

**[Staff Discussion Draft]**

JULY 29, 2003

108TH CONGRESS  
1ST SESSION

**S. \_\_\_\_\_**

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.

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IN THE SENATE OF THE UNITED STATES

JULY —, 2003

Mr. MCCAIN (for himself, Mr. FEINGOLD, and Mr. DURBIN) introduced the following bill; which was read twice and referred to the Committee on

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**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,*

3 **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Our Democracy, Our  
5 Airwaves Act of 2003”.

6 **SEC. 2. MEDIA RATES.**

7       (a) **LOWEST UNIT CHARGE; NATIONAL COMMIT-**  
8 **TEES.**—Section 315(b) of the Communications Act of  
9 1934 (47 U.S.C. 315(b)) is amended—

10           (1) by striking “to such office” in paragraph  
11 (1) and inserting “to such office, or by a national  
12 committee of a political party on behalf of such can-  
13 didate in connection with such campaign,”; and

14           (2) by inserting “for pre-emptible use thereof”  
15 after “station” in subparagraph (A) of paragraph  
16 (1).

17       (b) **PREEMPTION; AUDITS.**—

18           (1) **IN GENERAL.**—Section 315 of such Act (47  
19 U.S.C. 315) is amended—

20           (A) by redesignating subsections (e) and  
21 (d) as subsections (e) and (f), respectively and  
22 moving them to follow the existing subsection  
23 (e);

1 (B) by redesignating the existing sub-  
2 section (e) as subsection (c); and

3 (B) by inserting after subsection (c) the  
4 following:

5 “(d) PREEMPTION.—

6 “(1) IN GENERAL.—Except as provided in  
7 paragraph (2), and notwithstanding the require-  
8 ments of subsection (b)(1)(A), a licensee shall not  
9 preempt the use of a broadcasting station by an eli-  
10 gible candidate or political committee of a political  
11 party who has purchased and paid for such use.

12 “(2) CIRCUMSTANCES BEYOND CONTROL OF  
13 LICENSEE.—If a program to be broadcast by a  
14 broadcasting station is preempted because of cir-  
15 cumstances beyond the control of the station, any  
16 candidate or party advertising spot scheduled to be  
17 broadcast during that program shall be treated in  
18 the same fashion as a comparable commercial adver-  
19 tising spot.

20 “(e) AUDITS.—During the 45-day period preceding  
21 a primary election and the 60-day period preceding a gen-  
22 eral election, the Commission shall conduct such audits  
23 as it deems necessary to ensure that each broadcaster to  
24 which this section applies is allocating television broadcast

1 advertising time in accordance with this section and sec-  
2 tion 312.

3 (2) CONFORMING AMENDMENT.—Section 504  
4 of the Bipartisan Campaign Reform Act of 2002 is  
5 amended by striking “315), as amended by this Act,  
6 is amended by redesignating subsections (e) and (f)  
7 as subsections (f) and (g), respectively, and” and in-  
8 serting “315) is amended by”.

9 (c) STYLISTIC AMENDMENTS.—Section 315 of such  
10 Act (47 U.S.C. 315) is amended—

11 (1) by striking “For purposes of this section—  
12 ” in subsection (e), as redesignated by subsection  
13 (b)(1)(A) of this section, and inserting “DEFINI-  
14 TIONS.—In this section:”;

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

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

21 (4) by inserting “REGULATIONS.—” in sub-  
22 section (f), as so redesignated, before “The Commis-  
23 sion”.

1 **SEC. 3. MINIMUM TIME REQUIREMENTS FOR CANDIDATE-**  
2 **CENTERED OR ISSUE-CENTERED BROAD-**  
3 **CASTS BY BROADCASTING STATIONS.**

4 (a) IN GENERAL.—

5 (1) PROGRAM CONTENT REQUIREMENTS.—In  
6 the administration of the Communications Act of  
7 1934 (47 U.S.C. 151 et seq.), the Federal Commu-  
8 nications Commission may not determine that a  
9 broadcasting station has met its obligation to oper-  
10 ate in the public interest unless the station dem-  
11 onstrates to the satisfaction of the Commission  
12 that—

13 (A) it broadcast at least 2 hours per week  
14 of candidate-centered programming or issue-  
15 centered programming during each of the 6  
16 weeks preceding a Federal election, including at  
17 least 4 of the weeks immediately preceding a  
18 general election; and

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

25 (2) NIGHTOWL BROADCASTS NOT COUNTED.—

26 For purposes of paragraph (1), any candidate-cen-

1       tered programming or issue-centered programming  
2       broadcast between midnight and 6:00 a.m. in the  
3       time zone in which the primary broadcast audience  
4       for the station is located shall not be taken into ac-  
5       count.

6               (3) NONPARTISAN VOTER REGISTRATION AND  
7       GET-OUT-THE-VOTE BROADCASTS.—For purposes of  
8       paragraph (1), programming that constitutes non-  
9       partisan activity designed to encourage individuals  
10      to vote or to register to vote, within the meaning of  
11      section 301(9)(B)(ii) of the Federal Election Cam-  
12      paign Act of 1971 (2 U.S.C. 431(9)(B)(ii)), is  
13      deemed to be issue-centered programming to the ex-  
14      tent it does not exceed—

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

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

19      (b) DEFINITIONS.—In this section:

20              (1) BROADCASTING STATION.—The term  
21              “broadcasting station”—

22              (A) has the meaning given that term by  
23              section 315(e)(1) of the Communications Act of  
24              1934.

1 (2) CANDIDATE-CENTERED PROGRAMMING.—

2 The term “candidate-centered programming”—

3 (A) includes debates, interviews, candidate  
4 statements, and other program formats that  
5 provide for a discussion of issues by the can-  
6 didate; but

7 (B) does not include paid political adver-  
8 tisements.

9 (3) FEDERAL ELECTION.—The term “Federal  
10 election” has the meaning given that term in section  
11 315A(g)(2) of the Communications Act of 1934.

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

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

18 (B) does not include paid political adver-  
19 tisements.

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

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

1 **“SEC. 315A. POLITICAL ADVERTISEMENT VOUCHER PRO-**  
2 **GRAM.**

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

7 “(b) CANDIDATES.—

8 “(1) DISBURSEMENT OF VOUCHERS.—Begin-  
9 ning no earlier than January of each even-numbered  
10 year after 2003, the Commission shall disburse  
11 vouchers at least once each month for the purchase  
12 of radio or television broadcast airtime for political  
13 advertisements on broadcasting stations to each in-  
14 dividual certified by the Federal Election Commis-  
15 sion under paragraph (2) as an eligible candidate.

16 “(2) FEC TO CERTIFY ELIGIBLE CAN-  
17 DIDATES.—The Commission may not disburse  
18 vouchers under paragraph (1) to an individual, until  
19 the Federal Election Commission has made the fol-  
20 lowing certifications with respect to that individual:

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

23 “(B) AGREEMENT.—The individual has  
24 agreed in writing—

25 “(i) to keep and furnish to the Fed-  
26 eral Election Commission such records,

1 books, and other information as it may re-  
2 quire; and

3 “(ii) to repay to the Federal Commu-  
4 nications Commission an amount equal to  
5 150 percent of the dollar value of vouchers  
6 received from the Commission if the Fed-  
7 eral Election Commission makes a final de-  
8 termination that the individual violated  
9 any term of the agreement.

10 “(C) HOUSE OF REPRESENTATIVES CAN-  
11 DIDATES.—For candidates for election to the  
12 House of Representatives, that—

13 “(i) the individual has received at  
14 least \$25,000 in contributions from indi-  
15 viduals, not counting any amount in excess  
16 of \$250 received from any individual;

17 “(ii) the individual agrees not know-  
18 ingly to make expenditures from the indi-  
19 vidual’s personal funds, or the personal  
20 funds of the individual’s immediate family,  
21 in connection with the campaign for elec-  
22 tion to the House of Representatives in ex-  
23 cess of, in the aggregate, \$125,000; and

24 “(iii) the individual faces opposition  
25 by at least 1 other candidate who has re-

1           ceived contributions or made expenditures  
2           of, in the aggregate, at least \$25,000 or  
3           who has been certified by the Federal Elec-  
4           tion Commission under this paragraph as  
5           eligible to receive vouchers under para-  
6           graph (1).

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

9                   “(i) the individual has received at  
10                  least \$25,000 in contributions from indi-  
11                  viduals, not counting any amount in excess  
12                  of \$250 received from any individual, mul-  
13                  tiplied by the number of Representatives  
14                  from the State in which the individual  
15                  seeks election;

16                   “(ii) the individual agrees not know-  
17                  ingly to make expenditures from the indi-  
18                  vidual’s personal funds, or the personal  
19                  funds of the individual’s immediate family,  
20                  in connection with the campaign for elec-  
21                  tion to the Senate in excess of, in the ag-  
22                  gregate, \$500,000; and

23                   “(iii) the individual faces opposition  
24                  by at least 1 other candidate who has re-  
25                  ceived contributions or made expenditures

1 of, in the aggregate, at least \$25,000 mul-  
2 tiplied by the number of Representatives  
3 from the State in which the individual  
4 seeks election or who has been certified by  
5 the Federal Election Commission under  
6 this paragraph as eligible to receive vouch-  
7 ers under paragraph (1).

8 “(E) PRESIDENTIAL CANDIDATES.—For  
9 candidates for nomination for election, or elec-  
10 tion, to the Office of President—

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

15 “(ii) in order to be eligible to receive  
16 vouchers under this section, the candidate  
17 shall—

18 “(i) execute the agreement de-  
19 scribed in subparagraph (B); and

20 “(II) certify in writing under  
21 penalty of perjury that the candidate  
22 has qualified to receive payments  
23 under section 9006 or 9037 of the In-  
24 ternal Revenue Code of 1986.

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

4           “(A) provide the requested certification, if  
5 the individual meets the requirements for cer-  
6 tification, within 7 days after it receives the in-  
7 formation necessary therefor; and

8           “(B) shall comply with the requirements of  
9 chapter 35 of title 44, United States Code,  
10 (commonly known as the Paperwork Reduction  
11 Act) and take other appropriate steps to mini-  
12 mize the paperwork burden on candidates seek-  
13 ing certification under this subsection.

14       “(c) POLITICAL PARTIES.—

15           “(1) DISBURSEMENT OF VOUCHERS.—In Janu-  
16 ary, 2004, and January of each even-numbered year  
17 thereafter, the Commission shall disburse vouchers  
18 for the purchase of radio or television broadcast  
19 airtime for political advertisements on broadcasting  
20 stations to each political party committee certified  
21 by the Federal Election Commission under para-  
22 graph (2) as an eligible committee.

23           “(2) FEC TO CERTIFY ELIGIBLE COMMIT-  
24 TEES.—The Commission may not disburse vouchers  
25 under paragraph (1) to a political party committee,

1       until the Federal Election Commission has made the  
2       following certifications with respect to that com-  
3       mittee:

4               “(A) NATIONAL PARTY COMMITTEES.—  
5       The committee is the national committee of a  
6       political party or the national congressional  
7       campaign committee of a political party (as  
8       those terms are used in section 323(a)(1) of the  
9       Federal Election Campaign Act of 1971 (2  
10      U.S.C. 441i(a)(1))).

11              “(B) MINOR PARTY COMMITTEES.—In the  
12      case of a political party committee that is not  
13      described in subparagraph (A), the committee  
14      meets the candidate base requirement of sub-  
15      paragraph (C).

16              “(C) CANDIDATE BASE.—The committee  
17      has candidates—

18                      “(i) for election to the House of Rep-  
19                      resentatives who have been certified by the  
20                      Federal Election Commission under sub-  
21                      section (b)(2) as eligible candidates in at  
22                      least 22 districts; or

23                      “(ii) for election to the Senate in at  
24                      least 5 States who have been certified by

1 the Federal Election Commission under  
2 subsection (b)(2) as eligible candidates.

3 “(D) AGREEMENT.—The committee agrees  
4 in writing—

5 “(i) to keep and furnish to the Fed-  
6 eral Election Commission such records,  
7 books, and other information as it may re-  
8 quire; and

9 “(ii) to repay to the Federal Commu-  
10 nications Commission an amount equal to  
11 150 percent of the dollar value of vouchers  
12 received from the Commission if the Fed-  
13 eral Election Commission makes a final de-  
14 termination that the committee violated  
15 any term of the agreement.

16 “(d) AMOUNTS.—

17 “(1) CALENDAR YEAR 2004 AGGREGATES.—For  
18 calendar year 2004, the Commission shall disburse  
19 vouchers in the aggregate amount of not more than  
20 \$750,000,000, of which—

21 “(A) not more than \$650,000,000 shall be  
22 available for disbursement to candidates under  
23 subsection (b); and

1           “(B) not more than \$100,000,000 shall be  
2 available for disbursement to political parties  
3 under subsection (c).

4           “(2) PER-CANDIDATE AMOUNT.—

5           “(A) IN GENERAL.—Except as provided in  
6 subparagraphs (B) and (C), the Commission  
7 shall disburse vouchers to an individual can-  
8 didate under subsection (b)(1) with respect to a  
9 Federal election equal, in the aggregate, to \$3  
10 multiplied by the contributions received by that  
11 individual with respect to that election, not  
12 counting any amount in excess of \$250 received  
13 from any individual.

14           “(B) MAXIMUM.—Except as provided in  
15 subparagraph (C), the Commission may not dis-  
16 burse vouchers to an individual candidate under  
17 subsection (b)(1) with respect to a Federal elec-  
18 tion of more than—

19                   “(i) \$375,000, for a candidate for  
20 election to the House of Representatives;  
21 or

22                   “(ii) \$375,000 multiplied by the num-  
23 ber of Representatives from the State from  
24 which the individual seeks election, for a  
25 candidate for election to the Senate.

1           “(C) SPECIAL RULE FOR PRESIDENTIAL  
2 CANDIDATES.—The Commission shall disburse  
3 vouchers to a candidate for nomination for elec-  
4 tion, or election, to the Office of President who  
5 receives payments under section 9037 or 9006  
6 of the Internal Revenue Code of 1986 (26  
7 U.S.C. 9037 or 9006), respectively, equal to—

8           “(i) \$1 for each dollar received under  
9 section 9037 of such Code; and

10           “(ii) 50 cents for each dollar received  
11 under section 9006 of such Code.

12           “(3) PER-COMMITTEE AMOUNT.—

13           “(A) IN GENERAL.—The \$100,000,000  
14 available to be disbursed to political parties  
15 shall disbursed as follows:

16           “(i) The Commission shall reserve a  
17 percentage, determined by the Commission  
18 on the basis of the Commission’s good  
19 faith estimate of demand by minor party  
20 committees, of the amount available for  
21 disbursement as provided in subparagraph  
22 (B) to political party committees described  
23 in subsection (c)(2)(B) that have been or  
24 will be certified by the Federal Election

1 Commission as eligible political party com-  
2 mittees.

3 “(ii) The Commission shall disburse  
4 the remainder of the amount available for  
5 disbursement in equal amounts among po-  
6 litical party committees described in sub-  
7 section (c)(2)(A) that have been or will be  
8 certified by the Federal Election Commis-  
9 sion as eligible political party committees.

10 “(B) MINOR PARTY COMMITTEE  
11 AMOUNT.—From the amount reserved under  
12 subparagraph (A)(i), the Commission shall dis-  
13 burse to political party committees described in  
14 subsection (c)(2)(B) certified by the Federal  
15 Election Commission as eligible political party  
16 committees—

17 “(i) the same amount as the Commis-  
18 sion disburses to each political party com-  
19 mittee under subparagraph (A)(ii) if the  
20 political party with which the political com-  
21 mittee is affiliated has—

22 “(I) candidates for election to the  
23 House of Representatives certified by  
24 the Federal Election Commission

1 under subsection (b)(2) as eligible  
2 candidates in 218 or more districts; or

3 “(II) candidates for election to  
4 the Senate certified by the Federal  
5 Election Commission under subsection  
6 (b)(2) as eligible candidates in 17 or  
7 more of the States in which elections  
8 for United States Senator are being  
9 held; and

10 “(ii) a percentage of such amount, de-  
11 termined under subparagraph (C), if the  
12 political party with which the political com-  
13 mittee is affiliated does not qualify for the  
14 full amount under clause (i).

15 “(C) PROPORTIONATE AMOUNT DETER-  
16 MINATION.—The amount the Commission shall  
17 disburse to a political party committee de-  
18 scribed in subparagraph (B)(ii) is a percentage  
19 of the amount disbursed to a political party  
20 committee under subparagraph (A)(2) equal to  
21 the greater of the following percentages:

22 “(i) A percentage—

23 “(I) the numerator of which is  
24 the number of districts in which the  
25 party has candidates for election to

1 the House of Representatives certified  
2 by the Federal Election Commission  
3 under subsection (b)(2) as eligible  
4 candidates; and

5 “(II) the denominator of which is  
6 435.

7 “(ii) A percentage—

8 “(I) the numerator of which is  
9 the number of States in which the  
10 party has candidates for election to  
11 the Senate certified by the Federal  
12 Election Commission under subsection  
13 (b)(2) as eligible candidates; and

14 “(II) the denominator of which is  
15 33 (or 34 in any year in which there  
16 are 34 Senators for election).

17 “(e) INFLATION ADJUSTMENT.—Each dollar amount  
18 in this section shall be adjusted for even-numbered years  
19 after 2003 in the same manner as the limitations in sec-  
20 tion 315(b) and (d) of the Federal Election Campaign Act  
21 of 1971 (2 U.S.C. 441a(b) and (d)) are adjusted under  
22 section 315(c) of that Act (2 U.S.C. 441a(c)), except that,  
23 for the purpose of applying section 315(c)—

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

4           “(2) ‘2003’ shall be substituted for ‘1974’ in  
5           paragraph (2)(B) of that section.

6           “(f) USE.—

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

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

14           “(B) a political party may use vouchers to  
15           purchase broadcast airtime for political adver-  
16           tisements for its candidates in a general elec-  
17           tion for any Federal, State, or local office if it  
18           discloses the value of the voucher used as an ex-  
19           penditure under section 315(d) of the Federal  
20           Election Campaign Act of 1971 (2 U.S.C.  
21           441(d)).

22           “(2) EXCHANGE WITH POLITICAL PARTY COM-  
23           MITTEE.—

24           “(A) IN GENERAL.—A individual who re-  
25           ceives a voucher under this section may transfer

1           the right to use all or a portion of the value of  
2           the voucher to a committee, described in sub-  
3           section (c)(2)(A), of the political party of which  
4           the individual is a candidate in exchange for  
5           money in an amount equal to the cash value of  
6           the voucher or portion exchanged.

7           “(B) CONTINUATION OF CANDIDATE OBLI-  
8           GATIONS.—The transfer of a voucher, in whole  
9           or in part, to a political party committee under  
10          this paragraph does not release the candidate  
11          from any obligation under the agreement made  
12          under subsection (b)(2) or otherwise modify  
13          that agreement or its application to that can-  
14          didate.

15          “(C) PARTY COMMITTEE OBLIGATIONS.—  
16          Any political party committee to which a vouch-  
17          er or portion thereof is transferred under sub-  
18          paragraph (A)—

19                  “(i) shall account fully, in accordance  
20                  with such requirements as the Commission  
21                  may establish, for the receipt of the vouch-  
22                  er; and

23                  “(ii) may not use the transferred  
24                  voucher or portion thereof for any purpose

1 other than a purpose described in para-  
2 graph (1)(B).

3 “(D) VOUCHER AS A CONTRIBUTION  
4 UNDER FECA.—If a candidate transfers a  
5 voucher or any portion thereof to a political  
6 party committee under subparagraph (A)—

7 “(i) the value of the voucher or por-  
8 tion thereof transferred shall be treated as  
9 a contribution from the candidate to the  
10 committee, and from the committee to the  
11 candidate, for purposes of sections 302  
12 and 304 of the Federal Election Campaign  
13 Act of 1971 (2 U.S.C. 432 and 434);

14 “(ii) the committee may, in exchange,  
15 provide to the candidate only funds subject  
16 to the prohibitions, limitations, and report-  
17 ing requirements of the Federal Election  
18 Campaign Act of 1971 (2 U.S.C. 431 et  
19 seq.); and

20 “(iii) the amount, if identified as a  
21 ‘voucher exchange’ shall not be considered  
22 a contribution for the purposes of section  
23 315 of that Act (2 U.S.C. 441a).

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

1           “(1) VOUCHER.—Each voucher disbursed by  
2           the Commission under this section shall have a value  
3           in dollars, redeemable upon presentation to the  
4           Commission, together with such documentation and  
5           other information as the Commission may require,  
6           for the purchase of broadcast airtime for political  
7           advertisements in accordance with this section.

8           “(2) ACCEPTANCE.—A broadcasting station  
9           shall accept vouchers in payment for the purchase of  
10          broadcast airtime for political advertisements in ac-  
11          cordance with this section.

12          “(3) REDEMPTION.—The Commission shall re-  
13          deem vouchers accepted by broadcasting stations  
14          under paragraph (2) upon presentation, subject to  
15          such documentation, verification, accounting, and  
16          application requirements as the Commission may im-  
17          pose to ensure the accuracy and integrity of the  
18          voucher redemption system. The Commission shall  
19          use amounts in the Political Advertising Voucher  
20          Account established under subsection (h) to redeem  
21          vouchers presented under this subsection.

22          “(4) EXPIRATION.—

23                  “(A) CANDIDATES.—A voucher may only  
24                  be used to pay for broadcast airtime for polit-  
25                  ical advertisements to be broadcast before mid-

1 night on the day before the date of the Federal  
2 election in connection with which it was issued  
3 and shall be null and void for any other use or  
4 purpose.

5 “(B) EXCEPTION FOR POLITICAL PARTY  
6 COMMITTEES.—A voucher held by a political  
7 party committee may be used to pay for broad-  
8 cast airtime for political advertisements to be  
9 broadcast before midnight on December 31st of  
10 the odd-numbered year following the year in  
11 which the voucher was issued by the Commis-  
12 sion.

13 “(5) VOUCHER AS EXPENDITURE UNDER  
14 FECA.—

15 “(A) CONGRESSIONAL CAMPAIGNS.—Ex-  
16 cept as provided in subparagraph (B), for pur-  
17 poses of the Federal Election Campaign Act of  
18 1971 (2 U.S.C. 431 et seq.), the use of a  
19 voucher to purchase broadcast airtime con-  
20 stitutes an expenditure as defined in section  
21 301(9)(A) of that Act (2 U.S.C. 431(9)(A)).

22 “(B) PRESIDENTIAL CAMPAIGNS.—Not-  
23 withstanding any provision of the Federal Elec-  
24 tion Campaign Act of 1971 or chapter 95 or 96  
25 of the Internal Revenue Code of 1986 to the

1           contrary, the use of a voucher by a candidate  
2           for nomination for election, or election, to the  
3           Office of President does not constitute an ex-  
4           penditure for purposes of that Act or chapter.

5           “(h) POLITICAL ADVERTISING VOUCHER AC-  
6           COUNT.—

7           “(1) IN GENERAL.—The Commission shall es-  
8           tablish an account to be known as the Political Ad-  
9           vertising Voucher Account, which shall be credited  
10          with commercial television and radio spectrum use  
11          fees assessed under this subsection, together with  
12          any amounts repaid or otherwise reimbursed under  
13          this section.

14          “(2) SPECTRUM USE FEE.—

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

20                 “(B) LIMITATIONS.—The percentage  
21                 under subparagraph (A) may not be—

22                         “(i) greater than 1 percent; nor

23                         “(ii) less than .05 percent.

24                 “(C) AVAILABILITY.—Any amount as-  
25                 sessed and collected under this paragraph shall

1 be retained by the Commission as an offsetting  
2 collection for the purposes of making disburse-  
3 ments under this section, except that—

4 “(i) the salaries and expenses account  
5 of the Commission shall be credited with  
6 such sums as are necessary from those  
7 amounts for the costs of developing and  
8 implementing the program established by  
9 this section; and

10 “(ii) the Commission may reimburse  
11 the Federal Election Commission for any  
12 expenses incurred by the Commission  
13 under this section.

14 “(D) FEE DOES NOT APPLY TO PUBLIC  
15 BROADCASTING STATIONS.—Subparagraph (A)  
16 does not apply to a public telecommunications  
17 entity (as defined in section 397(12) of this  
18 Act).

19 “(3) ADMINISTRATIVE PROVISIONS.—Except as  
20 otherwise provided in this subsection, section 9 of  
21 this Act applies to the assessment and collection of  
22 fees under this subsection to the same extent as if  
23 those fees were regulatory fees imposed under sec-  
24 tion 9.

25 “(i) DEFINITIONS.—In this section:

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

4           “(2) FEDERAL ELECTION.—The term ‘Federal  
5           election’ means any regularly-scheduled, primary,  
6           runoff, or special election held to nominate or elect  
7           a candidate to Federal office.

8           “(3) FEDERAL OFFICE.—The term ‘Federal of-  
9           fice’ has the meaning given that term by section  
10          301(3) of the Federal Election Campaign Act of  
11          1971 (2 U.S.C. 431(3)).

12          “(4) LEGALLY-QUALIFIED CANDIDATE.—The  
13          term ‘legally-qualified candidate’ means a legally  
14          qualified candidate within the meaning of section  
15          315 of this Act.

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

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

1           “(j) REGULATIONS.—The Commission shall prescribe  
2 such regulations as may be necessary to carry out the pro-  
3 visions of this section. In developing the regulations, the  
4 Commission shall consult with the Federal Elections Com-  
5 mission.”.

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

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

13           (a) IN GENERAL.—Within 90 days after the date of  
14 enactment of this Act, the Federal Communications Com-  
15 mission shall initiate a rulemaking proceeding to establish  
16 a standardized form to be used by broadcasting stations  
17 (as defined in section 315(e)(1) of the Communications  
18 Act of 1934; 47 U.S.C. 315(e)(1)) to record and report  
19 the purchase of advertising time by or on behalf of a can-  
20 didate for nomination for election, or for election, to Fed-  
21 eral elective office.

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

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

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

4           (3) the name of the candidate who purchased  
5           the advertising time, or on whose behalf the adver-  
6           tising time was purchased, and the Federal elective  
7           office for which he or she is a candidate;

8           (4) the name, mailing address, and telephone  
9           number of the person responsible for purchasing  
10          broadcast political advertising for the candidate;

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

14          (6) the following information about the adver-  
15          tisement:

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

17                 (B) The program in which the advertise-  
18                 ment was broadcast.

19                 (C) The length of the broadcast airtime.

20          (e) INTERNET ACCESS.—In its rulemaking, the Com-  
21          mission shall require any broadcasting station reporting  
22          under this section that maintains an Internet website to  
23          make available a link to reports under this section on that  
24          website.

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