

Public Law 94-309  
94th Congress

An Act

To extend the Educational Broadcasting Facilities Program and to provide authority for the support of demonstrations in telecommunications technologies for the distribution of health, education, and public or social service information, and for other purposes.

June 5, 1976  
[H.R. 9630]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That this Act may be cited as the "Educational Broadcasting Facilities and Telecommunications Demonstration Act of 1976".

Educational  
Broadcasting  
Facilities and  
Telecommuni-  
cations  
Demonstration  
Act of 1976.  
47 USC 390 note.  
47 USC 390.

PURPOSE

SEC. 2. (a) Part IV of title III of the Communications Act of 1934 is amended by striking out the heading of such part and inserting in lieu thereof "ASSISTANCE FOR NONCOMMERCIAL EDUCATIONAL BROADCASTING FACILITIES; TELECOMMUNICATIONS DEMONSTRATIONS; CORPORATION FOR PUBLIC BROADCASTING".

(b) Subpart A of such part is amended by striking out the heading of such subpart and inserting in lieu thereof "ASSISTANCE FOR NONCOMMERCIAL EDUCATIONAL BROADCASTING FACILITIES AND TELECOMMUNICATIONS DEMONSTRATIONS".

(c) Section 390 of such Act is amended to read as follows:

47 USC 390.

"DECLARATION OF PURPOSE

"SEC. 390. The purposes of this subpart are (1) to assist (through matching grants) in the construction of noncommercial educational television or radio broadcasting facilities, and (2) to demonstrate (through grants or contracts) the use of telecommunications technologies for the distribution and dissemination of health, education, and other public or social service information."

AUTHORIZATION OF APPROPRIATIONS

SEC. 3. Section 391 of the Communications Act of 1934 is amended to read as follows:

47 USC 391.

"SEC. 391. There are authorized to be appropriated \$7,500,000 for the period July 1, 1976, through September 30, 1976, and \$30,000,000 for the fiscal year ending September 30, 1977, to assist (through matching grants) in the construction of noncommercial educational television or radio broadcasting facilities as provided in this subpart. Sums appropriated under this section for any fiscal year or period shall remain available for payment of grants for projects for which applications approved under section 392 have been submitted under such section within one year after the last day of such fiscal year or period."

CRITERIA FOR BROADCAST FACILITIES CONSTRUCTION

SEC. 4. (a) Section 392(a)(1) of the Communications Act of 1934 is amended by striking out clause (C) and inserting in lieu thereof "(C) a public or private nonprofit college or university or other educational

47 USC 392.

or cultural institution which is affiliated with an eligible college or university.”

47 USC 392.

(b) Section 392(d) of such Act is amended to read as follows:

“(d) (1) The Secretary shall base his determinations of whether to approve applications for television grants under this section and the amount of such grants on criteria set forth in regulations and designed to achieve (A) a strengthening of the capability of existing noncommercial educational television stations to provide local services; (B) the adaptation of existing noncommercial educational television facilities to broaden educational uses; and (C) extension of noncommercial educational television services, with due consideration to equitable geographic coverage throughout the United States.

“(2) The Secretary shall base his determination of whether to approve applications for radio grants under this section and the amount of such grants on criteria set forth in regulations and designed to achieve (A) extension of noncommercial educational radio services with due consideration to equitable geographic coverage throughout the United States; (B) a strengthening of the capability of existing noncommercial educational radio stations to provide local service; and (C) the provision of multiple radio stations in major population centers to broaden services for special interest, minority, and educational uses.”

#### COORDINATION

47 USC 395.

SEC. 5. Section 395 of the Communications Act of 1934 is amended to read as follows:

#### “COORDINATION WITH THE COMMISSION AND THE CORPORATION

“SEC. 395. The Federal Communications Commission is authorized to provide such assistance in carrying out the provisions of this subpart as may be requested by the Secretary. The Secretary shall provide for close coordination with the Federal Communications Commission in the administration of his functions under this subpart which are of interest to or affect the functions of the Commission. The Secretary shall provide for close coordination with the Corporation for Public Broadcasting in the administration of his functions under this subpart which are of interest to or affect the functions of the Corporation.”

#### CONSTRUCTION

47 USC 397.

SEC. 6. Section 397(2) of the Communications Act of 1934 is amended to read as follows:

Definition.

“(2) The term ‘construction’, as applied to educational television broadcasting facilities or educational radio broadcasting facilities, means the acquisition and installation of transmission and reception apparatus (including towers, microwave equipment, boosters, translators, repeaters, mobile equipment, video recording equipment, non-video recording equipment, radio subcarrier receivers, and satellite transceivers) necessary for television broadcasting or radio broadcasting, as the case may be, including apparatus which may incidentally be used for transmitting closed circuit television or radio programs, but such term does not include the construction or repair of structures to house such apparatus. In the case of apparatus, the acquisition and installation of which is so included, such term also includes planning therefor.”

## AUDIO RECORDING EQUIPMENT

SEC. 7. Section 399(b) of the Communications Act of 1934 is amended by adding at the end thereof the following new paragraph:

“(5) From amounts appropriated pursuant to section 391 after the date of enactment of this paragraph, the Secretary may make a grant to any licensee of a noncommercial educational broadcast station who received assistance under this part of the full amount necessary to acquire equipment to permit such licensee to comply with paragraph (1) of this subsection.”

47 USC 399.

Grant.  
47 USC 391.

## TELECOMMUNICATIONS DEMONSTRATIONS

SEC. 8. The Communications Act of 1934 is amended by adding after section 392 the following new section:

## “TELECOMMUNICATIONS DEMONSTRATIONS

“SEC. 392A. (a) It is the purpose of this section to promote the development of nonbroadcast telecommunications facilities and services for the transmission, distribution and delivery of health, education, and public or social service information. The Secretary is authorized, upon receipt of an application in such form and containing such information as he may by regulation require, to make grants to, and enter into contracts with public and private nonprofit agencies, organizations, and institutions for the purpose of carrying out telecommunications demonstrations.

47 USC 392a.

Grants and  
contracts.

“(b) The Secretary may approve an application submitted under subsection (a) if he determines—

Application  
approval.

“(1) that the project for which application is made will demonstrate innovative methods or techniques of utilizing nonbroadcast telecommunications equipment or facilities to satisfy the purpose of this section;

“(2) that demonstrations and related activities assisted under this section will remain under the administration and control of the applicant;

“(3) that the applicant has the managerial and technical capability to carry out the project for which the application is made; and

“(4) that the facilities and equipment acquired or developed pursuant to the application will be used substantially for the transmission, distribution, and delivery of health, education, or public or social service information.

“(c) Upon approving any application under this section with respect to any project, the Secretary shall make a grant to or enter into a contract with the applicant in an amount determined by the Secretary not to exceed the reasonable and necessary cost of such project. The Secretary shall pay such amount from the sum available therefor, in advance or by way of reimbursement, and in such installments consistent with established practice, as he may determine.

“(d) Funds made available pursuant to this section shall not be available for the construction, remodeling, or repair of structures to house the facilities or equipment acquired or developed with such funds, except that such funds may be used for minor remodeling which is necessary for and incident to the installation of such facilities or equipment.

“Nonbroadcast telecommunications facilities.”

“(e) For purposes of this section, the term ‘nonbroadcast telecommunications facilities’ includes, but is not limited to, cable television systems, communications satellite systems and related terminal equipment, and other methods of transmitting, emitting, or receiving images and sounds or intelligence by means of wire, radio, optical, electromagnetic or other means.

“(f) The funding of any demonstration pursuant to this section shall continue for not more than three years from the date of the original grant or contract.

Summary and evaluation.

“(g) The Secretary shall require that the recipient of a grant or contract under this section submit a summary and evaluation of the results of the demonstration at least annually for each year in which funds are received pursuant to this section.

Appropriation authorization.

“(h) There are authorized to be appropriated \$1,000,000 for the fiscal year ending September 30, 1977, and \$250,000 for the period July 1, 1976, through September 30, 1976, to carry out the provisions of this section. Sums appropriated under this subsection for any fiscal year or period shall remain available for payment of grants or contracts for projects for which applications approved under this section have been submitted within one year after the last day of such fiscal year or period.”.

Approved June 5, 1976.

**LEGISLATIVE HISTORY:**

HOUSE REPORT No. 94-772 (Comm. on Interstate and Foreign Commerce).

SENATE REPORT No. 94-813 (Comm. on Commerce).

CONGRESSIONAL RECORD, Vol. 122 (1976):

Jan. 20, considered and passed House.

May 13, considered and passed Senate, amended.

May 25, House concurred in Senate amendments.