

**Statutory Notes and Related Subsidiaries**

## EFFECTIVE DATE OF 1978 AMENDMENT

Amendment by Pub. L. 95-567 effective Nov. 2, 1978, see section 403 of Pub. L. 95-567, set out as a note under section 390 of this title.

**Executive Documents**

## TERMINATION OF TRUST TERRITORY OF THE PACIFIC ISLANDS

For termination of Trust Territory of the Pacific Islands, see note set out preceding section 1681 of Title 48, Territories and Insular Possessions.

**§ 398. Federal interference or control****(a) Prohibition**

Nothing contained in this part shall be deemed (1) to amend any other provision of, or requirement under, this chapter; or (2) except to the extent authorized in subsection (b), to authorize any department, agency, officer, or employee of the United States to exercise any direction, supervision, or control over public telecommunications, or over the Corporation or any of its grantees or contractors, or over the charter or bylaws of the Corporation, or over the curriculum, program of instruction, or personnel of any educational institution, school system, or public telecommunications entity.

**(b) Equal opportunity employment**

(1) Equal opportunity in employment shall be afforded to all persons by the Public Broadcasting Service and National Public Radio (or any successor organization) and by all public telecommunications entities receiving funds pursuant to subpart C<sup>1</sup> (hereinafter in this subsection referred to as "recipients"), in accordance with the equal employment opportunity regulations of the Commission, and no person shall be subjected to discrimination in employment by any recipient on the grounds of race, color, religion, national origin, or sex.

(2)(A) The Secretary is authorized and directed to enforce this subsection and to prescribe such rules and regulations as may be necessary to carry out the functions of the Secretary under this subsection.

(B) The Secretary shall provide for close coordination with the Commission in the administration of the responsibilities of the Secretary under this subsection which are of interest to or affect the functions of the Commission so that, to the maximum extent possible consistent with the enforcement responsibilities of each, the reporting requirements of public telecommunications entities shall be uniformly based upon consistent definitions and categories of information.

(3)(A) The Corporation shall incorporate into each grant agreement or contract with any recipient entered into on or after the effective date of the rules and regulations prescribed by the Secretary pursuant to paragraph (2)(A), a statement indicating that, as a material part of the terms and conditions of the grant agreement or contract, the recipient will comply with the provisions of paragraph (1) and the rules and

regulations prescribed pursuant to paragraph (2)(A). Any person which desires to be a recipient (within the meaning of paragraph (1)) of funds under subpart C<sup>1</sup> shall, before receiving any such funds, provide to the Corporation any information which the Corporation may require to satisfy itself that such person is affording equal opportunity in employment in accordance with the requirements of this subsection. Determinations made by the Corporation in accordance with the preceding sentence shall be based upon guidelines relating to equal opportunity in employment which shall be established by rule by the Secretary.

(B) If the Corporation is not satisfied that any such person is affording equal opportunity in employment in accordance with the requirements of this subsection, the Corporation shall notify the Secretary, and the Secretary shall review the matter and make a final determination regarding whether such person is affording equal opportunity in employment. In any case in which the Secretary conducts a review under the preceding sentence, the Corporation shall make funds available to the person involved pursuant to the grant application of such person (if the Corporation would have approved such application but for the finding of the Corporation under this paragraph) pending a final determination of the Secretary upon completion of such review. The Corporation shall monitor the equal employment opportunity practices of each recipient throughout the duration of the grant or contract.

(C) The provisions of subparagraph (A) and subparagraph (B) shall take effect on the effective date of the rules and regulations prescribed by the Secretary pursuant to paragraph (2)(A).

(4) Based upon its responsibilities under paragraph (3), the Corporation shall provide an annual report for the preceding fiscal year ending September 30 to the Secretary on or before the 15th day of February of each year. The report shall contain information in the form required by the Secretary. The Corporation shall provide other information in the form which the Secretary may require in order to carry out the functions of the Secretary under this subsection.

(5) Whenever the Secretary makes a final determination, pursuant to the rules and regulations which the Secretary shall prescribe, that a recipient is not in compliance with paragraph (1), the Secretary shall, within 10 days after such determination, notify the recipient in writing of such determination and request the recipient to secure compliance. Unless the recipient within 120 days after receipt of such written notice—

(A) demonstrates to the Secretary that the violation has been corrected; or

(B) enters into a compliance agreement approved by the Secretary;

the Secretary shall direct the Corporation to reduce or suspend any further payments of funds under this part to the recipient and the Corporation shall comply with such directive. Resumption of payments shall take place only when the Secretary certifies to the Corporation that the recipient has entered into a compliance agreement approved by the Secretary. A recipient

<sup>1</sup> See References in Text note below.

whose funds have been reduced or suspended under this paragraph may apply at any time to the Secretary for such certification.

**(c) Control over content or distribution of programs**

Nothing in this section shall be construed to authorize any department, agency, officer, or employee of the United States to exercise any direction, supervision, or control over the content or distribution of public telecommunications programs and services, or over the curriculum or program of instruction of any educational institution or school system.

(June 19, 1934, ch. 652, title III, §398, formerly §397, as added Pub. L. 87-447, May 1, 1962, 76 Stat. 67; renumbered §398 and amended Pub. L. 90-129, title I, §103(g), title II, §201(3), (5), Nov. 7, 1967, 81 Stat. 367, 368; Pub. L. 95-567, title III, §309, Nov. 2, 1978, 92 Stat. 2420; Pub. L. 100-626, §9(b), Nov. 7, 1988, 102 Stat. 3211; Pub. L. 115-141, div. P, title IV, §402(i)(9), Mar. 23, 2018, 132 Stat. 1090.)

**Editorial Notes**

**REFERENCES IN TEXT**

This part, referred to in subsecs. (a) and (b)(5), commences with section 390 of this title.

This chapter, referred to in subsec. (a), was in the original "this Act", meaning act June 19, 1934, ch. 652, 48 Stat. 1064, known as the Communications Act of 1934, which is classified principally to this chapter. For complete classification of this Act to the Code, see section 609 of this title and Tables.

Subpart C, referred to in subsec. (b)(1), (3)(A), was redesignated subpart D by Pub. L. 101-437, title II, §203(a)(2), Oct. 17, 1990, 104 Stat. 998.

**AMENDMENTS**

2018—Subsec. (b)(4). Pub. L. 115-141 struck out "The Corporation shall submit a summary of such report to the President and the Congress as part of the report required in section 396(i) of this title." after "by the Secretary."

1988—Subsec. (b)(1). Pub. L. 100-626, §9(b), inserted "in accordance with the equal employment opportunity regulations of the Commission," before "and no person".

1978—Pub. L. 95-567 designated existing provisions as subsec. (a), substituted "public telecommunications entity" and "public telecommunications" for "educational broadcasting station or system" and "educational television or radio broadcasting", respectively, and added subsecs. (b) and (c).

1967—Pub. L. 90-129, §§103(g), 201(5), inserted "or radio" and "or over the Corporation or any of its grantees or contractors, or over the charter or bylaws of the Corporation," before and after "broadcasting", where first appearing, respectively.

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**§ 399. Support of political candidates prohibited**

No noncommercial educational broadcasting station may support or oppose any candidate for political office.

(June 19, 1934, ch. 652, title III, §399, as added Pub. L. 90-129, title II, §201(8), Nov. 7, 1967, 81 Stat. 368; amended Pub. L. 93-84, §2, Aug. 6, 1973,

87 Stat. 219; Pub. L. 94-309, §7, June 5, 1976, 90 Stat. 685; Pub. L. 97-35, title XII, §1229, Aug. 13, 1981, 95 Stat. 730; Pub. L. 100-626, §10, Nov. 7, 1988, 102 Stat. 3211.)

**Editorial Notes**

**AMENDMENTS**

1988—Pub. L. 100-626, in section catchline, substituted "Support of" for "Editorializing and support of", and in text, struck out provisions which prohibited editorializing by noncommercial educational broadcasting station which receives grant from Corporation under subpart C of this part.

1981—Pub. L. 97-35 revised subsec. (a) into existing provisions and, as so revised, added requirement respecting grant under subpart C of this part, and struck out subsec. (b), which related to program recording of broadcasts where issues of public importance are discussed.

1976—Subsec. (b)(5). Pub. L. 94-309 added par. (5).

1973—Pub. L. 93-84 designated existing provisions as subsec. (a) and added subsec. (b).

**§ 399a. Use of business or institutional logograms**

**(a) "Business or institutional logogram" defined**

For purposes of this section, the term "business or institutional logogram" means any aural or visual letters or words, or any symbol or sign, which is used for the exclusive purpose of identifying any corporation, company, or other organization, and which is not used for the purpose of promoting the products, services, or facilities of such corporation, company, or other organization.

**(b) Permitted uses**

Each public television station and each public radio station shall be authorized to broadcast announcements which include the use of any business or institutional logogram and which include a reference to the location of the corporation, company, or other organization involved, except that such announcements may not interrupt regular programming.

**(c) Authority of Commission not limited**

The provisions of this section shall not be construed to limit the authority of the Commission to prescribe regulations relating to the manner in which logograms may be used to identify corporations, companies, or other organizations.

(June 19, 1934, ch. 652, title III, §399A, as added Pub. L. 97-35, title XII, §1230, Aug. 13, 1981, 95 Stat. 730.)

**§ 399b. Offering of certain services, facilities, or products by public broadcast station**

**(a) "Advertisement" defined**

For purposes of this section, the term "advertisement" means any message or other programming material which is broadcast or otherwise transmitted in exchange for any remuneration, and which is intended—

(1) to promote any service, facility, or product offered by any person who is engaged in such offering for profit;

(2) to express the views of any person with respect to any matter of public importance or interest; or

(3) to support or oppose any candidate for political office.