

Editorial Notes

CODIFICATION

Section was enacted as part of the Children's Television Act of 1990, and not as part of the Communications Act of 1934 which comprises this chapter.

Statutory Notes and Related Subsidiaries

CONGRESSIONAL FINDINGS

Pub. L. 101-437, title I, §101, Oct. 17, 1990, 104 Stat. 996, provided that: "The Congress finds that—

"(1) it has been clearly demonstrated that television can assist children to learn important information, skills, values, and behavior, while entertaining them and exciting their curiosity to learn about the world around them;

"(2) as part of their obligation to serve the public interest, television station operators and licensees should provide programming that serves the special needs of children;

"(3) the financial support of advertisers assists in the provision of programming to children;

"(4) special safeguards are appropriate to protect children from overcommercialization on television;

"(5) television station operators and licensees should follow practices in connection with children's television programming and advertising that take into consideration the characteristics of this child audience; and

"(6) it is therefore necessary that the Federal Communications Commission (hereinafter referred to as the 'Commission') take the actions required by this title [enacting sections 303a and 303b of this title]."

§ 303b. Consideration of children's television service in broadcast license renewal

(a) After the standards required by section 303a of this title are in effect, the Commission shall, in its review of any application for renewal of a commercial or noncommercial television broadcast license, consider the extent to which the licensee—

(1) has complied with such standards; and

(2) has served the educational and informational needs of children through the licensee's overall programming, including programming specifically designed to serve such needs.

(b) In addition to consideration of the licensee's programming as required under subsection (a), the Commission may consider—

(1) any special nonbroadcast efforts by the licensee which enhance the educational and informational value of such programming to children; and

(2) any special efforts by the licensee to produce or support programming broadcast by another station in the licensee's marketplace which is specifically designed to serve the educational and informational needs of children.

(Pub. L. 101-437, title I, §103, Oct. 17, 1990, 104 Stat. 997; Pub. L. 102-356, §15, Aug. 26, 1992, 106 Stat. 954; Pub. L. 103-414, title III, §303(c), Oct. 25, 1994, 108 Stat. 4296.)

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AMENDMENTS

1994—Subsec. (a). Pub. L. 103-414 substituted "non-commercial" for "noncommercial".

1992—Subsec. (a). Pub. L. 102-356 inserted reference to commercial or noncommercial television broadcast licenses.

§ 303c. Television program improvement**(a) Short title**

This section may be cited as the "Television Program Improvement Act of 1990".

(b) Definitions

For purposes of this section—

(1) the term "antitrust laws" has the meaning given it in subsection (a) of section 12 of title 15, except that such term includes section 45 of title 15 to the extent that section 45 of title 15 applies to unfair methods of competition;

(2) the term "person in the television industry" means a television network, any entity which produces programming (including theatrical motion pictures) for telecasting or telecasts programming, the National Cable Television Association, the Association of Independent Television Stations, Incorporated, the National Association of Broadcasters, the Motion Picture Association of America, the Community Antenna Television Association, and each of the networks' affiliate organizations, and shall include any individual acting on behalf of such person; and

(3) the term "telecast" means—

(A) to broadcast by a television broadcast station; or

(B) to transmit by a cable television system or a satellite television distribution service.

(c) Exemption

The antitrust laws shall not apply to any joint discussion, consideration, review, action, or agreement by or among persons in the television industry for the purpose of, and limited to, developing and disseminating voluntary guidelines designed to alleviate the negative impact of violence in telecast material.

(d) Limitations

(1) The exemption provided in subsection (c) shall not apply to any joint discussion, consideration, review, action, or agreement which results in a boycott of any person.

(2) The exemption provided in subsection (c) shall apply only to any joint discussion, consideration, review, action, or agreement engaged in only during the 3-year period beginning on December 1, 1990.

(Pub. L. 101-650, title V, §501, Dec. 1, 1990, 104 Stat. 5127.)

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Section was enacted as part of the Television Program Improvement Act of 1990 and also as part of the Judicial Improvements Act of 1990, and not as part of the Communications Act of 1934 which comprises this chapter.

§ 304. Waiver by license of claims to particular frequency or of electromagnetic spectrum

No station license shall be granted by the Commission until the applicant therefor shall

have waived any claim to the use of any particular frequency or of the electromagnetic spectrum as against the regulatory power of the United States because of the previous use of the same, whether by license or otherwise.

(June 19, 1934, ch. 652, title III, §304, 48 Stat. 1083; Pub. L. 97-259, title I, §127(a), Sept. 13, 1982, 96 Stat. 1099; Pub. L. 102-538, title II, §204(a), Oct. 27, 1992, 106 Stat. 3543.)

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AMENDMENTS

1992—Pub. L. 102-538 substituted “waived” for “signed a waiver of”.

1982—Pub. L. 97-259 substituted “electromagnetic spectrum” for “ether”.

§ 305. Government owned stations

(a) Frequencies; compliance with regulations; stations on vessels

Radio stations belonging to and operated by the United States shall not be subject to the provisions of sections 301 and 303 of this title. All such Government stations shall use such frequencies as shall be assigned to each or to each class by the President. All such stations, except stations on board naval and other Government vessels while at sea or beyond the limits of the continental United States, when transmitting any radio communication or signal other than a communication or signal relating to Government business, shall conform to such rules and regulations designed to prevent interference with other radio stations and the rights of others as the Commission may prescribe.

(b) Call letters

All stations owned and operated by the United States, except mobile stations of the Army of the United States, and all other stations on land and sea, shall have special call letters designated by the Commission.

(c) Stations operated by foreign governments

The provisions of sections 301 and 303 of this title notwithstanding, the President may, provided he determines it to be consistent with and in the interest of national security, authorize a foreign government, under such terms and conditions as he may prescribe, to construct and operate at the seat of government of the United States a low-power radio station in the fixed service at or near the site of the embassy or legation of such foreign government for transmission of its messages to points outside the United States, but only (1) where he determines that the authorization would be consistent with the national interest of the United States and (2) where such foreign government has provided reciprocal privileges to the United States to construct and operate radio stations within territories subject to its jurisdiction. Foreign government stations authorized pursuant to the provisions of this subsection shall conform to such rules and regulations as the President may prescribe. The authorization of such stations, and the renewal, modification, suspension, revocation, or other termination of such authority shall be in accordance with such procedures as may be established by the President and shall

not be subject to the other provisions of this chapter or of subchapter II of chapter 5, and chapter 7, of title 5.

(June 19, 1934, ch. 652, title III, §305, 48 Stat. 1083; Pub. L. 87-795, Oct. 11, 1962, 76 Stat. 903; Pub. L. 97-31, §12(150), Aug. 6, 1981, 95 Stat. 167; Pub. L. 104-104, title IV, §403(h)(1), Feb. 8, 1996, 110 Stat. 131.)

Editorial Notes

REFERENCES IN TEXT

This chapter, referred to in subsec. (c), 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.

CODIFICATION

In subsec. (c), “subchapter II of chapter 5, and chapter 7, of title 5” substituted for “the Administrative Procedure Act” on authority of Pub. L. 89-554, §7(b), Sept. 6, 1966, 80 Stat. 631, the first section of which enacted Title 5, Government Organization and Employees.

AMENDMENTS

1996—Subsecs. (b) to (d). Pub. L. 104-104 redesignated subsecs. (c) and (d) as (b) and (c), respectively, and struck out former subsec. (b) which read as follows: “Radio stations on board vessels of the Maritime Administration of the Department of Transportation or the Inland and Coastwise Waterways Service shall be subject to the provisions of this subchapter.”

1981—Subsec. (b). Pub. L. 97-31 substituted “Maritime Administration of the Department of Transportation” for “United States Shipping Board Bureau or the United States Shipping Board Merchant Fleet Corporation”. For prior transfers of functions, see Transfer of Functions note set out below.

1962—Subsec. (d). Pub. L. 87-795 added subsec. (d).

Executive Documents

TRANSFER OF FUNCTIONS

For transfer of functions of United States Shipping Board Bureau and United States Shipping Board Merchant Fleet Corporation, see Ex. Ord. No. 6166, set out under section 901 of Title 5, Government Organization and Employees, act June 29, 1936, ch. 858, title II, §§203, 204, title IX, §904, 49 Stat. 1987, 2016, and Reorg. Plan No. 6 of 1949, Reorg. Plan No. 21 of 1950, and Reorg. Plan No. 7 of 1961, set out in the Appendix to Title 5.

REORGANIZATION PLAN NO. 1 OF 1970

Eff. Apr. 20, 1970, 35 F.R. 6421, 84 Stat. 2083

Prepared by the President and Transmitted to the Senate and the House of Representatives in Congress Assembled, February 9, 1970, Pursuant to the Provisions of Chapter 9 of Title 5 of the United States Code.

OFFICE OF TELECOMMUNICATIONS POLICY

SECTION 1. TRANSFER OF FUNCTIONS

The functions relating to assigning frequencies to radio stations belonging to and operated by the United States, or to classes thereof, conferred upon the President by the provisions of section 305(a) of the Communications Act of 1934, 47 U.S.C. 305(a), are hereby transferred to the Director of the Office of Telecommunications Policy hereinafter provided for.

SEC. 2. ESTABLISHMENT OF OFFICE

There is hereby established in the Executive Office of the President the Office of Telecommunications Policy, hereinafter referred to as the Office.