

February 26, 1934

[FCC message]

FDR Speech File

- 0684

HOLD FOR RELEASE

February 26, 1934.

CONFIDENTIAL! To be held in STRICT CONFIDENCE and no portion, synopsis or intimation to be published or given out until the READING of the President's message has begun in the Senate or House of Representatives. Extreme care must be exercised to avoid premature publication.

859

STEPHEN EARLY
Assistant Secretary to the President

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.

THE WHITE HOUSE
WASHINGTON

2/26

Re. Communications Bill - Message to Congress:

Sen. Dill "Entirely satisfactory from
my viewpoint."

Congr. Rayburn "Sounds all right to me."



THE WHITE HOUSE
WASHINGTON

February 25, 1934

MAC:

Read this to Senator Dill and Congress-
man 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.

CONFIDENTIAL COMMITTEE PRINT

73d CONGRESS
2d Session

SENATE

REPORT
No. ---

COMMISSION ON COMMUNICATIONS

FEBRUARY —, 1934.—Ordered to be printed.

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

R E P O R T

[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 210 specifically excludes intrastate communication from the application of the act.

Section 211 provides for the filing of copies of contracts.

Section 212 prohibits interlocking directorates.

Section 213 provides for the valuation of properties.

Section 214 requires the Commission's consent to any extension of lines.

Section 215 gives the Commission power to investigate transactions relating to services and equipment provided by other affiliated corporations.

Sections 216 and 217 extend the application of the act to receivers, trustees, officers, and agents.

Sections 218, 219, and 220 authorizes 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 221 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 19 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.

TITLE VI. MISCELLANEOUS PROVISIONS

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.



CLARENCE C. GILL, WASH., CHAIRMAN
ELLISON D. SMITH, S.C.
BURTON K. WHEELER, MONT.
ROBERT F. WAGNER, N.Y.
ALBERT E. SMITH, N.Y.
M. M. HEELY, W.VA.
WILLIAM H. DIETERICH, ILL.
JOHN W. BOYD, MASS.
HUEY P. LONG, LA.
FRED H. BROWN, N.H.
WILLIAM H. THOMPSON, NEBR.

JAMES COZENS, MICH.
SIMON D. FEES, OHIO
JESSE H. METCUFF, R.I.
HAROLD L. SEARS, AL.
DANIEL O. HASTINGS, DEL.
H. D. HATFIELD, W.VA.
WALLACE H. WHITE, JR., MAINE

United States Senate

COMMITTEE ON INTERSTATE COMMERCE

Feb. 24, 1934

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 power of 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 as early as date as possible in order that we can get it reported and acted upon before Congress adjourns.

Sincerely yours,



+

CCD:m

0684

[CONFIDENTIAL COMMITTEE PRINT]

FEBRUARY 24, 1934

Draft of Communications Bill—Printed for use of Committee on Interstate Commerce

73d CONGRESS
2d Session

S.

IN THE SENATE OF THE UNITED STATES

FEBRUARY —, 1934

Mr. DILL introduced the following bill; which was read twice and referred to the Committee on Interstate Commerce

A BILL

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

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **TITLE I—GENERAL PROVISIONS**

4 PURPOSES OF ACT; CREATION OF FEDERAL COMMUNICA-
5 TIONS COMMISSION

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

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

12 APPLICATION OF ACT

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

1 DEFINITIONS

2 SEC. 3. For the purposes of this Act—
 3 (a) "Wire communication" or "communication by
 4 wire" means the transmission of writing, signs, signals, pic-
 5 tures, and sounds of all kinds by aid of wire, cable, or other
 6 like connection between the points of origin and reception
 7 of such transmission, including all instrumentalities, facilities,
 8 and services incidental to such transmission.
 9 (b) "Radio communication" or "communication by
 10 radio" means the transmission by radio of writing, signs,
 11 signals, pictures, and sounds of all kinds, including all instru-
 12 mentalities, facilities, and services incidental to such trans-
 13 mission.
 14 (c) "Licensee" means the holder of a radio station
 15 license granted as provided in this Act.
 16 (d) "Transmission of energy by radio" or "radio
 17 transmission of energy" includes both such transmission and
 18 all instrumentalities, facilities, and services incidental to such
 19 transmission.
 20 (e) "Interstate communication" or "interstate trans-
 21 mission" means communication or transmission (1) from
 22 any State, Territory, or possession of the United States
 23 (including the Philippine Islands and the Canal Zone), or
 24 from the District of Columbia to any other State, Territory,
 25 possession of the United States (including the Philippine

1 Islands and the Canal Zone), or to the District of Columbia;
 2 or (2) between points within the same Territory, or
 3 possession (except the Philippine Islands and the Canal
 4 Zone), or the District of Columbia; or (3) between points
 5 within the United States but through a foreign country if the
 6 point of origin and the point of reception are not in the same
 7 State.

8 (f) "Foreign communication" or "foreign transmis-
 9 sion" means communication or transmission from or to any
 10 place in the United States to or from a foreign country, or
 11 between a station in the United States and a mobile station
 12 located outside the United States.

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

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

23 (i) "Stock" means capital stock, bonds, or other
 24 evidences of interest or indebtedness having voting privi-
 25 leges, whether general or limited.

1 (j) "Parent" means any person or group of persons
 2 controlling one or more corporations and/or the operations
 3 or management thereof, whether by ownership or control of
 4 stock, or by interlocking directorates, or otherwise. The
 5 ownership or control by any such person or group of persons
 6 of 15 per centum or more of the stock of any corporation
 7 shall be prima facie evidence of the control of such corpora-
 8 tion and/or its operations or management by such person or
 9 group of persons. Each member of any such group shall
 10 be deemed to be a "parent." A corporation to which any
 11 such person or group of persons bears the relationship of
 12 parent shall be deemed to be a "subsidiary" of such person
 13 or group of persons.

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

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

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

24 (n) "Radio station" or "station" means a station
 25 equipped to carry on radio communication or radio trans-
 26 mission of energy.

1 (o) "Mobile station" means a radio-communication
 2 station capable of being moved and which ordinarily does
 3 move.

4 (p) "Land station" means a station, other than a
 5 mobile station, used for radio communication with mobile
 6 stations.

7 (q) "Mobile service" means the radio-communication
 8 service carried on between mobile stations and land sta-
 9 tions, and by mobile stations communicating among them-
 10 selves.

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

14 (s) "Chain broadcasting" means simultaneous broad-
 15 casting of an identical program by two or more connected
 16 stations.

17 (t) "Amateur station" means a radio station oper-
 18 ated by a duly authorized person interested in radio technique
 19 solely with a personal aim and without pecuniary interest.

20 (u) "Telephonic exchange service" means service
 21 within a telephone exchange, or within a connected system
 22 of telephone exchanges within the same exchange area
 23 operated to furnish to subscribers intercommunicating serv-
 24 ice of the character ordinarily furnished by a single
 25 exchange.

1 (v) "Telephone toll service" means telephone serv-
 2 ice between stations in different exchange areas for which
 3 there is made a separate charge not included in contracts
 4 with subscribers for exchange service.

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

9 PROVISIONS RELATING TO THE COMMISSION

10 SEC. 4. (a) The Federal Communications Commis-
 11 sion (in this Act referred to as the "Commission"), shall
 12 be composed of seven commissioners appointed by the
 13 President, by and with the advice and consent of the
 14 Senate, one of whom the President shall designate as
 15 chairman.

16 (b) Each member of the Commission shall be a
 17 citizen of the United States. No member of the Commis-
 18 sion or person in its employ shall be financially interested
 19 in the manufacture or sale of radio apparatus or of appa-
 20 ratus for wire or radio communication; in communication by
 21 wire or radio or in radio transmission of energy; in any
 22 company furnishing supplies or services to any company
 23 engaged in communication by wire or radio or to any com-
 24 pany manufacturing or selling apparatus used for communi-
 25 cation by wire or radio; or in any company owning stocks,

1 bonds or other securities of any such company; nor be
 2 in the employ of or hold any official relation to any person
 3 subject to any of the provisions of this Act, nor own stock
 4 or bonds of any corporation subject to any of the provisions
 5 of this Act. Such commissioners shall not engage in any
 6 other business, vocation, or employment. Not more than
 7 four commissioners, nor more than one member of a division
 8 other than the chairman, shall be members of the same politi-
 9 cal party.

10 (c) The commissioners first appointed under this Act
 11 shall continue in office for the terms of one, two, three, four,
 12 five, six, and seven years, respectively, from the date of
 13 the taking effect of this Act, the term of each to be design-
 14 nated by the President, but their successors shall be ap-
 15 pointed for terms of seven years; except that any person
 16 chosen to fill a vacancy shall be appointed only for the
 17 unexpired term of the commissioner whom he succeeds.
 18 Any commissioner may be removed by the President for
 19 inefficiency, neglect of duty, or malfeasance in office, but for
 20 no other cause. No vacancy in the Commission shall
 21 impair the right of the remaining commissioners to exercise
 22 all the powers of the Commission.

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

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

7 (f) Without regard to the civil service laws or the
 8 Classification Act of 1923, as amended, (1) the Commis-
 9 sion may appoint and prescribe the duties and fix the
 10 salaries of a secretary, a chief engineer and one or more
 11 assistants, a general counsel and one or more assistants,
 12 experts, inspectors, and special counsel, and (2) each com-
 13 missioner may appoint and prescribe the duties of an assist-
 14 ant at an annual salary not to exceed \$4,000 per annum.
 15 The general counsel and the chief engineer shall each receive
 16 an annual salary of not to exceed \$9,000; and no assistant,
 17 expert, or inspector shall receive an annual salary in excess
 18 of \$7,500 per annum. The Commission shall have
 19 authority, subject to the provisions of the civil service laws
 20 and the Classification Act of 1923, as amended, to appoint
 21 such other officers, examiners, and other employees as are
 22 necessary in the execution of its functions.

23 (g) The Commission may make such expenditures
 24 (including expenditures for rent and personal services at
 25 the seat of government and elsewhere, for office supplies,

1 law books, periodicals, and books of reference, and for print-
 2 ing and binding) as may be necessary for the execution
 3 of the functions vested in the Commission and as from time
 4 to time may be appropriated for by Congress. All expendi-
 5 tures of the Commission, including all necessary expenses
 6 for transportation incurred by the commissioners or by their
 7 employees, under their orders, in making any investigation
 8 or upon any official business in any other places than in the
 9 city of Washington, shall be allowed and paid on the
 10 presentation of itemized vouchers therefor approved by the
 11 chairman of the Commission or by such other member or
 12 officer thereof as may be designated by the Commission for
 13 that purpose.

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

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

22 (j) The Commission may conduct its proceedings in
 23 such manner as will best conduce to the proper dispatch of
 24 business and to the ends of justice. No commissioner shall

1 participate in any hearing or proceeding in which he has a
 2 pecuniary interest. Any party may appear before the
 3 Commission and be heard in person or by attorney. Every
 4 vote and official act of the Commission shall be entered of
 5 record, and its proceedings shall be public upon the request
 6 of any party interested.

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

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

22 (m) The Commission shall provide for the publication
 23 of its reports and decisions in such form and manner as may
 24 be best adapted for public information and use, and such
 25 authorized publications shall be competent evidence of the
 26 reports and decisions of the Commission therein contained.

1 in all courts of the United States and of the several States
 2 without any further proofs or authentication thereof.

3 DIVISIONS OF THE COMMISSION; JURISDICTION OF
 4 COMMISSION AND DIVISION

5 SEC. 5. (a) The Commission shall be organized into
 6 three divisions which shall exercise the jurisdiction of the
 7 Commission as follows: (1) The radio division shall have
 8 jurisdiction of all matters relating to or connected with
 9 broadcasting, with amateur stations, and the mobile serv-
 10 ice; (2) the telephone division shall have jurisdiction of
 11 all matters relating to or connected with common carriers
 12 engaged in voice communication by wire or radio other
 13 than broadcasting; and (3) the telegraph division shall
 14 have jurisdiction of all matters relating to or connected
 15 with common carriers engaged in record communication
 16 by wire, radio, or cable. The chairman of the Commis-
 17 sion shall be a member of all three divisions; two
 18 other commissioners, one of whom for each division
 19 shall be chosen vice chairman of the Commission presiding
 20 over the division, shall be assigned by the Commission as
 21 members of each division. Except for the chairman no
 22 member of the Commission may be a member of more than
 23 one division; but in case of a vacancy in any division,
 24 or of absence or inability to serve thereon of any commis-
 25 sioner thereto assigned, any commissioner designated by the

1 chairman for that purpose may temporarily serve on said
 2 division until the Commission shall otherwise order.

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

18 (c) Each division may (1) appoint a director, with-
 19 out regard to the civil service laws or the Classification Act
 20 of 1923, as amended, at an annual salary which shall not
 21 exceed \$8,000 per annum; and (2) hear and determine,
 22 order, certify, report, or otherwise act as to any matter under
 23 its jurisdiction, and in respect thereof the division shall have
 24 all the jurisdiction and powers conferred by law upon the
 25 Commission, and be subject to the same duties and obliga-
 26 tions. Any action so taken by a division and any order,

1 decision, or report made or other action taken by any of
 2 said divisions in respect of any matters assigned to it shall
 3 have the same force and effect, and may be made, evidenced,
 4 and enforced in the same manner as if made or taken by the
 5 Commission. The secretary and seal of the Commission
 6 shall be the secretary and seal of each division thereof.

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

TITLE II—COMMON CARRIERS

SERVICE AND CHARGES

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

24 (b) All charges, practices, classifications, and regulations
 25 for and in connection with such communication service,

1 shall be just and reasonable, and any such charge, practice,
 2 classification, or regulation that is unjust or unreasonable is
 3 hereby declared to be unlawful: *Provided*, That messages
 4 by wire or radio subject to this Act may be classified
 5 into day, night, repeated, unrepeated, letter, commercial,
 6 press, Government, and such other classes as the Com-
 7 mission may decide to be just and reasonable, and
 8 different charges may be made for the different classes of
 9 messages: *Provided further*, That nothing in this Act shall
 10 be construed to prevent a common carrier subject to this
 11 Act from entering into any contract with any common
 12 carrier not subject to this Act, for the exchange of their
 13 services, if the Commission is of the opinion that such
 14 contract is not contrary to the public interest.

DISCRIMINATION AND PREFERENCES

15 SEC. 202. (a) It shall be unlawful for any common
 16 carrier to discriminate in charges, practices, classifications,
 17 or regulations for or in connection with such communication
 18 service, by making or giving, directly or indirectly, by any
 19 means or device, any undue or unreasonable preference or
 20 advantage to any particular person, class of persons, or
 21 locality, or by subjecting any particular person, class of
 22 persons, or locality to any undue or unreasonable prejudice
 23 or disadvantage.

1 (b) Charges or service, whenever referred to in this
 2 Act, include charges for, or service in connection with, the
 3 use of wires in chain broadcasting or incidental to radio
 4 communication of any kind.

5 SCHEDULES OF CHARGES

6 SEC. 203. (a) Every common carrier shall file with
 7 the Commission and print and keep open to public inspec-
 8 tion schedules showing all charges for wire or radio com-
 9 munication in interstate and foreign commerce between the
 10 different points on its own route and between points on its
 11 own system and points on the system of any other carrier
 12 subject to this Act, whether such charges are joint or sepa-
 13 rate, and showing the classifications, practices, and regula-
 14 tions affecting such charges. Such schedules shall contain
 15 such other information, and be printed in such form, and
 16 be posted and kept open for public inspection in such places,
 17 as the Commission may by regulations require, and each
 18 such schedule shall give notice of its effective date.

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

1 ments made by or under authority of this section in particular
 2 instances or by a general order applicable to special circum-
 3 stances or conditions.

4 (c) No carrier, unless otherwise provided by or under
 5 authority of this Act, shall engage or participate in such
 6 communication unless schedules have been filed and pub-
 7 lished in accordance with the provisions of this Act and
 8 regulations made thereunder; and no carrier shall (1)
 9 charge, demand, collect or receive a greater or less or differ-
 10 ent compensation for such communication, or for any service
 11 in connection therewith, between the points named in any
 12 such schedule than the charges specified in the schedule then
 13 in effect, or (2) refund or remit by any means or device
 14 any portion of the charges so specified, or (3) extend to
 15 any person any privileges or facilities in such communica-
 16 tion, or employ or enforce any classifications, regulations,
 17 or practices affecting such charges, except as specified in
 18 such schedule.

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

24 (e) In case of failure or refusal on the part of any
 25 carrier to comply with the provisions of this section or of

1 any regulation or order made by the Commission thereunder,
 2 such carrier shall forfeit to the United States the sum of
 3 \$500 for each such offense, and \$25 for each and every
 4 day of the continuance of such offense.

5 HEARING AS TO LAWFULNESS OF NEW CHARGES;

6 SUSPENSION

7 SEC. 204. Whenever there is filed with the Commis-
 8 sion any new charge, classification, regulation, or practice,
 9 the Commission may either upon complaint or upon its own
 10 initiative without complaint, upon reasonable notice, enter
 11 upon a hearing concerning the lawfulness thereof; and pend-
 12 ing such hearing and the decision thereon the Commission,
 13 upon delivering to the carrier or carriers affected thereby
 14 a statement in writing of its reasons for such suspension, may
 15 suspend the operation of such charge, classification, regula-
 16 tion, or practice, but not for a longer period than three months
 17 beyond the time when it would otherwise go into effect; and
 18 after full hearing the Commission may make such order with
 19 reference thereto as would be proper in a proceeding initiated
 20 after it had become effective. If the proceeding has not been
 21 concluded and an order made within the period of the sus-
 22 pension, the proposed change of charge, classification, regu-
 23 lation, or practice shall go into effect at the end of such
 24 period; but in case of a proposed increased charge, the Com-
 25 mission may by order require the interested carrier or car-

1 riers to keep accurate account of all amounts received by
 2 reason of such increase, specifying by whom and in whose
 3 behalf such amounts are paid, and upon completion of the
 4 hearing and decision may by further order require the
 5 interested carrier or carriers to refund, with interest, to
 6 the persons in whose behalf such amounts were paid, such
 7 portion of such increased charges as by its decision shall
 8 be found not justified. At any hearing involving a charge
 9 increased, or sought to be increased, after the organization
 10 of the Commission, the burden of proof to show that the
 11 increased charge, or proposed increased charge, is just and
 12 reasonable shall be upon the carrier, and the Commission
 13 shall give to the hearing and decision of such questions
 14 preference over all other questions pending before it and
 15 decide the same as speedily as possible.

16 COMMISSION AUTHORIZED TO PRESCRIBE JUST AND
 17 REASONABLE CHARGES

18 SEC. 205. Whenever, after full opportunity for hearing,
 19 upon a complaint or under an order for investigation and
 20 hearing made by the Commission on its own initiative, the
 21 Commission shall be of opinion that any charge, classifica-
 22 tion, regulation, or practice of any carrier is or will be
 23 in violation of any of the provisions of this Act, the Com-
 24 mission is authorized and empowered to determine and pre-
 25 scribe what will be the just and reasonable charge to be

1 thereafter observed, and what classification, regulation, or
 2 practice is or will be just, fair, and reasonable, to be
 3 thereafter followed, and to make an order that the
 4 carrier or carriers shall cease and desist from such violation
 5 to the extent that the Commission finds that the same
 6 does or will exist, and shall not thereafter publish, demand,
 7 or collect any charge for such transmission other than the
 8 charge so prescribed, and shall adopt the classification and
 9 shall conform to and observe the regulation or practice so
 10 prescribed.

11 LIABILITY OF CARRIERS FOR DAMAGES

12 SEC. 206. In case any common carrier shall do, or
 13 cause or permit to be done, any act, matter, or thing
 14 in this Act prohibited or declared to be unlawful, or shall
 15 omit to do any act, matter, or thing in this Act required to be
 16 done, such common carrier shall be liable to the person
 17 or persons injured thereby for the full amount of damages
 18 sustained in consequence of any such violation of the provi-
 19 sions of this Act, together with a reasonable counsel or
 20 attorney's fee, to be fixed by the court in every case of
 21 recovery, which attorney's fee shall be taxed and collected
 22 as part of the costs in the case.

23 COMPLAINTS AND SUITS FOR DAMAGES

24 SEC. 207. Any person claiming to be damaged by any
 25 common carrier subject to the provisions of this Act may

1 either make complaint to the Commission as hereinafter
 2 provided for, or may bring suit for the recovery of the
 3 damages for which such common carrier may be liable
 4 under the provisions of this Act, in any district court of the
 5 United States of competent jurisdiction; but such person
 6 shall not have the right to pursue both such remedies.

7 REPARATION PROCEEDINGS

8 SEC. 208. Any person, any body politic or munici-
 9 pal organization, or State commission or the similar
 10 agency of any Territory, complaining of anything done or
 11 omitted to be done by any common carrier subject to this
 12 Act, in contravention of the provisions thereof, may apply
 13 to said Commission by petition which shall briefly state
 14 the facts, whereupon a statement of the complaint thus
 15 made shall be forwarded by the Commission to such
 16 common carrier, who shall be called upon to satisfy the
 17 complaint or to answer the same in writing within a reason-
 18 able time to be specified by the Commission. If such com-
 19 mon carrier within the time specified shall make reparation
 20 for any injury alleged to have been caused, the common
 21 carrier shall be relieved of liability to the complainant only
 22 for this particular violation of law thus complained of. If
 23 such carrier or carriers shall not satisfy the complaint within
 24 the time specified or there shall appear to be any reasonable
 25 ground for investigating said complaint, it shall be the duty

1 of the Commission to investigate the matters complained of
 2 in such manner and by such means as it shall deem proper.
 3 No complaint shall at any time be dismissed because of the
 4 absence of direct damage to the complainant.

5 ORDERS FOR PAYMENT OF MONEY

6 SEC. 209. If, after hearing on a complaint the Com-
 7 mission shall determine that any party complainant is
 8 entitled to an award of damages under the provisions of
 9 this Act, the Commission shall make an order directing the
 10 carrier to pay to the complainant the sum to which he is
 11 entitled on or before a day named.

12 ACT NOT TO APPLY TO COMMUNICATION IN INTRASTATE
 13 COMMERCE

14 SEC. 210. Nothing in this Act shall be construed to
 15 apply, or to give the Commission jurisdiction, with respect
 16 to charges, classifications, practices, or regulations for or in
 17 connection with intrastate communication service of any
 18 carrier, or to any carrier engaged exclusively in intrastate
 19 commerce.

20 COPIES OF CONTRACTS TO BE FILED

21 SEC. 211. Every carrier subject to this Act shall file
 22 with the Commission copies of all contracts, agreements,
 23 or arrangements with other carriers in relation to any
 24 traffic affected by the provisions of this Act to which it
 25 may be a party.

1 INTERLOCKING DIRECTORATES—OFFICIALS DEALING IN
 2 SECURITIES

3 SEC. 212. After sixty days from the enactment of this
 4 Act it shall be unlawful for any person to hold the position of
 5 officer or director of more than one carrier subject to this Act,
 6 unless such holding shall have been authorized by order of the
 7 Commission, upon due showing in form and manner pre-
 8 scribed by the Commission, that neither public nor private
 9 interests will be adversely affected thereby. After this sec-
 10 tion takes effect it shall be unlawful for any officer or director
 11 of any such carrier to receive for his own benefit, directly or
 12 indirectly, any money or thing of value in respect of nego-
 13 tiation, hypothecation, or sale of any securities issued or to
 14 be issued by such carrier, or to share in any of the proceeds
 15 thereof, or to participate in the making or paying of any
 16 dividends of such carrier from any funds properly included
 17 in capital account.

18 VALUATION OF CARRIER PROPERTY

19 SEC. 213. (a) The Commission may from time to
 20 time, as may be necessary for the proper administration of
 21 this Act, make a valuation of all or of any part of the
 22 property owned or used by any carrier subject to this Act,
 23 which is used and useful in the public service, as of such
 24 date as the Commission may fix.

1 (b) The Commission may at any time require any
 2 such carrier to file with the Commission an inventory of
 3 all or of any part of the property owned or used by said
 4 carrier, which is used and useful in the public service, which
 5 inventory shall show the units of said property classified
 6 in such detail, and in such manner, as the Commission shall
 7 direct, and shall show the estimated cost of reproduction
 8 new of said units, and their reproduction cost new less
 9 depreciation, as of such date as the Commission may direct;
 10 and such carrier shall file such inventory within such reason-
 11 able time as the Commission by order shall require.

12 (c) The Commission may at any time require any
 13 such carrier to file with the Commission a statement showing
 14 the original cost of all or of any part of the property owned
 15 or used by said carrier, which is used and useful in the public
 16 service. For the showing of such original cost said property
 17 shall be classified, and the original cost shall be defined, in
 18 such manner as the Commission may prescribe; and if any
 19 part of such cost cannot be determined from accounting or
 20 other records, the portion of the property for which such
 21 cost cannot be determined shall be reported to the Commis-
 22 sion; and, if the Commission shall so direct, the original cost
 23 thereof shall be estimated in such manner as the Commission
 24 may prescribe. If the carrier owning the property at the
 25 time such original cost is reported shall have paid more or

1 less than the original cost to acquire the same, the amount
 2 of such cost of acquisition, and any facts which the Commis-
 3 sion may require in connection therewith, shall be reported
 4 with such original cost. The report made by a carrier under
 5 this paragraph shall show the source or sources from which
 6 the original cost reported was obtained, and such other infor-
 7 mation as to the manner in which the report was prepared,
 8 as the Commission shall require.

9 (d) Nothing shall be included in the original cost
 10 reported for the property of any carrier under paragraph (c)
 11 of this section on account of any easement, license, or
 12 franchise granted by the United States or by any State
 13 or political subdivision thereof, beyond the reasonable
 14 necessary expense lawfully incurred in obtaining such
 15 easement, license, or franchise from the public authority
 16 aforesaid, which expense shall be reported separately from
 17 all other costs in such detail as the Commission may re-
 18 quire; and nothing shall be included in any valuation of
 19 the property of any carrier made by the Commission on
 20 account of any such easement, license, or franchise, beyond
 21 such reasonable necessary expense lawfully incurred as
 22 aforesaid.
 23 (e) For the purpose of enabling the Commission
 24 to make a valuation of any of the property of any such
 25 carrier, or to find the original cost of such property, or to

1 find any other facts concerning the same which are required
 2 for use by the Commission, the Commission may exercise
 3 all of the powers and authority conferred upon the Inter-
 4 state Commerce Commission in its administration of section
 5 19a of the Interstate Commerce Act, as amended, and it
 6 shall be the duty of each such carrier to furnish to the
 7 Commission, within such reasonable time as the Com-
 8 mission may order, any information with respect thereto
 9 which the Commission may by order require, including
 10 copies of maps, contracts, reports of engineers, and other
 11 data, records, and papers. The Commission, in making any
 12 such valuation shall be free to adopt any method of valua-
 13 tion which shall be lawful.

14 EXTENSION OF LINES AND CIRCUITS

15 SEC. 214. (a) No carrier shall undertake the extension
 16 of its line or circuits, or the construction of a new line or
 17 circuit, or shall acquire or operate any line or circuit, or
 18 extension thereof, or shall engage in transmission over or
 19 by means of such additional or extended line or circuit, unless
 20 and until there shall first have been obtained from the Com-
 21 mission a certificate that the present or future public con-
 22 venience and necessity require or will require the construc-
 23 tion, or operation, or construction and operation, of such
 24 additional or extended line or circuit.

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

10 (c) The Commission shall have power to issue such
 11 certificate as prayed for, or to refuse to issue it, or to issue
 12 it for a portion or portions of a line or circuit, or extension
 13 thereof, described in the application, or for the partial
 14 exercise only of such right or privilege, and may attach
 15 to the issuance of the certificate such terms and conditions
 16 as in its judgment the public convenience and necessity may
 17 require. After issuance of such certificate, and not before,
 18 the carrier may, without securing approval other than such
 19 certificate, comply with the terms and conditions contained
 20 in or attached to the issuance of such certificate and proceed
 21 with the construction, operation, or extension covered there-
 22 by. Any construction, operation, or extension contrary to
 23 the provisions of this section may be enjoined by any court
 24 of competent jurisdiction at the suit of the United States,

1 the Commission, the State commission, any State affected,
 2 or any party in interest.

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

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

21 TRANSACTIONS RELATING TO SERVICES, EQUIPMENT, ETC.

22 SEC. 215. (a) The Commission may examine into trans-
 23 actions heretofore or hereafter entered into by any common
 24 carrier which relate to the furnishing of equipment, supplies,
 25 research, services, finances, credit, or personnel to such carrier

1 and/or which may affect the charges made or to be made
 2 and/or the service rendered or to be rendered by such carrier
 3 in wire or radio communication subject to this Act. When
 4 the Commission finds, after full opportunity for hearing, that
 5 any such transaction has affected or is likely to affect ad-
 6 versely the ability of the carrier to render adequate service
 7 of such character to the public, or may result in an undue or
 8 unreasonable increase in charges or in the maintenance of un-
 9 due or unreasonable charges for such service, the Commission
 10 shall, by order, declare such transaction void, or authorize
 11 such transaction to be carried out subject to such modification
 12 of its terms and conditions as it shall deem desirable in the
 13 public interest.

14 (b) Where the person furnishing or seeking to fur-
 15 nish the equipment, supplies, research, services, finances,
 16 credit, or personnel is a parent or subsidiary of or person affili-
 17 ated with such carrier, no such transaction shall be entered
 18 into, after the organization of the Commission, except with
 19 the approval of the Commission. The Commission shall, by
 20 order, after full opportunity for hearing, grant or withhold
 21 its approval, or condition its approval upon such modifica-
 22 tion of the terms of the transaction, as it shall deem neces-
 23 sary in the public interest.

24 (c) The Commission may require that all or any
 25 transactions of carriers involving the furnishing of equip-

1 ment, supplies, research, services, finances, credit, or per-
 2 sonnel to such carrier be upon competitive bids on such terms
 3 and conditions and subject to such regulations as it shall
 4 prescribe as necessary in the public interest.

5 APPLICATION OF ACT TO RECEIVERS AND TRUSTEES

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

9 LIABILITY OF CARRIER FOR ACTS AND OMISSIONS OF
 10 AGENTS

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

18 INQUIRIES INTO MANAGEMENT

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

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

6 ANNUAL AND OTHER REPORTS

7 SEC. 219. (a) The Commission is authorized to re-
 8 quire annual reports under oath from all carriers subject
 9 to this Act, and from any parent or subsidiary of, or person
 10 affiliated with any such carrier, to prescribe the manner in
 11 which such reports shall be made, and to require from such
 12 persons specific answers to all questions upon which the
 13 Commission may need information. Such annual reports
 14 shall show in detail the amount of capital stock issued, the
 15 amount and privileges of each class of stock, the amounts
 16 paid therefor, and the manner of payment for the same; the
 17 dividends paid and the surplus fund, if any; the number of
 18 stockholders (and the names of all holders of 5 per centum
 19 or more of any class of stock); the funded and floating debts
 20 and the interest paid thereon; the cost and value of the
 21 carrier's property, franchises, and equipments; the number
 22 of employees and the salaries paid each class; the names of
 23 all officers and directors, and the amount of salary, bonus,
 24 and all other compensation paid to each; the amounts ex-
 25 pended for improvements each year, how expended, and the

1 character of such improvement; the earnings and receipts
 2 from each branch of business and from all sources; the
 3 operating and other expenses; the balances of profit and
 4 loss; and a complete exhibit of the financial operations of the
 5 carrier each year, including an annual balance sheet. Such
 6 reports shall also contain such information in relation to
 7 charges or regulations concerning charges, or agreements,
 8 arrangements, or contracts affecting the same as the Com-
 9 mission may require.

10 (b) Such reports shall be for such twelve months'
 11 period as the Commission shall designate and shall be
 12 filed with the Commission within three months after
 13 the close of the year for which the report is made, unless
 14 additional time is granted in any case by the Commission;
 15 and if any person subject to the provisions of this section
 16 shall fail to make and file said annual reports within the
 17 time above specified, or within the time extended by the
 18 Commission, for making and filing the same, or shall fail
 19 to make specific answer to any question authorized by the
 20 provisions of this section within thirty days from the time
 21 it is lawfully required so to do, such person shall forfeit to
 22 the United States the sum of \$100 for each and every day
 23 it shall continue to be in default with respect thereto. The
 24 Commission may by general or special orders require any
 25 such carriers to file monthly reports of earnings and ex-

1 penses and to file periodical and/or special reports concern-
 2 ing any matters with respect to which the Commission is
 3 authorized or required by law to act; and such periodical or
 4 special reports shall be under oath whenever the Commission
 5 so requires. If any such carrier shall fail to make and file
 6 any such periodical or special report within the time fixed by
 7 the Commission, it shall be subject to the forfeitures above
 8 provided.

9 ACCOUNTS, RECORDS, AND MEMORANDA; DEPRECIATION
 10 CHARGES

11 SEC. 220. (a) The Commission may, in its discretion,
 12 prescribe the forms of any and all accounts, records, and
 13 memoranda to be kept by carriers subject to this Act, in-
 14 cluding the accounts, records, and memoranda of the move-
 15 ment of traffic, as well as of the receipts and expenditures
 16 of moneys.

17 (b) The Commission shall, as soon as practicable,
 18 prescribe for such carriers the classes of property for
 19 which depreciation charges may be properly included under
 20 operating expenses, and the percentages of depreciation
 21 which shall be charged with respect to each of such classes
 22 of property, classifying the carriers as it may deem proper
 23 for this purpose. The Commission may, when it deems
 24 necessary, modify the classes and percentages so pre-
 25 scribed. Such carriers shall not, after the Commis-

sion has prescribed the classes of property for which depreciation charges may be included, charge to operating expenses any depreciation charges on classes of property other than those prescribed by the Commission, or, after the Commission has prescribed percentages of depreciation, charge with respect to any class of property a percentage of depreciation other than that prescribed therefor by the Commission. No such carrier shall in any case include in any form under its operating or other expenses any depreciation or other charge or expenditure included elsewhere as a depreciation charge or otherwise under its operating or other expenses.

(c) The Commission shall at all times have access to and the right of inspection and examination of all accounts, records, and memoranda, including all documents, papers, and correspondence now or hereafter existing, and kept or required to be kept by such carriers, and the provisions of this section respecting the preservation and destruction of books, papers, and documents shall apply thereto. The burden of proof to justify every accounting entry questioned by the Commission shall be on the person making such entry and the Commission may suspend a charge or credit pending submission of proof by such person. Any provision of law prohibiting the disclosure of the contents of messages or communications shall not be deemed to prohibit the dis-

closure of any matter in accordance with the provisions of this section.

(d) In case of failure or refusal on the part of any such carrier to keep such accounts, records, and memoranda on the books and in the manner prescribed by the Commission, or to submit such accounts, records, and memoranda as are kept to the inspection of the Commission or any of its authorized agents, such carrier or other person shall forfeit to the United States the sum of \$500 for each day of the continuance of such offense.

(e) Any person who shall willfully make any false entry in the accounts of any book of accounts or in any record or memoranda kept by any such carrier, or who shall willfully destroy, mutilate, alter, or by any other means or device falsify any such account, record, or memoranda, or who shall willfully neglect or fail to make full, true, and correct entries in such accounts, records, or memoranda of all facts and transactions appertaining to the business of the carrier, shall be deemed guilty of a misdemeanor, and shall be subject, upon conviction, to a fine of not less than \$1,000 nor more than \$5,000 or imprisonment for a term of not less than one year nor more than three years, or both such fine and imprisonment: *Provided*, That the Commission may in its discretion issue orders specifying such operating, accounting, or financial papers, records, books, blanks, or documents

1 which may, after a reasonable time, be destroyed, and pre-
 2 scribing the length of time such books, papers, or documents
 3 shall be preserved.

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

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

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

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

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

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

20 SPECIAL PROVISIONS RELATING TO TELEPHONE COMPANIES

21 SEC. 221. (a) Upon application of one or more tele-
 22 phone companies for authority to consolidate their prop-
 23 erties or a part thereof into a single company, or for au-
 24 thority for one or more such companies to acquire the whole
 25 or any part of the property of another telephone company

1 or other telephone companies or the control thereof by the
 2 purchase of securities or by lease or in any other like man-
 3 ner, when such consolidated company would be subject to
 4 this Act, the Commission shall fix a time and place for a
 5 public hearing upon such application and shall thereupon
 6 give reasonable notice in writing to the Governor of each of
 7 the States in which the physical property affected, or any
 8 part thereof, is situated, and to the State commission having
 9 jurisdiction over telephone companies, and to such other
 10 persons as it may deem advisable. After such public hear-
 11 ing, if the Commission finds that the proposed consolidation,
 12 acquisition, or control will be of advantage to the persons
 13 to whom service is to be rendered and in the public interest,
 14 it shall certify to that effect; and thereupon any Act or
 15 Acts of Congress making the proposed transaction unlawful
 16 shall not apply. Nothing in this subsection shall be con-
 17 strued as in any wise limiting or restricting the powers of
 18 the several States as now existing to control and regulate
 19 telephone companies.

20 (b) Nothing in this Act shall be construed to apply,
 21 or to give the Commission jurisdiction, with respect to
 22 charges, classifications, practices, or regulations for or in
 23 connection with wire telephone exchange service, even
 24 though a portion of such exchange service constitutes inter-

1 state or foreign communication, in any case where such
 2 matters are subject to regulation by a State commission.

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

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

18 TITLE III—SPECIAL PROVISIONS RELATING TO 19 RADIO

20 LICENSE FOR RADIO COMMUNICATION OR TRANSMISSION
 21 OF ENERGY

22 SEC. 301. It is the purpose of this Act, among other
 23 things, to maintain the control of the United States over
 24 all the channels of interstate and foreign radio transmission;

1 and to provide for the use of such channels, but not the
2 ownership thereof, by individuals, firms, or corporations,
3 for limited periods of time, under licenses granted by Federal
4 authority, and no such license shall be construed to create
5 any right, beyond the terms, conditions, and periods of
6 the license. No person, firm, company, or corporation
7 shall use or operate any apparatus for the transmission of
8 energy or communications or signals by radio (a) from
9 one place in any Territory or possession of the United States
10 or in the District of Columbia to another place in the same
11 Territory, possession, or District; or (b) from any State,
12 Territory, or possession of the United States, or from the
13 District of Columbia to any other State, Territory, or pos-
14 session of the United States; or (c) from any place in any
15 State, Territory, or possession of the United States, or in
16 the District of Columbia, to any place in any foreign country
17 or to any vessel; or (d) within any State when the effects
18 of such use extend beyond the borders of said State, or when
19 interference is caused by such use or operation with the
20 transmission of such energy, communications, or signals
21 from within said State to any place beyond its borders, or
22 from any place beyond its borders to any place within said
23 State, or with the transmission or reception of such energy,
24 communications, or signals from and/or to places beyond
25 the borders of said State; or (e) upon any vessel of the

1 United States; or (f) upon any aircraft or other mobile
2 stations within the jurisdiction of the United States, except
3 under and in accordance with this Act and with a license
4 in that behalf granted under the provisions of this Act.

5 ZONES

6 SEC. 302. (a) For the purposes of this Act the United
7 States is divided into five zones, as follows: The first zone
8 shall embrace the States of Maine, New Hampshire, Ver-
9 mont, Massachusetts, Connecticut, Rhode Island, New York,
10 New Jersey, Delaware, Maryland, and the District of Colum-
11 bia; the second zone shall embrace the States of Pennsyl-
12 vania, Virginia, West Virginia, Ohio, Michigan, and Ken-
13 tucky; the third zone shall embrace the States of North
14 Carolina, South Carolina, Georgia, Florida, Alabama, Ten-
15 nessee, Mississippi, Arkansas, Louisiana, Texas, and Okla-
16 homa; the fourth zone shall embrace the States of Indiana,
17 Illinois, Wisconsin, Minnesota, North Dakota, South
18 Dakota, Iowa, Nebraska, Kansas, and Missouri; and the
19 fifth zone shall embrace the States of Montana, Idaho, Wyo-
20 ming, Colorado, New Mexico, Arizona, Utah, Nevada,
21 Washington, Oregon, and California.

22 (b) The Virgin Islands, Puerto Rico, Alaska, Guam,
23 American Samoa, and the Territory of Hawaii are expressly
24 excluded from the zones herein established.

GENERAL POWERS OF COMMISSION

SEC. 303. 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 licensee of any operator
 2 for a period not exceeding two years upon proof sufficient
 3 to satisfy the Commission that the licensee (a) has violated
 4 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;

15 (n) 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;

20 (o) Have authority to designate call letters of all stations;

22 (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

1 of the United States and for the proper enforcement of this Act;

3 (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.

7 WAIVER BY LICENSEE

8 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 ether as against the regulatory power of the United States because of the previous use of the same, whether by license or otherwise.

14 GOVERNMENT-OWNED STATIONS

15 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. 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

1 radio stations and the rights of others as the Commission
 2 may prescribe.

3 (b) Radio stations on board vessels of the United
 4 States Shipping Board or the United States Shipping Board
 5 Emergency Fleet Corporation or the Inland and Coastwise
 6 Waterways Service shall be subject to the provisions of
 7 this Act.

8 (c) All stations owned and operated by the United
 9 States, except mobile stations of the Army of the United
 10 States, and all other stations on land and sea, shall have
 11 special call letters designated by the Commission.

12 FOREIGN SHIPS

13 SEC. 306. Section 301 of this Act shall not apply to
 14 any person, firm, company, or corporation sending radio
 15 communications or signals on a foreign ship while the same
 16 is within the jurisdiction of the United States, but such
 17 communications or signals shall be transmitted only in
 18 accordance with such regulations designed to prevent inter-
 19 ference as may be promulgated under the authority of
 20 this Act.

21 ALLOCATION OF FACILITIES; TERM OF LICENSES

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

1 (b) It is hereby declared that the people of all the
 2 zones established by section 302 of this Act are entitled to
 3 equality of radio broadcasting service, both of transmission
 4 and of reception, and in order to provide said equality the
 5 Commission shall as nearly as possible make and maintain
 6 an equal allocation of broadcasting licenses, of bands of
 7 frequency or wave lengths, of periods of time for operation,
 8 and of station power, to each of said zones when and inso-
 9 far as there are applications therefor; and shall make a fair
 10 and equitable allocation of licenses, wave lengths, time for
 11 operation, and station power to each of the States and the
 12 District of Columbia, within each zone, according to popu-
 13 lation. The Commission shall carry into effect the equality
 14 of broadcasting service hereinbefore directed, whenever
 15 necessary or proper, by granting or refusing licenses or re-
 16 newals of licenses, by changing periods of time for operation,
 17 and by increasing or decreasing station power, when appli-
 18 cations are made for licenses or renewals of licenses: *Pro-*
 19 *vided,* That if and when there is a lack of applications from
 20 any zone for the proportionate share of licenses, wave
 21 lengths, time of operation, or station power to which such
 22 zone is entitled, the Commission may issue licenses for the
 23 balance of the proportion not applied for from any zone, to
 24 applicants from other zones for a temporary period of ninety
 25 days each, and shall specifically designate that said appor-
 26 tionment is only for said temporary period. Allocations

1 shall be charged to the State or District wherein the studio
 2 of the station is located and not where the transmitter is
 3 located: *Provided further*, That the Commission may also
 4 grant applications for additional licenses for stations not
 5 exceeding two hundred and fifty watts of power if the Com-
 6 mission finds that such stations will serve the public conven-
 7 ience, interest, or necessity, and that their operation will not
 8 interfere with the fair and efficient radio service of stations
 9 licensed under the provisions of this section.

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

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

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

4 APPLICATIONS FOR LICENSES; CONDITIONS IN LICENSE FOR
 5 FOREIGN COMMUNICATION

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

20 (b) All such applications shall set forth such facts as
 21 the Commission by regulation may prescribe as to the citi-
 22 zenship, character, and financial, technical, and other qual-
 23 fications of the applicant to operate the station; the owner-
 24 ship and location of the proposed station and of the stations,
 25 if any, with which it is proposed to communicate; the fre-
 26 quencies or wave lengths and the power desired to be used;

1 the hours of the day or other periods of time during which
 2 it is proposed to operate the station; the purposes for which
 3 the station is to be used; and such other information as it
 4 may require. The Commission, at any time after the filing
 5 of such original application and during the term of any such
 6 license, may require from an applicant or licensee further
 7 written statements of fact to enable it to determine whether
 8 such original application should be granted or denied or
 9 such license revoked. Such application and/or such state-
 10 ment of fact shall be signed by the applicant and/or licensee
 11 under oath or affirmation.

12 (c) The Commission in granting any license for a
 13 station intended or used for commercial communication
 14 between the United States or any Territory or possession,
 15 continental or insular, subject to the jurisdiction of the
 16 United States, and any foreign country, may impose any
 17 terms, conditions, or restrictions authorized to be imposed
 18 with respect to submarine-cable licenses by section 2 of an
 19 Act entitled "An Act relating to the landing and the opera-
 20 tion of submarine cables in the United States", approved
 21 May 24, 1921.

22 HEARINGS ON APPLICATIONS FOR LICENSES; FORM OF
 23 LICENSES; CONDITIONS ATTACHED TO LICENSES

24 SEC. 309. (a) If upon examination of any application
 25 for a station license or for the renewal or modification of a
 26 station license the Commission shall determine that public

1 interest, convenience, or necessity would be served by the
 2 granting thereof, it shall authorize the issuance, renewal,
 3 or modification thereof in accordance with said finding. In
 4 the event the Commission upon examination of any such
 5 application does not reach such decision with respect there-
 6 to, it shall notify the applicant thereof, shall fix and give
 7 notice of a time and place for hearing thereon, and shall
 8 afford such applicant an opportunity to be heard under such
 9 rules and regulations as it may prescribe.

10 (b) Such station licenses as the Commission may
 11 grant shall be in such general form as it may prescribe, but
 12 each license shall contain, in addition to other provisions,
 13 a statement of the following conditions to which such license
 14 shall be subject:

15 (1) The station license shall not vest in the licensee
 16 any right to operate the station nor any right in the use of
 17 the frequencies or wave length designated in the license
 18 beyond the term thereof nor in any other manner than
 19 authorized therein.

20 (2) Neither the license nor the right granted there-
 21 under shall be assigned or otherwise transferred in violation
 22 of this Act.

23 (3) Every license issued under this Act shall be sub-
 24 ject in terms to the right of use or control conferred by
 25 section 606 hereof.

1 LIMITATION ON HOLDING AND TRANSFER OF LICENSES

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

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

5 (2) Any foreign government or the representa-
6 tive thereof;

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

9 (4) Any operating, controlling, holding, or other
10 corporation of which any officer or more than one fifth
11 of the directors are aliens, or of which more than one
12 fifth of the capital stock may be owned or voted by
13 aliens, their representatives, or by a foreign govern-
14 ment or representative thereof, or by any corporation
15 organized under the laws of a foreign country;

16 (5) Any corporation or association controlled by,
17 or subsidiary to a corporation or association, of which
18 any officer or more than one fifth of the directors are
19 aliens, or of which more than one fifth of the capital
20 stock may be owned or voted by aliens, their repre-
21 sentatives, or by a foreign government or representative
22 thereof, or by any corporation organized under the
23 laws of a foreign country: *Provided, however,* That
24 nothing herein shall prevent the licensing of radio ap-
25 paratus on board any vessel, aircraft, or other mobile

1 station of the United States when the installation and
2 use of such apparatus is required by act of Congress
3 or any treaty to which the United States is a party.

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

13 REFUSAL OF LICENSES AND PERMITS IN CERTAIN CASES

14 SEC. 311. The Commission is hereby directed to refuse
15 a station license and/or the permit hereinafter required for
16 the construction of a station to any person, firm, company,
17 or corporation, or any subsidiary thereof, which has been
18 finally adjudged guilty by a Federal court of unlawfully
19 monopolizing or attempting unlawfully to monopolize, after
20 this Act takes effect, radio communication, directly or
21 indirectly, through the control of the manufacture or sale
22 of radio apparatus, through exclusive traffic arrangements,
23 or by any other means or to have been using unfair methods
24 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 when-
 22 ever any Federal body in the exercise of authority con-
 23 ferred 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 fines 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-

1 mental agency is by law authorized to act, any licensee shall
 2 be found guilty of the violation of the provisions of such
 3 laws or any of them, the court, in addition to the penalties
 4 imposed by said laws, may adjudge, order, and/or decree
 5 that the license of such licensee shall, as of the date the
 6 decree or judgment becomes finally effective or as of such
 7 other date as the said decree shall fix, be revoked and that
 8 all rights under such license shall thereupon cease: *Provided*,
 9 *however*, That such licensee shall have the same right of
 10 appeal or review as is provided by law in respect of other
 11 decrees and judgments of said court.

12 PRESERVATION OF COMPETITION IN COMMERCE

13 SEC. 314. After the passage of this Act no person,
 14 firm, company, or corporation now or hereafter directly
 15 or indirectly through any subsidiary, associated, or affiliated
 16 person, firm, company, corporation, or agent, or otherwise,
 17 in the business of transmitting and/or receiving for hire
 18 energy, communications, or signals by radio in accordance
 19 with the terms of the license issued under this Act, shall
 20 by purchase, lease, construction, or otherwise, directly or
 21 indirectly, acquire, own, control, or operate any cable or
 22 wire telegraph or telephone line or system between any
 23 place in any State, Territory, or possession of the United
 24 States or in the District of Columbia, and any place in any
 25 foreign country, or shall acquire, own, or control any part

1 of the stock or other capital share of any interest in the
 2 physical property and/or other assets of any such cable,
 3 wire, telegraph, or telephone line or system, if in either
 4 case the purpose is and/or the effect thereof may be to
 5 substantially lessen competition or to restrain commerce
 6 between any place in any State, Territory, or possession
 7 of the United States or in the District of Columbia and
 8 any place in any foreign country, or unlawfully to create
 9 monopoly in any line of commerce; nor shall any person,
 10 firm, company, or corporation now or hereafter engaged
 11 directly or indirectly through any subsidiary, associated,
 12 or affiliated person, company, corporation, or agent, or
 13 otherwise, in the business of transmitting and/or receiving
 14 for hire messages by any cable, wire, telegraph, or telephone
 15 line or system (a) between any place in any State, Ter-
 16 ritory, or possession of the United States or in the District
 17 of Columbia, and any place in any other State, Territory,
 18 or possession of the United States; or (b) between any
 19 place in any State, Territory, or possession of the United
 20 States, or the District of Columbia, and any place in any
 21 foreign country, by purchase, lease, construction, or other-
 22 wise, directly or indirectly acquire, own, control, or operate
 23 any station or the apparatus therein, or any system for
 24 transmitting and/or receiving radio communications or
 25 signals between any place in any State, Territory, or

1 possession of the United States or in the District of
 2 Columbia, and any place in any foreign country, or shall
 3 acquire, own, or control any part of the stock or other
 4 capital share or any interest in the physical property and/or
 5 other assets of any such radio station, apparatus, or system.
 6 if in either case the purpose is and/or the effect thereof
 7 may be to substantially lessen competition or to restrain
 8 commerce between any place in any State, Territory, or
 9 possession of the United States or in the District of
 10 Columbia, and any place in any foreign country, or unlaw-
 11 fully to create monopoly in any line of commerce.

12 FACILITIES FOR CANDIDATES FOR PUBLIC OFFICE

13 SEC. 315. (a) If any licensee shall permit any person
 14 who is a legally qualified candidate for any public office to
 15 use a broadcasting station, he shall afford equal opportunities
 16 to all other such candidates for that office in the use of such
 17 station; and if any licensee shall permit any person to use a
 18 broadcasting station in support of or in opposition to any
 19 candidate for public office, or in the presentation of views on
 20 a public question to be voted upon at an election, he shall
 21 afford equal opportunity to an equal number of other per-
 22 sons to use such station in support of an opposing candidate
 23 for such public office, or to reply to a person who has used
 24 such broadcasting station in support of or in opposition
 25 to a candidate, or for the presentation of opposite views

1 on such public questions. Furthermore, it shall be con-
 2 sidered in the public interest for a licensee, so far as pos-
 3 sible, to permit equal opportunity for the presentation of
 4 both sides of public questions.

5 (b) The Commission shall make rules and regulations
 6 to carry this provision into effect. No such licensee shall
 7 exercise censorship over any material broadcast in accord-
 8 ance with the provisions of this section. No obligation is
 9 imposed upon any licensee to allow the use of his station by
 10 any candidate, or in support of or in opposition to any candi-
 11 date, or for the presentation of views on any side of a public
 12 question.

13 (c) The rates charged for the use of any station for
 14 any of the purposes set forth in this section shall not exceed
 15 the regular rates charged for the use of said station to adver-
 16 tisers furnishing regular programs, and shall not be dis-
 17 criminatory as between persons using the station for such
 18 purposes.

19 LOTTERIES AND OTHER SIMILAR SCHEMES

20 SEC. 316. No person shall broadcast by means of any
 21 radio station for which a license is required by any law
 22 of the United States, and no person, firm, or corporation
 23 operating any such station shall knowingly permit the
 24 broadcasting of, any advertisement of or information con-
 25 cerning any lottery, gift enterprise, or similar scheme, offer-

1 ing prizes dependent in whole or in part upon lot or chance,
 2 or any list of the prizes drawn or awarded by means of
 3 any such lottery, gift enterprise, or scheme, whether said
 4 list contains any part or all of such prizes. Any person,
 5 firm, or corporation violating any provision of this section
 6 shall, upon conviction thereof, be fined not more than
 7 \$1,000 or imprisoned not more than one year, or both, for
 8 each and every day during which such offense occurs.

9 ANNOUNCEMENT THAT MATTER IS PAID FOR

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

18 OPERATION OF TRANSMITTING APPARATUS

19 SEC. 318. The actual operation of all transmitting
 20 apparatus in any radio station for which a station license is
 21 required by this Act shall be carried on only by a person
 22 holding an operator's license issued hereunder. No person
 23 shall operate any such apparatus in such station except under
 24 and in accordance with an operator's license issued to him
 25 by the Commission.

1 CONSTRUCTION PERMITS

2 SEC. 319. (a) No license shall be issued under the
 3 authority of this Act for the operation of any station the
 4 construction of which is begun or is continued after this Act
 5 takes effect, unless a permit for its construction has been
 6 granted by the Commission upon written application there-
 7 for. The Commission may grant such permit if public
 8 convenience, interest, or necessity will be served by the
 9 construction of the station. This application shall set forth
 10 such facts as the Commission by regulation may prescribe
 11 as to the citizenship, character, and the financial, technical,
 12 and other ability of the applicant to construct and operate
 13 the station, the ownership and location of the proposed
 14 station and of the station or stations with which it is pro-
 15 posed to communicate, the frequencies and wave length or
 16 wave lengths desired to be used, the hours of the day or
 17 other periods of time during which it is proposed to operate
 18 the station, the purpose for which the station is to be used,
 19 the type of transmitting apparatus to be used, the power to
 20 be used, the date upon which the station is expected to be
 21 completed and in operation, and such other information as
 22 the Commission may require. Such application shall be
 23 signed by the applicant under oath or affirmation.

24 (b) Such permit for construction shall show specifi-
 25 cally the earliest and latest dates between which the actual

1 operation of such station is expected to begin, and shall
2 provide that said permit will be automatically forfeited if
3 the station is not ready for operation within the time speci-
4 fied or within such further time as the Commission may
5 allow, unless prevented by causes not under the control of
6 the grantee. The rights under any such permit shall not
7 be assigned or otherwise transferred to any person, firm,
8 company, or corporation without the approval of the Com-
9 mission. A permit for construction shall not be required for
10 Government stations, amateur stations, or stations upon
11 mobile vessels, railroad rolling stock, or aircraft. Upon the
12 completion of any station for the construction or continued
13 construction for which a permit has been granted, and upon
14 it being made to appear to the Commission that all the
15 terms, conditions, and obligations set forth in the applica-
16 tion and permit have been fully met, and that no cause or
17 circumstance arising or first coming to the knowledge of
18 the Commission since the granting of the permit would, in
19 the judgment of the Commission, make the operation of
20 such station against the public interest, the Commission shall
21 issue a license to the lawful holder of said permit for the
22 operation of said station. Said license shall conform gen-
23 erally to the terms of said permit.

1 DESIGNATION OF STATIONS LIABLE TO INTERFERE WITH
2 DISTRESS SIGNALS

3 SEC. 320. The Commission is authorized to designate
4 from time to time radio stations the communications or sig-
5 nals of which, in its opinion, are liable to interfere with the
6 transmission or reception of distress signals of ships. Such
7 stations are required to keep a licensed radio operator listen-
8 ing in on the wave lengths designated for signals of distress
9 and radio communications relating thereto during the entire
10 period the transmitter of such station is in operation.

11 DISTRESS SIGNALS AND COMMUNICATIONS

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

22 (b) All radio stations, including Government stations
23 and stations on board foreign vessels when within the terri-
24 torial waters of the United States, shall give absolute priority

1 to radio communications or signals relating to ships in dis-
 2 tress; shall cease all sending on frequencies or wave lengths
 3 which will interfere with hearing a radio communication
 4 or signal of distress, and, except when engaged in answer-
 5 ing or aiding the ship in distress, shall refrain from sending
 6 any radio communications or signals until there is assurance
 7 that no interference will be caused with the radio com-
 8 munications or signals relating thereto, and shall assist the
 9 vessel in distress, so far as possible, by complying with
 10 its instructions.

11 INTERCOMMUNICATION IN MOBILE SERVICE

12 SEC. 322. Every shore station open to general public
 13 service between the coast and vessels at sea shall be bound
 14 to exchange radio communications or signals with any ship
 15 station without distinction as to radio systems or instruments
 16 adopted by such stations, respectively, and each station on
 17 shipboard shall be bound to exchange radio communications
 18 or signals with any other station on shipboard without dis-
 19 tinction as to radio systems or instruments adopted by each
 20 station.

21 INTERFERENCE BETWEEN GOVERNMENT AND COMMERCIAL 22 STATIONS

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

1 ment stations cannot be avoided when they are operating
 2 simultaneously such private or commercial stations as do in-
 3 terfere with the transmission or reception of radio com-
 4 munications or signals by the Government stations con-
 5 cerned shall not use their transmitters during the first fifteen
 6 minutes of each hour, local standard time.

7 (b) The Government stations for which the above-
 8 mentioned division of time is established shall transmit radio
 9 communications or signals only during the first fifteen min-
 10 utes of each hour, local standard time, except in case of
 11 signals or radio communications relating to vessels in dis-
 12 tress and vessel requests for information as to course, loca-
 13 tion, or compass direction.

14 USE OF MINIMUM POWER

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

20 FALSE OR FRAUDULENT DISTRESS SIGNALS OR COMMUNI- 21 CATIONS; REBROADCASTING OF PROGRAMS

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

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

5 CENSORSHIP; INDECENT LANGUAGE

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

15 USE OF NAVAL STATIONS FOR COMMERCIAL MESSAGES

16 SEC. 327. The Secretary of the Navy is hereby author-
 17 ized unless restrained by international agreement, under the
 18 terms and conditions and at rates prescribed by him, which
 19 rates shall be just and reasonable, and which, upon com-
 20 plaint, shall be subject to review and revision by the
 21 Commission, to use all radio stations and apparatus,
 22 wherever located, owned by the United States and under
 23 the control of the Navy Department (a) for the reception
 24 and transmission of press messages offered by any news-
 25 paper published in the United States, its Territories or pos-

1 sessions, or published by citizens of the United States in
 2 foreign countries, or by any press association of the United
 3 States, and (b) for the reception and transmission of private
 4 commercial messages between ships, between ship and shore,
 5 between localities in Alaska and between Alaska and the
 6 continental United States: *Provided*, That the rates fixed
 7 for the reception and transmission of all such messages, other
 8 than press messages between the Pacific coast of the United
 9 States, Hawaii, Alaska, Guam, American Samoa, the
 10 Philippine Islands, and the Orient, and between the United
 11 States and the Virgin Islands, shall not be less than the
 12 rates charged by privately owned and operated stations for
 13 like messages and service: *Provided further*, That the right
 14 to use such stations for any of the purposes named in this
 15 section shall terminate and cease as between any countries
 16 or localities or between any locality and privately operated
 17 ships whenever privately owned and operated stations are
 18 capable of meeting the normal communication requirements
 19 between such countries or localities or between any locality
 20 and privately operated ships, and the Commission shall have
 21 notified the Secretary of the Navy thereof.

22 SPECIAL PROVISION AS TO PHILIPPINE ISLANDS AND

23 CANAL ZONE

24 SEC. 328. This Act shall not apply to the Philippine
 25 Islands or to the Canal Zone. In international radio matters

1 the Philippine Islands and the Canal Zone shall be re-
 2 presented by the Secretary of State.

3 ADMINISTRATION OF RADIO LAWS IN TERRITORIES AND
 4 POSSESSIONS

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

14 **TITLE IV—PROCEDURAL AND ADMINISTRATIVE
 15 PROVISIONS**

16 JURISDICTION TO ENFORCE ACT, AND ORDERS OF
 17 COMMISSION

18 SEC. 401. (a) The district courts of the United States
 19 shall have jurisdiction, upon application of the Attorney
 20 General of the United States at the request of the Commis-
 21 sion, alleging a failure to comply with or a violation of any
 22 of the provisions of this Act by any person, to issue a writ
 23 or writs of mandamus commanding such person to comply
 24 with the provisions of this Act; or, upon application of the
 25 Commission, any injured party, or the United States by its

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

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

23 (c) The provisions of the Expediting Act, approved
 24 February 11, 1903, as amended, and of section 238(1) of
 25 the Judicial Code, as amended, shall be held to apply to any

1 suit in equity arising under title II of this Act, wherein the
 2 United States is complainant.

3 APPLICATION OF DISTRICT COURT JURISDICTION ACT

4 SEC. 402. Suits to enjoin, set aside, annul, or suspend
 5 any order of the Commission under this Act shall be brought
 6 in the several district courts of the United States, and the
 7 provisions of the District Court Jurisdiction Act (38 Stat.
 8 219) are hereby made applicable to all such suits, and all
 9 references in said Act to the Interstate Commerce Commis-
 10 sion shall apply to the Commission. The provisions of
 11 said Act as to venue of suits to enforce orders of the Inter-
 12 state Commerce Commission are hereby made applicable to
 13 all suits to enforce orders of the Commission, made under
 14 the provisions of this Act.

15 INQUIRY BY COMMISSION ON ITS OWN MOTION

16 SEC. 403. The Commission shall have full authority
 17 and power at any time to institute an inquiry, on its own
 18 motion, in any case and as to any matter or thing con-
 19 cerning which complaint is authorized to be made, to or
 20 before the Commission by any provision of this Act, or
 21 concerning which any question may arise under any of
 22 the provisions of this Act, or relating to the enforce-
 23 ment of any of the provisions of this Act. The Com-
 24 mission shall have the same powers and authority to pro-

1 ceed with any inquiry instituted on its own motion as
 2 though it had been appealed to by complaint or petition
 3 under any of the provisions of this Act, including the
 4 power to make and enforce any order or orders in the case,
 5 or relating to the matter or thing concerning which the
 6 inquiry is had, excepting orders for the payment of money.

7 REPORTS OF INVESTIGATIONS

8 SEC. 404. Whenever an investigation shall be made
 9 by the Commission it shall be its duty to make a report
 10 in writing in respect thereto, which shall state the conclu-
 11 sions of the Commission, together with its decision, order,
 12 or requirement in the premises; and in case damages are
 13 awarded such report shall include the findings of fact on
 14 which the award is made.

15 REHEARING BEFORE COMMISSION

16 SEC. 405. After a decision, order, or requirement has
 17 been made by the Commission in any proceeding, any
 18 party thereto or any person or any State or political subdivi-
 19 sion thereof, aggrieved or whose interests are adversely
 20 affected may at any time make application for rehearing
 21 of the same, or any matter determined therein, and it
 22 shall be lawful for the Commission in its discretion to
 23 grant such a rehearing if sufficient reason therefor be
 24 made to appear. Applications for rehearing shall be
 25 governed by such general rules as the Commission may

1 establish. No such application shall excuse any person from
 2 complying with or obeying any decision, order, or require-
 3 ment of the Commission, or operate in any manner to stay
 4 or postpone the enforcement thereof, without the special
 5 order of the Commission. In case a rehearing is granted,
 6 the proceedings thereupon shall conform as nearly as may
 7 be to the proceedings in an original hearing, except as the
 8 Commission may otherwise direct; and if, in its judgment,
 9 after such rehearing and the consideration of all facts, in-
 10 cluding those arising since the former hearing, it shall appear
 11 that the original decision, order, or requirement is in any
 12 respect unjust or unwarranted, the Commission may reverse,
 13 change, or modify the same accordingly. Any decision,
 14 order, or requirement made after such rehearing, reversing,
 15 changing, or modifying the original determination shall be
 16 subject to the same provisions as an original order.

17 MANDAMUS TO COMPEL FURNISHING OF FACILITIES

18 SEC. 406. The district courts of the United States shall
 19 have jurisdiction upon the relation of any person alleging
 20 any violation, by a carrier subject to this Act, of any of the
 21 provisions of this Act which prevent the relator from receiv-
 22 ing service in interstate or foreign communication by wire or
 23 radio, or in interstate or foreign transmission of energy by
 24 radio, from said carrier at the same rates as are charged, or
 25 upon terms or conditions as favorable as those given by said

1 carrier for like communication or transmission under similar
 2 conditions to any other person, to issue a writ or writs of man-
 3 damus against said carrier commanding such carrier to fur-
 4 nish facilities for such communication or transmission to the
 5 party applying for the writ: *Provided*, That if any question of
 6 fact as to the proper compensation to the carrier for the
 7 service to be enforced by the writ is raised by the pleadings,
 8 the writ of peremptory mandamus may issue, notwithstanding
 9 such question of fact is undetermined, upon such terms as to
 10 security, payment of money into the court, or otherwise as
 11 the court may think proper pending the determination of the
 12 question of fact: *Provided further*, That the remedy hereby
 13 given by writ of mandamus shall be cumulative and shall
 14 not be held to exclude or interfere with other remedies
 15 provided by this Act.

16 PETITION FOR ENFORCEMENT OF ORDER FOR PAYMENT OF
 17 MONEY

18 SEC. 407. If a carrier does not comply with an order
 19 for the payment of money within the time limit in such
 20 order, the complainant, or any person for whose benefit such
 21 order was made, may file in the district court of the United
 22 States for the district in which he resides or in which is
 23 located the principal operating office of the carrier, or
 24 through which the line of the carrier runs, or in any State
 25 court of general jurisdiction having jurisdiction of the parties,

1 a petition setting forth briefly the causes for which he claims
 2 damages, and the order of the Commission in the premises.
 3 Such suit in the district court of the United States shall
 4 proceed in all respects like other civil suits for damages,
 5 except that on the trial of such suits the findings and order
 6 of the Commission shall be prima facie evidence of the facts
 7 therein stated, except that the petitioner shall not be liable
 8 for costs in the district court nor for costs at any subsequent
 9 stage of the proceedings unless they accrue upon his appeal.
 10 If the petitioner shall finally prevail, he shall be allowed a
 11 reasonable attorney's fee, to be taxed and collected as a
 12 part of the costs of the suit.

13 ORDERS NOT FOR PAYMENT OF MONEY—WHEN EFFECTIVE

14 SEC. 408. Except as otherwise provided in this Act, all
 15 orders of the Commission, other than orders for the payment
 16 of money, shall take effect within such reasonable time, not
 17 less than thirty days, and shall continue in force until its
 18 further order, or for a specified period of time, according as
 19 shall be prescribed in the order, unless the same shall be
 20 suspended or modified or set aside by the Commission, or be
 21 suspended or set aside by a court of competent jurisdiction.

22 GENERAL PROVISIONS RELATING TO PROCEEDINGS—

23 WITNESSES AND DEPOSITIONS

24 SEC. 409. (a) Upon the request of the Commission it
 25 shall be the duty of any district attorney of the United

1 States to whom the Commission may apply to institute
 2 in the proper court and to prosecute under the direction
 3 of the Attorney General of the United States all neces-
 4 sary proceedings for the enforcement of the provisions of
 5 this Act and for the punishment of all violations thereof,
 6 and the costs and expenses of such prosecutions shall be
 7 paid out of the appropriations for the expenses of the
 8 courts of the United States; and for the purposes of this
 9 Act the Commission shall have the power to require by
 10 subpena the attendance and testimony of witnesses and
 11 the production of all books, papers, tariffs, contracts,
 12 agreements, and documents relating to any matter under
 13 investigation. Witnesses summoned before the Commis-
 14 sion shall be paid the same fees and mileage that are
 15 paid witnesses in the courts of the United States.

16 (b) Any member or examiner of the Commission, or
 17 the director of any division, when duly designated by the
 18 Commission for such purpose, may hold hearings, sign and
 19 issue subpenas, administer oaths, examine witnesses, and
 20 receive evidence at any place in the United States design-
 21 nated by the Commission; except that in the administra-
 22 tion of title III an examiner may not be authorized to exercise
 23 such powers with respect to a matter involving (1) a
 24 change of policy by the Commission, (2) the revocation of
 25 a construction permit or license, (3) new devices or

1 developments in radio, or (4) a new kind of use of fre-
 2 quencies. In all cases heard by an examiner the Commis-
 3 sion shall hear oral arguments on request of either party.

4 (c) Such attendance of witnesses, and the production
 5 of such documentary evidence, may be required from any
 6 place in the United States, at any designated place of
 7 hearing. And in case of disobedience to a subpoena the
 8 Commission, or any party to a proceeding before the Com-
 9 mission, may invoke the aid of any court of the United
 10 States in requiring the attendance and testimony of wit-
 11 nesses and the production of books, papers, and documents
 12 under the provisions of this section.

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

23 (e) The testimony of any witness may be taken, at
 24 the instance of a party, in any proceeding or investigation
 25 pending before the Commission, by deposition, at any time

1 after a cause or proceeding is at issue on petition and
 2 answer. The Commission may also order testimony to be
 3 taken by deposition in any proceeding or investigation
 4 pending before it, at any stage of such proceeding or in-
 5 vestigation. Such depositions may be taken before any
 6 judge of any court of the United States, or any United
 7 States commissioner, or any clerk of a district court, or
 8 any chancellor, justice, or judge of a supreme or superior
 9 court, mayor, or chief magistrate of a city, judge of a
 10 county court, or court of common pleas of any of the United
 11 States, or any notary public, not being of counsel or attor-
 12 ney to either of the parties, nor interested in the event
 13 of the proceeding or investigation. Reasonable notice must
 14 first be given in writing by the party or his attorney pro-
 15 posing to take such deposition to the opposite party or his
 16 attorney of record, as either may be nearest, which notice
 17 shall state the name of the witness and the time and place
 18 of the taking of his deposition. Any person may be com-
 19 pelled to appear and depose, and to produce documentary
 20 evidence, in the same manner as witnesses may be compelled
 21 to appear and testify and produce documentary evidence
 22 before the Commission, as hereinbefore provided.

23 (f) Every person deposing as herein provided shall
 24 be cautioned and sworn (or affirm, if he so request) to testify
 25 the whole truth, and shall be carefully examined. His

1 testimony shall be reduced to writing by the magistrate tak-
 2 ing the deposition, or under his direction, and shall, after
 3 it has been reduced to writing, be subscribed by the deponent.

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

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

14 (i) No person shall be excused from attending and
 15 testifying or from producing books, papers, contracts,
 16 agreements, and documents before the Commission, or in
 17 obedience to the subpoena of the Commission, whether such
 18 subpoena be signed or issued by one or more commissioners,
 19 or in any cause or proceeding, criminal or otherwise, based
 20 upon or growing out of any alleged violation of this Act,
 21 or of any amendments thereto, on the ground or for the
 22 reason that the testimony or evidence, documentary or
 23 otherwise, required of him may tend to criminate him or
 24 subject him to a penalty or forfeiture; but no individual
 25 shall be prosecuted or subjected to any penalty or forfeiture

1 for or on account of any transaction, matter, or thing con-
 2 cerning which he is compelled, after having claimed his
 3 privilege against self-incrimination, to testify or produce
 4 evidence, documentary or otherwise, except that any indi-
 5 vidual so testifying shall not be exempt from prosecution
 6 and punishment for perjury committed in so testifying.

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

17 USE OF JOINT BOARDS—COOPERATION WITH STATE
 18 COMMISSIONS

19 SEC. 410. (a) The Commission may refer any matter
 20 arising in the administration of this Act to a joint board to be
 21 composed of a member, or of an equal number of members,
 22 as determined by the Commission, from each of the States
 23 in which the wire or radio communication affected by or
 24 involved in the proceeding takes place or is proposed, and
 25 any such board shall be vested with the same powers and

1 be subject to the same duties and liabilities as in the case
 2 of a member of the Commission when designated by the
 3 Commission to hold a hearing as hereinbefore authorized.
 4 The action of a joint board shall have such force and effect
 5 and its proceedings shall be conducted in such manner as
 6 the Commission shall by regulations prescribe. The joint
 7 board member or members for each State shall be nominated
 8 by the State commission of the State or by the Governor if
 9 there is no State commission, and appointed by the Federal
 10 Communications Commission. The Commission shall have
 11 discretion to reject any nominee. Joint board members
 12 shall receive such allowances for expenses as the Commission
 13 shall provide.

14 (b) The Commission may confer with any State
 15 commission having regulatory jurisdiction with respect to
 16 carriers, regarding the relationship between rate structures,
 17 accounts, charges, practices, classifications, and regulations
 18 of carriers subject to the jurisdiction of such State com-
 19 mission and of the Commission; and the Commission is
 20 authorized under such rules and regulations as it shall pre-
 21 scribe to hold joint hearings with any State commission in
 22 connection with any matter with respect to which the Com-
 23 mission is authorized to act. The Commission is authorized
 24 in the administration of this Act to avail itself of such
 25 cooperation, services, records, and facilities as may be
 26 afforded by any State commission.

1 **JOINDER OF PARTIES**

2 SEC. 411. (a) In any proceeding for the enforcement of
 3 the provisions of this Act, whether such proceeding be insti-
 4 tuted before the Commission or be begun originally in any
 5 district court of the United States, it shall be lawful to include
 6 as parties, in addition to the carrier, all persons interested in
 7 or affected by the charge, regulation, or practice under con-
 8 sideration, and inquiries, investigations, orders, and decrees
 9 may be made with reference to and against such additional
 10 parties in the same manner to the same extent, and subject
 11 to the same provisions as are or shall be authorized by law
 12 with respect to carriers.

13 (b) In any suit for the enforcement of an order for
 14 the payment of money all parties in whose favor the Com-
 15 mission may have made an award for damages by a single
 16 order may be joined as plaintiffs, and all of the carriers
 17 parties to such order awarding such damages may be joined
 18 as defendants, and such suit may be maintained by such joint
 19 plaintiffs and against such joint defendants in any district
 20 where any one of such joint plaintiffs could maintain such
 21 suit against any one of such joint defendants; and service
 22 of process against any one of such defendants as may not be
 23 found in the district where the suit is brought may be made in
 24 any district where such defendant carrier has its principal oper-
 25 ating office. In case of such joint suit, the recovery, if any,

1 may be by judgment in favor of any one of such plaintiffs,
 2 against the defendant found to be liable to such plaintiff.

3 DOCUMENTS FILED TO BE PUBLIC RECORDS—USE, IN

4 PROCEEDINGS

5 SEC. 412. The copies of schedules, classifications, and
 6 charges, and of all contracts, agreements, and arrange-
 7 ments between common carriers filed with the Commission
 8 as herein provided, and the statistics, tables, and figures
 9 contained in the annual or other reports of carriers and other
 10 persons made to the Commission as required under the
 11 provisions of this Act shall be preserved as public records
 12 in the custody of the Secretary of the Commission, and
 13 shall be received as *prima facie* evidence of what they
 14 purport to be for the purpose of investigations by the Com-
 15 mission and in all judicial proceedings; and copies of and
 16 extracts from any of said schedules, classifications, contracts,
 17 agreements, arrangements, or reports, made public records
 18 as aforesaid certified by the Secretary, under the Commis-
 19 sion's seal, shall be received in evidence with like effect as
 20 the originals: *Provided*, That the Commission may, if the
 21 public interest will be served thereby, keep confidential any
 22 contract, agreement, or arrangement relating to wire or radio
 23 communication in foreign commerce when the publication
 24 of such contract, agreement, or arrangement would place
 25 American communication companies at a disadvantage in
 26 meeting the competition of foreign communication companies.

1 DESIGNATION OF AGENT FOR SERVICE

2 SEC. 413. It shall be the duty of every carrier subject
 3 to this Act, within sixty days after the taking effect of this
 4 Act, to designate in writing an agent in the District of
 5 Columbia, upon whom service of all notices and process
 6 and all orders, decision, and requirements of the Commis-
 7 sion may be made for and on behalf of said carrier in any
 8 proceeding or suit pending before the Commission or before
 9 any court, and to file such designation in the office of the
 10 secretary of the Commission, which designation may from
 11 time to time be changed by like writing similarly filed;
 12 and thereupon service of all notices and process and orders,
 13 decisions, and requirements of the Commission may be made
 14 upon such carrier by leaving a copy thereof with such desig-
 15 nated agent at his office or usual place of residence in the
 16 District of Columbia, with like effect as if made personally
 17 upon such carrier, and in default of such designation of
 18 such agent, service of any notice or other process in any
 19 proceeding before said Commission or court, or of any order,
 20 decision, or requirement of the Commission, may be made
 21 by posting such notice, process, order, requirement, or
 22 decision in the office of the secretary of the Commission.

23 REMEDIES IN THIS ACT NOT EXCLUSIVE

24 SEC. 414. Nothing in this Act contained shall in any
 25 way abridge or alter the remedies now existing at common

1 law or by statute, but the provisions of this Act are in addi-
 2 tion to such remedies.

3 LIMITATIONS AS TO ACTIONS

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

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

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

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

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

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

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

14 (7) The term "overcharges" as used in this section
 15 shall be deemed to mean charges for transmission services
 16 in excess of those applicable thereto under the tariffs law-
 17 fully on file with the Commission.

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

22 PROVISIONS RELATING TO ORDERS

23 SEC. 416. (a) Every order of the Commission shall
 24 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 wilfully 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 wilfully omits or
fails to do any act, matter, or thing in this Act required to be
done, or wilfully 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-
mission under authority of this Act, or any rule, regulation,
restriction, or condition made or imposed by any inter-

national radio or wire communications treaty or conven-
tion, or regulations annexed thereto, to which the United
States is or may hereafter become a party, shall, in addition
to any other penalties provided by law, be punished, upon
conviction thereof, by a fine of not more than \$500 for each
and every day during which such offense occurs.

FORFEITURE IN CASES OF REBATES AND OFFSETS, AND FOR VIOLATION OF CERTAIN ORDERS

SEC. 503. (a) Any person who shall deliver messages for
interstate or foreign transmission to any carrier, or for whom
as sender or receiver, any such carrier shall transmit any wire
or radio communication in interstate or foreign commerce,
who shall knowingly by employee, agent, officer, or other-
wise, directly or indirectly, by or through any means or device
whatsoever, receive or accept from such common carrier any
sum of money or any other valuable consideration as a
rebate or offset against the regular charges for transmission
of such messages as fixed by the schedules of charges pro-
vided for in this Act, shall in addition to any other penalty
provided by this Act forfeit to the United States a sum of
money three times the amount of money so received or
accepted and three times the value of any other consideration
so received or accepted, to be ascertained by the trial court;
and in the trial of said action all such rebates or other con-
siderations so received or accepted for a period of six years

1 prior to the commencement of the action, may be included
 2 therein, and the amount recovered shall be three times the
 3 total amount of money, or three times the total value of such
 4 consideration, so received or accepted, or both, as the case
 5 may be.

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

14 PROVISIONS RELATING TO FORFEITURES AND FINES

15 SEC. 504. (a) The forfeitures provided for in this Act
 16 shall be payable into the Treasury of the United States, and
 17 shall be recoverable in a civil suit in the name of the United
 18 States, brought in the district where the carrier has its
 19 principal operating office, or in any district through which
 20 the line or system of the carrier runs. Such forfeitures shall
 21 be in addition to any other general or specific penalties herein
 22 provided. It shall be the duty of the various district attor-
 23 neys, under the direction of the Attorney General of the
 24 United States, to prosecute for the recovery of forfeitures
 25 under this Act. The costs and expenses of such prosecutions

1 shall be paid from the appropriation for the expenses of the
 2 courts of the United States.
 3 (b) All fines collected by the Commission shall be
 4 covered into the Treasury of the United States the first of
 5 each month.

6 VENUE OF OFFENSES

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

17 TITLE VI—MISCELLANEOUS PROVISIONS

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

20 SEC. 601. (a) All duties, powers, and functions of the
 21 Interstate Commerce Commission with respect to telegraph
 22 lines and companies operating telegraph lines under the Gov-
 23 ernment-aided Railroad and Telegraph Act, approved Au-
 24 gust 7, 1888, are hereby imposed upon and vested in the
 25 Commission.

1 (b) All duties, powers, and functions of the Post-
 2 master General with respect to telegraph companies and tele-
 3 graph lines under any existing provision of law are hereby
 4 imposed upon and vested in the Commission.

5 REPEALS AND AMENDMENTS

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

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

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

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

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

1 tively subject thereto is hereby vested: In the Interstate
 2 Commerce Commission where applicable to common carriers
 3 other than common carriers engaged in wire or radio
 4 communication; in the Federal Communications Commis-
 5 sion where applicable to common carriers engaged in wire
 6 or radio communication; in the Federal Reserve Board
 7 where applicable to banks, banking associations, and trust
 8 companies; and in the Federal Trade Commission where
 9 applicable to all other character of commerce, to be exercised
 10 as follows: "

11 TRANSFER OF EMPLOYEES, RECORDS, PROPERTY, AND
 12 APPROPRIATIONS

13 SEC. 603. (a) All officers and employees of the Federal
 14 Radio Commission (except the members thereof, whose
 15 offices are hereby abolished) are hereby transferred to the
 16 Commission, without change in classification or compen-
 17 sation.

18 (b) There are hereby transferred to the jurisdiction
 19 and control of the Commission (1) all records and prop-
 20 erty (including office furniture and equipment, and includ-
 21 ing monitoring radio stations) under the jurisdiction of the
 22 Federal Radio Commission and (2) all records under the
 23 jurisdiction of the Interstate Commerce Commission relating
 24 to common carriers engaged in wire or radio communication,
 25 and of the Interstate Commerce Commission and the Post-

1 master General relating to the duties, powers, and functions
 2 imposed upon and vested in the Commission by this Act.
 3 (c) All appropriations and unexpended balances of
 4 appropriations available for expenditure by the Federal
 5 Radio Commission shall be available for expenditure by
 6 the Commission in the same manner and to the same extent
 7 as if the Commission had been named in laws making such
 8 appropriations.

9 EFFECT OF TRANSFERS, REPEALS, AND AMENDMENTS

10 SEC. 604. (a) All orders, determinations, rules, regu-
 11 lations, permits, contracts, licenses, and privileges which
 12 have been issued, made, or granted by the Interstate Com-
 13 mmerce Commission, the Federal Radio Commission, or the
 14 Postmaster General, under any provision of law repealed or
 15 amended by this Act or in the exercise of duties, powers, or
 16 functions transferred to the Commission by this Act, and
 17 which are in effect at the time this section takes effect, shall
 18 continue in effect until modified, terminated, superseded, or
 19 repealed by the Commission or by operation of law.

20 (b) Any proceeding, hearing, or investigation com-
 21 menced or pending before the Federal Radio Commission,
 22 the Interstate Commerce Commission, or the Postmaster
 23 General, at the time of the organization of the Commission,
 24 shall be continued by the Commission in the same manner
 25 as though originally commenced before the Commission if

1 such proceeding, hearing, or investigation (1) involves the
 2 administration of duties, powers, and functions transferred
 3 to the Commission by this Act or (2) involves the exercise
 4 of jurisdiction similar to that granted to the Commission
 5 under the provisions of this Act.

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

16 UNAUTHORIZED PUBLICATION OF COMMUNICATIONS

17 SEC. 605. No person receiving or assisting in receiving
 18 any interstate or foreign communication by wire or radio
 19 shall divulge or publish the existence, contents, substance,
 20 purpose, effect, or meaning thereof, except through
 21 authorized channels of transmission or reception, to any
 22 person other than the addressee, his agent, or attorney,
 23 or to a person employed or authorized to forward such

1 communication to its destination, or to proper account-
 2 ing or distributing officers of the various communicating
 3 centers over which the communication may be passed.
 4 or to the master of a ship under whom he is serving,
 5 or in response to a subpoena issued by a court of competent
 6 jurisdiction, or on demand of other lawful authority; and no
 7 person not being authorized by the sender shall intercept any
 8 message and divulge or publish the existence, contents, sub-
 9 stance, purport, effect, or meaning of such intercepted mes-
 10 sage to any person; and no person not being entitled thereto
 11 shall receive or assist in receiving any interstate or foreign
 12 communication by wire or radio and use the same or any
 13 information therein contained for his own benefit or for the
 14 benefit of another not entitled thereto; and no person having
 15 received such intercepted communication or having become
 16 acquainted with the contents, substance, purport, effect, or
 17 meaning of the same or any part thereof, knowing that such
 18 information was so obtained, shall divulge or publish the
 19 existence, contents, substance, purport, effect, or meaning of
 20 the same or any part thereof, or use the same or any infor-
 21 mation therein contained for his own benefit or for the bene-
 22 fit of another not entitled thereto: *Provided*, That this sec-
 23 tion shall not apply to the receiving, divulging, publishing,
 24 or utilizing the contents of any radio communication broad-

1 cast, or transmitted by amateurs or others for the use of
 2 the general public, or relating to ships in distress.

3 WAR EMERGENCY—POWERS OF PRESIDENT

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

21 (b) It shall be unlawful for any person during any
 22 war in which the United States is engaged to knowingly
 23 or willfully, by physical force or intimidation by threats of
 24 physical force, obstruct or retard or aid in obstructing or

1 retarding interstate or foreign communication by radio or
 2 wire. The President is hereby authorized, whenever in his
 3 judgment the public interest requires, to employ the armed
 4 forces of the United States to prevent any such obstruction
 5 or retardation of communication: *Provided*, That nothing
 6 in this section shall be construed to repeal, modify, or affect
 7 either section 6 or section 7 of an Act entitled "An Act to
 8 supplement existing laws against unlawful restraints and
 9 monopolies, and for other purposes", approved October 15,
 10 1914.

11 (c) Upon proclamation by the President that there
 12 exists war or a threat of war or a state of public peril or
 13 disaster or other national emergency, or in order to preserve
 14 the neutrality of the United States, the President may sus-
 15 pend or amend, for such time as he may see fit, the rules and
 16 regulations applicable to any or all offices and stations for
 17 wire or radio communication within the jurisdiction of the
 18 United States as prescribed by the Commission, and may
 19 cause the closing of any such office or station and the removal
 20 therefrom of its apparatus and equipment, or he may author-
 21 ize the use or control of any such office or station and/or its
 22 apparatus and equipment by any department of the Govern-
 23 ment under such regulations as he may prescribe, upon just
 24 compensation to the owners.

1 (d) The President shall ascertain the just compensa-
 2 tion for such use or control and certify the amount ascer-
 3 tained to Congress for appropriation and payment to the
 4 person entitled thereto, but no allowance shall be included
 5 for the use of any radio frequency. If the amount so cer-
 6 tified is unsatisfactory to the person entitled thereto, such
 7 person shall be paid only 75 per centum of the amount and
 8 shall be entitled to sue the United States to recover such
 9 further sum as added to such payment of 75 per centum will
 10 make such amount as will be just compensation for the use
 11 and control. Such suit shall be brought in the manner
 12 provided by paragraph 20 of section 24, or by section 145
 13 of the Judicial Code, as amended.

EFFECTIVE DATE OF ACT

15 SEC. 607. This Act shall take effect upon the organi-
 16 zation of the Commission, except that this section and sec-
 17 tions 1 and 4 shall take effect upon the enactment of this
 18 Act. The Commission shall be deemed to be organized
 19 upon such date as four members of the Commission have
 20 taken office.

SEPARABILITY CLAUSE

22 SEC. 608. If any provision of this Act or the applica-
 23 tion thereof to any person or circumstance is held invalid,
 24 the remainder of the Act and the application of such pro-

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

3 **SHORT TITLE**

4 SEC. 609. This Act may be cited as the "Communi-
 5 cations Act of 1934."

COMMUNICATIONS ACT OF 1934

TABLE OF CONTENTS

TITLE I—GENERAL PROVISIONS

	Page
Sec. 1. Purposes of Act; creation of Federal Communications Commission.....	1
Sec. 2. Application of Act.....	9
Sec. 3. Definitions	9
Sec. 4. Provisions relating to the Commission.....	7
Sec. 5. Divisions of the Commission; jurisdiction of Commission and Divisions.....	12

TITLE II—COMMON CARRIERS

Sec. 201. Service and charges.....	14
Sec. 202. Discrimination and preferences.....	15
Sec. 203. Schedules of charges.....	16
Sec. 204. Hearing as to lawfulness of new charges; suspension.....	18
Sec. 205. Commission authorized to prescribe just and reasonable charges.....	19
Sec. 206. Liability of carriers for damages.....	20
Sec. 207. Complaints and suits for damages.....	20
Sec. 208. Reparation proceedings.....	21
Sec. 209. Orders for payment of money.....	22
Sec. 210. Act not to apply to communication in intrastate commerce.....	22
Sec. 211. Copies of contracts to be filed.....	22
Sec. 212. Interlocking directorates—officials dealing in securities.....	23
Sec. 213. Valuation of carrier property.....	23
Sec. 214. Extension of lines and circuits.....	26
Sec. 215. Transactions relating to services, equipment, etc.....	26
Sec. 216. Application of Act to receivers and trustees.....	30
Sec. 217. Liability of carrier for acts and omissions of agents.....	30
Sec. 218. Inquiries into management.....	30
Sec. 219. Annual and other reports.....	31
Sec. 220. Accounts, records, and memoranda; depreciation charges.....	33
Sec. 221. Special provisions relating to telephone companies.....	37

TITLE III—SPECIAL PROVISIONS RELATING TO RADIO

Sec. 301. License for radio communication or transmission of energy.....	39
Sec. 302. Zones.....	41
Sec. 303. General powers of Commission.....	42
Sec. 304. Waiver by licensee.....	45
Sec. 305. Government-owned stations.....	45
Sec. 306. Foreign ships.....	46
Sec. 307. Allocation of facilities; terms of licenses.....	46

Sec. 308. Applications for licenses; conditions in license for foreign communication.....	49
Sec. 309. Hearings on applications for licenses; form of licenses; conditions attached to licenses.....	50
Sec. 310. Limitation on holding and transfer of licenses.....	52
Sec. 311. Refusal of licenses and permits in certain cases.....	53
Sec. 312. Revocation of licenses; fines imposed by Commission.....	54
Sec. 313. Application of antitrust laws.....	55
Sec. 314. Preservation of competition in commerce.....	56
Sec. 315. Facilities for candidates for public office.....	58
Sec. 316. Lotteries and other similar schemes.....	59
Sec. 317. Announcement that matter is paid for.....	60
Sec. 318. Operation of transmitting apparatus.....	60
Sec. 319. Construction permits.....	61
Sec. 320. Designation of stations liable to interfere with distress signals.....	63
Sec. 321. Distress signals and communications.....	63
Sec. 322. Intercommunication in mobile service.....	64
Sec. 323. Interference between Government and commercial stations.....	64
Sec. 324. Use of minimum power.....	65
Sec. 325. False or fraudulent distress signals or communications; rebroadcasting of programs.....	65
Sec. 326. Censorship; indecent language.....	66
Sec. 327. Use of naval stations for commercial messages.....	66
Sec. 328. Special provision as to Philippine Islands and Canal Zone.....	67
Sec. 329. Administration of radio laws in Territories and possessions.....	68

TITLE IV—PROCEDURAL AND ADMINISTRATIVE PROVISIONS

Sec. 401. Jurisdiction to enforce Act, and orders of Commission.....	68
Sec. 402. Application of District Court Jurisdiction Act—exception in case of radio matters.....	68
Sec. 403. Inquiry by Commission on its own motion.....	70
Sec. 404. Reports of investigations.....	71
Sec. 405. Rehearing before Commission.....	71
Sec. 406. Mandamus to compel furnishing of facilities.....	72
Sec. 407. Petition for enforcement of order for payment of money.....	73
Sec. 408. Orders not for payment of money—when effective.....	74
Sec. 409. General provisions relating to proceedings—witnesses and depositions.....	74
Sec. 410. Use of joint boards—cooperation with State commissions.....	79
Sec. 411. Joinder of parties.....	81
Sec. 412. Documents filed to be public records—use in proceedings.....	82
Sec. 413. Designation of agent for service.....	83
Sec. 414. Remedies in this Act not exclusive.....	83
Sec. 415. Limitations as to actions.....	84
Sec. 416. Provisions relating to orders.....	85

TITLE V—PENAL PROVISIONS—FORFEITURES

Sec. 501. General penalty.....	86
Sec. 502. Violation of rules, regulations, etc.....	87
Sec. 503. Forfeiture in cases of rebates and offsets.....	87
Sec. 504. Provisions relating to forfeitures and fines.....	88
Sec. 505. Venue of offenses.....	89

TITLE VI—MISCELLANEOUS PROVISIONS

Sec. 601. Transfer to Commission of duties, powers, and functions under existing law.....	89
Sec. 602. Repeals and amendments.....	90
Sec. 603. Transfer of employee records, property, and appropriations.....	91
Sec. 604. Effect of transfers, repeals, and amendments.....	92
Sec. 605. Unauthorized publication of communications.....	93
Sec. 606. War emergency—powers of President.....	95
Sec. 607. Effective date of Act.....	97
Sec. 608. Separability clause.....	97
Sec. 609. Short title.....	98

[CONFIDENTIAL COMMITTEE PRINT]

FEBRUARY 24, 1934

73d CONGRESS }
2d SESSION }

S.

A BILL

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

By Mr. DILL

FEBRUARY —, 1934

Read twice and referred to the Committee on
Interstate Commerce

859

TO THE CONGRESS:
I have long felt that
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
lead to the problems of transportation in the Interstate Commerce Commission,
and the problems of power, its development, transmission and distri-
bution, in the Federal Power Commission. In the field of communica-
tions, however, there is today no single government agency charged
with broad authority.

I 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.

I 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 Inter-
state 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.

TO THE CONGRESS:

I have long felt that
for the sake of clarity and effectiveness ~~I have long felt~~
~~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~~
~~be~~ ^{are vested} ~~the problems of transportation in the Interstate Commerce Commission,~~
~~and the problems of power, its development, transmission and distri-~~
~~bution, in the Federal Power Commission.~~ In the field of commun-
cations, 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 ~~this~~ 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 Inter-
state 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.