

112TH CONGRESS
1ST SESSION

H. R. 137

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.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 5, 2011

Ms. KAPTUR introduced the following bill; which was referred to the
Committee on Energy and Commerce

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 2011”.

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 thereof the following: “; and (4) every television
8 broadcast station license issued under this Act shall be
9 subject to the free broadcast time obligations imposed by
10 section 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 organization 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 or 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) of

1 the Act. No franchise authority shall renew the franchise
2 of any cable operator that fails to comply with such regu-
3 lations, but such operator shall not be subject to any other
4 sanction or remedy for such failure or refusal.”.

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