

103<sup>D</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 1400

To amend section 315 of the Communications Act of 1934 with respect to the purchase of broadcasting time by candidates for public office.

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IN THE HOUSE OF REPRESENTATIVES

MARCH 18, 1993

Mr. DINGELL (for himself and Mr. MARKEY) introduced the following bill; which was referred to the Committee on Energy and Commerce

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## A BILL

To amend section 315 of the Communications Act of 1934 with respect to the purchase of broadcasting time by candidates for public office.

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 “Campaign Advertising  
5 Act of 1993”.

6       **SEC. 2. FINDINGS.**

7       The Congress finds that—

8               (1) in the 30 days preceding a primary, and in  
9       the 45 days preceding a general election, candidates  
10      for political office need to be able to buy, at the low-

1 est commercially available rates, nonpreemptible ad-  
2 vertising spots from broadcast stations and cable tel-  
3 evision stations to ensure that their messages reach  
4 the intended audience and that the voting public has  
5 an opportunity to make informed decisions;

6 (2) since the Communications Act of 1934 was  
7 amended in 1972 to guarantee the lowest unit  
8 charge for candidates during these important  
9 preelection periods, the method by which advertising  
10 spots are sold in the broadcast and cable industries  
11 has changed significantly;

12 (3) changes in the method for selling advertis-  
13 ing spots have made the interpretation and enforce-  
14 ment of the lowest unit charge provision difficult  
15 and complex;

16 (4) clarification and simplification of the provi-  
17 sions relating to charges for campaign-related uses  
18 in the Communications Act of 1934 are necessary to  
19 ensure compliance with the original intent of the  
20 provision; and

21 (5) in granting discounts and setting charges  
22 for advertising time, broadcasters and cable opera-  
23 tors shall treat candidates for political office at least  
24 as well as the most favored commercial advertisers.

1 **SEC. 3. AMENDMENTS TO COMMUNICATIONS ACT OF 1934.**

2 Section 315 of the Communications Act of 1934 (47  
3 U.S.C. 315) is amended—

4 (1) in subsection (b)(1)—

5 (A) by striking “forty-five” and inserting  
6 “30”;

7 (B) by striking “sixty” and inserting “45”;  
8 and

9 (C) by striking “lowest unit charge of the  
10 station for the same class and amount of time  
11 for the same period” and insert “lowest charge  
12 of the station for the same amount of time for  
13 the same period”;

14 (2) by redesignating subsections (c) and (d) as  
15 subsections (d) and (e), respectively;

16 (3) by inserting immediately after subsection  
17 (b) the following new subsection:

18 “(c)(1) Except as provided in paragraph (2), a li-  
19 censee shall not preempt the use, during any period speci-  
20 fied in subsection (b)(1), of a broadcasting station by a  
21 legally qualified candidate for public office who has pur-  
22 chased and paid for such use pursuant to the provisions  
23 of subsection (b)(1).

24 “(2) If a program to be broadcast by a broadcasting  
25 station is preempted because of circumstances beyond the  
26 control of the broadcasting station, any candidate adver-

1 tising spot scheduled to be broadcast during that program  
2 may also be preempted.”; and

3 (4) in subsection (d) (as redesignated by para-  
4 graph (2) of this section)—

5 (A) by striking “and” at the end of para-  
6 graph (1);

7 (B) by striking the period at the end of  
8 paragraph (2) and inserting “; and”; and

9 (C) by adding at the end thereof the fol-  
10 lowing new paragraph:

11 “(3) a station’s lowest charge for purposes of  
12 paragraph (1)—

13 “(A) with respect to a primary or primary  
14 runoff election, is determined for the interval  
15 beginning 60 days before such election and end-  
16 ing on the date of that election; and

17 “(B) with respect to a general or special  
18 election, is determined for the interval begin-  
19 ning 90 days before such election and ending on  
20 the date of that election.”.

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