

BROADCASTING OF INDECENT PROGRAMMING; FCC  
REGULATIONS

Pub. L. 102-356, §16(a), Aug. 26, 1992, 106 Stat. 954, provided that: "The Federal Communications Commission shall promulgate regulations to prohibit the broadcasting of indecent programming—

"(1) between 6 a.m. and 10 p.m. on any day by any public radio station or public television station that goes off the air at or before 12 midnight; and

"(2) between 6 a.m. and 12 midnight on any day for any radio or television broadcasting station not described in paragraph (1).

The regulations required under this subsection shall be promulgated in accordance with section 553 of title 5, United States Code, and shall become final not later than 180 days after the date of enactment of this Act [Aug. 26, 1992]."

CONGRESSIONAL FINDINGS REGARDING ACCESS BY  
HEARING-IMPAIRED PEOPLE TO TELEVISION MEDIUM

Pub. L. 101-431, §2, Oct. 15, 1990, 104 Stat. 960, provided that: "The Congress finds that—

"(1) to the fullest extent made possible by technology, deaf and hearing-impaired people should have equal access to the television medium;

"(2) closed-captioned television transmissions have made it possible for thousands of deaf and hearing-impaired people to gain access to the television medium, thus significantly improving the quality of their lives;

"(3) closed-captioned television will provide access to information, entertainment, and a greater understanding of our Nation and the world to over 24,000,000 people in the United States who are deaf or hearing-impaired;

"(4) closed-captioned television will provide benefits for the nearly 38 percent of older Americans who have some loss of hearing;

"(5) closed-captioned television can assist both hearing and hearing-impaired children with reading and other learning skills, and improve literacy skills among adults;

"(6) closed-captioned television can assist those among our Nation's large immigrant population who are learning English as a second language with language comprehension;

"(7) currently, a consumer must buy a TeleCaption decoder and connect the decoder to a television set in order to display the closed-captioned television transmissions;

"(8) technology is now available to enable that closed-caption decoding capability to be built into new television sets during manufacture at a nominal cost by 1991; and

"(9) the availability of decoder-equipped television sets will significantly increase the audience that can be served by closed-captioned television, and such increased market will be an incentive to the television medium to provide more captioned programming."

DIRECTION ON USE OF FUNDS REGARDING SPECTRUM  
ALLOCATION AND ASSIGNMENTS FOR PUBLIC SAFETY  
PURPOSES

Pub. L. 98-214, §9, Dec. 8, 1983, 97 Stat. 1470, provided that:

"(a) Funds authorized to be appropriated under section 2 of this Act [amending section 156 of this title] shall be used by the Federal Communications Commission to establish a plan which adequately ensures that the needs of State and local public safety authorities would be taken into account in making allocations of the electromagnetic spectrum. In establishing such a plan the Commission shall (1) review the current and future needs of such public safety authorities in light of suitable and commercially available equipment and (2) consider the need for a nationwide contiguous frequency allocation for public safety purposes.

"(b) Pending adoption of a plan, the Commission, while making assignments and allocations, shall duly

recognize the needs of State and local public safety authorities."

**§ 303a. Standards for children's television programming**

**(a) Establishment**

The Commission shall, within 30 days after October 18, 1990, initiate a rulemaking proceeding to prescribe standards applicable to commercial television broadcast licensees with respect to the time devoted to commercial matter in conjunction with children's television programming. The Commission shall, within 180 days after October 18, 1990, complete the rulemaking proceeding and prescribe final standards that meet the requirements of subsection (b).

**(b) Advertising duration limitations**

Except as provided in subsection (c), the standards prescribed under subsection (a) shall include the requirement that each commercial television broadcast licensee shall limit the duration of advertising in children's television programming to not more than 10.5 minutes per hour on weekends and not more than 12 minutes per hour on weekdays.

**(c) Review of advertising duration limitations; modification**

After January 1, 1993, the Commission—

(1) may review and evaluate the advertising duration limitations required by subsection (b); and

(2) may, after notice and public comment and a demonstration of the need for modification of such limitations, modify such limitations in accordance with the public interest.

**(d) "Commercial television broadcast licensee" defined**

As used in this section, the term "commercial television broadcast licensee" includes a cable operator, as defined in section 522 of this title.

(Pub. L. 101-437, title I, §102, Oct. 17, 1990, 104 Stat. 996.)

**Editorial Notes**

CODIFICATION

Section was enacted as part of the Children's Television Act of 1990, and not as part of the Communications Act of 1934 which comprises this chapter.

**Statutory Notes and Related Subsidiaries**

CONGRESSIONAL FINDINGS

Pub. L. 101-437, title I, §101, Oct. 17, 1990, 104 Stat. 996, provided that: "The Congress finds that—

"(1) it has been clearly demonstrated that television can assist children to learn important information, skills, values, and behavior, while entertaining them and exciting their curiosity to learn about the world around them;

"(2) as part of their obligation to serve the public interest, television station operators and licensees should provide programming that serves the special needs of children;

"(3) the financial support of advertisers assists in the provision of programming to children;

"(4) special safeguards are appropriate to protect children from overcommercialization on television;

"(5) television station operators and licensees should follow practices in connection with children's

television programming and advertising that take into consideration the characteristics of this child audience; and

“(6) it is therefore necessary that the Federal Communications Commission (hereinafter referred to as the ‘Commission’) take the actions required by this title [enacting sections 303a and 303b of this title].”

**§ 303b. Consideration of children’s television service in broadcast license renewal**

(a) After the standards required by section 303a of this title are in effect, the Commission shall, in its review of any application for renewal of a commercial or noncommercial television broadcast license, consider the extent to which the licensee—

(1) has complied with such standards; and

(2) has served the educational and informational needs of children through the licensee’s overall programming, including programming specifically designed to serve such needs.

(b) In addition to consideration of the licensee’s programming as required under subsection (a), the Commission may consider—

(1) any special nonbroadcast efforts by the licensee which enhance the educational and informational value of such programming to children; and

(2) any special efforts by the licensee to produce or support programming broadcast by another station in the licensee’s marketplace which is specifically designed to serve the educational and informational needs of children.

(Pub. L. 101-437, title I, §103, Oct. 17, 1990, 104 Stat. 997; Pub. L. 102-356, §15, Aug. 26, 1992, 106 Stat. 954; Pub. L. 103-414, title III, §303(c), Oct. 25, 1994, 108 Stat. 4296.)

**Editorial Notes**

CODIFICATION

Section was enacted as part of the Children’s Television Act of 1990, and not as part of the Communications Act of 1934 which comprises this chapter.

AMENDMENTS

1994—Subsec. (a). Pub. L. 103-414 substituted “non-commercial” for “noncommercial”.

1992—Subsec. (a). Pub. L. 102-356 inserted reference to commercial or noncommercial television broadcast licenses.

**§ 303c. Television program improvement**

**(a) Short title**

This section may be cited as the “Television Program Improvement Act of 1990”.

**(b) Definitions**

For purposes of this section—

(1) the term “antitrust laws” has the meaning given it in subsection (a) of section 12 of title 15, except that such term includes section 45 of title 15 to the extent that section 45 of title 15 applies to unfair methods of competition;

(2) the term “person in the television industry” means a television network, any entity which produces programming (including theatrical motion pictures) for telecasting or telecasts programming, the National Cable Television Association, the Association of Inde-

pendent Television Stations, Incorporated, the National Association of Broadcasters, the Motion Picture Association of America, the Community Antenna Television Association, and each of the networks’ affiliate organizations, and shall include any individual acting on behalf of such person; and

(3) the term “telecast” means—

(A) to broadcast by a television broadcast station; or

(B) to transmit by a cable television system or a satellite television distribution service.

**(c) Exemption**

The antitrust laws shall not apply to any joint discussion, consideration, review, action, or agreement by or among persons in the television industry for the purpose of, and limited to, developing and disseminating voluntary guidelines designed to alleviate the negative impact of violence in telecast material.

**(d) Limitations**

(1) The exemption provided in subsection (c) shall not apply to any joint discussion, consideration, review, action, or agreement which results in a boycott of any person.

(2) The exemption provided in subsection (c) shall apply only to any joint discussion, consideration, review, action, or agreement engaged in only during the 3-year period beginning on December 1, 1990.

(Pub. L. 101-650, title V, §501, Dec. 1, 1990, 104 Stat. 5127.)

**Editorial Notes**

CODIFICATION

Section was enacted as part of the Television Program Improvement Act of 1990 and also as part of the Judicial Improvements Act of 1990, and not as part of the Communications Act of 1934 which comprises this chapter.

**§ 304. Waiver by license of claims to particular frequency or of electromagnetic spectrum**

No station license shall be granted by the Commission until the applicant therefor shall have waived any claim to the use of any particular frequency or of the electromagnetic spectrum as against the regulatory power of the United States because of the previous use of the same, whether by license or otherwise.

(June 19, 1934, ch. 652, title III, §304, 48 Stat. 1083; Pub. L. 97-259, title I, §127(a), Sept. 13, 1982, 96 Stat. 1099; Pub. L. 102-538, title II, §204(a), Oct. 27, 1992, 106 Stat. 3543.)

**Editorial Notes**

AMENDMENTS

1992—Pub. L. 102-538 substituted “waived” for “signed a waiver of”.

1982—Pub. L. 97-259 substituted “electromagnetic spectrum” for “ether”.

**§ 305. Government owned stations**

**(a) Frequencies; compliance with regulations; stations on vessels**

Radio stations belonging to and operated by the United States shall not be subject to the