq.) is amended by inserting after section
6 315 the following new section:

1 “FREE BROADCAST TIME FOR SENATE CANDIDATES
2 “SEC. 315A. (a) In addition to broadcast time that
3 a licensee makes available to a candidate under section
4 315(a), a television station licensee shall make available
5 at no charge, for allocation to Senate candidates within
6 its broadcast area under section 503 of the Federal Elec-
7 tion Campaign Act of 1971, 3 hours of broadcast time
8 during a prime time access period described in section 501
9 of that Act to each Senatorial campaign committee des-
10 ignated under section 502 of that Act.

11 “(b) An appearance by a candidate on a news or pub-
12 lic service program at the invitation of a television station
13 or other organization that presents such a program shall
14 not be counted toward time made available pursuant to
15 subsection (a).”.

16 **SEC. 2. ALLOCATION BY SENATORIAL CAMPAIGN COMMIT-
17 TEES.**

18 The Federal Election Campaign Act of 1971 (2
19 U.S.C. 301 et seq.) is amended by adding at the end there-
20 of the following new title:

21 **“TITLE V—DISSEMINATION OF
22 POLITICAL INFORMATION**

23 **“SEC. 501. DEFINITIONS.**

24 “For the purposes of this title—

1 “(1) the term ‘free broadcast time’ means time
2 provided by a television station during a prime time
3 access period pursuant to section 315A of the Com-
4 munications Act of 1934;

5 “(2) the term ‘major party’ means a political
6 party whose candidate the Senate in a State placed
7 first or second in the number of popular votes re-
8 ceived in either of the 2 most recent general elec-
9 tions;

10 “(3) the term ‘minor party’ means a political
11 party other than a major party—

12 “(A) whose candidate for the Senate in a
13 State received more than 5 percent of the popu-
14 lar vote in the most recent general election; or

15 “(B) which files with the Commission, not
16 later than 90 days before the date of a general
17 or special election in a State, the number of sig-
18 natures of registered voters in the State that is
19 equal to 5 percent of the popular vote for the
20 office of Senator in the most recent general or
21 special election in the State;

22 “(4) the term ‘prime time access period’ means
23 the time between 7:30 p.m. and 8:00 p.m. of a week-
24 day during the period beginning on the date that is
25 60 days before the date of a general election or spe-

1 cial election for the Senate and ending on the day
2 before the date of the election; and

3 “(5) the term ‘Senatorial campaign committee’
4 means the committee of a political party designated
5 under section 602.

6 **SEC. 502. DESIGNATION OF SENATORIAL CAMPAIGN COM-**
7 **MITTEES.**

8 “(a) APPLICATION.—(1)(A) The national committee
9 of a major party or minor party that has established a
10 committee for the specific purpose of providing support
11 to candidates for the Senate may file with the Commission
12 an application for designation of that committee as the
13 Senatorial campaign committee of that political party for
14 the purposes of this title.

15 “(B) The national committee of a major party or
16 minor party that has not established a committee for the
17 specific purpose of providing support to candidates for the
18 Senate may file with the Commission an application for
19 designation of the national committee as the Senatorial
20 campaign committee of that political party for the pur-
21 poses of this title.

22 “(2) An application under paragraph (1) shall be in
23 such form as the Commission may require and shall in-
24 clude a certification by the applicant that the Senatorial
25 campaign committee will—

1 “(A) allocate free broadcast time in accordance
2 with section 503 to candidates for the Senate in gen-
3 eral and special elections in which at least 1 other
4 candidate for the Senate have qualified for the gen-
5 eral election ballot;

6 “(B) keep and furnish to the Commission any
7 books, records, or other information it may request;
8 and

9 “(C) cooperate in any audit by the Commission.

10 “(3) The Commission shall determine whether to ap-
11 prove or deny an application under this section not later
12 than 7 days after receipt.

13 “(b) If the Commission makes a determination to
14 deny an application under this section, the applicant shall
15 be afforded a hearing with respect to the determination
16 in accordance with section 554 of title 5, United States
17 Code.

18 "SEC. 503. ALLOCATION AND USE OF FREE BROADCAST
19 TIME.

20 "(a) ALLOCATION.—A Senatorial campaign commit-
21 tee of a political party shall allocate free broadcast time
22 made available by a television station licensee under sec-
23 tion 315A of the Communications Act of 1934 among the
24 candidates of that party for the Senate in the licensee's
25 broadcast area.

1 “(b) USE.—A Senatorial campaign committee shall
2 ensure that—

3 “(1) free broadcast time is used in a manner
4 that promotes a rational discussion and debate of is-
5 sues with respect to the elections involved;

6 “(2) in programs in which free broadcast time
7 is used, not more than 25 percent of the time of the
8 broadcast shall consist of presentations other than a
9 candidate’s own remarks;

10 “(3) free broadcast time is used in segments of
11 not less than 1 minute; and

12 “(4) not more than 15 minutes of free broad-
13 cast time is used by any 1 candidate in a 24-hour
14 period.

15 **“SEC. 504. REPORTS TO CONGRESS.**

16 “The Commission shall submit to Congress, not later
17 than June 1 of each year that follows a year in a general
18 election for the Senate is held, a report setting forth the
19 amount of free broadcast time allocated to candidates
20 under section 503.

21 **“SEC. 505. PARTICIPATION BY COMMISSION IN JUDICIAL
22 PROCEEDINGS.**

23 “(a) IN GENERAL.—The Commission may appear in
24 any action filed under this section, either by attorneys em-
25 ployed in its office or by counsel whom it may appoint

1 without regard to the provisions of title 5, United States
2 Code, governing appointments in the competitive service,
3 and whose compensation it may fix without regard to the
4 provisions of chapter 51 and title III of chapter 53 of that
5 title.

6 “(b) ENFORCEMENT.—The Commission may petition
7 a district court of the United States for declaratory or
8 injunctive relief concerning any civil matter arising under
9 this title, through attorneys and counsel described in sub-
10 section (a).

11 “(c) APPEALS.—The Commission may, on behalf of
12 the United States, appeal from, and petition the Supreme
13 Court of the United States for certiorari to review, a judg-
14 ment or decree entered with respect to an action in which
15 it appeared pursuant to this section.”.

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