the Commission may by order provide, for a shorter period of notice'' for ''and shall have been given reasonable opportunity, in no event less than thirty days, to show cause by public hearing, if requested, why such order of modification should not issue: *Provided*, That where safety of life or property is involved, the Commission may by order provide for a shorter period of notice'', and added pars. (2) and (3).

Subsec. (b). Pub. L. 98–214, §4(a)(3), inserted ''; except that, with respect to any issue that addresses the question of whether the proposed action would modify the license or permit of a person described in subsection (a)(2) of this section, such burdens shall be as determined by the Commission''.

§317. Announcement of payment for broadcast

(a) Disclosure of person furnishing

(1) All matter broadcast by any radio station for which any money, service or other valuable consideration is directly or indirectly paid, or promised to or charged or accepted by, the station so broadcasting, from any person, shall, at the time the same is so broadcast, be announced as paid for or furnished, as the case may be, by such person: *Provided*, That ''service or other valuable consideration'' shall not include any service or property furnished without charge or at a nominal charge for use on, or in connection with, a broadcast unless it is so furnished in consideration for an identification in a broadcast of any person, product, service, trademark, or brand name beyond an identification which is reasonably related to the use of such service or property on the broadcast.

(2) Nothing in this section shall preclude the Commission from requiring that an appropriate announcement shall be made at the time of the broadcast in the case of any political program or any program involving the discussion of any controversial issue for which any films, records, transcriptions, talent, scripts, or other material or service of any kind have been furnished, without charge or at a nominal charge, directly or indirectly, as an inducement to the broadcast of such program.

(b) Disclosure to station of payments

In any case where a report has been made to a radio station, as required by section 508 of this title, of circumstances which would have required an announcement under this section had the consideration been received by such radio station, an appropriate announcement shall be made by such radio station.

(c) Acquiring information from station employees

The licensee of each radio station shall exercise reasonable diligence to obtain from its employees, and from other persons with whom it deals directly in connection with any program or program matter for broadcast, information to enable such licensee to make the announcement required by this section.

(d) Waiver of announcement

The Commission may waive the requirement of an announcement as provided in this section in any case or class of cases with respect to which it determines that the public interest, convenience, or necessity does not require the broadcasting of such announcement.

(e) Rules and regulations

The Commission shall prescribe appropriate rules and regulations to carry out the provisions of this section.

(June 19, 1934, ch. 652, title III, §317, 48 Stat. 1089; Pub. L. 86–752, §8(a), Sept. 13, 1960, 74 Stat. 895; Pub. L. 96–507, §2(a), Dec. 8, 1980, 94 Stat. 2747.)

AMENDMENTS

1980—Subsec. (b). Pub. L. 96–507 conformed the reference to section 508 of this title to reflect the renumbering of that section by Pub. L. 96–507.

1960—Pub. L. 86–752 designated existing provisions as subsec. (a), inserting proviso clause, and added subsecs. (b) to (e).

§318. Transmitting apparatus; operator's license

The actual operation of all transmitting apparatus in any radio station for which a station license is required by this chapter shall be carried on only by a person holding an operator's license issued hereunder, and no person shall operate any such apparatus in such station except under and in accordance with an operator's license issued to him by the Commission: *Provided, however*, That the Commission if it shall find that the public interest, convenience, or necessity will be served thereby may waive or modify the foregoing provisions of this section for the operation of any station except (1) stations for which licensed operators are required by international agreement, (2) stations for which licensed operators are required for safety purposes, and (3) stations operated as common carriers on frequencies below thirty thousand kilocycles: *Provided further*, That the Commission shall have power to make special regulations governing the granting of licenses for the use of automatic radio devices and for the operation of such devices.

(June 19, 1934, ch. 652, title III, §318, 48 Stat. 1089; Mar. 29, 1937, ch. 58, 50 Stat. 56; Pub. L. 86–609, §1, July 7, 1960, 74 Stat. 363; Pub. L. 94–335, July 1, 1976, 90 Stat. 794; Pub. L. 102–538, title II, §205, Oct. 27, 1992, 106 Stat. 3543; Pub. L. 103–414, title III, §303(d), Oct. 25, 1994, 108 Stat. 4296.)

AMENDMENTS

1994—Pub. L. 103–414 made technical amendments to directory language of Pub. L. 102–538, §205(1). See 1992 Amendment note below.

1992—Pub. L. 102–538, §205(2), redesignated cl. (4) as (3).

Pub. L. 102–538, §205(1), as amended by Pub. L. 103–414, struck out cl. (3) which read as follows: ''stations engaged in broadcasting (other than those engaged primarily in the function of rebroadcasting the signals of broadcast stations),''.

1976—Pub. L. 94–335 substituted ''engaged primarily in the function of rebroadcasting the signals of broadcast stations'' for ''engaged solely in the function of rebroadcasting the signals of television broadcast stations'' in parenthetical provisions of cl. (3).

1960—Pub. L. 86–609 inserted ''(other than those engaged solely in the function of rebroadcasting the signals of television broadcast stations)'' after ''engaged in broadcasting''.

1937—Act Mar. 29, 1937, inserted provisos.

§319. Construction permits

(a) Requirements

No license shall be issued under the authority of this chapter for the operation of any station