TO THE CONGRESS:

I have long felt that for the sake of clarity and effectiveness, the relationship of the Federal Government to certain services known as utilities should be divided into three fields -- transportation, power, and communications. The problems of transportation are vested in the Interstate Commerce Commission, and the problems of power, its development, transmission and distribution, in the Federal Power Commission.

In the field of communications, however, there is today no single government agency charged with broad authority.

The Congress has vested certain authority over certain forms of communications in the Interstate Commerce Commission and there is in addition the agency known as the Federal Radio Commission.

I recommend that the Congress create a new agency to be known as the Federal Communications Commission, such agency to be vested with the authority now lying in the Federal Radio Commission and with such authority over communications as now lies with the Interstate Commerce Commission -- the services affected to be all of those which rely on wires, cables or radio as a medium of transmission.

It is my thought that a new Commission such as I suggest might well be organized this year by transferring the present authority for the control of communications of the Radio Commission and the Interstate Commerce Commission. The new body should, in addition, be given full power to investigate and study the business of existing companies and make recommendations to the Congress for additional legislation at the next session.

FRANKLIN D. ROOSEVELT

THE WHITE HOUSE
February 26, 1934.
2/26

Re. Communications Bill - Message to Congress:

Sen. Dill "Entirely satisfactory from my viewpoint."

Congr. Rayburn "Sounds all right to me."
MAC:

Read this to Senator Dill and Congressman Rayburn and ask them if they think it is all right and, if so, let me read it over just once more and then we can send it up.

F. D. R.
COMMISSION ON COMMUNICATIONS

February —, 1934.—Ordered to be printed.

Mr. ——, from the Committee on ———, submitted the following

REPORT

[To accompany ———]

REPORT OF SUBCOMMITTEE ON COMMITTEE PRINT OF COMMUNICATION BILL

TITLE I. GENERAL PROVISIONS

Section 1 sets forth the purposes of the act and creates the Commission.
Section 2 makes the act applicable to all kinds of interstate communication, both wire and wireless.
Section 3 contains the definitions of the terms of the bill including particularly definitions of “parent”, “subsidiary”, and affiliated corporations.
Section 4 provides seven commissioners at salaries of $10,000 each.
Section 5 defines the jurisdiction of the radio, telephone, and telegraph divisions.

TITLE II. COMMON CARRIERS

This title is framed after the provisions of the Interstate Commerce Act.
Section 201 requires adequate service at reasonable charges.
Section 202 prohibits discrimination and preferences.
Section 203 provides for the filing of schedules of charges.
Section 204 provides for hearings on changes in charges and for the suspension of such charges pending investigation.
Section 205 authorizes the commission to prescribe just and reasonable charges.
Sections 206, 207, 208, and 209 empower the Commission to award reparation for unreasonable charges.
Section 310 specifically excludes intrastate communication from the application of the act.  
Section 311 provides for the filing of copies of contracts.  
Section 312 prohibits interlocking directorates.  
Section 313 provides for the valuation of properties.  
Section 314 requires the Commission's consent to any extension of lines.  
Section 315 gives the Commission power to investigate transactions relating to services and equipment provided by other affiliated corporations.  
Sections 316 and 317 extend the application of the act to receivers, trustees, officers, and agents.  
Sections 318, 319, and 320 authorize the Commission to make full inquiry into the management of the business of all carriers, to require annual report, to provide for a uniform system of accounts.  
Section 321 contains specific provisions relating to telephone companies, including the permission to merge under the Commission's approval which was formerly contained in the Interstate Commerce Act. It also exempts telephone-exchange service even though a portion of such service constitutes interstate communication.

**TITLE III. RADIO PROVISIONS**

This title is substantially the same as the Radio Act of 1927 plus the amendments which were provided in the act of 1933, H.R. 7716 of the Seventy-second Congress, which was not signed by ex-President Hoover but had been approved by both House and Senate.  
Section 301 provides for licenses and is the same as section 1 of the Radio Act.  
Section 302 provides for zones and is the same as section 2 of the Radio Act plus H.R. 7716.  
Section 303 contains the general powers of the Commission and is the same as section 4 of the Radio Act.  
Section 304 provides for waiver by licensees of any claims for particular wave lengths and is the same as the last paragraph of section 5 of the Radio Act.  
Section 305 concerns Government-owned stations and is the same as section 6 of the Radio Act.  
Section 306 exempts foreign ships temporarily in the United States from the provisions of the act and is the same as section 8 of the Radio Act.  
Section 307 provides for the allocation of facilities and is the same as section 9 of the Radio Act as amended by the Davis amendment and H.R. 7716.  
Section 308 relates to application for licenses and is the same as section 10 of the Radio Act.  
Section 309 concerns hearings on applications and is the same as section 11 of the Radio Act.  
Section 310 prohibits foreign ownership of international radio and is a combination of the prohibition of section 12 of the Radio Act plus H.R. 7716.  
Section 311 provides for refusal of licenses for violation of the antitrust laws and is the same as section 13 of the Radio Act.  
Section 312 relates to revocation of licenses and is the same as section 14 of the Radio Act.  
Section 313 makes the antitrust laws applicable and is the same as section 15 of the Radio Act.  
Section 314 prohibits mergers and is the same as section 17 of the Radio Act.  
Section 315 deals with radio facilities for candidates for public office and discussion of public questions. It is the same as the Radio Act as amended by H.R. 7716.  
Section 316 prohibits lotteries and is taken from H.R. 7716.  
Section 317 requires announcement of advertising programs and is the same as section 10 of the Radio Act.  
Section 318 provides for operators' licenses and is the same as section 20 of the Radio Act.  
Section 319 provides for construction permits and is the same as section 21 of the Radio Act.  
Sections 320 and 321 deal with distress signals and is the same as sections 22 and 23 of the Radio Act.  
Section 322 provides for intercommunication in mobile service and is the same as section 24 of the Radio Act.  
Section 323 deals with interference and is the same as section 25 of the Radio Act.  
Section 324 concerns the use of minimum power and is the same as section 6 of the Radio Act.  
Section 325 prohibits false distress signals and is the same as section 27 of the Radio Act.  
Section 326 gives power over indecent language and is the same as section 29 of the Radio Act.  
Section 327 is concerned with the use of naval stations and is the same as section 30 of the Radio Act.  
Sections 328 and 329 apply to the Territories and is the same as sections 35 and 36 of the Radio Act.  
All other provisions of the Radio Act not temporary in character have been incorporated in the general administrative provisions.

**TITLE IV. ADMINISTRATIVE PROVISIONS**

Sections 401 and 402 make provision for court review of orders of the Interstate Commerce Commission applicable to the Communications Commission.  
Sections 403 and 404 provides for investigations by the Commission.  
Sections 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, and 416 are administrative provisions relating to hearings, witnesses, orders, joint boards, etc., and are taken largely from the Radio Act and the Interstate Commerce Act.

**TITLE V. PENAL PROVISIONS**

Sections 501 to 505, inclusive, are modeled after the Interstate Commerce Act.
Sections 601 to 604, inclusive, provide for the transfer of jurisdiction of employees, records, property, and appropriations to the Communication Commission.

Section 605 forbids the unauthorized publication of communications.

Section 606 deals with the emergency war powers of the President and are taken from the war emergency legislation and the Radio Act.

Sections 607, 608, and 609 contain the effective date of the act, a separability clause and a short title, respectively.
Hon. Franklin D. Roosevelt,
The White House,
Washington D. C.

My dear Mr. President:

I enclose herewith a confidential committee print of the proposed communications bill. This bill has been prepared under the direction of Congressman Rayburn and myself and the work has been done by the clerks of our committees and some of the men from the legislative drafting service.

I call your attention particularly to certain provisions of the bill:

On page 5, under definitions, paragraphs (j) and (k), we have attempted to define "parent", "subsidiary", and "affiliated" corporations. This is entirely new and we do not know how it will stand up under the attacks of those who will oppose legislation to regulate holding companies.

In line 6 we have fixed 15 per cent as the amount of stock that shall be prima facie evidence of control. This seems quite low to some of those who have considered it, but when we consider that no stockholder has even 1 per cent of the stock of the American Telephone Company, it seems more reasonable.

Sections 4 and 5, pages 7 to 13, provide for a commission of seven, with three divisions, - radio, telephone and telegraph, each division to be supreme in its own field of activity.

Title II, page 14, is framed and adapted from the Interstate Commerce Commission law. This is especially true of sections 201 to 209, pages 14 to 22.

Section 210, page 22, was written to meet the objections of State Commissions, who point out that 98½ per cent of all telephone business is intra-state.

Section 212 is taken from the I.C.C. law and Section 213 provides for permissive valuation instead of mandatory valuation as provided in the I.C.C. law. We believed it was wise to make this permissive in the beginning of the work of the commission.

Section 214 follows the I.C.C. law, but section 215 is a new
provision in the federal regulation of public utilities. It gives the commission power to investigate service contracts and to cancel them if found contrary to public interest. It is designed to reach such practices as that of the Western Electric's supplying equipment to telephone companies at an exorbitant price, when both companies are owned by the same parent company. There may be bitter opposition to this from the telephone company.

Sections 216 to 220 are taken from the I.C.C. law.

Paragraph (a), Section 221, provides for the merger of telephone companies as now provided under the I.C.C. law. Paragraphs (b), (c), and (d) are written at the request of the state commissions to prevent interference with interstate local service exchanges in various large cities of the country where the service extends beyond the state line. The Washington telephone exchange giving service to Chevy Chase, Maryland and to Falls Church, Virginia, is an excellent example of the situation these paragraphs are intended to cover.

Title III relates to radio. What we have done is to rewrite the radio law as amended, including those amendments contained in H.R. 7716 of the 72nd Congress, which passed both houses but which President Hoover failed to sign.

Section 310 on page 52 is designed to prevent the foreign ownership of international radio communication companies. You suggested they should be at least 75 per cent American owned. You will note we have provided not more than 20 per cent of the directors may be aliens or the capital stock may be owned or voted by aliens and that no officer of any of these corporations may be an alien.

Title IV, page 68, contains the procedural provisions and has been modeled after the I.C.C. act. In fact, most of it is taken from the I.C.C. law.

Titles V and VI cover the penal provisions and certain miscellaneous provisions as to repealing the existing statutes and transferring of employees, records, property, and appropriations.

I call your attention to a brief analysis in the form of a subcommittee report accompanying the bill and also the table of contents printed at the end of the bill.

Congressman Rayburn and I are prepared to introduce this bill simultaneously in the House and Senate, except that since his committee does not have jurisdiction over radio legislation in the House, his bill will simply provide for transfer of the Radio Commission to the Communications Commission. When the bill goes to conference the Senate language can be adopted.

We believe if you approve of this tentative draft of this measure, it would be helpful if you would send a brief message urging Congress to adopt the legislation. You might point out it was
thought best to create the commission by transferring the authorities for the control of communication companies from the Radio Commission and the Interstate Commerce Commission to this new body, in order that the commission might become organized and study the problems confronting the country in connection with service to the people, and that it had seemed wise not to bring into this legislation the highly controversial subjects of the control of bond issues, sinking fund requirements, or mergers, it being understood that once the commission has been organized it can study these questions and make recommendations to Congress for additional legislation at the next session.

In this connection, it can well be pointed out that the Interstate Commerce Commission was given quite limited powers when it was created and it was many years before the broad powers now possessed were granted. Another Congress will meet next January and further powers could be given this commission when it is functioning.

We think it is important to introduce this bill at as early a date as possible in order that we can get it reported and acted upon before Congress adjourns.

Sincerely yours,

[Signature]

CCD:m
A BILL

To provide for the regulation of interstate and foreign communications by wire or radio, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—GENERAL PROVISIONS

PURPOSES OF ACT; CREATION OF FEDERAL COMMUNICATIONS COMMISSION

SECTION 1. For the purpose of regulating interstate and foreign commerce in communication by wire and radio so as

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to make available, so far as possible, to all the people of the
United States a rapid, efficient, nation-wide, and world-wide
wire and radio communication service with adequate facili-
ties at reasonable charges, and for the purpose of securing a
more effective execution of this policy by centralizing
authority heretofore granted by law to several agencies and by
granting additional authority with respect to interstate and
foreign commerce in wire and radio communication, there is
hereby created a commission to be known as the "Federal
Communications Commission", which shall be constituted as
hereinafter provided.

APPLICATION OF ACT

SEC. 2. The provisions of this Act shall apply to all
interstate and foreign communication by wire or radio and
all interstate and foreign transmission of energy by radio,
which originates and/or is received within the United States,
and to all persons engaged within the United States in such
communication or such transmission of energy by radio; but
it shall not apply to persons engaged in wire or radio
communication or transmission in the Philippine Islands
or the Canal Zone, or to wire or radio communication or
transmission wholly within the Philippine Islands or the
Canal Zone.

DEFINITIONS

SEC. 3. For the purposes of this Act—
(a) "Wire communication" or "communication by
wire" means the transmission of writing, signs, signals, pic-
tures, and sounds of all kinds by aid of wire, cable, or other
like connection between the points of origin and reception
of such transmission, including all instrumentalities, facilities,
and services incidental to such transmission.
(b) "Radio communication" or "communication by
radio" means the transmission by radio of writing, signs,
signals, pictures, and sounds of all kinds, including all instru-
mentalities, facilities, and services incidental to such trans-
mission.
(c) "Licensee" means the holder of a radio station
license granted as provided in this Act.
(d) "Transmission of energy by radio" or "radio
transmission of energy" includes both such transmission and
all instrumentalities, facilities, and services incidental to such
transmission.
(e) "Interstate communication" or "interstate trans-
mission" means communication or transmission (1) from
any State, Territory, or possession of the United States
(including the Philippine Islands and the Canal Zone), or
from the District of Columbia to any other State, Territory,
possessions of the United States (including the Philippine
1 Islands and the Canal Zone), or to the District of Columbia; or (2) between points within the same Territory, or possession (except the Philippine Islands and the Canal Zone), or the District of Columbia; or (3) between points within the United States but through a foreign country if the point of origin and the point of reception are not in the same State.

(f) "Foreign communication" or "foreign transmission" means communication or transmission from or to any place in the United States to or from a foreign country, or between a station in the United States and a mobile station located outside the United States.

(g) "United States" means the several States and Territories, the District of Columbia, and the possessions of the United States, but does not include the Philippine Islands and the Canal Zone.

(h) "Common carrier" or "carrier" means any person engaged in communication by wire or radio, as a common carrier for hire, except where reference is made to common carriers not subject to this Act; but a person engaged in radio broadcasting shall not, insofar as such person is so engaged, be deemed a common carrier.

(i) "Stock" means capital stock, bonds, or other evidences of interest or indebtedness having voting privileges, whether general or limited.

(j) "Parent" means any person or group of persons controlling one or more corporations and/or the operations or management thereof, whether by ownership or control of stock, or by interlocking directorates, or otherwise. The ownership or control by any such person or group of persons of 15 per centum or more of the stock of any corporation shall be prima facie evidence of the control of such corporation and/or its operations or management by such person or group of persons. Each member of any such group shall be deemed to be a "parent." A corporation to which any such person or group of persons bears the relationship of parent shall be deemed to be a "subsidiary" of such person or group of persons.

(k) Two or more persons shall be deemed to be affiliated if they are members of a group, composed of a parent and its subsidiary or subsidiaries, or of a parent, its subsidiary or subsidiaries, and other corporations, of which each member except the parent is a subsidiary of some other member.

(l) "Person" includes an individual, partnership, association, joint-stock company, or corporation.

(m) "Corporation" includes any corporation, joint-stock company, or association.

(n) "Radio station" or "station" means a station equipped to carry on radio communication or radio transmission of energy.
(a) "Mobile station" means a radio-communication station capable of being moved and which ordinarily does not move.

(b) "Land station" means a station, other than a mobile station, used for radio communication with mobile stations.

(c) "Mobile service" means the radio-communication service carried on between mobile stations and land stations, and by mobile stations communicating among themselves.

(d) "Broadcasting" means the dissemination of radio communications intended to be received by the public, directly or by the intermediary of relay stations.

(e) "Chain broadcasting" means simultaneous broadcasting of an identical program by two or more connected stations.

(f) "Amateur station" means a radio station operated by a duly authorized person interested in radio technique solely with a personal aim and without pecuniary interest.

(g) "Telephone exchange service" means service within a telephone exchange, or within a connected system of telephone exchanges within the same exchange area operated to furnish to subscribers intercommunicating service of the character ordinarily furnished by a single exchange.

(h) "State commission" means the commission, board, or official (by whatever name designated by the laws of a State) which under the laws of such State has regulatory jurisdiction with respect to intrastate operations of carriers.

PROVISIONS RELATING TO THE COMMISSION

Sec. 4. (a) The Federal Communications Commission (in this Act referred to as the "Commission"), shall be composed of seven commissioners appointed by the President, by and with the advice and consent of the Senate, one of whom the President shall designate as chairman.

(b) Each member of the Commission shall be a citizen of the United States. No member of the Commission or person in its employ shall be financially interested in the manufacture or sale of radio apparatus or of apparatus for wire or radio communication; in communication by wire or radio or in radio transmission of energy; in any company furnishing supplies or services to any company engaged in communication by wire or radio or to any company manufacturing or selling apparatus used for communication by wire or radio; or in any company owning stocks,
bonds or other securities of any such company; nor be
in the employ of or held any official relation to any person
subject to any of the provisions of this Act, nor own stock
or bonds of any corporation subject to any of the provisions
of this Act. Such commissioners shall not engage in any
other business, vocation, or employment. Not more than
four commissioners, nor more than one member of a division
other than the chairman, shall be members of the same political
city.

(c) The commissioners first appointed under this Act
shall continue in office for the terms of one, two, three, four,
five, six, and seven years, respectively, from the date of
the taking effect of this Act, the term of each to be design-
nated by the President, but their successors shall be ap-
pointed for terms of seven years; except that any person
chosen to fill a vacancy shall be appointed only for the
unexpired term of the commissioner whom he succeeds.

Any commissioner may be removed by the President for
indeficiency, neglect of duty, or malfeasance in office, but for
no other cause. No vacancy in the Commission shall
impair the right of the remaining commissioners to exercise
all the powers of the Commission.

(d) Each commissioner shall receive an annual salary
of $10,000, payable in monthly installments.

(e) The principal office of the Commission shall be in
the District of Columbia, where its general sessions shall be
held; but whenever the convenience of the public or of the
parties may be promoted or delay or expense prevented
thereby, the Commission may hold special sessions in any
part of the United States.

(f) Without regard to the civil service laws or the
Classification Act of 1923, as amended, (1) the Commissions
may appoint and fix the salaries of a secretary, a chief engineer and one or more
assistants, a general counsel and one or more assistants,
inspectors, and special counsel, and (2) each com-
missoner may appoint and prescribe the duties of an assistant
at an annual salary not to exceed $4,000 per annum.
The general counsel and the chief engineer shall each receive
an annual salary of not to exceed $9,000; and no assistant,
expert, or inspector shall receive an annual salary in excess
of $7,500 per annum. The Commission shall have
authority, subject to the provisions of the civil service laws
and the Classification Act of 1923, as amended, to appoint
such other officers, examiners, and other employees as are
necessary in the execution of its functions.

(g) The Commission may make such expenditures
(including expenditures for rent and personal services at
the seat of government and elsewhere, for office supplies,
law books, periodicals, and books of reference, and for print-
ing and binding) as may be necessary for the execution of the functions vested in the Commission and as from time to time may be appropriated for by Congress. All expedi-
tures of the Commission, including all necessary expenses for transportation incurred by the commissioners or by their employees, under their orders, in making any investigation or upon any official business in any other places than in the city of Washington, shall be allowed and paid on the presentation of itemized vouchers therefor approved by the chairman of the Commission or by such other member or officer thereof as may be designated by the Commission for that purpose.

(h) Four members of the Commission shall constitute a quorum thereof and two members shall constitute a quorum of a division. The Commission shall have an official seal which shall be judicially noticed.

(i) The Commission may perform any and all acts, make such rules and regulations, and issue such orders, not inconsistent with this Act, as may be necessary in the execution of its functions.

(j) The Commission may conduct its proceedings in such manner as will best conduce to the proper dispatch of business and to the ends of justice. No commissioner shall participate in any hearing or proceeding in which he has pecuniary interest. Any party may appear before the Commission and be heard in person or by attorney. Every vote and official act of the Commission shall be entered of record, and its proceedings shall be public upon the request of any party interested.

(k) The Commission shall make an annual report to Congress, copies of which shall be distributed as are other reports transmitted to Congress. Such report shall contain such information and data collected by the Commission as may be considered of value in the determination of questions connected with the regulation of interstate and foreign wire and radio communication and radio transmis-
sion of energy, together with such recommendations as to additional legislation relating thereto as the Commission may deem necessary.

(l) All reports of investigations made by the Com-
mission shall be entered of record, and a copy thereof shall be furnished to the party who may have complained, and to any common carrier or licensee that may have been complained of.

(m) The Commission shall provide for the publication of its reports and decisions in such form and manner as may be best adapted for public information and use, and such authorized publications shall be competent evidence of the reports and decisions of the Commission therein contained.
in all courts of the United States and of the several States
without any further proofs or authentication thereof.

DIVISIONS OF THE COMMISSION; JURISDICTION OF
COMMISSION AND DIVISION

Sec. 5. (a) The Commission shall be organized into
three divisions which shall exercise the jurisdiction of the
Commission as follows: (1) The radio division shall have
jurisdiction of all matters relating to or connected with
broadcasting, with amateur stations, and the mobile serv-
vice; (2) the telephone division shall have jurisdiction of
all matters relating to or connected with common carriers
engaged in voice communication by wire or radio other
than broadcasting; and (3) the telegraph division shall
have jurisdiction of all matters relating to or connected
with common carriers engaged in record communication
by wire, radio, or cable. The chairman of the Commis-
sion shall be a member of all three divisions; two
other commissioners, one of whom for each division
shall be chosen vice chairman of the Commission presiding
over the division, shall be assigned by the Commission as
members of each division. Except for the chairman no
member of the Commission may be a member of more than
one division; but in case of a vacancy in any division,
or of absence or inability to serve thereon of any com-
mis-sioner thereto assigned, any commissioner designated by the
chairman for that purpose may temporarily serve on said
division until the Commission shall otherwise order.

(b) The whole Commission shall have jurisdiction of
(1) all matters arising under this Act which do not fall
within the jurisdiction of a division, as above prescribed;
(2) all matters which fall within the jurisdiction of more
than one division; and (3) teletype service, telephoto serv-
ice, the regulation of charges made for the use of telephone
wires in connection with broadcasting, and the provisions
of this Act relating to valuation of property of carriers,
reports of carriers, parents, subsidiaries, and affiliated per-
s ons, and accounts, records, and memoranda, to be kept by
carriers and depreciation charges in respect of property of
carriers. In any case where a conflict arises under this
section as to jurisdiction of any division the Commission
shall decide which division shall have jurisdiction of the
matter, and the decision of the Commission shall be final.

(c) Each division may (1) appoint a director, with-
out regard to the civil service laws or the Classification Act
of 1923, as amended, at an annual salary which shall not
exceed $8,000 per annum; and (2) hear and determine,
order, certify, report, or otherwise act as to any matter under
its jurisdiction, and in respect thereof the division shall have
all the jurisdiction and powers conferred by law upon the
Commission, and be subject to the same duties and obliga-
tions. Any action so taken by a division and any order,
decision, or report made or other action taken by any of
said divisions in respect of any matters assigned to it shall
have the same force and effect, and may be made, evidenced,
and enforced in the same manner as if made or taken by the
Commission. The secretary and seal of the Commission
shall be the secretary and seal of each division thereof.

(d) The director for each division shall exercise such
of the functions thereof as may be vested in him by the
division, but any order of the director shall be subject to
review by the division under such rules and regulations
as the Commission shall prescribe.

TITLE II—COMMON CARRIERS

SERVICE AND CHARGES

SEC. 201. (a) It shall be the duty of every common
carrier engaged in interstate or foreign communication by
wire or radio to furnish such communication service upon
reasonable request therefor; and, in accordance with the
orders of the Commission, to establish through routes and
charges applicable thereto, and to establish and provide
facilities and regulations for operating such through routes,
in cases where the Commission, after opportunity for hear-
ing, finds such action necessary or desirable in the public
interest.

(b) All charges, practices, classifications, and regula-
tions for and in connection with such communication service,
(b) Charges or service, whenever referred to in this Act, include charges for, or service in connection with, the use of wires in chain broadcasting or incidental to radio communication of any kind.

SCHEDULES OF CHARGES

Sec. 203. (a) Every common carrier shall file with the Commission and print and keep open to public inspection schedules showing all charges for wire or radio communication in interstate and foreign commerce between the different points on its own route and between points on its own system and points on the system of any other carrier subject to this Act, whether such charges are joint or separate, and showing the classifications, practices, and regulations affecting such charges. Such schedules shall contain such other information, and be printed in such form, and be posted and kept open for public inspection in such places, as the Commission may by regulations require, and each such schedule shall give notice of its effective date.

(b) No change shall be made in the charges, classifications, regulations, or practices which have been so filed and published except after thirty days' notice to the Commission and to the public, which shall be published in such form and contain such information as the Commission may by regulations prescribe; but the Commission may, in its discretion and for good cause shown, modify the require-

ments made by or under authority of this section in particular instances or by a general order applicable to special circumstances or conditions.

(c) No carrier, unless otherwise provided by or under authority of this Act, shall engage or participate in such communication unless schedules have been filed and published in accordance with the provisions of this Act and regulations made thereunder; and no carrier shall (1) charge, demand, collect or receive a greater or less or different compensation for such communication, or for any service in connection therewith, between the points named in any such schedule than the charges specified in the schedule then in effect, or (2) refund or remit by any means or device any portion of the charges so specified, or (3) extend to any person any privileges or facilities in such communication, or employ or enforce any classifications, regulations, or practices affecting such charges, except as specified in such schedule.

(d) The Commission may reject and refuse to file any schedule entered for filing which does not comply with the provisions of this section or with any regulation of the Commission. Any schedule so rejected by the Commission shall be void and its use shall be unlawful.

(e) In case of failure or refusal on the part of any carrier to comply with the provisions of this section or of J. 41950——2
any regulation or order made by the Commission thereunder,
such carrier shall forfeit to the United States the sum of
$500 for each such offense, and $25 for each and every
day of the continuance of such offense.

HEARING AS TO LAWFULNESS OF NEW CHARGES;
SUSPENSION

Sec. 204. Whenever there is filed with the Commis-
sion any new charge, classification, regulation, or practice,
the Commission may either upon complaint or upon its own
initiative without complaint, upon reasonable notice, enter
upon a hearing concerning the lawfulness thereof; and pend-
ing such hearing and the decision thereon the Commission,
upon delivering to the carrier or carriers affected thereby
a statement in writing of its reasons for such suspension, may
suspend the operation of such charge, classification, regula-
tion, or practice, but not for a longer period than three months
beyond the time when it would otherwise go into effect; and
after full hearing the Commission may make such order with
reference thereto as would be proper in a proceeding initiated
after it had become effective. If the proceeding has not been
concluded and an order made within the period of the sus-
pension, the proposed change of charge, classification, regu-
lation, or practice shall go into effect at the end of such
period; but in case of a proposed increased charge, the Com-
mission may by order require the interested carrier or car-
riers to keep accurate account of all amounts received by
reason of such increase, specifying by whom and in whose
behalf such amounts are paid, and upon completion of the
hearing and decision may by further order require the
interested carrier or carriers to refund, with interest, to
the persons in whose behalf such amounts were paid, such
portion of such increased charges as by its decision shall
be found not justified. At any hearing involving a charge
increased, or sought to be increased, after the organization
of the Commission, the burden of proof to show that the
increased charge, or proposed increased charge, is just and
reasonable shall be upon the carrier, and the Commission
shall give to the hearing and decision of such questions
preference over all other questions pending before it and
decide the same as speedily as possible.

COMMISSION AUTHORIZED TO PRESCRIBE JUST AND
REASONABLE CHARGES

Sec. 205. Whenever, after full opportunity for hearing,
applied for by the Commission on its own initiative, the
Commission shall be of opinion that any charge, classifica-
tion, regulation, or practice of any carrier is or will be
in violation of any of the provisions of this Act, the Com-
mission is authorized and empowered to determine and pro-
scribe what will be the just and reasonable charge to be
thereafter observed, and what classification, regulation, or practice is or will be just, fair, and reasonable, to be thereafter followed, and to make an order that the carrier or carriers shall cease and desist from such violation to the extent that the Commission finds that the same does or will exist, and shall not thereafter publish, demand, or collect any charge for such transmission other than the charge so prescribed, and shall adopt the classification and shall conform to and observe the regulation or practice so prescribed.

LIABILITY OF CARRIERS FOR DAMAGES

Sec. 206. In case any common carrier shall do, or cause or permit to be done, any act, matter, or thing in this Act prohibited or declared to be unlawful, or shall omit to do any act, matter, or thing in this Act required to be done, such common carrier shall be liable to the person or persons injured thereby for the full amount of damages sustained in consequence of any such violation of the provisions of this Act, together with a reasonable counsel or attorney's fee, to be fixed by the court in every case of recovery, which attorney's fee shall be taxed and collected as part of the costs in the case.

COMPLAINTS AND SUITS FOR DAMAGES

Sec. 207. Any person claiming to be damaged by any common carrier subject to the provisions of this Act may either make complaint to the Commission as hereinafter provided for, or may bring suit for the recovery of the damages for which such common carrier may be liable under the provisions of this Act, in any district court of the United States of competent jurisdiction; but such person shall not have the right to pursue both such remedies.

SEPARATION PROCEEDINGS

Sec. 208. Any person, any body politic or municipal organization, or State commission or the similar agency of any Territory, complaining of anything done or omitted to be done by any common carrier subject to this Act, in contravention of the provisions thereof, may apply to said Commission by petition which shall briefly state the facts, whereupon a statement of the complaint thus made shall be forwarded by the Commission to such common carrier, who shall be called upon to satisfy the complaint or to answer the same in writing within a reasonable time to be specified by the Commission. If such common carrier within the time specified shall make reparation for any injury alleged to have been caused, the common carrier shall be relieved of liability to the complainant only for this particular violation of law thus complained of. If such carrier or carriers shall not satisfy the complaint within the time specified or there shall appear to be any reasonable ground for investigating said complaint, it shall be the duty
of the Commission to investigate the matters complained of
in such manner and by such means as it shall deem proper.
No complaint shall at any time be dismissed because of the
absence of direct damage to the complainant.

ORDERS FOR PAYMENT OF MONEY
Sec. 209. If, after hearing on a complaint the Com-
mission shall determine that any party complainant is
entitled to an award of damages under the provisions of
this Act, the Commission shall make an order directing the
carrier to pay to the complainant the sum to which he is
entitled on or before a day named.

ACT NOT TO APPLY TO COMMUNICATION IN INTRASTATE
COMMERC
Sec. 210. Nothing in this Act shall be construed to
apply, or to give the Commission jurisdiction, with respect
to charges, classifications, practices, or regulations for or in
connection with intrastate communication service of any
carrier, or to any carrier engaged exclusively in intrastate
commerce.

COPIES OF CONTRACTS TO BE FILED
Sec. 211. Every carrier subject to this Act shall file
with the Commission copies of all contracts, agreements,
or arrangements with other carriers in relation to any
traffic affected by the provisions of this Act to which it
may be a party.

INTERLOCKING DIRECTORATES—OFFICIALS DEALING IN
SECURITIES
Sec. 212. After sixty days from the enactment of this
Act it shall be unlawful for any person to hold the position of
officer or director of more than one carrier subject to this Act,
unless such holding shall have been authorized by order of the
Commission, upon due showing in form and manner pre-
scribed by the Commission, that neither public nor private
interests will be adversely affected thereby. After this sec-
tion takes effect it shall be unlawful for any officer or director
of any such carrier to receive for his own benefit, directly or
indirectly, any money or thing of value in respect of nego-
tiation, hypothecation, or sale of any securities issued or to
be issued by such carrier, or to share in any of the proceeds
thereof, or to participate in the making or paying of any
dividends of such carrier from any funds properly included
in capital account.

VALUATION OF CARRIER PROPERTY
Sec. 213. (a) The Commission may from time to
time, as may be necessary for the proper administration of
this Act, make a valuation of all or of any part of the
property owned or used by any carrier subject to this Act,
which is used and useful in the public service, as of such
date as the Commission may fix.
(b) The Commission may at any time require any such carrier to file with the Commission an inventory of all or of any part of the property owned or used by said carrier, which is used and useful in the public service, which inventory shall show the units of said property classified in such detail, and in such manner, as the Commission shall direct, and shall show the estimated cost of reproduction new of said units, and their reproduction cost new less depreciation, as of such date as the Commission may direct; and such carrier shall file such inventory within such reasonable time as the Commission by order shall require.

(c) The Commission may at any time require any such carrier to file with the Commission a statement showing the original cost of all or of any part of the property owned or used by said carrier, which is used and useful in the public service. For the showing of such original cost said property shall be classified, and the original cost shall be defined, in such manner as the Commission may prescribe; and if any part of such cost cannot be determined from accounting or other records, the portion of the property for which such cost cannot be determined shall be reported to the Commission; and, if the Commission shall so direct, the original cost thereof shall be estimated in such manner as the Commission may prescribe. If the carrier owning the property at the time such original cost is reported shall have paid more or less than the original cost to acquire the same, the amount of such cost of acquisition, and any facts which the Commission may require in connection therewith, shall be reported with such original cost. The report made by a carrier under this paragraph shall show the source or sources from which the original cost reported was obtained, and such other information as to the manner in which the report was prepared, as the Commission shall require.

(d) Nothing shall be included in the original cost reported for the property of any carrier under paragraph (c) of this section on account of any easement, license, or franchise granted by the United States or by any State or political subdivision thereof, beyond the reasonable necessary expense lawfully incurred in obtaining such easement, license, or franchise from the public authority aforesaid, which expense shall be reported separately from all other costs in such detail as the Commission may require; and nothing shall be included in any valuation of the property of any carrier made by the Commission on account of any such easement, license, or franchise, beyond such reasonable necessary expense lawfully incurred aforesaid.

(e) For the purpose of enabling the Commission to make a valuation of any of the property of any such carrier, or to find the original cost of such property, or to
find any other facts concerning the same which are required
for use by the Commission, the Commission may exercise
all of the powers and authority conferred upon the Inter-
state Commerce Commission in its administration of section
19a of the Interstate Commerce Act, as amended, and it
shall be the duty of each such carrier to furnish to the
Commission, within such reasonable time as the Com-
mission may order, any information with respect thereto
which the Commission may, by order require, including
copies of maps, contracts, reports of engineers, and other
data, records, and papers. The Commission, in making any
such valuation shall be free to adopt any method of valu-
ation which shall be lawful.

EXTENSION OF LINES AND CIRCUITS

Sec. 214. (a) No carrier shall undertake the extension
of its line or circuits, or the construction of a new line or
circuit, or shall acquire or operate any line or circuit, or
extension thereof, or shall engage in transmission over or
by means of such additional or extended line or circuit, unless
and until there shall first have been obtained from the Com-
munity a certificate that the present or future public con-
veniences and necessities require or will require the construc-
tion, or operation, or construction and operation, of such
additional or extended line or circuit.

(b) Upon receipt of an application for any such cer-
tificate the Commission shall cause notice thereof to be given
to and a copy filed with the Governor of each State in
which such additional or extended line or circuit is proposed
to be constructed or operated, with the right to be heard
as provided with respect to the hearing of complaints; and
said notice shall also be published for three consecutive
weeks in some newspaper of general circulation in each
county which said line or circuit will serve.

(c) The Commission shall have power to issue such
certificate as prayed for, or to refuse to issue it, or to issue
it for a portion or portions of a line or circuit, or extension
thereof, described in the application, or for the partial
eexercise only of such right or privilege, and may attach
to the issuance of the certificate such terms and conditions
as in its judgment the public convenience and necessity may
require. After issuance of such certificate, and not before,
the carrier may, without securing approval other than such
certificate, comply with the terms and conditions contained
in or attached to the issuance of such certificate and proceed
with the construction, operation, or extension covered there-
by. Any construction, operation, or extension contrary to
the provisions of this section may be enjoined by any court
of competent jurisdiction at the suit of the United States,
the Commission, the State commission, any State affected, or any party in interest.

(d) The Commission may, after full opportunity for hearing, in a proceeding upon complaint or upon its own initiative without complaint, authorize or require by order any carrier, party to such proceeding, to provide itself with adequate facilities for performing its service as a common carrier and to extend its line or circuits; but no such authorization or order shall be made unless the Commission finds, as to such extension, that it is reasonably required in the interest of public convenience and necessity, or as to such extension or facilities that the expense involved therein will not impair the ability of the carrier to perform its duty to the public. Any carrier which refuses or neglects to comply with any order of the Commission made in pursuance of this paragraph shall forfeit to the United States $100 for each day during which such refusal or neglect continues.

(e) The authority conferred upon the Commission by this section shall not extend to the construction, operation, or extension of lines or circuits within a single State.

TRANSACTIONS RELATING TO SERVICES, EQUIPMENT, ETC.

SEC. 215. (a) The Commission may examine into transactions heretofore or hereafter entered into by any common carrier which relate to the furnishing of equipment, supplies, research, services, finances, credit, or personnel to such carrier and/or which may affect the charges made or to be made and/or the service rendered or to be rendered by such carrier in wire or radio communication subject to this Act. When the Commission finds, after full opportunity for hearing, that any such transaction has affected or is likely to affect adversely the ability of the carrier to render adequate service of such character to the public, or may result in an undue or unreasonable increase in charges or in the maintenance of undue or unreasonable charges for such service, the Commission shall, by order, declare such transaction void, or authorize such transaction to be carried out subject to such modification of its terms and conditions as it shall deem desirable in the public interest.

(b) Where the person furnishing or seeking to furnish the equipment, supplies, research, services, finances, credit, or personnel is a parent or subsidiary of or person affiliated with such carrier, no such transaction shall be entered into, after the organization of the Commission, except with the approval of the Commission. The Commission shall, by order, after full opportunity for hearing, grant or withhold its approval, or condition its approval upon such modification of the terms of the transaction, as it shall deem necessary in the public interest.

(c) The Commission may require that all or any transactions of carriers involving the furnishing of equip-
ment, supplies, research, services, finances, credit, or per-
sonal to such carrier be upon competitive bids on such terms
and conditions and subject to such regulations as it shall
prescribe as necessary in the public interest.

APPLICATION OF ACT TO RECEIVERS AND TRUSTEES

SEC. 216. The provisions of this Act shall apply to all
receivers and operating trustees of carriers subject to this
Act to the same extent that it applies to carriers.

LIABILITY OF CARRIER FOR ACTS AND OMISSIONS OF
AGENTS

SEC. 217. In construing and enforcing the provisions
of this Act, the act, omission, or failure of any officer, agent,
or other person acting for or employed by any common
carrier or user, acting within the scope of his employment,
shall in every case be also deemed to be the act, omission,
or failure of such carrier or user as well as that of the
person.

INQUIRIES INTO MANAGEMENT

SEC. 218. The Commission may inquire into the
management of the business of all carriers subject to this
Act, and shall keep itself informed as to the manner and
method in which the same is conducted and as to technical
developments and improvements in electrical communica-
tions to the end that the benefits of new inventions and
developments shall be made available to the people of the

United States. The Commission may obtain from such
carriers and from parents and subsidiaries of, and persons
affiliated with, such carriers full and complete information
necessary to enable the Commission to perform the duties
and carry out the objects for which it was created.

ANNUAL AND OTHER REPORTS

SEC. 219. (a) The Commission is authorized to re-
quire annual reports under oath from all carriers subject
to this Act, and from any parent or subsidiary of, or person
affiliated with any such carrier, to prescribe the manner in
which such reports shall be made, and to require from such
persons specific answers to all questions upon which the
Commission may need information. Such annual reports
shall show in detail the amount of capital stock issued, the
amount and privileges of each class of stock, the amounts
paid thereon, and the manner of payment for the same; the
dividends paid and the surplus fund, if any; the number of
stockholders (and the names of all holders of 5 per centum
or more of any class of stock); the funded and floating debts
and the interest paid thereon; the cost and value of the
carrier's property, franchises, and equipments; the number
of employees and the salaries paid each class; the names of
all officers and directors, and the amount of salary, bonus,
and all other compensation paid to each; the amounts ex-
pended for improvements each year, how expended, and the
character of such improvement; the earnings and receipts from each branch of business and from all sources; the operating and other expenses; the balances of profit and loss; and a complete exhibit of the financial operations of the carrier each year, including an annual balance sheet. Such reports shall also contain such information in relation to charges or regulations concerning charges, or agreements, arrangements, or contracts affecting the same as the Commission may require.

(b) Such reports shall be for such twelve months' period as the Commission shall designate and shall be filed with the Commission within three months after the close of the year for which the report is made, unless additional time is granted in any case by the Commission; and if any person subject to the provisions of this section shall fail to make and file said annual reports within the time above specified, or within the time extended by the Commission, for making and filing the same, or shall fail to make specific answer to any question authorized by the provisions of this section within thirty days from the time it is lawfully required so to do, such person shall forfeit to the United States the sum of $100 for each and every day it shall continue to be in default with respect thereto. The Commission may by general or special orders require any such carriers to file monthly reports of earnings and expenses and to file periodical and/or special reports concerning any matters with respect to which the Commission is authorized or required by law to act; and such periodical or special reports shall be under oath whenever the Commission so requires. If any such carrier shall fail to make and file any such periodical or special report within the time fixed by the Commission, it shall be subject to the forfeitures above provided.

ACCOUNTS, RECORDS, AND MEMORANDA; DEPRECIATION CHARGES

Sec. 220. (a) The Commission may, in its discretion, prescribe the forms of any and all accounts, records, and memoranda to be kept by carriers subject to this Act, including the accounts, records, and memoranda of the movement of traffic, as well as of the receipts and expenditures of moneys.

(b) The Commission shall, as soon as practicable, prescribe for such carriers the classes of property for which depreciation charges may be properly included under operating expenses, and the percentages of depreciation which shall be charged with respect to each of such classes of property, classifying the carriers as it may deem proper for this purpose. The Commission may, when it deems necessary, modify the classes and percentages so prescribed. Such carriers shall not, after the Commiss-
sion has prescribed the classes of property for which
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depreciation charges may be included, charge to operating
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expenses any depreciation charges on classes of property
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other than those prescribed by the Commission, or, after
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the Commission has prescribed percentages of depreciation,
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charge with respect to any class of property a percentage
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of depreciation other than that prescribed therefor by the
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Commission. No such carrier shall in any case include
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in any form under its operating or other expenses any
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depreciation or other charge or expenditure included else-
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where as a depreciation charge or otherwise under its
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operating or other expenses.
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(c) The Commission shall at all times have access to
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and the right of inspection and examination of all accounts,
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records, and memoranda, including all documents, papers,
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and correspondence now or hereafter existing, and kept or
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required to be kept by such carriers, and the provisions of
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this section respecting the preservation and destruction of
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books, papers, and documents shall apply thereto. The
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burden of proof to justify every accounting entry questioned
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by the Commission shall be on the person making such entry
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and the Commission may suspend a charge or credit pending
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submission of proof by such person. Any provision of law
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prohibiting the disclosure of the contents of messages or
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communications shall not be deemed to prohibit the dis-
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1 closure of any matter in accordance with the provisions of
2 this section.
3
(d) In case of failure or refusal on the part of any
4 such carrier to keep such accounts, records, and memo-
5 randa on the books and in the manner prescribed by the
6 Commission, or to submit such accounts, records, and memo-
7 randa as are kept to the inspection of the Commission or
8 any of its authorized agents, such carrier or other person
9 shall forfeit to the United States the sum of $500 for each
10 day of the continuance of such offense.
11
(e) Any person who shall willfully make any false
12 entry in the accounts of any book of accounts or in any
13 record or memorandum kept by any such carrier, or who shall
14 willfully destroy, mutilate, alter, or by any other means or
15 device falsify any such account, record, or memorandum, or
16 who shall willfully neglect or fail to make full, true, and
17 correct entries in such accounts, records, or memorandum of
18 all facts and transactions appertaining to the business of the
19 carrier, shall be deemed guilty of a misdemeanor, and shall
20 be subject, upon conviction, to a fine of not less than $1,000
21 nor more than $5,000 or imprisonment for a term of not less
22 than one year nor more than three years, or both such fine
23 and imprisonment: Provided, That the Commission may in
24 its discretion issue orders specifying such operating, account-
25
which may, after a reasonable time, be destroyed, and pre-
scribing the length of time such books, papers, or documents
shall be preserved.

(f) No member, officer, or employee of the Commis-
ion shall divulge any fact or information which may come
to his knowledge during the course of examination of
books or other accounts as hereinbefore provided except
insofar as he may be directed by the Commission or by a
court.

(g) After the Commission has prescribed the forms
and manner of keeping of accounts, records, and mem-
oranda to be kept by any person as herein provided,
it shall be unlawful for such person to keep any other
accounts, records, or memoranda than those so prescribed or
such as may be approved by the Commission or to keep the
accounts in any other manner than that prescribed or
approved by the Commission. Notice of alterations by the
Commission in the required manner or form of keeping
accounts shall be given to such persons by the Commission
at least six months before the same are to take effect.

(h) The Commission may classify carriers subject to
this Act and prescribe different requirements under this
section for different classes of carriers, and may, if it deems
such action consistent with the public interest, except the
carriers of any particular class or classes in any State from

any of the requirements under this section, in cases where
such carriers are subject to State commission regulation with
respect to matters to which this section relates.

(i) The Commission, before prescribing any require-
ments as to accounts, records, or memoranda, shall notify
each State commission having jurisdiction with respect to
any carrier involved, and shall give reasonable opportunity
to each such commission to present its views, and shall
receive and consider such views and recommendations.

(j) Nothing in this section shall (1) limit the power
of a State commission to prescribe, for the purposes of the
exercise of its jurisdiction with respect to any carrier, the
percentage rate of depreciation to be charged to any class
of property of such carrier, or the composite depreciation
rate, for the purpose of determining charges, accounts, rec-
ords, or practices; or (2) relieve any carrier from keeping
any accounts, records, or memoranda which may be required
to be kept by any State commission in pursuance of authority
granted under State law.

SPECIAL PROVISIONS RELATING TO TELEPHONE COMPANIES

Sec. 221. (a) Upon application of one or more tele-
phone companies for authority to consolidate their prop-
certies or a part thereof into a single company, or for au-
thority for one or more such companies to acquire the whole
or any part of the property of another telephone company
or other telephone companies or the control thereof by the
purchase of securities or by lease or in any other like man-
er, when such consolidated company would be subject to
this Act, the Commission shall fix a time and place for a
public hearing upon such application and shall thereupon
give reasonable notice in writing to the Governor of each of
the States in which the physical property affected, or any
part thereof, is situated, and to the State commission having
jurisdiction over telephone companies, and to such other
persons as it may deem advisable. After such public hear-
ing, if the Commission finds that the proposed consolidation,
aquisition, or control will be of advantage to the persons
to whom service is to be rendered and in the public interest,
it shall certify to that effect; and thereupon any Act or
Acts of Congress making the proposed transaction unlawful
shall not apply. Nothing in this subsection shall be con-
strued as in any wise limiting or restricting the powers of
the several States as now existing to control and regulate
telephone companies.

(b) Nothing in this Act shall be construed to apply,
or to give the Commission jurisdiction, with respect to
charges, classifications, practices, or regulations for or in
connection with wire telephone exchange service, even
though a portion of such exchange service constitutes inter-
state or foreign communication, in any case where such
matters are subject to regulation by a State commission.

(c) For the purpose of administering this Act as
to carriers engaged in wire telephone communication, the
Commission may classify the property of any such carrier
used for wire telephone communication, and determine what
property of said carrier shall be considered as used in tele-
phone toll service. Such classification shall be made after
hearing, upon notice to the carrier, the State commission
(or the Governor, if the State has no State commission)
of any State in which the property of said carrier is located,
and such other persons as the Commission may prescribe.

(d) In making a valuation of the property of any wire
telephone carrier the Commission, after making the classi-
fication authorized in this section, may in its discretion
value only that part of the property of such carrier deter-
mined to be used in telephone toll service.

TITLE III—SPECIAL PROVISIONS RELATING TO
RADIO

LICENSE FOR RADIO COMMUNICATION OR TRANSMISSION
OF ENERGY

Sec. 301. It is the purpose of this Act, among other
things, to maintain the control of the United States over
all the channels of interstate and foreign radio transmission;
and to provide for the use of such channels, but not the
ownership thereof, by individuals, firms, or corporations,
for limited periods of time, under licenses granted by Federal
authority, and no such license shall be construed to create
any right, beyond the terms, conditions, and periods of
the license. No person, firm, company, or corporation
shall use or operate any apparatus for the transmission of
energy or communications or signals by radio (a) from
one place in any Territory or possession of the United States
or in the District of Columbia to another place in the same
Territory, possession, or District; or (b) from any State,
Territory, or possession of the United States, or from the
District of Columbia to any other State, Territory, or pos-
session of the United States; or (c) from any place in any
State, Territory, or possession of the United States, or in
the District of Columbia, to any place in any foreign country
or to any vessel; or (d) within any State when the effects
of such use extend beyond the borders of said State, or when
interference is caused by such use or operation with the
transmission of such energy, communications, or signals
from within said State to any place beyond its borders, or
from any place beyond its borders to any place within said
State, or with the transmission or reception of such energy,
communications, or signals from and/or to places beyond
the borders of said State; or (e) upon any vessel of the
United States; or (f) upon any aircraft or other mobile
stations within the jurisdiction of the United States, except
under and in accordance with this Act and with a license
in that behalf granted under the provisions of this Act.

Sec. 302. (a) For the purposes of this Act the United
States is divided into five zones, as follows: The first zone
shall embrace the States of Maine, New Hampshire, Ver-
mont, Massachusetts, Connecticut, Rhode Island, New York,
New Jersey, Delaware, Maryland, and the District of Colum-
bia; the second zone shall embrace the States of Pennsyl-
vania, Virginia, West Virginia, Ohio, Michigan, and Ken-
tucky; the third zone shall embrace the States of North
Carolina, South Carolina, Georgia, Florida, Alabama, Ten-
essee, Mississippi, Arkansas, Louisiana, Texas, and Okla-
ahoma; the fourth zone shall embrace the States of Indiana,
Illinois, Wisconsin, Minnesota, North Dakota, South
Dakota, Iowa, Nebraska, Kansas, and Missouri; and the
fifth zone shall embrace the States of Montana, Idaho, Wy-
oming, Colorado, New Mexico, Arizona, Utah, Nevada,
Washington, Oregon, and California.

(b) The Virgin Islands, Puerto Rico, Alaska, Guam,
American Samoa, and the Territory of Hawaii are expressly
excluded from the zones herein established.
GENERAL POWERS OF COMMISSION

Sec. 308. Except as otherwise provided in this Act, the Commission from time to time, as public convenience, interest, or necessity requires, shall—

(a) Classify radio stations;

(b) Prescribe the nature of the service to be rendered by each class of licensed stations and each station within any class;

(c) Assign bands of frequencies or wave lengths to the various classes of stations, and assign frequencies or wave lengths for each individual station and determine the power which each station shall use and the time during which it may operate;

(d) Determine the location of classes of stations or individual stations;

(e) Regulate the kind of apparatus to be used with respect to its external effects and the purity and sharpness of the emissions from each station and from the apparatus therein;

(f) Make such regulations not inconsistent with law as it may deem necessary to prevent interference between stations and to carry out the provisions of this Act: Provided, however, That changes in the wave lengths, authorized power, or in the times of operation of any station, shall not be made without the consent of the station licensee unless, after a public hearing, the Commission shall determine that such changes will promote public convenience or interest or will serve public necessity or the provisions of this Act will be more fully complied with;

(g) Investigate new uses for radio, provide for experimental uses of frequencies and generally do any and all things it may deem desirable to promote, encourage, and develop the larger and more effective use of radio in the public interest.

(h) Have authority to establish areas or zones to be served by any station;

(i) Have authority to make special regulations applicable to radio stations engaged in chain broadcasting;

(j) Have authority to make general rules and regulations requiring stations to keep such records of programs, transmissions of energy, communications, or signals as it may deem desirable;

(k) Have authority to exclude from the requirements of any regulations in whole or in part any radio station upon railroad rolling stock, or to modify such regulations in its discretion;

(l) Have authority to prescribe the qualifications of station operators, to classify them according to the duties to be performed, to fix the forms of such licenses, and to issue them to such citizens of the United States as the Commission finds qualified;
1 (m) Have authority to suspend the license of any operator for a period not exceeding two years upon proof sufficient to satisfy the Commission that the licensee (a) has violated any provision of any Act or treaty binding on the United States which the Commission is authorized by this Act to administer or by any regulation made by the Commission under any such Act or treaty; or (b) has failed to carry out the lawful orders of the master of the vessel on which he is employed; or (c) has willfully damaged or permitted radio apparatus to be damaged; or (d) has transmitted superfluous radio communications or signals or radio communications containing profane or obscene words or language; or (e) has willfully or maliciously interfered with any other radio communications or signals;

14 (a) Have authority to inspect all transmitting apparatus to ascertain whether in construction and operation it conforms to the requirements of this Act, the rules and regulations of the Commission, and the license under which it is constructed or operated;

15 (b) Have authority to designate call letters of all stations;

16 (p) Have authority to cause to be published such call letters and such other announcements and data as in the judgment of the Commission may be required for the efficient operation of radio stations subject to the jurisdiction of the United States and for the proper enforcement of this Act;

24 (q) Have authority to require the painting and/or illumination of radio towers if and when in its judgment such towers constitute, or there is a reasonable possibility that they may constitute, a menace to air navigation.

25 WAIVER BY LICENSEE

Sec. 304. No station license shall be granted by the Commission until the applicant therefor shall have signed a waiver of any claim to the use of any particular frequency or wave length or of the other as against the regulatory power of the United States because of the previous use of the same, whether by license or otherwise.

Sec. 305. (a) Radio stations belonging to and operated by the United States shall not be subject to the provisions of sections 301 and 303 of this Act. All such Government stations shall use such frequencies or wave lengths as shall be assigned to each or to each class by the President.

25 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) Radio stations on board vessels of the United States Shipping Board or the United States Shipping Board Emergency Fleet Corporation or the Inland and Coastwise Waterways Service shall be subject to the provisions of this Act.

c) 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.

FOREIGN SHIPS

Sec. 306. Section 301 of this Act shall not apply to any person, firm, company, or corporation sending radio communications or signals on a foreign ship while the same is within the jurisdiction of the United States, but such communications or signals shall be transmitted only in accordance with such regulations designed to prevent interference as may be promulgated under the authority of this Act.

ALLOCATION OF FACILITIES; TERM OF LICENSES

Sec. 307. (a) The Commission, if public convenience, interest, or necessity will be served thereby, subject to the limitations of this Act, shall grant to any applicant therefor a station license provided for by this Act.

(b) It is hereby declared that the people of all the zones established by section 302 of this Act are entitled to equality of radio broadcasting service, both of transmission and of reception, and in order to provide said equality the Commission shall as nearly as possible make and maintain an equal allocation of broadcasting licenses, of bands of frequency or wave lengths, of periods of time for operation, and of station power, to each of said zones when and insofar as there are applications therefor; and shall make a fair and equitable allocation of licenses, wave lengths, time for operation, and station power to each of the States and the District of Columbia, within each zone, according to population. The Commission shall carry into effect the equality of broadcasting service herebybefore directed, whenever necessary or proper, by granting or refusing licenses or renewals of licenses, by changing periods of time for operation, and by increasing or decreasing station power, when applications are made for licenses or renewals of licenses: Provided, That if and when there is a lack of applications from any zone for the proportionate share of licenses, wave lengths, time of operation, or station power to which such zone is entitled, the Commission may issue licenses for the balance of the proportion not applied for from any zone, to applicants from other zones for a temporary period of ninety days each, and shall specifically designate that said apportionment is only for said temporary period. Allocations
shall be charged to the State or District wherein the studio
of the station is located and not where the transmitter is
located; Provided further, That the Commission may also
grant applications for additional licenses for stations not
exceeding two hundred and fifty watts of power if the Com-
mission finds that such stations will serve the public conven-
ience, interest, or necessity, and that their operation will not
interfere with the fair and efficient radio service of stations
licensed under the provisions of this section.

(c) The provisions of this section shall not apply to the
Virgin Islands, Puerto Rico, Alaska, Guam, American
Samoa, and the Territory of Hawaii.

(d) No license granted for the operation of a broadcast-
ing station shall be for a longer term than one year and no
license so granted for any other class of station shall be for
a longer term than three years, and any license granted may
be revoked as hereinafter provided. Upon the expiration
of any license, upon application therefor, a renewal of such
license may be granted from time to time for a term of not
to exceed one year in the case of broadcasting licenses and
not to exceed three years in the case of other licenses, but
action of the Commission with reference to the granting of
such application for the renewal of a license shall be limited
to and governed by the same considerations and practice
which affect the granting of original applications.

(e) No renewal of an existing station license shall be
granted more than thirty days prior to the expiration of the
original license.

APPLICATIONS FOR LICENSES; CONDITIONS IN LICENSE FOR
FOREIGN COMMUNICATION

SEC. 308. (a) The Commission may grant licenses,
renewal of licenses, and modification of licenses only upon
written application thereto received by it; Provided, how-
ever, That in cases of emergency found by the Commission
licenses, renewals of licenses, and modifications of licenses,
for stations on vessels or aircraft of the United States, may
be issued under such conditions as the Commission may
impose, without such formal application. Such licenses,
however, shall in no case be for a longer term than three
months: Provided further, That the Commission may issue
by cable, telegraph, or radio a permit for the operation of a
station on a vessel of the United States at sea, effective in
lieu of a license, until said vessel shall return to a port of
the continental United States.

(b) All such applications shall set forth such facts as
the Commission by regulation may prescribe as to the citi-
zenship, character, and financial, technical, and other qual-
ifications of the applicant to operate the station; the owner-
ship and location of the proposed station and of the stations,
if any, with which it is proposed to communicate; the fre-
quencies or wave lengths and the power desired to be used;
the hours of the day or other periods of time during which
it is proposed to operate the station; the purposes for which
the station is to be used; and such other information as it
may require. The Commission, at any time after the filing
of such original application and during the term of any such
license, may require from an applicant or licensee further
written statements of fact to enable it to determine whether
such original application should be granted or denied or
such license revoked. Such application and/or such state-
ment of fact shall be signed by the applicant and/or licensee
under oath or affirmation.
(c) The Commission in granting any license for a
station intended or used for commercial communication
between the United States or any Territory or possession,
continental or insular, subject to the jurisdiction of the
United States, and any foreign country, may impose any
terms, conditions, or restrictions authorized to be imposed
with respect to submarine-cable licenses by section 2 of an
Act entitled "An Act relating to the landing and the opera-
tion of submarine cables in the United States", approved
May 24, 1921.

HEARINGS ON APPLICATIONS FOR LICENSES; FORM OF
LICENSES; CONDITIONS ATTACHED TO LICENSES
SEC. 309. (a) If upon examination of any application
for a station license or for the renewal or modification of a
station license the Commission shall determine that public
interest, convenience, or necessity would be served by the
granting thereof, it shall authorize the issuance, renewal,
or modification thereof in accordance with said finding. In
the event the Commission upon examination of any such
application does not reach such decision with respect there-
to, it shall notify the applicant thereof, shall fix and give
notice of a time and place for hearing thereon, and shall
afford such applicant an opportunity to be heard under such
rules and regulations as it may prescribe.
(b) Such station licenses as the Commission may
grant shall be in such general form as it may prescribe, but
each license shall contain, in addition to other provisions,
a statement of the following conditions to which such license
shall be subject:
(1) The station license shall not vest in the licensee
any right to operate the station nor any right in the use of
the frequencies or wave length designated in the license
beyond the term thereof nor in any other manner than
authorized therein.
(2) Neither the license nor the right granted there-
der shall be assigned or otherwise transferred in violation
of this Act.
(3) Every license issued under this Act shall be sub-
ject in terms to the right of use or control conferred by
section 606 hereof.
LIMITATION ON HOLDING AND TRANSFER OF LICENSES

SEC. 310. (a) The station license required hereby shall not be granted to or held by—

(1) Any alien or the representative of any alien;

(2) Any foreign government or the representative thereof;

(3) Any corporation organized under the laws of any foreign government;

(4) Any operating, controlling, holding, or other corporation of which any officer or more than one fifth of the directors are aliens, or of which more than one fifth of the capital stock may be owned or voted by aliens, their representatives, or by a foreign government or representative thereof, or by any corporation organized under the laws of a foreign country;

(5) Any corporation or association controlled by, or subsidiary to a corporation or association, of which any officer or more than one fifth of the directors are aliens, or of which more than one fifth of the capital stock may be owned or voted by aliens, their representatives, or by a foreign government or representative thereof, or by any corporation organized under the laws of a foreign country: Provided, however, That nothing herein shall prevent the licensing of radio apparatus on board any vessel, aircraft, or other mobile station of the United States when the installation and use of such apparatus is required by act of Congress or any treaty to which the United States is a party.

(b) The station license required hereby, the frequencies or wave length or lengths authorized to be used by the licensee, and the rights therein granted shall not be transferred, assigned, or in any manner either voluntarily or involuntarily disposed of, or indirectly by transfer of control of any company, corporation, or association holding such license, to any person or corporation, unless the Commission shall, after a hearing, decide that said transfer is in the public interest, and shall give its consent in writing.

REFUSAL OF LICENSES AND PERMITS IN CERTAIN CASES

SEC. 311. The Commission is hereby directed to refuse a station license and/or the permit hereinafter required for the construction of a station to any person, firm, company, or corporation, or any subsidiary thereof, which has been finally adjudged guilty by a Federal court of unlawfully monopolizing or attempting unlawfully to monopolize, after this Act takes effect, radio communication, directly or indirectly, through the control of the manufacture or sale of radio apparatus, through exclusive traffic arrangements, or by any other means or to have been using unfair methods of competition. The granting of a license shall not estop the
1 United States or any person aggrieved from proceeding
2 against such person or corporation for violating the law
3 against unfair methods of competition or for a violation of
4 the law against unlawful restraints and monopolies and/or
5 combinations, contracts, or agreements in restraint of
6 trade, or from instituting proceedings for the dissolution
7 of such firm, company, or corporation.

8 REVOCATION OF LICENSES; FINES IMPOSED BY COMMISSION

9 Sec. 312. Any station license may be revoked, or the
10 station owner fined not to exceed $1,000 by the Commis-
11 sion for each and every day during which such offense
12 occurs, for false statements either in the application or in
13 the statement of fact which may be required by section
14 308 hereof, or because of conditions revealed by such state-
15 ments of fact as may be required from time to time which
16 would warrant the Commission in refusing to grant a license
17 on an original application, or for failure to operate substan-
18 tially as set forth in the license, for violation of or failure
19 to observe any of the restrictions and conditions of this Act,
20 or of any regulation of the Commission authorized by this
21 Act or by a treaty ratified by the United States, or whenever
22 any Federal body in the exercise of authority conferred
23 upon it by law, shall find and shall certify to the
24 Commission that any licensee bound so to do, has failed
25 to provide reasonable facilities for the transmission of radio

1 communications, or that any licensee has made any unjust
2 and unreasonable charge, or has been guilty of any dis-
3 crimination, either as to charge or as to service or has made
4 or prescribed any unjust and unreasonable classification, reg-
5 ulation, or practice with respect to the transmission of radio
6 communications or service: Provided, however, That no
7 license shall be revoked and no station owner fined until
8 the licensee shall have been notified in writing of the pro-
9 ceedings for such revocation or fine, the cause for the pro-
10 posed action, and shall have been given fifteen days to show
11 cause why an order of revocation should not be issued or a
12 fine or fine imposed.

13 APPLICATION OF ANTITRUST LAWS

14 Sec. 313. All laws of the United States relating to
15 unlawful restraints and monopolies and to combinations,
16 contracts, or agreements in restraint of trade are hereby
17 declared to be applicable to the manufacture and sale of
18 and to trade in radio apparatus and devices entering into
19 or affecting interstate or foreign commerce and to interstate
20 or foreign radio communications. Whenever in any suit,
21 action, or proceeding, civil or criminal, brought under the
22 provisions of any of said laws or in any proceedings brought
23 to enforce or to review findings and orders of the Federal
24 Trade Commission or other governmental agency in respect
25 of any matters as to which said commission or other govern-
ment agency is by law authorized to act, any licensee shall be found guilty of the violation of the provisions of such laws or any of them, the court, in addition to the penalties imposed by said laws, may adjudge, order, and/or decree that the license of such licensee shall, as of the date the decree or judgment becomes final and effectual or as of such other date as the said decree shall fix, be revoked and that all rights under such license shall thereupon cease: Provided, however, that such licensee shall have the same right of appeal or review as is provided by law in respect of other decrees and judgments of said court.

PRESERVATION OF COMPEETITION IN COMMERCE

SEC. 314. After the passage of this Act no person, firm, company, or corporation now or hereafter directly or indirectly through any subsidiary, associated, or affiliated person, firm, company, corporation, or agent, or otherwise, in the business of transmitting and/or receiving for hire messages by any cable, wire, telegraph or telephone line or system (a) between any place in any State, Territory, or possession of the United States or in the District of Columbia and any place in any other State, Territory, or possession of the United States; or (b) between any place in any State, Territory, or possession of the United States, or the District of Columbia, and any place in any foreign country, by purchase, lease, construction, or otherwise, directly or indirectly, acquire, own, control, or operate any cable or wire telegraph or telephone line or system between any place in any State, Territory, or possession of the United States or in the District of Columbia, and any place in any foreign country, or shall acquire, own, or control any part of the stock or other capital share of any interest in the physical property and/or other assets of any such cable, wire, telegraph, or telephone line or system, if in either case the purpose is and/or the effect thereof may be to substantially lessen competition or to restrain commerce between any place in any State, Territory, or possession of the United States or in the District of Columbia and any place in any foreign country, or unlawfully to create monopoly in any line of commerce; nor shall any person, firm, company, or corporation now or hereafter engaged directly or indirectly through any subsidiary, associated, or affiliated person, company, corporation, or agent, or otherwise, in the business of transmitting and/or receiving for hire messages by any cable, wire, telegraph, or telephone line or system (a) between any place in any State, Territory, or possession of the United States or in the District of Columbia, and any place in any other State, Territory, or possession of the United States; or (b) between any place in any State, Territory, or possession of the United States, or the District of Columbia, and any place in any foreign country, by purchase, lease, construction, or otherwise, directly or indirectly, acquire, own, control, or operate any station or the apparatus therein, or any system for transmitting and/or receiving radio communications or signals between any place in any State, Territory, or
on such public questions. Furthermore, it shall be considered in the public interest for a licensee, so far as possible, to permit equal opportunity for the presentation of both sides of public questions.

(b) The Commission shall make rules and regulations to carry this provision into effect. No such licensee shall exercise censorship over any material broadcast in accordance with the provisions of this section. No obligation is imposed upon any licensee to allow the use of his station by any candidate, or in support of or in opposition to any candidate, or for the presentation of views on any side of a public question.

(c) The rates charged for the use of any station for any of the purposes set forth in this section shall not exceed the regular rates charged for the use of said station to advertisers furnishing regular programs, and shall not be discriminatory as between persons using the station for such purposes.

LOTTERIES AND OTHER SIMILAR SCHEMES

SEC. 316. No person shall broadcast by means of any radio station for which a license is required by any law of the United States, and no person, firm, or corporation operating any such station shall knowingly permit the broadcasting of, any advertisement of or information concerning any lottery, gift enterprise, or similar scheme, offer-
ing prizes dependent in whole or in part upon lot or chance, or any list of the prizes drawn or awarded by means of any such lottery, gift enterprise, or scheme, whether said list contains any part or all of such prizes. Any person, firm, or corporation violating any provision of this section shall, upon conviction thereof, be fined not more than $1,000 or imprisoned not more than one year, or both, for each and every day during which such offense occurs.

ANNOUNCEMENT THAT MATTER IS PAID FOR

SEC. 317. All matter broadcast by any radio station for which service, money, or any other valuable consideration is directly or indirectly paid, or promised to or charged or accepted by, the station so broadcasting, from any person, firm, company, or corporation, shall, at the time the same is so broadcast, be announced as paid for or furnished, as the case may be, by such person, firm, company, or corporation.

OPERATION OF TRANSMITTING APPARATUS

SEC. 318. The actual operation of all transmitting apparatus in any radio station for which a station license is required by this Act shall be carried on only by a person holding an operator's license issued hereunder. 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.

CONSTRUCTION PERMITS

SEC. 319. (a) No license shall be issued under the authority of this Act for the operation of any station the construction of which is begun or is continued after this Act takes effect, unless a permit for its construction has been granted by the Commission upon written application therefor. The Commission may grant such permit if public convenience, interest, or necessity will be served by the construction of the station. This application shall set forth such facts as the Commission by regulation may prescribe as to the citizenship, character, and the financial, technical, and other ability of the applicant to construct and operate the station, the ownership and location of the proposed station and of the station or stations with which it is proposed to communicate, the frequencies and wave length or wave lengths desired to be used, the hours of the day or other periods of time during which it is proposed to operate the station, the purpose for which the station is to be used, the type of transmitting apparatus to be used, the power to be used, the date upon which the station is expected to be completed and in operation, and such other information as the Commission may require. Such application shall be signed by the applicant under oath or affirmation.

(b) Such permit for construction shall show specifically the earliest and latest dates between which the actual
operation of such station is expected to begin, and shall provide that said permit will be automatically forfeited if the station is not ready for operation within the time specified or within such further time as the Commission may allow, unless prevented by causes not under the control of the grantee. The rights under any such permit shall not be assigned or otherwise transferred to any person, firm, company, or corporation without the approval of the Commission. A permit for construction shall not be required for Government stations, amateur stations, or stations upon mobile vessels, railroad rolling stock, or aircraft. Upon the completion of any station for the construction or continued construction for which a permit has been granted, and upon it being made to appear to the Commission that all the terms, conditions, and obligations set forth in the application and permit have been fully met, and that no cause or circumstance arising or first coming to the knowledge of the Commission since the granting of the permit would, in the judgment of the Commission, make the operation of such station against the public interest, the Commission shall issue a license to the lawful holder of said permit for the operation of said station. Said license shall conform generally to the terms of said permit.

DESIGNATION OF STATIONS LIABLE TO INTERFERE WITH DISTRESS SIGNALS

SEC. 320. The Commission is authorized to designate from time to time radio stations the communications or signals of which, in its opinion, are liable to interfere with the transmission or reception of distress signals of ships. Such stations are required to keep a licensed radio operator listening in on the wave lengths designated for signals of distress and radio communications relating thereto during the entire period the transmitter of such station is in operation.

DISTRESS SIGNALS AND COMMUNICATIONS

SEC. 321. (a) Every radio station on shipboard shall be equipped to transmit radio communications or signals of distress on the frequency or wave length specified by the Commission, with apparatus capable of transmitting and receiving messages over a distance of at least one hundred miles by day or night. When sending radio communications or signals of distress and radio communications relating thereto the transmitting set may be adjusted in such a manner as to produce a maximum of radiation irrespective of the amount of interference which may thus be caused.

(b) All radio stations, including Government stations and stations on board foreign vessels when within the territorial waters of the United States, shall give absolute priority
to radio communications or signals relating to ships in distress; shall cease all sending on frequencies or wave lengths which will interfere with hearing a radio communication or signal of distress, and, except when engaged in answering or aiding the ship in distress, shall refrain from sending any radio communications or signals until there is assurance that no interference will be caused with the radio communications or signals relating thereto, and shall assist the vessel in distress, so far as possible, by complying with its instructions.

INTERCOMMUNICATION IN MOBILE SERVICE

SEC. 322. Every shore station open to general public service between the coast and vessels at sea shall be bound to exchange radio communications or signals with any ship station without distinction as to radio systems or instruments adopted by such stations, respectively, and each station on shipboard shall be bound to exchange radio communications or signals with any other station on shipboard without distinction as to radio systems or instruments adopted by each station.

INTERFERENCE BETWEEN GOVERNMENT AND COMMERCIAL STATIONS

SEC. 323. (a) At all places where Government and private or commercial radio stations on land operate in such close proximity that interference with the work of Govern-

ment stations cannot be avoided when they are operating simultaneously such private or commercial stations as do interfere with the transmission or reception of radio communications or signals by the Government stations concerned shall not use their transmitters during the first fifteen minutes of each hour, local standard time.

(b) The Government stations for which the above-mentioned division of time is established shall transmit radio communications or signals only during the first fifteen minutes of each hour, local standard time, except in case of signals or radio communications relating to vessels in distress and vessel requests for information as to course, location, or compass direction.

USE OF MINIMUM POWER

SEC. 324. In all circumstances, except in case of radio communications or signals relating to vessels in distress, all radio stations, including those owned and operated by the United States, shall use the minimum amount of power necessary to carry out the communication desired.

FALSE OR FRAUDULENT DISTRESS SIGNALS OR COMMUNICATIONS; RERECORDING OF Programs

SEC. 325. No person, firm, company, or corporation within the jurisdiction of the United States shall knowingly utter or transmit, or cause to be uttered or transmitted, any false or fraudulent signal of distress, or communication relat-

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ing thereto, nor shall any broadcasting station rebroadcast
the program or any part thereof of another broadcasting
station without the express authority of the originating
station.

CENSORSHIP; INDECENT LANGUAGE

SEC. 326. Nothing in this Act shall be understood or
construed to give the Commission the power of censorship
over the radio communications or signals transmitted by any
radio station, and no regulation or condition shall be pro-
mulgated or fixed by the Commission which shall interfere
with the right of free speech by means of radio communi-
cations. No person within the jurisdiction of the United
States shall utter any obscene, indecent, or profane language
by means of radio communication.

USE OF NAVAL STATIONS FOR COMMERCIAL MESSAGES

SEC. 327. The Secretary of the Navy is hereby author-
ized unless restrained by international agreement, under the
terms and conditions and at rates prescribed by him, which
rates shall be just and reasonable, and which, upon com-
plaint, shall be subject to review and revision by the
Commission, to use all radio stations and apparatus,
wherever located, owned by the United States and under
the control of the Navy Department (a) for the reception
and transmission of press messages offered by any news-
paper published in the United States, its Territories or pos-
sessions, or published by citizens of the United States in
foreign countries, or by any press association of the United
States, and (b) for the reception and transmission of private
commercial messages between ships, between ship and shore,
between localities in Alaska and between Alaska and the
continental United States: Provided, That the rates fixed
for the reception and transmission of all such messages, other
than press messages between the Pacific coast of the United
States, Hawaii, Alaska, Guam, American Samoa, the
Philippine Islands, and the Orient, and between the United
States and the Virgin Islands, shall not be less than the
rates charged by privately owned and operated stations for
like messages and service: Provided further, That the right
to use such stations for any of the purposes named in this
section shall terminate and cease as between any countries
or localities or between any locality and privately operated
ships whenever privately owned and operated stations are
capable of meeting the normal communication require-
ments between such countries or localities or between any locality
and privately operated ships, and the Commission shall have
notified the Secretary of the Navy thereof.

SPECIAL PROVISION AS TO PHILIPPINE ISLANDS AND:

CANAL ZONE

SEC. 328. This Act shall not apply to the Philippine
Islands or to the Canal Zone. In international radio matters
1. the Philippine Islands and the Canal Zone shall be represented by the Secretary of State.

2. ADMINISTRATION OF RADIO LAWS IN TERRITORIES AND POSSESSIONS

Sec. 329. The Commission is authorized to designate any officer or employee of any other department of the Government on duty in any Territory or possession of the United States other than the Philippine Islands and the Canal Zone, to render therein such services in connection with the administration of the radio laws of the United States as the Commission may prescribe: Provided, That such designation shall be approved by the head of the department in which such person is employed.

3. TITLE IV—PROCEDURAL AND ADMINISTRATIVE PROVISIONS

4. JURISDICTION TO ENFORCE ACT, AND ORDERS OF COMMISSION

Sec. 401. (a) The district courts of the United States shall have jurisdiction, upon application of the Attorney General of the United States at the request of the Commission, alleging a failure to comply with or a violation of any of the provisions of this Act by any person, to issue a writ or writs of mandamus commanding such person to comply with the provisions of this Act; or, upon application of the Commission, any injured party, or the United States by its

1. Attorney General, for the enforcement of an order or requirement of the Commission under the provisions of this Act, regularly made and duly served, which any person has failed or neglected to obey while in effect, to enforce obedience to such order or requirement by writ of injunction or other proper process, mandatory or otherwise, to restrain such person, its officers, agents, or representatives, from further disobedience of such order or requirement, or to enjoin upon it or them obedience to the same.

(b) If any carrier fails or neglects to obey any order of the Commission other than for the payment of money, while the same is in effect, the Commission or any party injured thereby, or the United States, by its Attorney General, may apply to the appropriate district court of the United States for the enforcement of such order. If, after hearing, that court determines that the order was regularly made and duly served, and that the carrier is in disobedience of the same, the court shall enforce obedience to such order by a writ of injunction or other proper process, mandatory or otherwise, to restrain such carrier, its officers, agents, or representatives, from further disobedience of such order, or to enjoin upon it or them obedience to the same.

(c) The provisions of the Expediting Act, approved February 11, 1903, as amended, and of section 238 (1) of the Judicial Code, as amended, shall be held to apply to any
suit in equity arising under title II of this Act, wherein the
United States is complainant.

APPLICATION OF DISTRICT COURT JURISDICTION ACT

Sec. 402. Suits to enjoin, set aside, annul, or suspend any order of the Commission under this Act shall be brought in the several district courts of the United States, and the provisions of the District Court Jurisdiction Act (38 Stat. 219) are hereby made applicable to all such suits, and all references in said Act to the Interstate Commerce Commission shall apply to the Commission. The provisions of said Act as to venue of suits to enforce orders of the Interstate Commerce Commission are hereby made applicable to all suits to enforce orders of the Commission, made under the provisions of this Act.

INQUIRY BY COMMISSION ON ITS OWN MOTION

Sec. 403. The Commission shall have full authority and power at any time to institute an inquiry, on its own motion, in any case and as to any matter or thing concerning which complaint is authorized to be made, to or before the Commission by any provision of this Act, or concerning which any question may arise under any of the provisions of this Act, or relating to the enforcement of any of the provisions of this Act. The Commission shall have the same powers and authority to proceed with any inquiry instituted on its own motion as though it had been appealed to by complaint or petition under any of the provisions of this Act, including the power to make and enforce any order or orders in the case, or relating to the matter or thing concerning which the inquiry is had, excepting orders for the payment of money.

REPORTS OF INVESTIGATIONS

Sec. 404. Whenever an investigation shall be made by the Commission it shall be its duty to make a report in writing in respect thereto, which shall state the conclusions of the Commission, together with its decision, order, or requirement in the premises; and in case damages are awarded such report shall include the findings of fact on which the award is made.

REHEARING BEFORE COMMISSION

Sec. 405. After a decision, order, or requirement has been made by the Commission in any proceeding, any party thereto or any person or any State or political subdivision thereof, aggrieved or whose interests are adversely affected may at any time make application for rehearing of the same, or any matter determined therein, and it shall be lawful for the Commission in its discretion to grant such a rehearing if sufficient reason therefor be made to appear. Applications for rehearing shall be governed by such general rules as the Commission may
establish. No such application shall excuse any person from complying with or obeying any decision, order, or requirement of the Commission, or operate in any manner to stay or postpone the enforcement thereof, without the special order of the Commission. In case a rehearing is granted, the proceedings thereupon shall conform as nearly as may be to the proceedings in an original hearing, except as the Commission may otherwise direct; and if, in its judgment, after such rehearing and the consideration of all facts, including those arising since the former hearing, it shall appear that the original decision, order, or requirement is in any respect unjust or unwarranted, the Commission may reverse, change, or modify the same accordingly. Any decision, order, or requirement made after such rehearing, reversing, changing, or modifying the original determination shall be subject to the same provisions as an original order.

MANDAMUS TO COMPEL FURNISHING OF FACILITIES

SEC. 406. The district courts of the United States shall have jurisdiction upon the relation of any person alleging any violation, by a carrier subject to this Act, of any of the provisions of this Act which prevent the relator from receiving service in interstate or foreign communication by wire or radio, or in interstate or foreign transmission of energy by radio, from said carrier at the same rates as are charged, or upon terms or conditions as favorable as those given by said carrier for like communication or transmission under similar conditions to any other person, to issue a writ or writs of mandamus against said carrier commanding such carrier to furnish facilities for such communication or transmission to the party applying for the writ. Provided, That if any question of fact as to the proper compensation to the carrier for the service to be enforced by the writ is raised by the pleadings, the writ of peremptory mandamus may issue, notwithstanding such question of fact is undetermined, upon such terms as to security, payment of money into the court, or otherwise as the court may think proper pending the determination of the question of fact: Provided further, That the remedy hereby given by writ of mandamus shall be cumulative and shall not be held to exclude or interfere with other remedies provided by this Act.

PETITION FOR ENFORCEMENT OF ORDER FOR PAYMENT OF MONEY

SEC. 407. If a carrier does not comply with an order for the payment of money within the time limit in such order, the complainant, or any person for whose benefit such order was made, may file in the district court of the United States for the district in which he resides or in which is located the principal operating office of the carrier, or through which the line of the carrier runs, or in any State court of general jurisdiction having jurisdiction of the parties,
a petition setting forth briefly the causes for which he claims
damages, and the order of the Commission in the premises.
Such suit in the district court of the United States shall
proceed in all respects like other civil suits for damages,
except that on the trial of such suits the findings and order
of the Commission shall be prima facie evidence of the facts
therein stated, except that the petitioner shall not be liable
for costs in the district court nor for costs at any subsequent
stage of the proceedings unless they accrue upon his appeal.
If the petitioner shall finally prevail, he shall be allowed a
reasonable attorney's fee, to be taxed and collected as a
part of the costs of the suit.
ORDERS NOT FOR PAYMENT OF MONEY—WHEN EFFECTIVE
SEC. 408. Except as otherwise provided in this Act, all
orders of the Commission, other than orders for the payment
of money, shall take effect within such reasonable time, not
less than thirty days, and shall continue in force until its
further order, or for a specified period of time, according as
shall be prescribed in the order, unless the same shall be
suspended or modified or set aside by the Commission, or be
suspended or set aside by a court of competent jurisdiction.
GENERAL PROVISIONS RELATING TO PROCEEDINGS—
WITNESSES AND DEPOSITIONS
SEC. 409. (a) Upon the request of the Commission it
shall be the duty of any district attorney of the United
States to whom the Commission may apply to institute
in the proper court and to prosecute under the direction
of the Attorney General of the United States all neces-
sary proceedings for the enforcement of the provisions of
this Act and for the punishment of all violations thereof,
and the costs and expenses of such prosecutions shall be
paid out of the appropriations for the expenses of the
courts of the United States; and for the purposes of this
Act the Commission shall have the power to require by
subpoena the attendance and testimony of witnesses and
the production of all books, papers, tariffs, contracts,
agreements, and documents relating to any matter under
investigation. Witnesses summoned before the Commis-
sion shall be paid the same fees and mileage that are
paid witnesses in the courts of the United States.
(b) Any member or examiner of the Commission, or
the director of any division, when duly designated by the
Commission for such purpose, may hold hearings, sign and
issue subpoenas, administer oaths, examine witnesses, and
receive evidence at any place in the United States design-
nated by the Commission; except that in the administration
of title III an examiner may not be authorized to exercise
such powers with respect to a matter involving (1) a
change of policy by the Commission, (2) the revocation of
a construction permit or license, (3) new devices or
developments in radio, or (4) a new kind of use of frequencies. In all cases heard by an examiner the Commission shall hear oral arguments on request of either party.

(c) Such attendance of witnesses, and the production of such documentary evidence, may be required from any place in the United States, at any designated place of hearing. And in case of disobedience to a subpoena the Commission, or any party to a proceeding before the Commission, may invoke the aid of any court of the United States in requiring the attendance and testimony of witnesses and the production of books, papers, and documents under the provisions of this section.

(d) Any of the district courts of the United States within the jurisdiction of which such inquiry is carried on may, in case of continuance or refusal to obey a subpoena issued to any common carrier or licensee or other person, issue an order requiring such common carrier, licensee, or other person to appear before said Commission (and produce books and papers if so ordered) and give evidence touching the matter in question; and any failure to obey such order of the court may be punished by such court as a contempt thereof.

(e) The testimony of any witness may be taken, at the instance of a party, in any proceeding or investigation pending before the Commission, by deposition, at any time after a cause or proceeding is at issue on petition and answer. The Commission may also order testimony to be taken by deposition in any proceeding or investigation pending before it, at any stage of such proceeding or investigation. Such depositions may be taken before any judge of any court of the United States, or any United States commissioner, or any clerk of a district court, or any chancellor, justice, or judge of a supreme or superior court, mayor, or chief magistrate of a city, judge of a county court, or court of common pleas of any of the United States, or any notary public, not being of counsel or attorney to either of the parties, nor interested in the event of the proceeding or investigation. Reasonable notice must first be given in writing by the party or his attorney proposing to take such deposition to the opposite party or his attorney of record, as either may be nearest, which notice shall state the name of the witness and the time and place of the taking of his deposition. Any person may be compelled to appear and depose, and to produce documentary evidence, in the same manner as witnesses may be compelled to appear and testify and produce documentary evidence before the Commission, as hereinbefore provided.

(f) Every person deposing as herein provided shall be cautioned and sworn (or affirm, if he so request) to testify the whole truth, and shall be carefully examined. His
testimony shall be reduced to writing by the magistrate tak-
ing the deposition, or under his direction, and shall, after
it has been reduced to writing, be subscribed by the deponent.

(g) If a witness whose testimony may be desired to
be taken by deposition be in a foreign country, the deposi-
tion may be taken before an officer or person designated by
the Commission, or agreed upon by the parties by stipula-
tion in writing to be filed with the Commission. All depo-
sitions must be promptly filed with the Commission.

(h) Witnesses whose depositions are taken as author-
ized in this Act, and the magistrate or other officer taking
the same, shall severally be entitled to the same fees as are
paid for like services in the courts of the United States.

(i) No person shall be excused from attending and
testifying or from producing books, papers, contracts,
agreements, and documents before the Commission, or in
obedience to the subpoena of the Commission, whether such
subpoena be signed or issued by one or more commissioners,
or in any cause or proceeding, criminal or otherwise, based
upon or growing out of any alleged violation of this Act,
or of any amendments thereto, on the ground or for the
reason that the testimony or evidence, documentary or
otherwise, required of him may tend to criminate him or
subject him to a penalty or forfeiture; but no individual
shall be prosecuted or subjected to any penalty or forfeiture
for or on account of any transaction, matter, or thing con-
cerning which he is compelled, after having claimed his
privilege against self-incrimination, to testify or produce
evidence, documentary or otherwise, except that any indi-
vidual so testifying shall not be exempt from prosecution
and punishment for perjury committed in so testifying.

(j) Any person who shall neglect or refuse to attend
and testify, or to answer any lawful inquiry, or to produce
books, papers, tariffs, contracts, agreements, and documents,
if in his power to do so, in obedience to the subpoena or
lawful requirement of the Commission, shall be guilty of
a misdemeanor and upon conviction thereof by a court
of competent jurisdiction shall be punished by a fine not
less than $100 nor more than $5,000, or by imprisonment
for not more than one year, or by both such fine and
imprisonment.

USE OF JOINT BOARDS—COOPERATION WITH STATE
COMMISSIONS

Sec. 410. (a) The Commission may refer any matter
arising in the administration of this Act to a joint board to be
composed of a member, or of an equal number of members,
as determined by the Commission, from each of the States
in which the wire or radio communication affected by or
involved in the proceeding takes place or is proposed, and
any such board shall be vested with the same powers and
be subject to the same duties and liabilities as in the case of a member of the Commission when designated by the Commission to hold a hearing as hereinbefore authorized.

The action of a joint board shall have such force and effect and its proceedings shall be conducted in such manner as the Commission shall by regulations prescribe. The joint board member or members for each State shall be nominated by the State commission of the State or by the Governor if there is no State commission, and appointed by the Federal Communications Commission. The Commission shall have discretion to reject any nominee. Joint board members shall receive such allowances for expenses as the Commission shall provide.

(b) The Commission may confer with any State commission having regulatory jurisdiction with respect to carriers, regarding the relationship between rate structures, accounts, charges, practices, classifications, and regulations of carriers subject to the jurisdiction of such State commission and of the Commission; and the Commission is authorized under such rules and regulations as it shall prescribe to hold joint hearings with any State commission in connection with any matter with respect to which the Commission is authorized to act. The Commission is authorized in the administration of this Act to avail itself of such cooperation, services, records, and facilities as may be afforded by any State commission.

SCH. 411. (a) In any proceeding for the enforcement of the provisions of this Act, whether such proceeding be instituted before the Commission or be begun originally in any district court of the United States, it shall be lawful to include as parties, in addition to the carrier, all persons interested in or affected by the charge, regulation, or practice under consideration, and inquiries, investigations, orders, and decrees may be made with reference to and against such additional parties in the same manner to the same extent, and subject to the same provisions as are or shall be authorized by law with respect to carriers.

(b) In any suit for the enforcement of an order for the payment of money all parties in whose favor the Commission may have made an award for damages by a single order may be joined as plaintiffs, and all of the carriers parties to such order awarding such damages may be joined as defendants, and such suit may be maintained by such joint plaintiffs and against such joint defendants in any district where any one of such joint plaintiffs could maintain such suit against any one of such joint defendants; and service of process against any one of such defendants as may not be found in the district where the suit is brought may be made in any district where such defendant carrier has its principal operating office. In case of such joint suit, the recovery, if any,
may be by judgment in favor of any one of such plaintiffs, against the defendant found to be liable to such plaintiff.

**DOCUMENTS FILED TO BE PUBLIC RECORDS—USE IN PROCEEDINGS**

SEC. 412. The copies of schedules, classifications, and charges, and of all contracts, agreements, and arrangements between common carriers filed with the Commission as herein provided, and the statistics, tables, and figures contained in the annual or other reports of carriers and other persons made to the Commission as required under the provisions of this Act shall be preserved as public records in the custody of the Secretary of the Commission, and shall be received as prima facie evidence of what they purport to be for the purpose of investigations by the Commission and in all judicial proceedings; and copies of and extracts from any of said schedules, classifications, contracts, agreements, arrangements, or reports, made public records as aforesaid certified by the Secretary, under the Commission's seal, shall be received in evidence with like effect as the originals: Provided, That the Commission may, if the public interest will be served thereby, keep confidential any contract, agreement, or arrangement relating to wire or radio communication in foreign commerce when the publication of such contract, agreement, or arrangement would place American communication companies at a disadvantage in meeting the competition of foreign communication companies.

**DESIGNATION OF AGENT FOR SERVICE**

SEC. 413. It shall be the duty of every carrier subject to this Act, within sixty days after the taking effect of this Act, to designate in writing an agent in the District of Columbia, upon whom service of all notices and process and all orders, decision, and requirements of the Commission may be made for and on behalf of said carrier in any proceeding or suit pending before the Commission or before any court, and to file such designation in the office of the secretary of the Commission, which designation may from time to time be changed by like writing similarly filed; and thereupon service of all notices and process and orders, decisions, and requirements of the Commission may be made upon such carrier by leaving a copy thereof with such designated agent at his office or usual place of residence in the District of Columbia, with like effect as if made personally upon such carrier, and in default of such designation of such agent, service of any notice or other process in any proceeding before said Commission or court, or of any order, decision, or requirement of the Commission, may be made by posting such notice, process, order, requirement, or decision in the office of the secretary of the Commission.

**REMEDIES IN THIS ACT NOT EXCLUSIVE**

SEC. 414. Nothing in this Act contained shall in any way abridge or alter the remedies now existing at common
LIMITATIONS AS TO ACTIONS

SEC. 415. (a) All actions at law by carriers for recovery of their charges, or any part thereof, shall be begun within three years from the time the cause of action accrues, and not after.

(b) All complaints against carriers for the recovery of damages not based on overcharges shall be filed with the Commission within two years from the time the cause of action accrues, and not after, subject to subsection (d) of this section.

(c) For recovery of overcharges action at law shall be begun or complaint filed with the Commission against carriers within three years from the time the cause of action accrues, and not after, subject to subsection (d) of this section, except that if claim for the overcharge has been presented in writing to the carrier within the three-year period of limitation said period shall be extended to include six months from the time notice in writing is given by the carrier to the claimant of disallowance of the claim, or any part or parts thereof, specified in the notice.

(d) If on or before expiration of the two-year period of limitation in subsection (b) or of the three-year period of limitation in subsection (c) a carrier begins action under

subsection (a) for recovery of charges in respect of the same service, or, without beginning action, collects charges in respect of that service, said period of limitation shall be extended to include ninety days from the time such action is begun or such charges are collected by the carrier.

(e) The cause of action in respect of the transmission of a message shall, for the purposes of this section, be deemed to accrue upon delivery or tender of delivery thereof by the carrier, and not after.

(i) A petition for the enforcement of an order of the Commission for the payment of money shall be filed in the district court or the State court within one year from the date of the order, and not after.

(j) The term "overcharges," as used in this section shall be deemed to mean charges for transmission services in excess of those applicable thereto under the tariffs lawfully on file with the Commission.

(h) The foregoing provisions of this section shall extend to and embrace cases in which the cause of action accrued prior to the passage of this Act, as well as cases in which the cause of action accrues thereafter.

PROVISIONS RELATING TO ORDERS

SEC. 416. (a) Every order of the Commission shall be forthwith served upon the designated agent of the car-
rier in the city of Washington or in such other manner
as may be provided by law.
            (b) The Commission shall be authorized to suspend
or modify its orders upon such notice and in such manner
as it shall deem proper.
            (c) It shall be the duty of every common carrier, its
agents and employees, and any receiver or trustee thereof,
to observe and comply with such orders so long as the
same shall remain in effect.

TITLE V—PENAL PROVISIONS—FORFEITURES

GENERAL PENALTY

SEC. 501. Any person who willfully does or causes or
suffers to be done any act, matter, or thing, in this Act pro-
hibited or declared to be unlawful, or who willfully omits or
fails to do any act, matter, or thing in this Act required to be
done, or willfully causes or suffers such omission or failure,
shall, upon conviction thereof, be punished for each offense,
for which no penalty (other than a forfeiture) is provided
herein, by a fine of not more than $10,000 or by imprison-
ment for a term of not more than three years, or both.

VIOLATIONS OF RULES, REGULATIONS, ETC.

SEC. 502. Any person who violates any rule, regula-
tion, restriction, or condition made or imposed by the Com-
misson under authority of this Act, or any rule, regulation,
restriction, or condition made or imposed by any inter-
prior to the commencement of the action, may be included therein, and the amount recovered shall be three times the total amount of money, or three times the total value of such consideration, so received or accepted, or both, as the case may be.

(b) Any carrier, any officer, representative, or agent of a carrier, or any receiver, trustee, lessee, or agent of either of them, who knowingly fails or neglects to obey any order made under the provisions of section 201 or 204 of this Act shall forfeit to the United States the sum of $5,000 for each offense. Every distinct violation shall be a separate offense, and in case of continuing violation each day shall be deemed a separate offense.

PROVISIONS RELATING TO FORFEITURES AND FINES

Sec. 504. (a) The forfeitures provided for in this Act shall be payable into the Treasury of the United States, and shall be recoverable in a civil suit in the name of the United States, brought in the district where the carrier has its principal operating office, or in any district through which the line or system of the carrier runs. Such forfeitures shall be in addition to any other general or specific penalties herein provided. It shall be the duty of the various district attorneys, under the direction of the Attorney General of the United States, to prosecute for the recovery of forfeitures under this Act. The costs and expenses of such prosecutions shall be paid from the appropriation for the expenses of the courts of the United States.

(b) All fines collected by the Commission shall be covered into the Treasury of the United States the first of each month.

VENUE OF OFFENSES

Sec. 505. The trial of any offense under this Act shall be in the district in which it is committed; or if the offense is committed upon the high seas, or out of the jurisdiction of any particular State or district, the trial shall be in the district where the offender may be found or into which he shall be first brought. Whenever the offense is begun in one jurisdiction and completed in another it may be dealt with, inquired of, tried, determined, and punished in either jurisdiction in the same manner as if the offense had been actually and wholly committed therein.

TITLE VI—MISCELLANEOUS PROVISIONS

TRANSFER TO COMMISSION OF DUTIES, POWERS, AND FUNCTIONS UNDER EXISTING LAW

Sec. 601. (a) All duties, powers, and functions of the Interstate Commerce Commission with respect to telegraph lines and companies operating telegraph lines under the Government-aided Railroad and Telegraph Act, approved August 7, 1888, are hereby imposed upon and vested in the Commission.
1. All duties, powers, and functions of the Postmaster General with respect to telegraph companies and telegraph lines under any existing provision of law are hereby imposed upon and vested in the Commission.

REPEALS AND AMENDMENTS

Sec. 602. (a) The Radio Act of 1927, as amended, is hereby repealed.

(b) The provisions of the Interstate Commerce Act, as amended, insofar as they relate to communication by wire or wireless, or to telegraph, telephone, or cable companies operating by wire or wireless, are hereby repealed.

(c) The last sentence of section 2 of the Act entitled "An Act relating to the landing and operation of submarine cables in the United States", approved May 27, 1921, is amended to read as follows: "Nothing herein contained shall be construed to limit the power and jurisdiction of the Federal Communications Commission with respect to the transmission of messages."

(d) The first paragraph of section 11 of the Act entitled "An Act to supplement existing laws against unlawful restraints and monopolies, and for other purposes", approved October 15, 1914, is amended to read as follows:

"Sec. 11. That authority to enforce compliance with sections 2, 3, 7, and 8 of this Act by the persons respec-

Sec. 603. (a) All officers and employees of the Federal Radio Commission (except the members thereof, whose offices are hereby abolished) are hereby transferred to the Commission, without change in classification or compensation.

(b) There are hereby transferred to the jurisdiction and control of the Commission (1) all records and property (including office furniture and equipment, and including monitoring radio stations) under the jurisdiction of the Federal Radio Commission and (2) all records under the jurisdiction of the Interstate Commerce Commission relating to common carriers engaged in wire or radio communication, and of the Interstate Commerce Commission and the Post-
such proceeding, hearing, or investigation (1) involves the
administration of duties, powers, and functions transferred
by this Act or (2) involves the exercise of jurisdiction similar to that granted to the Commission
under the provisions of this Act.

(c) All records transferred to the Commission under
this Act shall be available for use by the Commission to the
same extent as if such records were originally records of
the Commission. All final valuations and determinations
of depreciation charges by the Interstate Commerce Com-
mision with respect to common carriers engaged in radio or
wire communications, and all orders of the Commission with
respect to such valuations and determinations, shall have the
same force and effect as though made by the Commission
under this Act.

UNAUTHORIZED PUBLICATION OF COMMUNICATIONS

Sec. 605. No person receiving or assisting in receiving
any interstate or foreign communication by wire or radio
shall divulge or publish the existence, contents, substance,
purpose, effect, or meaning thereof, except through
authorized channels of transmission or reception, to any
person other than the addressee, his agent, or attorney,
or to a person employed or authorized to forward such
communication to its destination, or to proper account-
ing or distributing officers of the various communicating
centers over which the communication may be passed,
or to the master of a ship under whom he is serving,
or in response to a subpoena issued by a court of competent
jurisdiction, or on demand of other lawful authority; and no
person not being authorized by the sender shall intercept any
message and divulge or publish the existence, contents, sub-
stance, purport, effect, or meaning of such intercepted mes-
sage to any person; and no person not being entitled thereto
shall receive or assist in receiving any interstate or foreign
communication by wire or radio and use the same or any
information therein contained for his own benefit or for the
benefit of another not entitled thereto; and no person having
received such intercepted communication or having become
acquainted with the contents, substance, purport, effect, or
meaning of the same or any part thereof, knowing that such
information was so obtained, shall divulge or publish the
existence, contents, substance, purport, effect, or meaning of
the same or any part thereof, or use the same or any inform-
ination therein contained for his own benefit or for the bene-
fit of another not entitled thereto: Provided, That this sec-
tion shall not apply to the receiving, divulging, publishing,
or utilizing the contents of any radio communication broad-
cast, or transmitted by amateurs or others for the use of
the general public, or relating to ships in distress.

WAR EMERGENCY—POWERS OF PRESIDENT

Sec. 606. (a) During the continuance of a war in which
the United States is engaged, the President is authorized,
if he finds it necessary for the national defense and security,
to direct that such communications as in his judgment may
be essential to the national defense and security shall have
preference or priority with any carrier subject to this Act.
He may give these directions at and for such times as he may
determine, and may modify, change, suspend, or annul
them and for any such purpose he is hereby authorized to
issue orders directly, or through such person or persons as he
designates for the purpose, or through the Commission. Any
carrier complying with any such order or direction for pref-
ERENCE or priority herein authorized shall be exempt from
any and all provisions in existing law imposing civil or
criminal penalties, obligations, or liabilities upon carriers by
reason of giving preference or priority in compliance with
such order or direction.

(b) It shall be unlawful for any person during any
war in which the United States is engaged to knowingly
or willfully, by physical force or intimidation by threats of
physical force, obstruct or retard or aid in obstructing or
retarding interstate or foreign communication by radio or wire. The President is hereby authorized, whenever in his judgment the public interest requires, to employ the armed forces of the United States to prevent any such obstruction or retardation of communication: Provided, That nothing in this section shall be construed to repeal, modify, or affect either section 6 or section 7 of an Act entitled "An Act to supplement existing laws against unlawful restraints and monopolies, and for other purposes," approved October 15, 1914.

(c) Upon proclamation by the President that there exists war or a threat of war or a state of public peril or disaster or other national emergency, or in order to preserve the neutrality of the United States, the President may suspend or amend, for such time as he may see fit, the rules and regulations applicable to any or all offices and stations for wire or radio communication within the jurisdiction of the United States as prescribed by the Commission, and may cause the closing of any such office or station and the removal therefrom of its apparatus and equipment, or he may authorize the use or control of any such office or station and/or its apparatus and equipment by any department of the Government under such regulations as he may prescribe, upon just compensation to the owners.

(d) The President shall ascertain the just compensation for such use or control and certify the amount ascertained to Congress for appropriation and payment to the person entitled thereto, but no allowance shall be included for the use of any radio frequency. If the amount so certified is unsatisfactory to the person entitled thereto, such person shall be paid only 75 per centum of the amount and shall be entitled to sue the United States to recover such further sum as added to such payment of 75 per centum will make such amount as will be just compensation for the use and control. Such suit shall be brought in the manner provided by paragraph 20 of section 24, or by section 145 of the Judicial Code, as amended.

EFFECTIVE DATE OF ACT

Sec. 607. This Act shall take effect upon the organization of the Commission, except that this section and sections 1 and 4 shall take effect upon the enactment of this Act. The Commission shall be deemed to be organized upon such date as four members of the Commission have taken office.

SEPARABILITY CLAUSE

Sec. 608. If any provision of this Act or the application thereof to any person or circumstance is held invalid, the remainder of the Act and the application of such pro-

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visions to other persons or circumstances shall not be affected thereby.

SHORT TITLE

Sec. 609. This Act may be cited as the "Communications Act of 1934."
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A BILL

To provide for the regulation of interstate and foreign communications by wire or radio, and for other purposes.

By Mr. Dill

February 24, 1934

Read twice and referred to the Committee on Interstate Commerce
TO THE CONGRESS:

For the sake of clarity and effectiveness I have long felt that the relationship of the Federal Government to certain services known as utilities should be divided into three fields -- transportation, power, and communications. Development of this thought would logically meet the problems of transportation in the Interstate Commerce Commission, and the problems of power, its development, transmission and distribution, in the Federal Power Commission. In the field of communications, however, there is today no single government agency charged with broad authority.

The Congress has vested certain authority over certain forms of communications in the Interstate Commerce Commission and there is in addition the agency known as the Federal Radio Commission.

I recommend, therefore, that the Congress create a new agency to be known as the Federal Communications Commission, such agency to be vested with the authority now lying in the Federal Radio Commission and with such authority over communications as now lies with the Interstate Commerce Commission -- the services affected to be all of those which rely on wires, cables and radio as a medium of transmission.

It is my thought that a new Commission such as I suggest might well be organized this year by transferring the present authority for the control of communications of the Radio Commission and the Interstate Commerce Commission. The new body should in addition be given full power to investigate and study the business of existing companies and make recommendations to the Congress for additional legislation at the next session.
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