79TH CONGRESS } HOUSE OF REPRESENTATIVES { REPORT
2d Session } { No. 1824

PROHIBITING CERTAIN COERCIVE PRACTICES AFFECTING RADIO BROADCASTING

MARCH 27, 1946.—Ordered to be printed

Mr. LEA, from the committee of conference, submitted the following

CONFERENCE REPORT

[To accompany S. 63]

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 63) to amend the Communications Act of 1934, as amended, so as to prohibit interference with the broadcasting of noncommercial cultural or educational programs, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House to the text of the bill and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the House amendment insert the following: *That title V of the Communications Act of 1934, as amended, is amended by inserting after section 505 thereof the following new section:*

"COERCIVE PRACTICES AFFECTING BROADCASTING

"SEC. 506. (a) It shall be unlawful, by the use or express or implied threat of the use of force, violence, intimidation, or duress, or by the use or express or implied threat of the use of other means, to coerce, compel or constrain or attempt to coerce, compel, or constrain a licensee—

"(1) to employ or agree to employ, in connection with the conduct of the broadcasting business of such licensee, any person or persons in excess of the number of employees needed by such licensee to perform actual services; or

"(2) to pay or give or agree to pay or give any money or other thing of value in lieu of giving, or on account of failure to give, employment to any person or persons, in connection with the conduct

of the broadcasting business of such licensee, in excess of the number of employees needed by such licensee to perform actual services; or

"(3) to pay or agree to pay more than once for services performed in connection with the conduct of the broadcasting business of such licensee; or

"(4) to pay or give or agree to pay or give any money or other thing of value for services, in connection with the conduct of the broadcasting business of such licensee, which are not to be performed; or

"(5) to refrain, or agree to refrain, from broadcasting or from permitting the broadcasting of a noncommercial educational or cultural program in connection with which the participants receive no money or other thing of value for their services, other than their actual expenses, and such licensee neither pays nor gives any money or other thing of value for the privilege of broadcasting such program nor receives any money or other thing of value on account of the broadcasting of such program; or

"(6) to refrain, or agree to refrain, from broadcasting or permitting the broadcasting of any radio communication originating outside the United States.

"(b) It shall be unlawful, by the use or express or implied threat of the use of force, violence, intimidation or duress, or by the use or express or implied threat of the use of other means, to coerce, compel or constrain or attempt to coerce, compel or constrain a licensee or any other person—

"(1) to pay or agree to pay any exaction for the privilege of, or on account of, producing, preparing, manufacturing, selling, buying, renting, operating, using, or maintaining recordings, transcriptions, or mechanical, chemical, or electrical reproductions, or any other articles, equipment, machines, or materials, used or intended to be used in broadcasting or in the production, preparation, performance, or presentation of a program or programs for broadcasting; or

"(2) to accede to or impose any restriction upon such production, preparation, manufacture, sale, purchase, rental, operation, use, or maintenance, if such restriction is for the purpose of preventing or limiting the use of such articles, equipment, machines, or materials in broadcasting or in the production, preparation, performance, or presentation of a program or programs for broadcasting; or

"(3) to pay or agree to pay any exaction on account of the broadcasting, by means of recordings or transcriptions, of a program previously broadcast, payment having been made, or agreed to be made, for the services actually rendered in the performance of such program.

"(c) The provisions of subsection (a) or (b) of this section shall not be held to make unlawful the enforcement or attempted enforcement, by means lawfully employed, of any contract right heretofore or hereafter existing or of any legal obligation heretofore or hereafter incurred or assumed.

"(d) Whoever willfully violates any provision of subsection (a) or (b) of this section shall, upon conviction thereof, be punished by imprisonment for not more than one year or by a fine of not more than $1,000, or both.

"(e) As used in this section the term 'licensee' includes the owner or owners, and the person or persons having control or management, of the radio station in respect of which a station license was granted."

And the House agree to the same.

That the Senate recede from its disagreement to the amendment of the House to the title of the bill, and agree to the same.

CLARENCE F. LEA,
A. L. BULWINKLE,
OREN HARRIS,
CARROLL REECE,
CLARENCE J. BROWN,
Managers on the Part of the House.

E. C. JOHNSON,
JAMES M. TUNNELL,
FRANCIS J. MYERS,
WALLACE H. WHITE, JR.,
WARREN R. AUSTIN,
Managers on the Part of the Senate.

STATEMENT OF THE MANAGERS ON THE PART OF THE HOUSE

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 63) to amend the Communications Act of 1934, as amended, so as to prohibit interference with the broadcasting of noncommercial cultural or educational programs, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

The bill as agreed to in conference, except for two minor changes, is the same as the bill as passed by the House. The two changes made by the committee of conference are as follows:

In paragraphs (1) and (3) of the proposed new section 506 (b) of the Communications Act of 1934, the word "tribute" has been stricken out and the words "any exaction" have been substituted therefor. This change does not modify the meaning of these paragraphs, but was made merely for the purpose of using a term which the conferees deemed to be more appropriate than the term "tribute".

The other change is in subsection (c) of the proposed new section 506 of the Communications Act of 1934. In the bill as passed by the House this subsection provided that subsection (a) or (b) should not be held to make unlawful the enforcement, by means lawfully employed, of "any contract right or legal obligation". The quoted language has been modified to make it perfectly clear that it refers not only to contract rights and legal obligations which may have arisen prior to the enactment of the legislation, but also to contract rights and legal obligations which may arise after the enactment of the legislation.

CLARENCE F. LEA,
A. L. BULWINKLE,
OREN HARRIS,
CARROLL REECE,
CLARENCE J. BROWN,
Managers on the Part of the House.

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