

CODIFICATION

Words “the Philippine Islands” deleted on authority of Proc. No. 2695 issued pursuant to section 1394 of Title 22, Foreign Relations and Intercourse, which recognized independence of Philippine Islands as of July 4, 1946. Proc. No. 2695 is set out under section 1394 of Title 22.

Section was not enacted as part of the Submarine Cable Act which comprises this chapter.

§ 39. Amendment, modification, etc., of rights granted

No right shall accrue to any government, person, or corporation under the terms of sections 34 to 39 of this title that may not be rescinded, changed, modified, or amended by the Congress.

(May 27, 1921, ch. 12, § 6, 42 Stat. 9.)

CODIFICATION

Section was not enacted as part of the Submarine Cable Act which comprises this chapter.

CHAPTER 3—RADIOTELEGRAPHS

§§ 51 to 63. Repealed. Feb. 23, 1927, ch. 169, § 39, 44 Stat. 1174

Section 51, act Aug. 13, 1912, ch. 287, § 1, 37 Stat. 302, required license for operation of apparatus for radio communication and transmission of radiograms or signals, revocable for cause, described its interstate, foreign and local aspects, exempted the United States from its requirement and provided for special call letters for every Government station and penalties and forfeiture of offending apparatus. See sections 301, 305, 312, 501, and 503 of this title.

Section 52, act Aug. 13, 1912, ch. 287, § 2, 37 Stat. 303, related to form of license, United States citizenship of licensee, and contents of license, including statement of restrictions, ownership, location, purpose, wave length, and hours for work of station, subjection to rules and regulations and to closing by the President in time of war, public peril or disaster or Government use or control with payment of just compensation. See sections 307 to 309 of this title.

Section 53, act Aug. 13, 1912, ch. 287, § 3, 37 Stat. 303, required that operators of radio apparatus be licensed, provided for one year period of suspension of license for noncompliance with rules and regulations, declared the employment of unlicensed operators to be unlawful and provided penalty therefor and authorized the issuance of temporary permits in emergencies by collector of customs to operators on a vessel. See sections 308 and 318 of this title.

Section 54, act Aug. 13, 1912, ch. 287, § 4, 37 Stat. 304, subjected private and commercial stations to certain specific regulations, provided for enforcement and waiver of regulations, for grant of special temporary licenses to conduct radio tests and experiments, and prescribed general penalty for violation of regulations and reduction and remittance of such penalty and suspension or revocation of license. The Regulations, numbered First-Nineteenth, related to: (1) normal wave length; (2) other wave lengths; (3) use of a pure wave; (4) use of a sharp wave; (5) use of a standard distress wave; (6) signal of distress; (7) use of broad interfering wave for distress signals (see section 321(a) of this title); (8) distance requirement for distress signals; (9) right of way for distress signals (see section 321(b) of this title); (10) reduced power for ships near a Government station; (11) intercommunication (see section 322 of this title); (12) division of time (see section 323(a) of this title); (13) Government stations to observe divisions of time (see section 323(b) of this title); (14) use of unnecessary power (see section 324 of this title); (15) general restrictions on private stations; (16) special restrictions in the vicinities of Government stations; (17) ship stations to communicate with nearest shore sta-

tions; (18) limitations for future installations in vicinities of Government stations; (19) secrecy of messages and penalty for violations (see sections 501 and 605 of this title). See also sections 502 and 504 of this title.

Section 55, act Aug. 13, 1912, ch. 287, § 5, 37 Stat. 308, required license to prescribe that operator shall not willfully or maliciously interfere with any other radio communications and provided penalty for such violations. See sections 308 and 501 of this title.

Section 56, act Aug. 13, 1912, ch. 287, § 6, 37 Stat. 308, defined radio communication. See section 153(33) of this title.

Section 57, act of Aug. 13, 1912, ch. 287, § 7, 37 Stat. 308, prohibited uttering or transmitting false or fraudulent signals and prescribed penalty therefor. See sections 325 and 501 of this title.

Section 58, act Aug. 13, 1912, ch. 287, § 8, 37 Stat. 308, related to restriction of use of apparatus for radio communication on foreign ships. See section 306 of this title.

Section 59, act Aug. 13, 1912, ch. 287, § 9, 37 Stat. 308, related to jurisdictions of offenses. See section 505 of this title.

Section 60, act Aug. 13, 1912, ch. 287, § 10, 37 Stat. 308, declared radiotelegraph provisions to be inapplicable to Philippine Islands. See section 152 of this title.

Section 61, act June 5, 1920, ch. 269, § 1, 41 Stat. 1061, related to use of Government-owned radio stations and apparatus for official business, compass reports, and safety of ships. See section 305 of this title.

Section 62, acts June 5, 1920, ch. 269, § 2, 41 Stat. 1061; Apr. 14, 1922, ch. 132, 42 Stat. 495; Feb. 28, 1925, ch. 378, 43 Stat. 1091, related to use of Naval stations for commercial messages and rates thereof. See section 327 of this title.

Section 63, act June 5, 1920, ch. 269, § 3, 41 Stat. 1061, declared radiotelegraph provisions to be applicable to Government owned stations, except as otherwise provided therein. See section 305 of this title.

CHAPTER 4—RADIO ACT OF 1927

§§ 81 to 83. Repealed. June 19, 1934, ch. 652, § 602(a), 48 Stat. 1102

Section 81, act Feb. 23, 1927, ch. 169, § 1, 44 Stat. 1162, related to regulation of interstate and foreign radio communications and grant of license. See section 301 of this title.

Section 82, act Feb. 23, 1927, ch. 169, § 2, 44 Stat. 1162, related to division of United States into five zones.

Section 83, acts Feb. 23, 1927, ch. 169, § 3, 44 Stat. 1162; Mar. 28, 1928, ch. 263, § 2, 45 Stat. 373; Mar. 4, 1929, ch. 701, § 2, 45 Stat. 1559; Dec. 18, 1929, ch. 7, § 2, 46 Stat. 50, related to creation of Federal Radio Commission, composition, qualifications, appointments, meetings, employees, seal, reports and compensation. See sections 151 and 154 of this title and section 5311 et seq. of Title 5, Government Organization and Employees.

§§ 83a to 83e. Omitted

CODIFICATION

Sections 83a to 83e were omitted in view of abolition of Federal Radio Commission by act June 19, 1934, ch. 652, title VI, § 603, 48 Stat. 1102, which was classified to former section 603 of this title.

Section 83a, act June 30, 1932, ch. 314, § 511, 47 Stat. 417, abolished Radio Division of Department of Commerce and transferred its powers and duties to Federal Radio Commission.

Section 83b, act June 30, 1932, ch. 314, § 512, 47 Stat. 417, transferred officers and employees of Radio Division to Federal Radio Commission.

Section 83c, act June 30, 1932, ch. 314, § 513, 47 Stat. 417, provided that orders, rules, regulations, and laws of Radio Division have continuing application until modified, amended or repealed by Federal Radio Commission.

Section 83d, act June 30, 1932, ch. 314, § 514, 47 Stat. 417, transferred unexpended appropriations from Radio Division to Federal Radio Commission.

Section 83e, act Mar. 28, 1934, ch. 102, title I, § 1, 48 Stat. 513, related to adjustment of classification or compensation of employees.

§ 84. Repealed. June 19, 1934, ch. 652, § 602(a), 48 Stat. 1102

Section, act Feb. 23, 1927, ch. 169, § 4, 44 Stat. 1163, defined powers and duties of Federal Radio Commission. See sections 154(g), 303, and 409 of this title.

§§ 84a, 84b. Repealed. Pub. L. 89-554, § 8(a), Sept. 6, 1966, 80 Stat. 647

Section 84a, act Mar. 4, 1929, ch. 701, § 5, 45 Stat. 1559, provided for appointment and pay of general counsel, assistants to general counsel, and other legal assistants to Federal Radio Commission.

Section 84b, act Dec. 18, 1929, ch. 7, § 3, 46 Stat. 50, provided for appointment and pay of chief engineer, assistants to chief engineer, and other technical assistants to Federal Radio Commission.

§§ 85 to 119. Repealed. June 19, 1934, ch. 652, § 602(a), 48 Stat. 1102

Section 85, acts Feb. 23, 1927, ch. 169, § 5, 44 Stat. 1164; Mar. 28, 1928, ch. 263, § 1, 45 Stat. 373; Mar. 4, 1929, ch. 701, § 1, 45 Stat. 1559; Dec. 18, 1929, ch. 7, § 1, 46 Stat. 50; May 19, 1932, ch. 192, 47 Stat. 160 related to powers and authority of Secretary of Commerce, appeals to Federal Radio Commission, grant of station license, and waiver affecting wave length. See sections 155, 303(l) to (p), 304, and 307 to 309 of this title.

Section 86, act Feb. 23, 1927, ch. 169, § 6, 44 Stat. 1165, related to government radio stations, regulations, control of all stations by government in national emergency and stations on vessels. See sections 305(a), (b) and 606(c) of this title.

Section 87, act Feb. 23, 1927, ch. 169, § 7, 44 Stat. 1165, related to compensation by government for use or control of stations during national emergency. See section 606(e) of this title.

Section 88, act Feb. 23, 1927, ch. 169, § 8, 44 Stat. 1166, related to special call letters for stations and application of former section 81 of this title to foreign ships. See sections 305(c) and 306 of this title.

Section 89, acts Feb. 23, 1927, ch. 169, § 9, 44 Stat. 1166; Mar. 28, 1928, ch. 263, §§ 3, 5, 45 Stat. 373; Mar. 4, 1929, ch. 701, § 3, 45 Stat. 1559, related to grant and renewal of station licenses and period thereof. See section 307 of this title.

Section 90, act Feb. 23, 1927, ch. 169, § 10, 44 Stat. 1166, related to application for station license and conditions and restrictions therein. See section 308 of this title.

Section 91, acts Feb. 23, 1927, ch. 169, § 11, 44 Stat. 1167; Mar. 28, 1928, ch. 263, § 1, 45 Stat. 373; Mar. 4, 1929, ch. 701, § 1, 45 Stat. 1559; Dec. 18, 1929, ch. 7, § 1, 46 Stat. 50, related to issuance, renewal or modification of station licenses, hearing, form and terms of license. See section 309(a), (b), (d) of this title.

Section 92, act Feb. 23, 1927, ch. 169, § 12, 44 Stat. 1167, related to restrictions on grants and transfers of station licenses. See section 310 of this title.

Section 93, act Feb. 23, 1927, ch. 169, § 13, 44 Stat. 1167, related to refusal of station license to persons guilty of monopoly and liability to prosecution under laws against monopoly. See section 311 of this title.

Section 94, act Feb. 23, 1927, ch. 169, § 14, 44 Stat. 1168, related to revocation of station license, notice of revocation and hearing. See section 312 of this title.

Section 95, act Feb. 23, 1927, ch. 169, § 15, 44 Stat. 1168, related to application of laws against monopolies to radio combinations and revocation of licenses. See section 313 of this title.

Section 96, acts Feb. 23, 1927, ch. 169, § 16, 44 Stat. 1169; July 1, 1930, ch. 788, 46 Stat. 844, related to appeals in matters affecting permit and licenses. See section 402 of this title.

Section 97, act Feb. 23, 1927, ch. 169, § 17, 44 Stat. 1169, related to control by radio interests of cable, wire, tele-

graph or telephone system and prohibition thereof. See section 314 of this title.

Section 98, act Feb. 23, 1927, ch. 169, § 18, 44 Stat. 1170, related to use of broadcasting stations by legally qualified candidates and censorship over material for broadcast. See section 315(a) of this title.

Section 99, act Feb. 23, 1927, ch. 169, § 19, 44 Stat. 1170, related to broadcasting matter for valuable consideration and announcement of person furnishing. See section 317 of this title.

Section 100, act Feb. 23, 1927, ch. 169, § 20, 44 Stat. 1170, related to operation of transmitting apparatus in radio station and operator's license. See section 318 of this title.

Section 101, act Feb. 23, 1927, ch. 169, § 21, 44 Stat. 1170, related to permits for construction and licenses for operation of stations. See section 319 of this title.

Section 102, act Feb. 23, 1927, ch. 169, § 22, 44 Stat. 1171, related to stations interfering with distress signals of ships and regulation thereof. See section 320 of this title.

Section 103, act Feb. 23, 1927, ch. 169, § 23, 44 Stat. 1171, related to radio stations or ships and equipment and regulation thereof. See section 321 of this title.

Section 104, act Feb. 23, 1927, ch. 169, § 24, 44 Stat. 1171, related to shore stations and ships stations and exchanging radio communications and signals. See section 322 of this title.

Section 105, act Feb. 23, 1927, ch. 169, § 25, 44 Stat. 1172, related to proximity of Government and private or commercial stations causing interference and regulation thereof. See section 323 of this title.

Section 106, act Feb. 23, 1927, ch. 169, § 26, 44 Stat. 1172, related to limit on amount of power used at stations. See section 324 of this title.

Section 107, act Feb. 23, 1927, ch. 169, § 27, 44 Stat. 1172, related to divulging and publishing radio communications. See section 605 of this title.

Section 108, act Feb. 23, 1927, ch. 169, § 28, 44 Stat. 1172, related to false and fraudulent signals of distress and communications and rebroadcasting programs without authority. See section 325(a) of this title.

Section 109, act Feb. 23, 1927, ch. 169, § 29, 44 Stat. 1172, related to censorship over radio communications and signals, protection of free speech and obscene language. See section 326 of this title.

Section 110, act Feb. 23, 1927, ch. 169, § 30, 44 Stat. 1173, related to use of United States owned radio stations and apparatus by Secretary of Navy for transmission of press messages, etc. See section 327 of this title.

Section 111, act Feb. 23, 1927, ch. 169, § 31, 44 Stat. 1173, defined radio communication. See section 153(33) of this title.

Section 112, act Feb. 23, 1927, ch. 169, § 32, 44 Stat. 1173, related to penalties for violation of rules of licensing authority, etc. See section 502 of this title.

Section 113, act Feb. 23, 1927, ch. 169, § 33, 44 Stat. 1173, related to penalties for violation of statutory provisions and perjury. See section 501 of this title and section 1621 of Title 18, Crimes and Criminal Procedure.

Section 114, act Feb. 23, 1927, ch. 169, § 34, 44 Stat. 1173, related to jurisdiction of offenses. See section 505 of this title.

Section 115, act Feb. 23, 1927, ch. 169, § 35, 44 Stat. 1174, related to application of section 81 et seq. of this title to Philippine Islands and Canal Zone.

Section 116, act Feb. 23, 1927, ch. 169, § 36, 44 Stat. 1174, related to administration of radio laws in Territories and insular possessions. See section 329 of this title.

Section 117, act Feb. 23, 1927, ch. 169, § 38, 44 Stat. 1174, related to invalidity of part of chapter and effect as to remainder. See section 608 of this title.

Section 118, act Feb. 23, 1927, ch. 169, § 39, 44 Stat. 1174, related to repeal of sections 51-63 and effect of repeal on existing rights.

Section 119, act Feb. 23, 1927, ch. 169, § 41, 44 Stat. 1174, related to citation of section 81 et seq. of this title as "Radio Act of 1927."

§§ 120, 121. Omitted

CODIFICATION

Section 120, act July 5, 1932, ch. 421, §1, 47 Stat. 576, related to equipment necessary on ocean-going vessels using ports in the Canal Zone.

Section 121, act July 5, 1932, ch. 421, §2, 47 Stat. 576, related to jurisdiction of violations and penalties for ocean-going vessels not properly equipped.

CHAPTER 5—WIRE OR RADIO COMMUNICATION

SUBCHAPTER I—GENERAL PROVISIONS

- Sec.
151. Purposes of chapter; Federal Communications Commission created.
152. Application of chapter.
153. Definitions.
154. Federal Communications Commission.
 (a) Number of commissioners; appointment.
 (b) Qualifications.
 (c) Terms of office; vacancies.
 (d) Compensation of Commission members.
 (e) Principal office; special sessions.
 (f) Employees and assistants; compensation of members of Field Engineering and Monitoring Bureau; use of amateur volunteers for certain purposes; commercial radio operator examinations.
 (g) Expenditures.
 (h) Quorum; seal.
 (i) Duties and powers.
 (j) Conduct of proceedings; hearings.
 (k) Annual reports to Congress.
 (l) Record of reports.
 (m) Publication of reports; admissibility as evidence.
 (n) Compensation of appointees.
 (o) Use of communications in safety of life and property.
155. Commission.
 (a) Chairman; duties; vacancy.
 (b) Organization of staff.
 (c) Delegation of functions; exceptions to initial orders; force, effect and enforcement of orders; administrative and judicial review; qualifications and compensation of delegates; assignment of cases; separation of review and investigative or prosecuting functions; secretary; seal.
 (d) Meetings.
 (e) Managing Director; appointment, functions, pay.
156. Authorization of appropriations.
157. New technologies and services.
158. Application fees.
 (a) Assessment and collection.
 (b) Review and adjustment of Schedule by Commission; notification to Congress; judicial review.
 (c) Additional application fee; assessment as penalty; amount; dismissal of application or other filing.
 (d) Inapplicability of application fees to certain radio services; waiver or deferment of payment.
 (e) Deposit of moneys in general fund; reimbursement of United States for administration of chapter.
 (f) Rules and regulations.
 (g) Schedule of Application Fees.
159. Regulatory fees.
 (a) General authority.
 (b) Establishment and adjustment of regulatory fees.

Sec.

- (c) Enforcement.
(d) Waiver, reduction, and deferment.
(e) Deposit of collections.
(f) Regulations.
(g) Schedule.
(h) Exceptions.
(i) Accounting system.
160. Competition in provision of telecommunications service.
 (a) Regulatory flexibility.
 (b) Competitive effect to be weighed.
 (c) Petition for forbearance.
 (d) Limitation.
 (e) State enforcement after Commission forbearance.
161. Regulatory reform.
 (a) Biennial review of regulations.
 (b) Effect of determination.
- #### SUBCHAPTER II—COMMON CARRIERS
- ##### PART I—COMMON CARRIER REGULATION
201. Service and charges.
202. Discriminations and preferences.
 (a) Charges, services, etc.
 (b) Charges or services included.
 (c) Penalty.
203. Schedules of charges.
 (a) Filing; public display.
 (b) Changes in schedule; discretion of Commission to modify requirements.
 (c) Overcharges and rebates.
 (d) Rejection or refusal.
 (e) Penalty for violations.
204. Hearings on new charges; suspension pending hearing; refunds; duration of hearing; appeal of order concluding hearing.
205. Commission authorized to prescribe just and reasonable charges; penalties for violations. Carriers' liability for damages.
206. Recovery of damages.
207. Complaints to Commission; investigations; duration of investigation; appeal of order concluding investigation.
208. Orders for payment of money.
209. Franks and passes; free service to governmental agencies in connection with national defense.
210. Contracts of carriers; filing with Commission.
211. Interlocking directorates; officials dealing in securities.
212. Valuation of property of carrier.
 (a) Hearing.
 (b) Inventory.
 (c) Original cost.
 (d) Easement, license or franchise.
 (e) Improvements; changes in condition.
 (f) Additional information; access to records and data.
 (g) State commissions.
213. Extension of lines or discontinuance of service; certificate of public convenience and necessity.
 (a) Exceptions; temporary or emergency service or discontinuance of service; changes in plant, operation or equipment.
 (b) Notification of Secretary of Defense, Secretary of State, and State Governor.
 (c) Approval or disapproval; injunction.
 (d) Order of Commission; hearing; penalty.
 (e) Provision of universal service.
214. Examination of transactions relating to furnishing of services, equipment, etc.; reports to Congress.
 (a) Access to records and documents.