

86TH CONGRESS  
2D SESSION

# S. 1898

[Report No. 1857]

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IN THE SENATE OF THE UNITED STATES

AUGUST 19, 1960

COMMUNICATIONS ACT AMENDMENTS, 1960

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## AMENDMENTS

Reported by Mr. PASTORE, from the Committee on Interstate and Foreign Commerce, to the House amendment to the bill (S.1898) to amend the Communications Act of 1934 with respect to the procedure in obtaining a license and for rehearings under such act:

1       On page 14 of the House engrossed amendments, line  
2 4, strike out "SUSPENSION, REVOCATION," and insert "REV-  
3 OCATION".

4       On page 14 of the House engrossed amendments, line 6,  
5 strike out "(a) Section" and insert "Subsections (a) and  
6 (b) of section", and in line 7 strike out "is" and insert  
7 "are".

1 On page 14 of the House engrossed amendments, line  
2 23, after "any" insert "final".

3 On page 15 of the House engrossed amendments, after  
4 the period in line 10 insert quotation marks, and beginning  
5 with line 11, strike out the remainder of such page and all  
6 of pages 16 and 17.

7 On page 18 of the House engrossed amendments, begin-  
8 ning with line 8, strike out the remainder of such page and  
9 in lieu thereof insert the following:

10 " (b) (1) Any licensee or permittee of a broadcast sta-  
11 tion who —

12 " (A) willfully or repeatedly fails to operate such  
13 station substantially as set forth in his license or permit,

14 " (B) willfully or repeatedly fails to observe any of  
15 the provisions of this Act or of any rule or regulation  
16 of the Commission prescribed under authority of this  
17 Act or under authority of any treaty ratified by the  
18 United States,

19 " (C) fails to observe any final cease and desist  
20 order issued by the Commission,

21 " (D) violates Section 317 (c) or Section 509 (a)  
22 (4) of this Act, or

23 " (E) violates section 1304, 1343, or 1464 of title  
24 18 of the United States Code, shall forfeit to the United  
25 States a sum not to exceed \$1,000. Each day during

1 which such violation occurs shall constitute a separate  
2 offense. Such forfeiture shall be in addition to any other  
3 penalty provided by this Act.

4 “(2) No forfeiture liability under paragraph (1) of  
5 this subsection (b) shall attach unless a written notice of  
6 apparent liability shall have been issued by the Commission  
7 and such notice has been received by the licensee or per-  
8 mittee or the Commission shall have sent such notice by  
9 registered or certified mail to the last known address of the  
10 licensee or permittee. A licensee or permittee so notified  
11 shall be granted an opportunity to show in writing, within  
12 such reasonable period as the Commission shall by regula-  
13 tions prescribe, why he should not be held liable. A notice  
14 issued under this paragraph shall not be valid unless it sets  
15 forth the date, facts, and nature of the act or omission with  
16 which the licensee or permittee is charged and specifically  
17 identifies the particular provision or provisions of the law,  
18 rule, or regulation or the license, permit, or cease and desist  
19 order involved.

20 “(3) No forfeiture liability under paragraph (1) of  
21 this subsection (b) shall attach for any violation occurring  
22 more than one year prior to the date of issuance of the notice  
23 of apparent liability and in no event shall the forfeiture im-  
24 posed for the acts or omissions set forth in any notice of  
25 apparent liability exceed \$10,000.”

1 (b) Section 504(a) of the Communications Act of  
2 1934 (47 U.S.C. 504) is amended by inserting after  
3 "Provided," in the first sentence thereof the following: "That  
4 any suit for the recovery of a forfeiture imposed pursuant  
5 to the provisions of this Act shall be a trial de novo:  
6 *Provided further,*".

7 (c) Section 504(b) of such Act is amended by striking  
8 out "section 507" and inserting in lieu thereof "sections  
9 503(b) and 507".

10 (d) Section 504 of such Act is further amended by  
11 adding a new subsection to read as follows:

12 "(c) In any case where the Commission issues a notice  
13 of apparent liability looking toward the imposition of a for-  
14 feiture under this Act, that fact shall not be used, in any  
15 other proceeding before the Commission, to the prejudice of  
16 the person to whom such notice was issued, unless (i) the  
17 forfeiture has been paid, or (ii) a court of competent juris-  
18 diction has ordered payment of such forfeiture, and such  
19 order has become final."

20 On page 22 of the House engrossed amendments, line  
21 12, beginning with "The", strike out all through "section."  
22 in line 14 and in lieu thereof insert the following:

23 "(c) The inclusion in the program of the announcement  
24 required by section 317 shall constitute the disclosure re-  
25 quired by this section."

1        On page 22 of the House engrossed amendments, line 15,  
2 strike out “(e)” and insert “(f)”.

3        On page 22 of the House engrossed amendments, line  
4 25, strike out “(f)” and insert “(g)”.

Amend the title so as to read: “An Act to promote the public interest by amending the Communications Act of 1934, to provide a pre-grant procedure in case of certain applications; to impose limitations on payoffs between applicants; to require disclosure of payments made for the broadcasting of certain matter; to grant authority to impose forfeitures in the broadcast service; and to prohibit deceptive practices in contests of intellectual knowledge, skill, or chance; and for other purposes.”