

116TH CONGRESS  
1ST SESSION

# H. R. 896

To amend the Communications Act of 1934 to require radio and television broadcasters to provide free broadcasting time for political advertising, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JANUARY 30, 2019

Ms. KAPTUR (for herself, Ms. NORTON, and Mr. SEAN PATRICK MALONEY of New York) introduced the following bill; which was referred to the Committee on Energy and Commerce

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## A BILL

To amend the Communications Act of 1934 to require radio and television broadcasters to provide free broadcasting time for political advertising, 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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Fairness in Political  
5 Advertising Act of 2019”.

1 **SEC. 2. ALLOCATION TO POLITICAL CANDIDATES OF FREE**  
2 **BROADCAST TIME FOR POLITICAL ADVER-**  
3 **TISING.**

4 (a) **CONDITION OF LICENSE RENEWAL.**—Section  
5 309(h) of the Communications Act of 1934 (47 U.S.C.  
6 309(h)) is amended by inserting before the period at the  
7 end the following: “; and (4) every television broadcast  
8 station license issued under this Act shall be subject to  
9 the free broadcast time obligations imposed by section  
10 315(c)”.

11 (b) **FREE TIME OBLIGATIONS.**—Section 315 of the  
12 Communications Act of 1934 (47 U.S.C. 315) is amend-  
13 ed—

14 (1) by redesignating subsections (c) through (e)  
15 as subsections (d) through (f), respectively; and

16 (2) by inserting after subsection (b) the fol-  
17 lowing new subsection:

18 “(c)(1) Each licensee for a television broadcasting  
19 station shall annually make available free broadcast time  
20 for political advertising in accordance with the require-  
21 ments of this subsection. The Commission shall not renew  
22 the license of any licensee who substantially fails or re-  
23 fuses to comply with the requirements of this subsection,  
24 but such licensee shall not be subject to any other sanction  
25 or remedy for such failure or refusal.

1       “(2) A licensee subject to this subsection shall allot  
2 free broadcast time to each qualified political candidate  
3 in accordance with the following standards:

4           “(A) Such licensee shall allot an equal amount,  
5 but not less than 2 hours, of free broadcast time  
6 each even-numbered year to each qualified political  
7 candidate in a statewide or national election. In the  
8 case of a television station whose market does not  
9 encompass all of a congressional district, such li-  
10 censee may apportion to each qualified candidate  
11 from such district a fraction of such 2 hours that is  
12 equal to the fraction of such district’s population  
13 that resides within such market, as determined in  
14 accordance with regulations prescribed by the Com-  
15 mission.

16           “(B) The free broadcast time allotted to any  
17 candidate under subparagraph (A) shall be com-  
18 posed of units of varying lengths of not more than  
19 5 minutes nor less than 10 seconds, as determined  
20 by negotiation between such candidate and the li-  
21 censee.

22           “(C) The broadcast time allotted by any li-  
23 censee shall be allotted so that—

24                   “(i) at least one-half is broadcast during  
25 the hours of 7:00 p.m. to 10:00 p.m.;

1           “(ii) during any election year, at least two-  
2 thirds is broadcast during the 2 months imme-  
3 diately preceding election day and at least one-  
4 half is broadcast during the 3 weeks imme-  
5 diately preceding election day;

6           “(iii) each qualified candidate is allotted  
7 free broadcast time that is comparable, by time  
8 of day and day of week, to the time allotted to  
9 other qualified candidates for the same office;  
10 and

11           “(iv) no broadcaster shall allot more than  
12 4½ hours per week of free broadcast time for  
13 political advertising and, if the amount of time  
14 required to be allotted by this paragraph would  
15 exceed 4½ hours, the time required to be allot-  
16 ted each qualified candidate shall be reduced  
17 proportionately.

18           “(D) The broadcast time shall be used solely  
19 for programming consisting of unedited segments in  
20 which the candidate speaks directly to the camera.

21           “(3) A candidate shall be treated as a qualified polit-  
22 ical candidate for purposes of paragraph (2)(A) if the can-  
23 didate’s party, in the most recent statewide or national  
24 election, received more than 2 percent of the total number  
25 of votes.

1       “(4) A licensee allots free broadcast time as required  
2 by this subsection by broadcasting statements without re-  
3 muneration or compensation in any form, whether by pub-  
4 lic or private funds, tax deduction or credit, or otherwise.

5       “(5) Nothing in this subsection, and no use of free  
6 broadcast time allotted under this subsection, shall be con-  
7 strued to restrict or otherwise affect the purchase of ad-  
8 vertising time under subsection (b) of this section.”.

9 **SEC. 3. CABLE BROADCASTING OF POLITICAL ADVER-**  
10 **TISING.**

11       Section 611 of the Communications Act of 1934 (47  
12 U.S.C. 531) is amended—

13           (1) by redesignating subsection (f) as sub-  
14 section (g); and

15           (2) by inserting after subsection (e) the fol-  
16 lowing new subsection:

17       “(f) A cable operator shall annually make available  
18 free cable time for political advertising in accordance with  
19 the requirements of regulations prescribed by the Commis-  
20 sion. Such regulations shall, to the extent practicable, re-  
21 quire each such cable operator to provide such free cable  
22 time in the same amounts and manner, to the same eligi-  
23 ble political candidates, and subject to the same conditions  
24 as free broadcast time is required to be provided by tele-  
25 vision broadcast station licensees under section 315(c). No

1 franchise authority shall renew the franchise of any cable  
2 operator that fails to comply with such regulations, but  
3 such operator shall not be subject to any other sanction  
4 or remedy for such failure or refusal.”.

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