

PUBLIC BROADCASTING ACT OF 1967

MAY 11 (legislative day, MAY 10), 1967.—Ordered to be printed

Mr. PASTORE, from the Committee on Commerce, submitted the following

REPORT

[To accompany S. 1160]

The Committee on Commerce, to which was referred the bill (S. 1160) to amend the Communications Act of 1934 by extending and improving the provisions thereof relating to grants for construction of educational television broadcasting facilities, by authorizing assistance in the construction of noncommercial educational radio broadcasting facilities, by establishing a nonprofit corporation to assist in establishing innovative educational programs, to facilitate education program availability, and to aid the operation of educational broadcasting facilities; and to authorize a comprehensive study of instructional television and radio; and for other purposes, having considered the same, reports favorably thereon with amendments and recommends that the bill as amended do pass.

PURPOSE OF THE BILL

Radio and television broadcasting are forces of staggering importance in our society. Approximately one and a half billion man-hours per week are spent with these media by the people of this country. Television viewing alone occupies nearly one-fourth of the waking hours of the average American. The airwaves themselves over which programs are broadcast are public property. Developing this natural resource in the best interests of society as a whole has been the subject of previous congressional action. In 1962 concern for this development prompted this committee to urge passage of Public Law 87-447, an amendment to the Communications Act of 1934, to hasten the construction of ETV stations. The intent of S. 1160, the Public Broadcasting Act of 1967, is to improve the facilities and program quality of the Nation's educational broadcasting stations so that this natural resource may be used to its fullest for the betterment of individual and community life.

S. 1160, the Public Broadcasting Act of 1967, has three major objectives: (1) to assist in providing the broadcast facilities necessary to carry educational radio and television programs to as many of the citizens of this country as possible; (2) to improve the service of educational broadcasting stations by providing a mechanism whereby programs of high quality, responsive to the cultural and educational needs of the people, can be encouraged and made available for use by local stations as they see fit to better serve their communities; and (3) to assess the role of broadcast and related media such as instructional television fixed services, closed circuit, two-way communication of data computer links and community antenna television service, in formal instruction and to investigate future actions and procedures required to more completely integrate the utilization of such media with educational objectives.

GENERAL STATEMENT

The Federal Communications Commission in 1952 set aside 242 station channels for the exclusive use of noncommercial educational television. By 1961 the number of reserved channels had increased to 268, and by February 1966 the number of channels reserved for noncommercial television had reached 329. In February 1966, the Commission issued an overall revision of its UHF assignment table for the Nation, this new plan set aside approximately 25 percent of the UHF reservations for education. Thus, today 633 reservations are specifically available to educational television in the United States (117 VHF and 516 UHF).

During the course of the hearings on S. 1160, your committee has heard witness after witness testify to the worth and contributions that the Educational Television Facilities Act of 1962 has made.

The Secretary of Health, Education, and Welfare whose Department administered that act said that it brought noncommercial television to the threshold of maturity. Rosel H. Hyde, Chairman of the Federal Communications Commission, stated that the legislation "had a dramatic impact upon the expansion of existing ETV facilities." And, John F. White, president of National Educational Television, testified that:

the Educational Television Facilities Act of 1962 has provided essential assistance for the construction of new ETV stations and the improvement of existing stations at a critical time in the history of noncommercial television.

According to testimony of HEW and the FCC before your committee, the Educational Television Facilities Act (Public Law 87-447), provided significant stimulus to the growth of educational television stations and title I of this bill will continue and extend that program. By July 1967 when Public Law 87-447 will expire, the number of ETV stations on the air or under construction will be 183 compared with 82 in May 1963 when the program was initiated. (The appendix contains two maps showing locations of ETV stations on the air as of March 21, 1967, and a listing of ETV broadcast stations assisted by the Educational Television Facilities Act as of March 31, 1967.) The number of States with no educational television station will have been reduced from 15 to three. The number of people served by an ETV station will be increased from 105 to 155 million. However, 200

to 300 new ETV stations are needed to approach more completely provision of this service to all of our citizens.

Most of the major metropolitan areas are included in the three-fourths of the population that will be within the coverage of an ETV station when Public Law 87-447 expires. The additional stations required to serve the remaining population will, by and large, be in smaller communities with limited resources. Such stations are in special need of the assistance to be provided by this legislation for construction of facilities and for the interconnections necessary to receive programs from larger, established stations. Title I of S. 1160 will also assist States to achieve their goals of service to all areas through construction of State networks.

The history of the development of educational radio is much older. Unlike noncommercial educational television, however, Federal funds were not made available for it under the 1962 act. S. 1160 will for the first time permit educational radio stations to be eligible to receive Federal matching grants for construction and expansion of facilities.

Presently, there are 346 such stations in operation, with construction permits granted to 18 more, and 20 more applications pending before the Federal Communications Commission. Of these 346, 311 use those channels in the FM band reserved for educational radio; 15 use the nonreserved FM band and 20 are AM stations. According to testimony before your committee, the growth rate of educational radio has approximated two new stations per month during the past 4 years. This legislation should encourage this growth.

Within the past year the great need for an expanded, strengthened educational broadcasting system has been illuminated by a number of reports on the subject such as the report of the Carnegie Commission on Educational Television; the proposal of the Ford Foundation filed with the Federal Communications Commission; and the "Hidden Medium: A Status Report on Educational Radio in the United States," prepared for the National Association of Educational Broadcasters. These and similar documents have contributed a significant public service by underscoring the need for educational broadcasting. Their many valuable recommendations and analyses have aided your committee immeasurably in its consideration of this legislation.

Despite the growth of educational broadcasting, however, it is apparent that existing facilities and resources are not adequate to meet the needs and opportunity facing noncommercial television and radio. In his message to Congress recommending legislation in this area President Johnson said:

Noncommercial television today is reaching only a fraction of its potential audience—and achieving only a fraction of its potential worth. Clearly, the time has come to build on the experience of the past 14 years, the important studies that have been made, and the beginnings we have made.

His words are equally true of educational radio.

There was unanimous agreement among the witnesses that hundreds of new educational television stations will be needed before something close to national coverage is accomplished. Your committee has heard testimony from HEW to the effect that there is a significant backlog of need in the facilities construction program. Similarly, the report of

the Carnegie Commission cited the need for additional stations and the necessity for improved facilities in the existing ones.

We also heard impressive testimony about the role educational radio has played and what some of its plans for the future are. The need for additional stations, the expansion and improvement of existing facilities, and the necessity of utilizing new technology were stressed if educational radio is to do its part in serving the educational needs of the American public.

Your committee was encouraged by the testimony indicating the active role many States are taking in the development of educational broadcasting, particularly in the development of statewide service. Mr. Lee B. Franks of the Georgia Department of Education and chairman of the Southern Network Committee, informed us that at least 15 States are already developing complete statewide educational television operating networks. Jerrold Sandler, executive director of National Educational Radio, testified 20 States have plans for the development of statewide educational radio networks.

The broad changes S. 1160 makes in the Educational Television Facilities Act of 1962 will aid and encourage the bold and imaginative plans for educational broadcasting which have been put before us in the course of these hearings on the bill.

The provision of facilities is an important first step in the development of educational broadcasting systems. It is clear, however, that the programs presented need to be of the highest attainable quality if educational broadcasting stations are to make optimum use of the scarce channels they occupy and the facilities with which they have been provided. There is general agreement that for the time being, Federal financial assistance is required to provide the resources necessary for quality programs. It is also recognized that this assistance should in no way involve the Government in programming or program judgments. An independent entity supported by Federal funds is required to provide programs free of political pressures. The Corporation for Public Broadcasting, a nonprofit private corporation, authorized by title II of S. 1160 provides such an entity.

It is estimated that during the 1965-66 school year 6½ million students in kindergarten through the 12th grade were provided with classroom instruction by way of educational television stations. Other evidence also testifies to the important contribution these stations are making to formal education. However, the development of low cost, portable video tape recorders, computer assisted instruction, closed circuit and instructional fixed television service systems has raised important questions about the future role of broadcast stations in electronic instruction. In addition, there is a need to examine the means by which televised instruction can be more closely integrated with the total educational process so that the unique contributions of telecommunications can be exploited more completely for the benefit of our young people. Title III of S. 1160 is responsive to these needs by authorizing a study of instructional broadcasting upon which recommendations for future development can be based.

PROVISIONS OF THE LEGISLATION

The Public Broadcasting Act of 1967 is made up of three sections—title I, II, and III.

TITLE I

Title I provides grants for the construction of educational television and radio broadcast facilities. Costs of the acquisition and installation of broadcast transmission equipment are eligible for support; not eligible are the costs of land and buildings. The inclusion of grants to educational radio stations is an important addition to the facilities program; it will provide the basis for helping educational radio achieve its potential for great service at relatively low cost. The level of Federal support for facilities grants is increased to a maximum of 75 percent and the 15 percent limitation on expenditures for interconnection facilities is eliminated. Both of these provisions will be of special importance to the new stations which need encouragement to serve less populated areas. The limitation of \$1 million to be granted in one State existing in the current program is replaced by a State limit of 12½ percent of the total appropriated for grants in a fiscal year.

Some fear was expressed, however, that under this formula a small number of States, for example, eight, could exhaust the appropriation in any one year. However, your committee was impressed with the presentation of HEW that raising the limit to 12½ percent, as S. 1160 would do, would provide greater flexibility in the administration of the grant program. This added flexibility is highly desirable in view of the greater needs of some States and the fact that all States are not in the same stage of development of their plans for educational broadcasting. The committee accepts the position of HEW that in its administration of the grant program within this more flexible framework it would take into account the requirements of all States, the amounts previously disbursed to individual States, and the reservation of funds for States not yet ready to construct.

S. 1160 also eliminates the equipment credit provision which was in the 1962 act. From the testimony submitted by HEW it appears that provision has served its purpose and is no longer necessary. The basic matching grant requirement of 50 percent under the 1962 act, however, has been raised to 75 percent. According to HEW, from its experience in administering the 1962 act, a 50-percent equipment grant often represented as little as 20 percent of the total station cost, leaving 80 percent of the station cost to be raised locally. Accordingly, your committee is persuaded that 75 percent more realistically achieves the purposes for which the grants are made.

Another provision of the 1962 act which has been eliminated is the limitation of 15 percent of the grant money to be used for interconnection purposes. Interconnection is highly important in ETV and educational radio, and the availability of an interconnection system can be critical to the establishment of a Statewide system of educational broadcasting. Your committee therefore feels that the allocation of resources for interconnection should be left to the demands of the individual applicants and the judgment of the administering agency.

The program is extended through 1972 by this legislation; \$10.5 million is authorized for facilities construction for fiscal year 1968 and represents a small expansion over the existing level of funding

activity under the 1962 act. The committee was especially impressed by the unfulfilled potential for community service that exists in non-commercial educational radio. The inclusion of assistance for the construction of noncommercial educational radio facilities should serve to stimulate an increased awareness among educational radio broadcasters of the significant contribution they can make to the communities they serve. The committee is confident that broad community service will be stimulated, but it recognizes that a period of time will be required to accomplish the planning needed to meet appropriate criteria. In this connection we are aware that the Federal Communications Commission is currently reexamining its table of allocations for FM educational broadcasting. An early resolution of this matter would certainly be a major step in the formulation of plans for educational radio.

Although it is anticipated that a relatively small number of radio construction grants will be made during the first year, your committee expects that HEW will use its discretion to assure that educational radio receives an adequate share of the money appropriated for educational broadcasting.

TITLE II

The mere existence of stations, however, is no assurance of a vital nationwide noncommercial broadcasting system. Noncommercial broadcasting must have something to offer if it is to appeal to the minds and hearts of the listening and viewing public throughout the land. As one witness, Mr. John White, president, National Educational Television, testified:

Stations in general are better supplied with equipment and facilities (because of the 1962 act) than they are in the capacity for creating good local programs, the money for promotion and the money to employ the kind of talent and skill necessary for effective broadcasting.

There must, therefore, not only be more educational facilities, but higher quality educational programs and the means of distributing these programs to the individual stations. The programming of these stations should not only be supplementary to but competitive with commercial broadcasting services. This competition will benefit both types of service.

In this connection your committee wishes to make crystal clear that the enactment of this legislation and the growth of noncommercial broadcasting services, will in no way relieve commercial broadcasters of their responsibilities to present public affairs and public service programs, and in general to program their stations in the public interest.

Your committee was impressed by the appearance of many distinguished authorities in the field of broadcasting and particularly their testimony as to what noncommercial broadcasting must become if it truly is to offer the American public the kind of programming to which it is entitled and which will be necessary if this medium is to gain the support of all the people.

First, public television must be provided with such abundant programming as to offer for each local station both diversity and choice. Although the aims of noncommercial broadcasting should be directed

toward cultural and information programs, it should not be so highly specialized, however, that it caters only to the most esoteric tastes. Particularly in the area of public affairs your committee feels that noncommercial broadcasting is uniquely fitted to offer in-depth coverage and analysis which will lead to a better informed and enlightened public.

It is expected that programing will come from major national production centers, independent producers, and from stations all over the United States. At the same time, however, it should be remembered that local stations are the bedrock of this system and as such must be responsive to the needs and desires of the public which they serve. It is not intended, therefore, that these stations be mere conduits for the productions of other stations or other outside sources.

Second, the programs which are offered must approach the highest possible production standards consistent with funds and talent available. It must be remembered that a whole generation of viewers has grown accustomed to the professionalism of commercial television and if educational television is to attract and hold audiences it must keep this in mind.

Title II of S. 1160 embodies the bold and imaginative concept of an independent, nonprofit corporation to assist in developing a vital noncommercial educational broadcasting system. It will be known as the Corporation for Public Broadcasting. Its mandate is to encourage and facilitate the expansion and development of noncommercial broadcasting and of program diversity.

The Corporation will be prohibited from engaging in political activity or applying political tests in any personnel actions or endorsing political candidates; will assist in the development of an interconnection system and make high quality programs available to educational broadcast stations; will contract for the production and procurement of programs and make payments to stations to support local programs and other costs; will have no authority itself to own or operate any stations, interconnections or production facilities; will submit an annual report to the President for transmittal to Congress.

Congress must be assured of the Corporation's responsible management without creating public confusion as to its independence. For this reason the annual report is required to be a full and comprehensive one as to the Corporation's operations, activities, financial condition, and accomplishments. Thus, an audit of the Corporation's affairs, by an independent accounting firm, would be expected. It would also have to require its grantees and contractors to maintain such records as are necessary to assure it that the purposes of the grants and contracts are being carried out.

The Board of Directors of the Corporation will consist of 15 members, nine to be appointed by the President with the advice and consent of the Senate and the remaining six to be elected by the Board. The criteria for the Board membership direct the selection of men of eminence, geographically representative of the Nation, to provide responsible direction of Corporation affairs.

The Corporation will assist in making programs available to stations, but the determination of what programs will be broadcast remains with the stations themselves. Individual stations, therefore, retain the responsibility to assess community needs and determine what programs will best meet those needs. The Corporation will have as one of its purposes the encouragement of program sources. Local autonomy

of stations and diversity of program sources will provide operational safeguards to assure the democratic functioning of the system.

Title II provides an authorization of \$9 million for the Corporation for the fiscal year 1968. Financing is, of course, one of the complex issues in the development of public broadcasting, and the \$9 million is only "seed" money, designed to get the Corporation off the ground. Much more money will be required in future years if the Corporation is to accomplish the task before it. The President said in his message to Congress, recommending the legislation that: "Next year, after careful review, I will make further proposals for the Corporation's long-term financing."

Your Committee wishes to applaud the Columbia Broadcasting System which, during the course of these hearings, has offered \$1 million to the Corporation upon enactment of this legislation, and also the United Auto Workers, who made a similar offer of \$25,000.

In view of the overwhelmingly favorable response for this legislation to date, your Committee feels confident that as time goes on and the people of the United States become aware of the great potential for a nationwide noncommercial educational broadcasting system to serve all of the country, contributions from diverse private sources—individual as well as institutional—will be made to the Corporation. We would hope that eventually the major source of revenue for the Corporation will be directly from the people of the United States rather than through the medium of the Federal Government.

The bill sets out guidelines to aid the Corporation in achieving its objectives and purposes. It directs the Corporation to facilitate the development of noncommercial broadcasting in which programs of high quality, obtained from diverse sources, will be made available; to assist in the establishment and development of one or more systems of noncommercial broadcasting and one or more systems of interconnection.

Of particular immediate importance is the development of intrastate and regional interconnections. At present 27 States are served in part by interconnection facilities. In virtually all instances planning of individual State networks is done without regard to what is being done in other States or what is being considered nationally. Since a national network, whether by satellite or land interconnection, will have to rely on State services for the widest possible dissemination of materials, there is a clearly apparent need for closer coordination and consultation among network planners. The Office of Telecommunications Management and the Department of Health, Education, and Welfare are urged not to delay in providing the initiative and expertise required for a coordinated effort to serve the public's interest through effective development and utilization of public television and other telecommunication media.

Among its activities, the Corporation is authorized to contract or make grants to program production entities, individuals, and selected noncommercial educational broadcast stations for the production or procurement of programs for national or regional distribution to noncommercial educational broadcast stations.

The range of programing for noncommercial educational broadcasting must not only be wide but of high quality if it is to attract the Nation as a listening and viewing audience. This theme permeated the testimony of the witnesses who appeared during the extensive hearings held by your committee. For the most part individual stations need

more personnel, facilities, and money to meet the requirements of program diversity.

The Corporation would also have funds available to assist stations in financing local educational program costs, and other operating cost. Particular mention is made of aid to stations for creative innovative programs. This assistance, your committee feels, will encourage imaginative and vigorous management of local stations and enable them to produce programs which are entirely local in their interest.

The Corporation could also establish or support libraries and archives of broadcast material and disseminate information about noncommercial broadcasting by the publication of a journal. These libraries and archives will make programs and materials available for distribution for educational use.

Questions as to whether the Corporation would charge stations for programs produced under its contracts or grants, whether the programs would be available to commercial stations, and whether the programs could be used for other educational purposes have been raised with respect to this legislation. In response to each question the committee believes the Corporation should have the flexibility required to respond to special circumstances that may surround individual cases. In general, however, we believe that educational stations should not be charged for Corporation-supported programs. The financial hardship of these stations is well known and to charge them for programs would be inconsistent with the intent of this legislation.

While the intent of this legislation is to assist the educational broadcasters, individual circumstances may require broadcast of Corporation-supported programs on commercial stations to serve people who could be reached in no other way. The committee foresees these as special cases requiring individual determinations by the Corporation. With the exception of such instances, it is expected that program availability will be limited to educational uses.

It is expected that programs supported by the Corporation will be available for use in the classroom and on closed circuit television and instructional fixed service television systems serving classroom instruction. Such instructional applications of these programs can and should become important secondary benefits of this legislation. The exact mechanism whereby such programs are distributed for classroom use is left to the discretion of the Corporation. It is expected, however, that to the fullest extent possible the Corporation will take advantage of existing educational materials centers to achieve broad and beneficial utilization.

The Corporation is empowered to establish advisory boards and panels to assist in carrying out its purposes. The committee views the aid available from such boards and panels as serving a particularly useful function. A wide range of expertise and special insights can be made available to the Corporation. The Corporation should be especially mindful of the value of consultation with commercial broadcasters; such consultation will be beneficial as both commercial and educational broadcasters strive to serve the public interest.

In order to assure the diversity and quality of programing envisioned for this system, adequate facilities for interconnection are vital. Interconnection, as defined in the bill, means the use of microwave equipment, boosters, translators, repeaters, communication space satellites,

or other apparatus or equipment for the transmission and distribution of television or radio programs to noncommercial educational television and radio stations. It can be used in two ways—for networking or for program distribution from a central point to all potential users. Although the fundamental concept of the noncommercial educational broadcasting system envisions strong local stations and hence de-emphasizes networking as we know it in commercial broadcasting, interconnection will play a crucial role. We, therefore, expect that the Corporation will develop a policy on interconnection which will reflect its primary purpose of program distribution while also recognizing that occasions will arise where live or simultaneous broadcasting will be warranted. Although S. 1160 authorizes the Corporation to contract directly with appropriate public or private corporations for interconnection, it leaves open the question of what type or types of interconnection facilities will best serve the proposed system, including the role that domestic satellites will play. In this regard, the President in his February 28 message stated:

Formulation of long-range policies concerning the future of satellite communications requires the most detailed and comprehensive study by the executive branch and the Congress.

During the course of these hearings, Gen. James D. O'Connell, Director of Telecommunications Management, testified that initially existing common carrier microwave facilities and land lines are adequate to serve the system.

Without in any way minimizing its importance or its possible implications for educational broadcasting, resolution of the issues centering on utilization of communications satellites is not held necessary for the passage of S. 1160. Implementation of this legislation's provisions should not and need not be delayed while these complex technical and policy problems are resolved. President Johnson has directed early experimentation with communication satellites to establish their usefulness for educational applications. It is the committee's hope that these experiments will proceed as swiftly as possible so that the public may receive the earliest possible benefits from space technology and the experience so gained can be of assistance in resolving the policy and technical issues currently under consideration. The creation of the Corporation for Public Broadcasting will provide the organizational structure necessary to assure educational broadcasting's participation in such experimentation. The committee is also encouraged by the attitude and interest voiced by representatives of the Department of Health, Education, and Welfare, the Office of Telecommunications Management, and representatives of private communications industries who along with NASA will have important roles in developing and implementing such experiments.

We also recognize that the Federal Communications Commission is currently conducting a broad inquiry designed to resolve a number of legal, technical, and policy questions regarding domestic use of communications satellites, including educational broadcasting. We would hope that the Federal Communications Commission will soon conclude its inquiry and based upon what is decided there and future developments your committee will go into this matter further at a later date. In the beginning, however, we believe that existing facilities for interconnection can meet the current needs. We also wish to point

out that the bill contains an express provision that nothing in the bill or the Communications Act shall be construed to prevent U.S. common carriers from rendering free or reduced rate communications interconnection services for noncommercial broadcasting. Your committee is confident that the communications common carriers will recognize the great public service potential that noncommercial educational broadcasting has and the importance of interconnection facilities to the system.

Your committee has heard considerable discussion about the fear of Government control or interference in programing if S. 1160 is enacted. We wish to state in the strongest terms possible that it is our intention that local stations be absolutely free to determine for themselves what they should or should not broadcast. As President Johnson said in his message of February 28:

Noncommercial television and radio in America, even though supported by Federal funds, must be absolutely free from any Federal Government interference over programing.

Dr. James Killian, who headed the Carnegie Commission on Educational Television, came to the same conclusion when referring to the findings of his group when he said:

The Commission categorically affirmed that the Corporation for Public Television must be private and nongovernmental, that it must be insulated to the greatest possible degree from the threat of political control.

Specifically, under the bill the Corporation is prohibited from owning any station or network, or community antenna television system, any interconnection facility, or program facility. We are satisfied based on the testimony during these hearings and even more importantly by the provisions of the bill itself that the autonomy of the local station is fully assured.

TITLE III

Public broadcasting is that system which may be utilized to provide educational, cultural, and discussion programs which serve the general community; such programing is transmitted on conventional broadcast frequencies and channels capable of being received in the home with ordinary radio and television receivers.

Instructional television, on the other hand, is designed primarily to provide in-school instruction and formal educational material to students in accredited or recognized schools. The hearings demonstrate both that instructional television is an area in which technology has advanced at a rapid pace, but that utilization of the concept by educational systems has lagged. The committee is impressed by the witnesses who attested to the value of existing instructional television systems to their respective schools. These operating facilities have substantially contributed to the upgrading of both the quality of classroom instruction and the caliber of teachers through in-service teacher training. Unfortunately, the number of operating systems at this time is small. Information available is fragmentary. It is the expectation of the committee that the study contemplated will supply the required concrete and comprehensive data upon which the Congress may exercise its judgment as to the role the Federal Government should take in the development and expansion of instructional television and radio as an integral adjunct to American education.

According to the National Center for Educational Statistics, U.S. Office of Education, there were over 49 million students in public and private elementary schools in the United States in 1966 and there were 6,438,477 students in higher education. Only a small fraction of these students have instructional television available to them in any form. For example, Instructional Television Fixed Service (ITFS) facilities are operating in only 31 areas of the country, serving approximately 1,180,000 students. To realize its full potential and effectiveness, it is obvious that this service, authorized by the Federal Communications Commission, could serve a broader base. Testimony offered by the National Committee for the Full Development of ITFS and corroborated by others provided estimates that as many as 15,000 of the 26,000 school systems in the country would be able to use ITFS operations to contribute to an improvement in the quality of education.

The committee is aware of existing Federal programs which assist, in limited measure, the construction and operation of ITFS and other closed circuit instructional installations. However, such programs are limited and restrictive. Instructional facilities should also be available to all students in some form if they are of such value as indicated by the testimony.

Title III of this bill authorizes the Secretary of Health, Education, and Welfare to conduct a comprehensive study of instructional television and radio.

No significant restrictions are placed upon the Secretary of Health, Education, and Welfare in conducting the study. The Department has collated a substantial amount of material which may be useful in reaching its final conclusions. Moreover, the committee's opinion is that the Secretary should obtain the cooperation and assistance of the Federal Communications Commission and should avail himself of its expertise in the field of radio and television. In addition, the Secretary should take advantage of the knowledge, information and technical knowhow which was demonstrated by several of the parties who appeared before the committee, e.g., the National Committee for the Full Development of Instructional Television, National Education Association, National Instructional Television Association, the Community Antenna Television representatives, and the Interuniversity Communications Council.

The committee wishes to emphasize that it is particularly interested in the recommendation of the Department as to the form of Federal aid which should be afforded to school systems proposing to utilize instructional television and radio to improve the quality of American education on a broad basis. The consensus of the witnesses was that lack of financing was the primary inhibiting factor to widespread use of instructional television and radio. Other limitations suggested were the lack of programing and trained personnel.

We wish to emphasize that the language of this section is intended to give HEW the widest possible latitude to explore the many possibilities and opportunities that exist for instructional radio and television. Thus, the study will be concerned with the relationship of facilities such as broadcast, closed circuit, community antenna television, instructional television fixed services, and two-way communication of data links and computers to each other and to other educational materials and devices. It should also address itself to the role of

these facilities in disseminating educational programs, data and information to all the people of the United States.

Your committee was impressed by the views of Judge Nat Allen, president, National TV Translator Association, regarding the important role of TV translators in bringing increased television service to the rural areas of our country. Particularly we note his suggestion that the Federal Communications Commission consider raising its present limitations on TV translator power. All of the people of the United States are entitled to broadcasting service, commercial and educational. In view of the urgent nature of this problem and the need for expanded service in rural areas, your committee hopes that the Federal Communications Commission will give early consideration to the suggestions made by Judge Allen.

AMENDMENTS

As a result of the testimony and data submitted to the committee during public hearings and in the committee's consideration of the legislation, the following changes to S. 1160 were made:

1. Throughout titles I and II the term "Broadcasting" has been substituted for "Television" in order accurately to describe the purpose of S. 1160 and its intent to include radio as well as television within its scope. The title of the act has been amended so that it would be cited as the "Public Broadcasting Act of 1967" rather than the "Public Television Act of 1967."

Other than the above-mentioned amendment, title I only contains amendments of a technical or conforming nature.

2. Title II, in addition to various technical amendments, contains the following amendments:

(a) Subsection (c) of section 396, which creates the Board of Directors of the Corporation and prescribes its method of selection has been amended to provide that the Board of Directors which will consist of 15 members, shall have nine of them appointed by the President, by and with the advice and consent of the Senate, the remaining six to be elected by the nine appointed members.

In appointing members the bill requires the President, or in the case of the six to be elected, the voting Board members, to consider U.S. citizens who are eminent in such fields as education, cultural, and civic affairs, or the arts, including radio or television; and who are representative as nearly as practicable of various regions of the country, various professions and occupations, and diverse kinds of talent and experience appropriate to the functions and responsibilities of the Corporation.

The original legislation had provided for a 15-member Board of Directors, all of whom would have been appointed by the President with the advice and consent of the Senate.

Throughout the hearings the suggestion was made that occupational and geographic diversity in the composition of the Board required by the bill could be better achieved if the method of selection of the Board of Directors paralleled the recommendation of the Carnegie Commission on Educational Television. Your committee believes that the method of selection now provided for by the bill, which is a combination of the provision in the original legislation and the recommendation of the Carnegie Commission, will attain these objectives.

(b) Subparagraph (1)(B) of subsection (g) of section 396 has been amended to provide that the Corporation shall assist in the establishment of one or more systems of interconnection to be used for the distribution of educational television or radio programs so that all non-commercial educational or radio broadcast stations that wish to may broadcast the programs at times chosen by the stations.

In the original version of S. 1160, subparagraph (B) provided that the Corporation should assist in the establishment of "a system of interconnection, etc. * * *" This committee amendment is intended to encourage competition among agencies and organizations supplying interconnection.

(c) Subparagraph (D) of subsection (g) of section 396 has been amended by changing the word "library" to "libraries" and deleting the phrases "develop public awareness" and "by various means." Thus, the Corporation would be authorized to establish or support program libraries in whatever number it felt was necessary to fulfill its statutory obligations.

Your committee felt that the phrases "develop public awareness" and "by various means" about noncommercial broadcast programs which appear in the same subsection, are so broad that they may be susceptible to abuse. The Corporation can achieve the same objectives by disseminating information relating to noncommercial broadcast programs through the publication of a journal which is permitted under this subsection.

(d) One of the most complex questions raised during the hearing involved the function of the Corporation for Public Broadcasting (CPB) with respect to a national system of interconnection for local noncommercial stations. Under the provisions of the original section 396(g)(2)(E), the Corporation was prohibited from dealing directly with common carriers who normally provide interconnection facilities; instead the Corporation was limited to providing contracts or grants to an intermediary organization that would undertake to contract for the interconnection.

Dr. James Killian, speaking for the Carnegie Commission on Educational Television, urged that if a viable system of public television was to be brought into being authority must be given to the Corporation to provide interconnection facilities directly where the circumstances warrant. He viewed interconnection primarily as a means of program distribution but not as a means of establishing a fixed schedule network organization. The Corporation would use the interconnection facilities to distribute and transmit programs at all hours but each station would be required to make its own decision as to what program it accepts and broadcasts and at what time. In addition, the Corporation needed flexibility for those special occasions when live or simultaneous broadcasts were desirable. Fears were expressed that if the Corporation was given this authority it would tend to develop a fixed schedule, network-type operation and thus the local station would be placed in a difficult position to control effectively its broadcast schedule. Therefore, this would frustrate the basic recommendations made by the Carnegie Commission on Educational Television which calls for strong local stations.

The committee noted that the heads of the three commercial television network systems—Dr. Frank Stanton, Columbia Broadcasting System, Mr. Julian Goodman, National Broadcasting Co., and Leonard Goldenson, American Broadcasting Co.—agreed with

Dr. Killian with regard to authorizing the Corporation to deal directly with the common carriers on the issue of interconnection facilities. In fact, the committee was impressed by the letter it received from Mr. Julian Goodman dated May 3, 1967, who was asked to study and submit his observations with regard to the networking issue as it involved the problem of interconnection. His letter is printed in full in the committee hearings but it states, among other things:

I do not see what affirmative values would be gained by making it necessary for the Corporation to make interconnection arrangements through an intermediary organization; on the contrary, I believe efficiency, sensible administration, and simplicity of operations would be served by enabling the Corporation to make these arrangements directly with the carriers providing the service.

The committee was persuaded that the Corporation needed this flexibility and discretion not to establish a fixed-schedule network operation but to take advantage of special or unusual opportunities that warrant the Corporation directly contracting for interconnection facilities. Even under these circumstances, however, it should be made clear that the decision to broadcast such a program remains with the local station. Therefore the committee has modified subsection (g)(2)(E) so as to give the Corporation the necessary authority with regard to interconnection facilities. This does not mean that others—such as a group of noncommercial stations or national educational television—could not also arrange for interconnections and receive financial assistance from the Corporation for it. The provisions of this legislation permit this to be done.

In order to assure an effective working relationship among the Corporation, the various production centers, the individual local stations, and all other parties concerned, the committee feels that a number of alternative methods are available to avoid misunderstanding on the use of interconnections; it might for example appoint an advisory committee, including representatives of local educational broadcast stations, to suggest to it policies for the handling of interconnection or to review the interconnection decisions which it had made over a stated period. As another approach, the Corporation might exercise its interconnection responsibility by special contractual arrangements. It might wish to aid in the formation of a new organization or advisory group, including representatives of the local stations and the program suppliers, to handle day-to-day decisions on interconnection. Whatever special administrative arrangements it makes in exercising its option, the Corporation must retain ultimate responsibility.

Your committee intends to follow these developments closely to see what impact the broadening of the Corporation's authority under this subsection means to the development of a nationwide noncommercial educational broadcasting system.

In addition, suggestions were made at the time of the hearings that the general language of subsection (g)(2)(E) disqualified common carriers and Comsat from performing interconnection services. This arose because of the use of the terms "public or nonprofit private agencies" as one with whom arrangements would be made for interconnection facilities. The committee has deleted the word "nonprofit" to remove this ambiguity and at the same time wishes to make it

clear that there is no intention in this provision to alter, expand, or diminish the authority and limitations contained in the Communications Act of 1934 as amended or the Communications Satellite Act of 1962 with respect to providing interconnection facilities.

(e) Subsection (h) of section 396 has been amended to enable the Public Corporation to qualify for free or reduced rates under this subsection. This amendment is merely intended to bring this subsection into conformity with the amendment to subparagraph (e) of subsection (g) which enables the Corporation to contract directly for interconnection.

3. During the course of the public hearings on S. 1160 there was considerable discussion about title III and the study authorized under it. Your committee heard testimony from the Chairman of the Federal Communications Commission and many authorities active in the field of instructional broadcasting to the effect that title III was too narrow in its scope, and that the contents of the study which were outlined in section 302 appeared to needlessly restrict HEW and limit its flexibility.

The witnesses were in agreement that the question of such a study should not be "whether Federal aid should be given to instructional broadcasting" as title III stated, but "what kind of aid" should be provided. It was pointed out that some forms of Federal aid were already being given to instructional television through a number of education acts administered by HEW.

Many witnesses felt that title III did not recognize the application of telecommunication technology in its broadest sense to the educational process. And, by directing the study specifically to instructional television, title III failed to take cognizance of the fact that television was only one of many types of telecommunications which are important to progress in education.

In general, these witnesses recommended a more broadly based study focused on delineating the educational problems which the technology of telecommunications is uniquely fitted to meet, and to determine what role each of the various kinds of telecommunications facilities can play in the overall educational system.

Your committee was persuaded that title III should be amended so that the study it authorizes would be of more assistance in determining the role of the telecommunications in the educational system and how Federal aid can most effectively be applied.

The committee revision of title III deletes section 302 and amends section 301. In its amended form, section 301 is broadened to include a comprehensive study of all telecommunication services, their relationship to one another and to other educational materials and devices in order to be of assistance in determining what Federal aid should be provided for instructional radio and television, the form it should take, and its extent.

SECTION-BY-SECTION ANALYSIS

TITLE I

Title I of S. 1160 amends title III, part IV of the Communications Act of 1934 by extending and improving the provisions therein relating to grants for construction of educational television broadcasting facilities and authorizing similar grants for construction of education

radio broadcasting facilities. Title II further amends title III, part IV of the Communications Act of 1934 by establishing a nonprofit corporation to assist in establishing innovative educational programs, facilitating educational program availability, and aiding the operation of educational radio and television broadcasting facilities. Title III authorizes the Secretary of Health, Education, and Welfare to make a comprehensive study of instructional television and radio.

Section 1. Short title.—This section provides that the act may be cited as the “Public Broadcasting Act of 1967”.

TITLE I—CONSTRUCTION OF FACILITIES

Section 101. Extension of duration of construction grants for educational television.

This section amends section 391 of the Communications Act of 1934 by (1) extending the authority of the Commissioner to make grants for the construction of educational television broadcasting facilities for 5 years (through fiscal year 1972); (2) authorizing \$10,500,000 for this purpose for fiscal year 1968 and such sums as may be necessary for this purpose for fiscal years 1969 through 1972; and (3) extending the availability of appropriations for payment of grants from July 1, 1968, to July 1, 1973.

Section 102. Maximum on grants in any State

This section amends section 392(b) of the Communications Act of 1934 by eliminating the \$1 million maximum on the total of grants to any State and including in its place a provision limiting the total of grants to any State for any fiscal year to 12½ percent of the portion of the appropriation for such year available for such grants.

Section 103. Noncommercial educational radio broadcasting facilities

This section contains a number of amendments to title III, part IV of the Communications Act of 1934 which are designed to expand the scope of construction grants so as to include educational radio as well as educational television broadcasting facilities, and to make clear that all such facilities to be assisted are noncommercial. Paragraphs (b) (2) and (3) amend section 392(a) of the Communications Act of 1934 by adding to the list of eligible grantees: (1) State educational radio agencies; and (2) nonprofit foundations, corporations, and associations which are organized primarily to engage in or encourage noncommercial educational radio broadcasting. Paragraph (b)(5) adds a new paragraph (5) to section 392(a) requiring that applications with respect to educational radio broadcasting facilities indicate participation by the applicant in comprehensive planning for educational broadcasting facilities and services in the area the applicant proposes to service and efficient use by the applicant of its frequency assignment. Paragraph (c)(2) requires applicants for grants for construction of educational radio broadcasting facilities to notify the State educational radio agency of its application if the facilities to be constructed are located in a State with such an agency and requires the Secretary of Health, Education, and Welfare to advise the State educational radio agency of his action on the application. The other provisions in section 103 further amend various sections in title III, part IV of the Communications Act of 1934 by inserting references to educational radio in conjunction with references to

educational television and by inserting the term "noncommercial" to describe both educational radio and educational television whenever appropriate.

Section 104. Federal share of cost of construction

This section amends section 392(e) of the Communications Act of 1934 by (1) enlarging the maximum Federal share in the cost of constructing educational broadcasting facilities from 50 to 75 percent; (2) eliminating the additional credit, now allowed the grantee, of 25 percent of the cost of facilities owned by the applicant on the date his application is filed; and (3) eliminating the prohibition against using not more than 15 percent of a grant for the acquisition and installation of interconnection facilities.

Section 105. Inclusion of territories

This section amends section 394(1) of the Communications Act of 1934 by enlarging the definition of "State" to include the Virgin Islands, Guam, American Samoa, and the Trust Territories of the Pacific Islands.

Section 106. Inclusion of cost of planning

This section amends section 394(2) of the Communications Act of 1934 by enlarging the definition of "construction" (and thereby enlarging the scope of project costs to be covered by a grant) to include planning for the acquisition and installation of transmission apparatus as well as the actual acquisition and installation of such apparatus.

TITLE II—ESTABLISHMENT OF NONPROFIT EDUCATIONAL BROADCASTING CORPORATION

Section 201

This section adds a new section 396 to title III, part IV of the Communications Act of 1934 providing for the establishment of a non-profit Corporation for Public Television which is discussed in more detail below. This section also divides title III, part IV of the Communications Act of 1934 into three subparts. *Subpart A—Grants for Facilities* includes sections 390, 391, 392, 393, 395, and 396 (redesignated 394); *subpart B—Corporation for Public Broadcasting* includes the new section 396; and *subpart C—General* includes the definitions of terms in section 394 (redesignated 397) and the Federal control provision in section 397 (redesignated 398).

This section also adds definitions of three terms to the section redesignated as section 398 of the Communications Act of 1934. The term "Corporation" is defined as the Corporation authorized to be established by subpart B. The term "noncommercial educational broadcast station" is defined to mean a television or radio broadcast station which, under FCC rules, is licensed or eligible to be licensed by the FCC as a noncommercial educational radio or television broadcast station and which is owned and operated by a public or nonprofit private agency, foundation, corporation, or association. The term "interconnection" is defined to mean the use of microwave equipment, boosters, translators, repeaters, communication space satellites, or other apparatus or equipment for the transmission and distribution of television or radio programs to noncommercial educational television or radio broadcast stations.

A detailed analysis of each subsection of the new section 396 follows:

Section 396(a). Congressional declaration of policy

In this subsection, the Congress declares: (1) that it is in the public interest to encourage the growth and development of noncommercial educational radio and television broadcasting, including its use for instructional purposes; (2) that expansion and development of such broadcasting and diversity of its programming depend on freedom, imagination, and initiative on both the local and national level; (3) that encouragement and support of such broadcasting are of appropriate and important concern to the Federal Government; (4) that it furthers the general welfare to encourage noncommercial educational radio and television programming which will be responsive to the interests of people both in particular localities and throughout the United States, and which will be an expression of diversity and excellence; (5) that it is necessary and appropriate for the Federal Government to complement, assist, and support a national policy that will most effectively make noncommercial educational radio and television service available to all U.S. citizens; and (6) that a private corporation should be created to facilitate the development of educational radio and television broadcasting and to afford maximum protection to such broadcasting from extraneous interference and control.

Section 396(b). Corporation established

This subsection authorizes the establishment of a nonprofit corporation, to be known as the "Corporation for Public Broadcasting," which will not be an agency or establishment of the U.S. Government. The Corporation shall be subject to the provisions of section 396, and, to the extent consistent with section 396, the District of Columbia Nonprofit Corporation Act.

Section 396(c). Board of Directors

This subsection provides for a Board of Directors of the Corporation for Public Television, consisting of 15 members. Nine of these members would be appointed by the President, by and with the advice and consent of the Senate; the other six would be elected by the Presidentially appointed members. Board members shall be citizens of the United States who are not regular full-time employees and who are eminent in such fields as education, cultural and civic affairs, or the arts, including radio and television; and shall be as nearly as practicable broadly representative of various regions of the country, various professions and occupations, and various kinds of talent and experience appropriate to the functions and responsibilities of the Corporation. Members of the initial Board of Directors shall serve as incorporators for the purpose of establishing the Corporation in the District of Columbia. Each of the 15 members shall serve for 6-year terms, five of which will expire every 2 years on a staggered basis (three appointed and two elected members each 2 years), and no member will be eligible to serve in excess of two consecutive terms of 6 years each. No vacancy on the Board shall affect its power, but shall be filled in the manner in which the original appointments were made. Any member appointed to fill a vacancy occurring prior to the expiration of his predecessor's term shall serve for the remainder of such term, and a member whose term has expired may serve until his successor has qualified.

Section 396(d). Election of Chairman; compensation

Under this subsection, the President shall designate one of the members first appointed to the Board as the first Chairman; thereafter the Board members themselves shall elect one of their number as Chairman. The members of the Board shall also elect one or more of themselves as a Vice Chairman or Vice Chairmen.

Board members shall not by reason of such membership be deemed to be employees of the United States. The compensation of members of the Board would be \$100 a day or such other rate as may be established by a vote of more than two-thirds of the full membership of the Board.

Section 396(e). Officers and employees

This subsection provides that the Corporation shall have a president and such other officers as may be named and appointed by the Board for terms and at rates of compensation fixed by the Board. Only U.S. citizens may be officers, and no officer may receive compensation from sources other than the Corporation while employed by the Corporation. Officers, agents, and employees of the Corporation will be subject to no political test or qualification.

Section 396(f). Nonprofit and nonpolitical nature of the Corporation

This subsection provides that: (1) the Corporation shall have no power to issue shares of stock or declare or pay dividends, (2) no part of the assets or income of the Corporation shall inure to the benefit of any individual except as compensation for services rendered to the Corporation, and (3) the Corporation may not contribute to or otherwise support any political party or candidate for election.

Section 396(g). Purposes and activities of the Corporation

Paragraph (1) of this subsection sets forth the purposes to be carried out by the Corporation. These include:

(A) facilitating the full development of educational radio and TV broadcasting in which programs of quality, obtained from diverse sources, will be made available to noncommercial educational radio and TV stations;

(B) assisting in the establishment and development of one or more systems of noncommercial educational television or radio broadcasting and one or more systems of interconnection to be used for distribution of educational programs;

(C) conducting itself in a manner that will most effectively assure maximum freedom of noncommercial radio and TV broadcast systems and stations from interference with or control of program content or other activities.

Paragraph (2) of this section enumerates (but not by way of limitation) the activities in which the Corporation may engage:

(A) obtaining grants from and making contracts with individuals and private, State, and Federal agencies, organizations, and institutions;

(B) making grants and entering into contracts for the production or procurement of educational radio and TV programs for distribution to noncommercial educational broadcast stations;

(C) making payments to existing and new noncommercial educational broadcast stations to aid in financing their programming and operation costs;

(D) establishing and maintaining libraries and archives of noncommercial educational programs and related materials, and disseminating information about noncommercial educational broadcasting by publication of a journal;

(E) arranging, by grant or contract with public or private entities, for interconnection facilities for distribution and transmission of educational programs to noncommercial educational broadcast stations;

(F) hiring or accepting the voluntary services of consultants, experts, advisory boards, and panels;

(G) encouraging the creation of new noncommercial educational broadcast stations;

(H) conducting (directly or through grants or contracts), research, demonstrations, or training in matters related to noncommercial educational broadcasting.

Subparagraphs (B) and (C) enable the Corporation to make grants and payments to all stations in order to assist them in program production: It should be stressed that the intent of these provisions is to aid smaller stations as well as the larger ones in production and program origination. The aid which the Corporation may provide under these subparagraphs, therefore, should be equitably distributed with the view to creating strong and imaginative local stations. Although the smaller noncommercial educational stations may not have the large staffs for the development of programs, the Corporation should make every effort to offer aid and assistance with the idea of stimulating their efforts in this area.

Paragraph (3) provides that the Corporation shall have the usual powers conferred on nonprofit corporations by the District of Columbia Nonprofit Corporation Act except that the Corporation may not own or operate any radio or TV broadcast stations, systems, or network, or interconnection or program production facility. Thus, while the Corporation could not do so directly, it could make arrangements with other organizations, such as common carriers, to pay for the transmission of programs through use of equipment owned by those organizations. In order to avoid any possibility of misunderstanding the committee adopted an amendment precluding the Corporation from owning or operating a community antenna television system.

Section 396(h). Authorization for free or reduced rate interconnection service

This subsection provides that nothing in the Communications Act of 1934 or any other law shall be construed to prevent U.S. communications common carriers from rendering free or reduced rate communications interconnection services for noncommercial educational television or radio services, subject to FCC rules and regulations.

Section 396(i). Report to Congress

This subsection requires the Corporation to submit annually to the President a report on its operations, activities, financial conditions, and accomplishments for the preceding fiscal year for transmittal to the Congress on or before December 31 of each year. The report may also include such recommendations as the Corporation deems appropriate. The Public Corporation is required under this subsection to file a comprehensive and detailed report of its financial operations and condition. In this regard it is expected that the Corporation shall be audited annually in accordance with generally

accepted auditing standards by independent certified public accountants or independent licensed public accountants, certified or licensed by a regulatory authority of a State or other political subdivision of the United States, and this audit is expected to be included as a part of the report to the Congress.

Section 396(k). Right to repeal, alter, amend

This subsection expressly reserves the right of Congress to repeal, alter, or amend any part of section 396 at any time.

Section 396(k). Financing

This subsection authorizes for fiscal year 1968 an appropriation of \$9,000,000, and for fiscal year 1969 such sums as may be necessary, for the expenses of the Corporation. The amounts appropriated in both years shall remain available until expended by the Corporation. The subsection also prohibits the Corporation for making a grant or entering into a contract pursuant to section 396 which provides for payment from the fiscal year 1968 appropriation for any one project or to any one station of more than \$250,000.

TITLE III—STUDY OF EDUCATIONAL AND INSTRUCTIONAL TELEVISION BROADCASTING

Section 301. Study authorized

This section authorizes the Secretary of Health, Education, and Welfare to conduct a comprehensive study of instructional television and radio. This study may be conducted directly or by contract, and in consultation with other interested Federal agencies. The study may consider the relationship between instructional television and radio and their relationship to other instructional materials (such as videotapes, films, etc.) as well as the question of whether Federal aid should be provided for instructional television and the form that aid should take. It may also be designed to aid communities, institutions or agencies in determining whether or to what extent instructional television should be used.

Section 302. Duration of study

This section provides that the study shall be submitted to the President for transmission to Congress by June 30, 1969.

Section 303. Appropriation

This section authorizes not to exceed \$500,000 to be appropriated for the study.

AGENCY COMMENTS

Letters from the Under Secretary, Department of Health, Education, and Welfare dated March 24, 1967, letter from the Comptroller General of the United States dated April 28, 1967, and letter from the Attorney General of the United States dated May 9, 1967.

DEPARTMENT OF HEALTH,
EDUCATION, AND WELFARE,
March 24, 1967.

HON. WARREN G. MAGNUSON
Chairman, Committee on Commerce,
U.S. Senate,
Washington, D.C.

DEAR MR. CHAIRMAN: This letter is in response to your request of March 4, 1967, for a report on S. 1160, a bill to amend the Com-

munications Act of 1934 by extending and improving the provisions thereof relating to grants for construction of educational television broadcasting facilities, by authorizing assistance in the construction of noncommercial educational radio broadcasting facilities, by establishing a nonprofit corporation to assist in establishing innovative educational programs, to facilitate educational program availability, and to aid the operation of educational broadcasting facilities; and to authorize a comprehensive study of instructional television and radio; and for other purposes.

This bill embodies the legislative proposal which we transmitted to the President of the Senate by letter dated March 2, 1967, and would carry out the recommendations with respect to noncommercial educational television and radio contained in the President's message to Congress on health and education in America.

We urge enactment of the proposed legislation.

The Bureau of the Budget advises that enactment of this bill would be in accord with the program of the President.

Sincerely,

WILBUR J. COHEN,
Under Secretary.

COMPTROLLER GENERAL OF THE UNITED STATES,
Washington, D.C., April 28, 1967.

B-131965.

HON. WARREN G. MAGNUSON,
*Chairman, Committee on Commerce,
U.S. Senate.*

DEAR MR. CHAIRMAN: This is in reference to your letter of March 4, 1967, requesting our comments on S. 1160, the proposed "Public Television Act of 1967".

S. 1160 involves matters of policy primarily for determination by the Congress and ones on which we have no recommendation to make. We do have some suggestions, however, concerning specific aspects of the proposed legislation.

A "fact sheet" prepared by the Department of Health, Education, and Welfare indicates that the proposed legislation was recommended in a report issued by the Carnegie Commission on Educational Television, entitled "Public Television: A Program for Action."

The Carnegie report separates educational television into two parts (1) instructional television directed at students in the context of formal education and (2) "Public Television" directed at the general community. However, the report states that " * * * we look upon these two parts as constituting a single whole." The report states that Federal funds must be the mainstay of the system, and that the Corporation for Public Television will not be viable without Federal support of approximately the size being recommended. Total estimated annual costs are \$104 million after the first 4 years' annual cost of \$58 million. The report states that the Corporation will require from Federal funds approximately \$40 million in its first year and \$60 million a year for the following years. For the source of Federal funds the report recommends a manufacturers' excise tax on television sets with the proceeds to be credited to an account or trust fund in the Treasury. The bill (S. 1160) as introduced, however, provides Federal funds by direct appropriation and authorize the Corporation to obtain grants from and make contracts with Federal agencies.

Under existing legislation the Office of Education administers a variety of programs concerned with providing educational television equipment, systems, programing, training, research, and planning. The degree of technical surveillance, approval procedures, and percentages of Federal financial participation differ substantially between programs. Several of such programs which we have noted, but for which we do not have information as to the total Federal contributions applicable to educational television or radio activities, are listed below.

(1) *Communications Act of 1934 as amended by Public Law 87-477, entitled "Part IV—Grants for Educational Television Broadcasting Facilities."*—Federal assistance authorized for 50 percent, and up to 75 percent under certain circumstances, of the cost of the acquisition and installation of transmission apparatus (including towers, microwave equipment, boosters, translators, repeaters, mobil equipment, and video-recording equipment) and including apparatus which may incidentally be used for transmitting closed-circuit television programs.

(2) *Title VI of the Higher Education Act of 1965, Public Law 89-329, entitled "Part A—Equipment."*—Provides grants to institutions of higher education for 50 percent, and under certain situations 80 percent, of the cost of closed-circuit television equipment; the acquisition of necessary instructional materials for use in such television instruction; and minor remodeling necessary for such television equipment.

(3) *Titles I, II, and III of the Higher Education Facilities Act of 1963, Public Law 88-204, grants and loans for construction of academic facilities.*—Authorizes grants and loans for construction of academic facilities, including initial equipment. Federal grant share of project cost is not to exceed 33½ percent. No loan is to be made unless at least one-fourth of the cost of the facility will be financed from non-Federal sources. During our reviews we have noted Federal participation in educational television equipment under titles I and III.

(4) *Title I, Elementary and Secondary Education Act of 1965, Public Law 89-10 entitled "Financial Assistance to Local Educational Agencies for the Education of Children of Low-Income Families."*—Projects are approved at the State level rather than at the Federal level. Television equipment is eligible when included in projects for purposes authorized by the title. We have been advised that educational television equipment has been furnished under title I, but that information is not readily available as to the amount of such equipment included in title I projects. The Federal share of title I projects is authorized to be 100 percent.

(5) *Title III, Elementary and Secondary Education Act of 1965, Public Law 89-10 entitled "Supplementary Educational Centers and Services."*—Authorizes 100 percent Federal grants for equipment, which may include educational television equipment, and for developing, producing, and transmitting radio and television programs for classroom and other educational use. Publications by the Office of Education show that a large number of projects have been approved involving educational television equipment, tape and film library, systems, programing, distribution, and research. Some of the approved projects involve coordination between closed-circuit television and broadcast television.

(6) *Title VII, National Defense Education Act of 1958, part A, entitled "Research and Experimentation."*—Authorizes grants and contracts for the development of new and more effective techniques and methods for utilizing and adapting video tapes and radio or television

program scripts, training teachers to utilize such media, and presenting academic subject matter through such media. A publication by the Office of Education listing research grants and contracts awarded through April 30, 1964, shows that 32 involved closed-circuit television and 41 involved broadcast television.

(7) *Title VII, National Defense Education Act of 1958, part B, entitled "Dissemination of Information on New Educational Media."*— Authorizes studies and surveys to determine the need for increased or improved utilization of television and radio, the preparing of materials useful in the encouragement and more effective use of television and radio, and the providing of advice, counsel, technical assistance, and demonstrations to local educational agencies or institutions of higher education undertaking to use educational television and radio.

Information in the files of the Office of Education indicates that there is a difference in the range of use and compatibility of television equipment. Also, the information indicates that some operations which began at closed-circuit systems have established broadcast stations and that some broadcast stations have expanded to include closed-circuit systems. In addition, a report entitled "Exchange of Instructional Television Materials" by the University of Nebraska on a survey, made under authority of title VII, part B, of the National Defense Education Act, stated in part as follows:

"It was clearly evident that the educational institutions and organizations both public and private, have been needlessly duplicating many efforts and expending large amounts of money and talent in developing instructional programs without reference to similar developments elsewhere. * * *"

We have been informed that officials in the Office of Education recognize that there may be a need to better identify and coordinate the numerous programs administered by that Office which involve educational television. Also, the President has established "the Federal Interagency Committee on Education" and has assigned responsibility for coordination of policies affecting educational activities, for consistent administrative policies and procedures in the conduct of similar programs, and for prevention of unnecessary duplication of activities.

The activities authorized for the "Corporation for Public Television," to be established under title II of the bill, appear to include many of the same types of activities which presently are authorized under various legislation administered by the Office of Education. The Corporation, however, is not required to coordinate its activities with that Office under the present bill. We suggest that the committee might wish to inquire into the need for amending the bill to require such coordination for the purpose of avoiding needless duplication of effort.

Section 396(i) as proposed to be added by section 201(7) of the bill provides for the Corporation to submit an annual report to the President for transmittal to the Congress. The report is required to include a comprehensive and detailed report of the Corporation's operations, activities, financial condition, and accomplishments and may include such recommendations as the Corporation deems appropriate. No provision is made for access to the records for examination by the Comptroller General of the United States. The report of the Carnegie Commission on Educational Television indicates that the

Corporation should be free from Government control or oversight and notes the sensitivity of the relationship between the Government and the content of television programs. In this connection, a memorandum included in the report states, in part, as follows:

"It (Corporation) would also be free from auditing by the General Accounting Office, which carries with it the power of the Comptroller General to settle and adjust the books of the agency * * *."

Audits made by the General Accounting Office do not automatically carry with them the authority of the Comptroller General to settle accounts, especially the audits made pursuant to the Government Corporation Control Act. The purpose of audits by the General Accounting Office is concerned primarily with financial accountability and improved management of agency activities—not control. We believe that it is desirable for the Congress to have independent information as to the activities to be administered by the Corporation and financed substantially with Federal funds and that such information should be provided by an agency responsible to the Congress. Therefore, we suggest that appropriate language be included in section 201(7) of the bill requiring maintenance of pertinent records and access to records by the Comptroller General of the United States for the purpose of audit and examination. In addition, we suggest that such requirement be made applicable to records of recipients of grants and contracts, other than fixed-price contracts, made by the Corporation.

In line 1, page 17 of the bill the word "on" apparently should be "or." Also, for clarity, we suggest that section 201(3) of the bill be amended to read as follows:

"(3) redesignating section 397 as section 398, redesignating section 394 as section 397, inserting such redesignated section 397 immediately before section 398, and inserting immediately above the heading of the redesignated section 397 'Subpart C—General';"

Concerning the study of instructional television proposed by title III of the bill, substantial Federal aid is already being made available for instructional television under many Federal programs, and the Congress might want to consider having included in the study the need to better coordinate such programs.

Sincerely yours,

ELMER B. STAATS,
Comptroller General of the United States.

U.S. DEPARTMENT OF JUSTICE,
Washington, D.C., May 9, 1967.

HON. WARREN G. MAGNUSON,
Chairman, Committee on Commerce,
U.S. Senate, Washington, D.C.

DEAR SENATOR: This is in response to your request for the views of the Department of Justice on S. 1160, the proposed "Public Television Act of 1967."

Sections 390-397 of the Communications Act of 1934, as amended (47 U.S.C. 390-397), authorize a program of grants by the Secretary of Health, Education, and Welfare to certain public and nonprofit private agencies or organizations to aid them in the construction of educational television broadcasting facilities. The appropriation for this program during the current fiscal year is the last one authorized

for it under existing law (sec. 391). Title I of the bill would authorize appropriations for an additional 5 years, including \$10,500,000 for the next fiscal year, and would extend the program to the construction of educational radio broadcasting facilities.

Title II would authorize the establishment of a nonprofit "Corporation for Public Television" under the District of Columbia Nonprofit Corporation Act. The purposes of the Corporation, which will not be a Government agency, are to increase the amount and quality of noncommercial educational television and radio broadcasting throughout the country. Among other things, the Corporation will be empowered to obtain grants from and make contracts with Federal, State, and private entities, to finance the production of TV and radio material suitable for use by educational stations, to finance facilities for interconnecting such stations and to establish and maintain a library of noncommercial educational TV and radio programs. However, it will not have authority to own or operate a TV or radio broadcasting station or network, or a program production facility.

The Corporation will be governed by a 15-member Board of Directors appointed by the President, by and with the advice and consent of the Senate. Members will be selected from among citizens of the United States who are not full-time Federal employees and will serve staggered terms of 6 years.

Title III would authorize the Secretary to conduct a study of instructional television broadcasting and to submit a report of the study to the President for transmittal to Congress on or before January 1, 1969.

The legislation which was submitted by the Department of Health, Education, and Welfare would implement the recommendation of the President in his message on health and education of February 28, 1967 (H. Doc. 68, 90th Cong.).

The Department of Justice recommends enactment of the bill.

The Bureau of the Budget has advised that enactment of this legislation would be in accord with the program of the President.

Sincerely,

Attorney General.

CHANGES IN EXISTING LAW

In compliance with subsection (4) of rule XXIX of the Standing Rules of the Senate, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

CHANGES IN PART IV OF TITLE III OF THE COMMUNICATIONS ACT OF 1934 MADE BY THE PUBLIC TELEVISION ACT OF 1967

PART IV—GRANTS FOR EDUCATIONAL TELEVISION BROADCASTING FACILITIES

SUBPART A—GRANTS FOR FACILITIES

DECLARATION OF PURPOSE

SEC. 390. The purpose of this [part] *subpart* is to assist (through matching grants) in construction of *noncommercial* educational television or radio broadcasting facilities.

AUTHORIZATION OF APPROPRIATIONS

SEC. 391. There are authorized to be appropriated for the fiscal year ending June 30, 1963, and each of the four succeeding fiscal years such sums, not exceeding \$32,000,000 in the aggregate, as may be necessary to carry out the purposes of section 390. *There are also authorized to be appropriated for carrying out the purposes of such section, \$10,500,000 for the fiscal year ending June 30, 1968, and such sums as may be necessary for the next 4 fiscal years.* Sums appropriated pursuant to this section shall remain available for payment of grants for projects for which applications, approved under section 392, have been submitted under such section prior to July 1, [1968] 1973.

GRANTS FOR CONSTRUCTION

SEC. 392. (a) For each project for the construction of *noncommercial* educational television or radio broadcasting facilities there shall be submitted to the Secretary an application for a grant containing such information with respect to such project as the Secretary may by regulation require, including the total cost of such project and the amount of the Federal grant requested for such project, and providing assurance satisfactory to the Secretary—

(1) that the applicant is (A) an agency or officer responsible for the supervision of public elementary or secondary education or public higher education within that State, or within a political subdivision thereof, (B) *in the case of a project for television facilities the State educational television agency or, in the case of a project for radio facilities the State educational radio agency,* (C) a college or university deriving its support in whole or in part from tax revenues, or (D) (i) *in the case of a project for television facilities,* a nonprofit foundation, corporation, or association which is organized primarily to engage in or encourage *noncommercial* educational television broadcasting and is eligible to receive a license from the Federal Communications Commission for a noncommercial educational television broadcasting station pursuant to the rules and regulations of the Commission in effect on April 12, 1962, or (ii) *in the case of a project for radio facilities,* a nonprofit foundation, corporation, or association which is organized primarily to engage in or encourage *noncommercial* educational radio broadcasting and is eligible to receive a license from the Federal Communications Commission; or meets the requirements of clause (i) and is also organized to engage in or encourage such radio broadcasting and is eligible for such a license for such a radio station;

(2) that the operation of such educational [television] broadcasting facilities will be under the control of the applicant or a person qualified under paragraph (1) to be such an applicant;

(3) that necessary funds to construct, operate, and maintain such educational [television] broadcasting facilities will be available when needed; [and]

(4) that such television broadcasting facilities will be used only for educational [purposes,] *purposes; and*

(5) *that, in the case of an application with respect to radio broadcasting facilities, there has been comprehensive planning for educational broadcasting facilities and services in the area the applicant*

proposes to serve and the applicant has participated in such planning, and the applicant will make the most efficient use of the frequency assignment.

(b) The total of the grants for any fiscal year made under this part for the construction of noncommercial educational television broadcasting facilities or noncommercial educational radio broadcasting facilities in any State [shall] may not exceed [\$1,000,000] 12½ per cent of the portion of the appropriation for such year available for such grants.

(c) (1) In order to assure proper coordination of construction of noncommercial educational television broadcasting facilities within each State which has established a State educational television agency, each applicant for a grant under this section for a project for construction of such facilities in such State, other than such agency, shall notify such agency of each application for such a grant which is submitted by it to the Secretary, and the Secretary shall advise such agency with respect to the disposition of each such application.

(2) *In order to assure proper coordination of construction of noncommercial educational radio broadcasting facilities within each State which has established a State educational radio agency, each applicant for a grant under this section for a project for construction of such facilities in such State, other than such agency, shall notify such agency of each application for such a grant which is submitted by it to the Secretary, and the Secretary shall advise such agency with respect to the disposition of each such application.*

(d) The Secretary shall base his determinations of whether to approve applications for grants under this section and the amount of such grants on criteria set forth in regulations and designed to achieve (1) prompt and effective use of all educational television channels remaining available, (2) equitable geographical distribution of noncommercial educational television broadcasting facilities or noncommercial educational radio broadcasting facilities, as the case may be, throughout the States, and (3) provision of noncommercial educational television broadcasting facilities or noncommercial educational radio broadcasting facilities, as the case may be, which will serve the greatest number of persons and serve them in as many areas as possible, and which are adaptable to the broadest educational uses.

(e) Upon approving any application under this section with respect to any project, the Secretary shall make a grant to the applicant in the amount determined by him, but not exceeding [(1) 50 per centum of the amount which he determines to be the reasonable and necessary cost of such project, plus (2) 25 per centum of the amount which he determines to be the reasonable and necessary cost of any educational television broadcasting facilities owned by the applicant on the date on which it files such application; except that (A) the total amount of any grant made under this section with respect to any project may not exceed] 75 per centum of the amount determined by the Secretary to be the reasonable and necessary cost of such project. [; and (B) not more than 15 per centum of any such grant may be used for the acquisition and installation of microwave equipment, boosters, translators, and repeaters which are to be used to connect two or more broadcasting stations.] The Secretary shall pay such amount from the sum available therefor, in advance or by way of reimbursement, and in such installments consistent with construction progress, as he may determine.

(f) If, within ten years after completion of any project for construction of educational television or radio broadcasting facilities with respect to which a grant has been made under this section—

(1) the applicant or other owner of such facilities ceases to be an agency, officer, institution, foundation, corporation, or association described in subsection (a)(1), or

(2) such facilities cease to be used for *noncommercial educational television purposes or noncommercial educational radio purposes, as the case may be*, (unless the Secretary determines, in accordance with regulations, that there is good cause for releasing the applicant or other owner from the obligation so to do),

the United States shall be entitled to recover from the applicant or other owner of such facilities the amount bearing the same ratio to the then value (as determined by agreement of the parties or by action brought in the United States district court for the district in which such facilities are situated) of such facilities, as the amount of Federal participation bore to the cost of construction of such facilities.

RECORDS

SEC. 393. (a) Each recipient of assistance under this [part] *subpart* shall keep such records as may be reasonably necessary to enable the Secretary to carry out his functions under this [part] *subpart*, including records which fully disclose the amount and the disposition by such recipient of the proceeds of such assistance, the total cost of the project or undertaking in connection with which such assistance is given or used, and the amount and nature of that portion of the cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit.

(b) The Secretary and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examination to any books, documents, papers, and records of the recipient that are pertinent to assistance received under this [part] *subpart*.

RULES AND REGULATIONS

SEC. [396] 394. The Secretary is authorized to make such rules and regulations as may be necessary to carry out this [part] *subpart*, including regulations relating to the order of priority in approving applications for projects under section 392 or to determining the amounts of grants for such projects.

PROVISION OF ASSISTANCE BY FEDERAL COMMUNICATIONS COMMISSION

SEC. 395. The Federal Communications Commission is authorized to provide such assistance in carrying out the provisions of this [part] *subpart* as may be requested by the Secretary. The Secretary shall provide for consultation and close cooperation with the Federal Communications Commission in the administration of his functions under this [part] *subpart* which are of interest to or affect the functions of the Commission.

SUBPART B—CORPORATION FOR PUBLIC BROADCASTING

CONGRESSIONAL DECLARATION OF POLICY

Sec. 396. (a) *The Congress hereby finds and declares—*

(1) *That it is in the public interest to encourage the growth and development of noncommercial educational radio and television broadcasting, including the use of such media for instructional purposes.*

(2) *That expansion and development of noncommercial educational radio and television broadcasting and of diversity of its programming depend on freedom, imagination, and initiative on both the local and national levels.*

(3) *That the encouragement and support of noncommercial educational radio and television broadcasting, while matters of importance for private and local development, are also of appropriate and important concern to the Federal Government.*

(4) *That it furthers the general welfare to encourage noncommercial educational radio and television broadcast programming which will be responsive to the interests of people both in particular localities and throughout the United States, and which will constitute an expression of diversity and excellence.*

(5) *That it is necessary and appropriate for the Federal Government to complement, assist, and support a national policy that will most effectively make noncommercial educational radio and television service available to all the citizens of the United States.*

(6) *That a private corporation should be created to facilitate the development of noncommercial educational radio and television broadcasting and to afford maximum protection to such broadcasting from extraneous interference and control.*

CORPORATION ESTABLISHED

(b) *There is authorized to be established a nonprofit corporation, to be known as the "Corporation for Public Broadcasting," which will not be an agency or establishment of the United States Government. The Corporation shall be subject to the provisions of this section, and, to the extent consistent with this section, to the District of Columbia Nonprofit Corporation Act.*

BOARD OF DIRECTORS

(c)(1) *The Corporation shall have a Board of Directors (hereinafter in this section referred to as the "Board"), consisting of 15 members of which nine shall be appointed by the President, by and with the advice and consent of the Senate and six shall be elected by the members so appointed.*

(2) *The members of the Board (A) shall be selected from among citizens of the United States (not regular full-time employees of the United States) who are eminent in such fields as education, cultural and civic affairs, or the arts, including radio or television; (B) shall be selected so as to provide as nearly as practicable a broad representation of various regions of the country, various professions and occupations, and various kinds of talent and experience appropriate to the functions and responsibilities of the Corporation.*

(3) *The members of the initial Board of Directors shall serve as incorporators and shall take whatever actions are necessary to establish the Corporation under the District of Columbia Nonprofit Corporation Act.*

(4) *The term of office of each member of the Board shall be 6 years; except that (A) any member appointed or elected to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed or elected for the remainder of such term; and (B) the terms of office of members first taking office shall begin on the date of incorporation and shall expire, as designated at the time of their appointment or election, as follows: the terms of three of the appointed members and two of the elected members shall expire at the end of two years, the terms of three of the appointed members and two of the elected members shall expire at the end of four years, and the terms of three of the appointed members and two of the elected members shall expire at the end of six years. No member shall be eligible to serve in excess of 2 consecutive terms of 6 years each. Notwithstanding the preceding provisions of this paragraph, a member whose term has expired may serve until his successor has qualified.*

(5) *Any vacancy in the Board shall not affect its power, but shall be filled in the manner in which the original appointment or election was made.*

ELECTION OF CHAIRMAN; COMPENSATION

(d) (1) *The President shall designate one of the members first appointed or elected to the Board as Chairman; thereafter the members of the Board shall annually elect one of their number as Chairman. The members of the Board shall also elect one or more of them as a vice-chairman or vice-chairmen.*

(2) *The members of the Board shall not, by reason of such membership, be deemed to be employees of the United States. They shall, while attending meetings of the Board or while engaged in duties related to such meetings or in other activities of the Board pursuant to this subpart, be entitled to receive compensation at the rate of \$100 per day (or such other rate as may be determined by a vote of more than $\frac{2}{3}$ of the full membership of the Board), including travel time, and while away from their homes or regular place of business they may be allowed travel expenses, including per diem in lieu of subsistence, equal to that authorized by law (5 U.S.C. § 5703) for persons in the Government service employed intermittently.*

OFFICERS AND EMPLOYEES

(e) (1) *The Corporation shall have a president, and such other officers as may be named and appointed by the Board for terms and at rates of compensation fixed by the Board. No individual other than a citizen of the United States may be an officer of the Corporation. No officer of the Corporation, other than the Chairman and any Vice-Chairman of the Board, may receive any salary or other compensation from any source other than the Corporation during the period of his employment by the Corporation. All officers shall serve at the pleasure of the Board.*

(2) *No political test or qualification shall be used in selecting, appointing, promoting, or taking other personnel actions with respect to officers, agents, and employees of the Corporation.*

NONPROFIT AND NONPOLITICAL NATURE OF THE CORPORATION

(f) (1) *The Corporation shall have no power to issue any shares of stock, or to declare or pay any dividends.*

(2) *No part of the income or assets of the Corporation shall inure to the benefit of any director, officer, employee or any other individual except as salary or reasonable compensation for services.*

(3) *The Corporation may not contribute to or otherwise support any political party or candidate for elective public office.*

PURPOSE AND ACTIVITIES OF THE CORPORATION

(g) (1) *In order to achieve the objectives and to carry out the purposes of this subpart, as set out in subsection (a), the Corporation is authorized to—*

(A) *Facilitate the full development of educational broadcasting in which programs of high quality, obtained from diverse sources, will be made available to noncommercial educational television or radio broadcast stations;*

(B) *Assist in the establishment and development of one or more systems of noncommercial educational television or radio broadcasting and one or more systems of interconnection to be used for the distribution of educational television or radio programs so that all noncommercial educational television or radio broadcast stations that wish to may broadcast the programs at times chosen by the stations;*

(C) *Assist in the establishment and development of one or more systems of noncommercial educational television or radio broadcast stations throughout the United States.*

(D) *Carry out its purposes and functions and engage in its activities in ways that will most effectively assure the maximum freedom of the noncommercial educational television or radio broadcast systems and local stations from interference with or control of program content or other activities.*

(2) *Included in the activities of the Corporation authorized for accomplishment of the purposes set forth in subsection (a) of this section are, among others not specifically named—*

(A) *To obtain grants from and to make contracts with individuals and with private, State, and Federal agencies, organizations, and institutions.*

(B) *To contract with or make grants to program production entities, individuals, and selected noncommercial educational broadcast stations for the production of, and otherwise to procure, educational television or radio programs for national or regional distribution to noncommercial educational broadcast stations.*

(C) *To make payments to existing and new noncommercial educational broadcast stations to aid in financing local educational television or radio programming costs of such stations, particularly innovative approaches thereto, and other costs of operation of such stations.*

(D) *To establish and maintain libraries and archives of noncommercial educational television or radio programs and related materials and disseminate information about noncommercial educational television or radio broadcasting by publication of a journal.*

(E) *To arrange, by grant or contract with appropriate public or private agencies, organizations, or institutions, for interconnection facilities suitable for distribution and transmission of educational television or radio programs to noncommercial educational broadcast stations.*

(F) To hire or accept the voluntary services of consultants, experts, advisory boards, and panels to aid the Corporation in carrying out the purposes of this section.

(G) To encourage the creation of new noncommercial educational broadcast stations in order to enhance such service on a local, state, regional, and national basis.

(H) Conduct (directly or through grants or contracts) research, demonstrations, and training in matters related to noncommercial educational television or radio broadcasting.

(3) To carry out the foregoing purposes and engage in the foregoing activities, the Corporation shall have the usual powers conferred upon a nonprofit corporation by the District of Columbia Nonprofit Corporation Act, except that the Corporation may not own or operate any television or radio broadcast stations, system, or network, or community antenna television system, or interconnection or program production facility.

AUTHORIZATION FOR FREE OR REDUCED RATE INTERCONNECTION SERVICE

(h) Nothing in the Communications Act of 1934, as amended, or in any other provision of law shall be construed to prevent United States communications common carriers from rendering free or reduced rate communications interconnection services for noncommercial educational television or radio services, subject to such rules and regulations as the Federal Communications Commission may prescribe.

REPORT TO CONGRESS

(i) The Corporation shall submit an annual report for the preceding fiscal year ending June 30 to the President for transmittal to the Congress on or before the 31st day of December of each year. The report shall include a comprehensive and detailed report of the Corporation's operations, activities, financial condition, and accomplishments under this section and may include such recommendations as the Corporation deems appropriate.

RIGHT TO REPEAL, ALTER, OR AMEND

(j) The right to repeal, alter, or amend this section at any time is expressly reserved.

FINANCING

(1) (l) There are authorized to be appropriated for expenses of the Corporation for the fiscal year ending June 30, 1968, the sum of \$9,000,000 and for the next fiscal year such sums as may be necessary, to remain available until expended.

(2) Notwithstanding the preceding provisions of this section, no grant or contract pursuant to this section may provide for payment from the appropriation for the fiscal year ending June 30, 1968, for any one project or to any one station of more than \$250,000.

SUBPART C—GENERAL

DEFINITIONS

SEC. [394] 397. For the purposes of this part—

(1) The term "State" includes the District of Columbia [and the], the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands.

(2) The term "construction", as applied to educational television broadcasting facilities or educational radio broadcasting facilities, means the acquisition and installation of transmission apparatus (including towers, microwave equipment, boosters, translators, repeaters, mobile equipment, and video-recording equipment) necessary for television broadcasting or radio broadcasting, as the case may be, including apparatus which may incidentally be used for transmitting closed circuit television programs, but 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.*

(3) The term "Secretary" means the Secretary of Health, Education, and Welfare.

(4) The [term] terms "State educational television agency" [means] and "State educational radio agency", with respect to television broadcasting and radio broadcasting, respectively, mean (A) a board or commission established by State law for the purpose of promoting [educational television] such broadcasting within a State, (B) a board or commission appointed by the Governor of a State for such purpose if such appointment is not inconsistent with State law, or (C) a State officer or agency responsible for the supervision of public elementary or secondary education or public higher education within the State which has been designated by the Governor to assume responsibility for the promotion of [educational television] such broadcasting; and, in the case of the District of Columbia, the term "Governor" means the Board of Commissioners of the District of Columbia and in the case of the Trust Territory of the Pacific Islands, means the High Commissioner thereof.

(5) the term "nonprofit" as applied to any foundation, corporation, or association, means a foundation, corporation, or association, no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual.

(6) The term "Corporation" means the corporation authorized to be established by subpart B of this part.

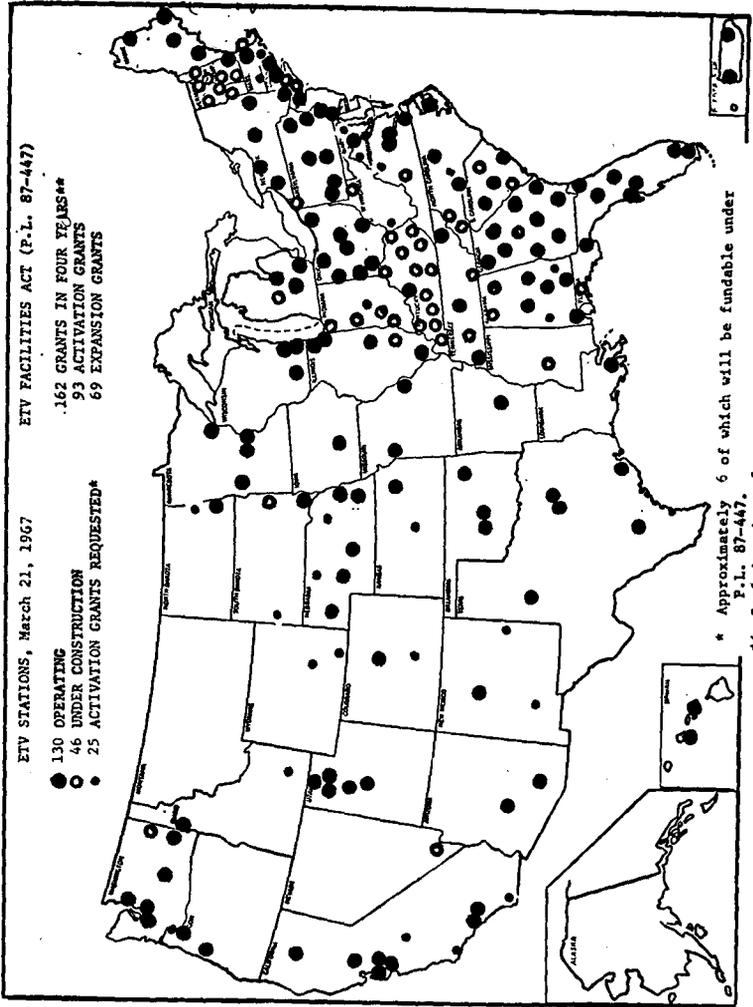
(7) The term "noncommercial educational broadcast station" means a television or radio broadcast station which, under the rules and regulations of the Federal Communications Commission, is eligible to be licensed or is licensed by the Commission as a noncommercial educational radio or television broadcast station and which is owned and operated by a public agency or nonprofit private foundation, corporation, or association.

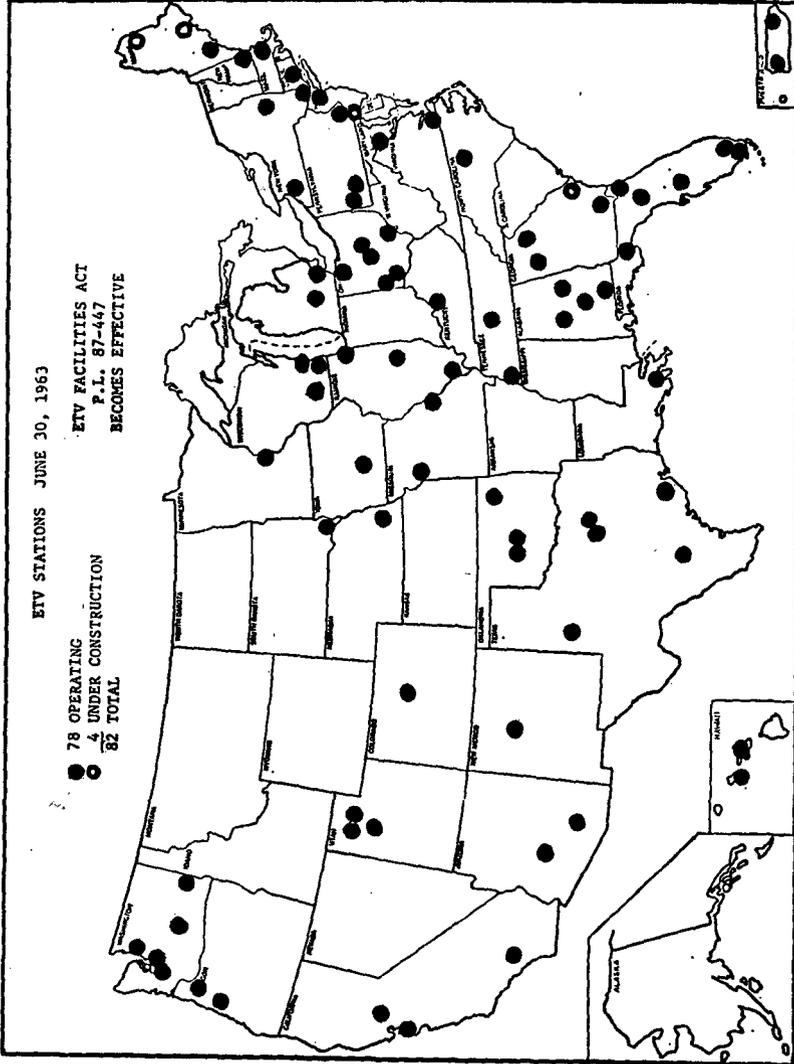
(8) The term "interconnection" means the use of microwave equipment, boosters, translators, repeaters, communication space satellites, or other apparatus or equipment for the transmission and distribution of television or radio programs to noncommercial educational television or radio broadcast stations.

FEDERAL INTERFERENCE OR CONTROL PROHIBITED

SEC. [397] 398. Nothing contained in this part shall be deemed (1) to amend any other provision of, or requirement under this Act; or (2) to authorize any department, agency, officer, or employee of the United States to exercise any direction, supervision, or control over educational television *or radio* broadcasting or over the curriculum, program of instruction, or personnel of any educational institution, school system, or educational broadcasting station or system.

APPENDIX





ETV broadcast stations assisted by the Educational Television Facilities Act (Public Law 87-447), as of Mar. 31, 1967, by State

[A—activation; GR—grant requested; E—expansion; UC—under construction]

City	Call letters	Channel	Year activated	Public Law 87-447	
				Grants	Requested
Alabama:					
Birmingham	WBIQ	10	1955		E
Mount Cheaha	WCIQ	7	1955		
Dozier	WDIQ	2	1956		
Montgomery	WAIQ	26	1962		E
Mobile	WEIQ	42	1964	A	E
Huntsville	WHIQ	25	1965	A	E
University (production center only)				E	
Auburn (production center only)				E	
Florence		36	UC	A	
Louisville			GR		A
Demopolis		41	GR		A
Montevallo (production center only)			GR		E
Alaska (none.)					
Arizona:					
Tucson	KUAT	6	1959	E	
Phoenix	KAET	8	1961	E, E	
Arkansas: Little Rock	KETS	2	1966	A	
California:					
San Francisco	KQED	9	1954	E	
Sacramento	KVIE	6	1959	E	
San Bernardino	KVRC	24	1962	E	
Redding	KLXE	9	1964		
Los Angeles	KCET	28	1964	A	
San Jose	KTEH	54	1964	A	
San Mateo	KCSM	14	1964	A	
San Diego		15	GR		A
Fresno		18	GR		A
Santa Barbara		20	GR		A
Colorado:					
Denver	KRMA	6	1956	E, E	
Pueblo		8	GR		A
Connecticut:					
Hartford	WEDH	24	1962	E	
Norwich	WEDN	53	1967	A	
Bridgeport		49	UC	A	
Delaware: Wilmington					
	WHYY	12	1963	E	
District of Columbia:					
Washington	WETA	26	1961	E, E	
Do		32	GR		A
Florida:					
Miami	WTHS	2	1955	E ¹	
Gainesville	WUFT	5	1958		
Jacksonville	WJCT	7	1958	E	
Tampa	WEDU	3	1958	E	
Tallahassee	WFSU	11	1960		
Miami	WSEC	17	1962	E ¹	
Orlando	WMFE	24	1965	A, E	
Tampa	WUSF	16	1966	A	
Pensacola		23	UC	A	
Georgia:					
Atlanta	WETV	30	1958		
Waycross	WXGA	8	1961		
Athens	WGTV	8	1960	E	
Savannah	WVAN	9	1963		
Columbus	WJSP	28	1964		
Wrens	WCES	20	1966	A	
Pelham	WABW	14	1966		A
Chatsworth	WCLP	18	1967	A	
Dawson	WACS	25	1967	A	
Cochran	WDCO	15	UC	A	
Hawaii:					
Honolulu	KHET	11	1966	A, E	
Waikuku	KMEB	10	1966	A	
Idaho:					
Moscow	KUID	12	1965	A	
Pocatello		10	GR		A
Illinois:					
Chicago	WTTW	11	1955		
Urbana	WILL	12	1955	E	
Carbondale	WSIU	8	1961		
Chicago	WXXX	20	1965	A	
Olney		16	UC	A	

See footnote at end of table, p. 42.

ETV broadcast stations assisted by the Educational Television Facilities Act (Public Law 87-447), as of Mar. 31, 1967, by State—Continued

[A—activation; GR—grant requested; E—expansion; UC—under construction]

City	Call letters	Channel	Year activated	Public Law 87-447	
				Grants	Requested
Indiana:					
Lafayette.....		24	UC		
St. John.....	WCAE	50	UC	A	
Vincennes.....		22	UC	A	
Bloomington.....	WTIU	30	UC	A	
Indianapolis.....		20	GR		A
Iowa: Des Moines.....					
	KDPS	11	1959	E	
Kansas:					
Topeka.....	KTWU	11	1965	A, E	
Hutchinson.....		8	GR		A
Kentucky:					
Louisville.....	WFPK	15	1958		
Lexington.....		46	UC	A	E
Somerset.....		29	UC	A	
Morehead.....		38	UC	A	
Hazard.....		35	UC	A	
Pikeville.....		22	UC	A	
Ashland.....		25	UC	A	
Owenton.....		52	UC	A	
Murray.....		21	UC	A	
Madisonville.....		35	UC	A	
Elizabethtown.....		23	UC	A	
Bowling Green.....		53	UC	A	
Covington.....		54	UC	A	
Louisiana: New Orleans.....					
	WYES	8	1957	E	
Maine:					
Augusta.....	WGBB	10	1961		
Orono.....	WMEB	12	1963		
Presque Isle.....	WMEM	10	1964		
Calais.....	WMED	13	1964	A	
Maryland: Baltimore.....					
		67	GR		A
Massachusetts:					
Boston.....	WGBH	2	1955	E	
Do.....	WGBX	44	UC	A	
Springfield.....		57	GR		A
Michigan:					
Detroit.....	WTVS	56	1955	E	
East Lansing.....	WMSB	10	1959		
University Center.....	WUCM	19	1964	A	
Mount Pleasant.....		14	UC	A	
Minnesota:					
Minneapolis-St. Paul.....	KTCA	2	1957	E	
Superior-Duluth.....	WDSE	8	1964	A, E	
Minneapolis-St. Paul.....	KTCI	17	1965	A	
Appleton.....	KWCM	10	1966	A	
Mississippi: Jackson.....					
		29	UC	A	
Missouri:					
St. Louis.....	KETC	9	1954	E	E
Kansas City.....	KCSB	19	1961	E, E	
Montana (none).					
Nebraska:					
Lincoln.....	KUON	12	1954	E	
Lexington.....	KLNE	3	1965	A	
Omaha.....	KYNE	26	1965	A	
Alliance.....	KTNE	13	1966	A	
North Platte.....	KPNE	9	1966	A	
Bassett.....		7	GR		A
Norfolk.....		16	GR		A
Nevada: Las Vegas.....					
	KCCS	10	UC	A	
New Hampshire:					
Durham.....	WENH	11	1959	E ¹	
Hanover.....	WHED	28	UC	A	
Littleton.....		49	UC	A	
Berlin.....		40	UC	A	
Keene.....		52	UC	A ¹	
New Jersey: Newark.....					
	WNDT	13	1962	E	
New Mexico:					
Albuquerque.....	KNME	5	1958	E	
Hatch.....		12	GR		A
Portales.....		3	GR		A
New York:					
Buffalo.....	WNED	17	1959		
New York.....	WNYC	31	1962		
Schenectady.....	WMHT	17	1962	E	
Syracuse.....	WCNY	24	1965	A	
Rochester.....	WXXI	21	1966	A	
New York.....	WNYE	25	UC	A	

See footnote at end of table, p. 42.

ETV broadcast stations assisted by the Educational Television Facilities Act (Public Law 87-447), as of Mar. 31, 1967, by State—Continued

[A—activation; GR—grant requested; E—expansion; UC—under construction]

City	Call letters	Channel	Year activated	Public Law 87-447	
				Grants	Requested
North Carolina:					
Chapel Hill.....	WUNC	4	1955	E	
Charlotte.....	WTVI	42	1965	A	
Columbia.....	WUNB	2	1965	A	
Linville.....		17	UC	A	
Ashville.....		33	UC		
Concord.....		58	GR		A
North Dakota:					
Fargo.....	KFME	13	1964	A, E	
Grand Forks.....		2	GR		A
Ohio:					
Cincinnati.....	WCET	48	1954	E	E
Columbus.....	WOSU	34	1955		E
Oxford.....	WMUB	14	1959	E	
Toledo.....	WGTE	30	1960		E
Newark.....	WGSF	28	1963		E
Athens.....	WOUB	20	1963	E, E	
Bowling Green.....	WGBU	70	1964	A	
Cleveland.....	WVIZ	25	1965	A, E	
Oklahoma:					
Oklahoma City.....	KETA	13	1956	E	
Do.....	KOKH	25	1959	E	
Tulsa.....	KOED	11	1959	E	
Oregon:					
Corvallis.....	KOAC	7	1957	E	
Portland.....	KOAP	10	1961	E	
Pennsylvania:					
Pittsburgh.....	WQED	13	1954	E	
Philadelphia.....	WUHY	35	1957		
Pittsburgh.....	WQEX	16	1959		
Hershey.....	WTF	33	1964	A	
Allentown.....	WLVT	39	1965	A	
University Park.....	WPSX	3	1965	A	
Seranton.....	WVIA	44	1966	A	
Erie.....		54	UC	A	
Puerto Rico:					
San Juan.....	WIPR	6	1958	E	
Mayaguez.....	WIPM	3	1961	E	
Rhode Island: Providence.....		36	UC	A	
South Carolina:					
Charleston.....	WITV	7	1964	A	
Greenville.....	WNTV	29	1963	A	
Columbia.....	WRLK	35	1966	A	
Allendale.....		14	UC	A	
Florence.....		33	UC	A	
South Dakota:					
Vermillion.....	KUSD	2	1961	E	E
Brookings.....		8	UC	A	
Rapid City.....		9	GR		A
Tennessee:					
Memphis.....	WKNO	10	1956		
Nashville.....	WDCN	2	1962		
Sneedville.....	WSJK	2	1967	A	
Chattanooga.....		45	UC	A	
Lexington.....	WLJT	11	UC	A	
Texas:					
Houston.....	KUHT	8	1953	E	E
Dallas.....	KERA	15	1960		
Richardson.....	KRET	23	1960		
Lubbock.....	KTXT	5	1962	E	
Austin.....	KLRN	9	1962	E	E
Utah:					
Salt Lake City.....	KUED	7	1958	E	
Ogden.....	KWCS	18	1960	E	
Do.....	KOET	9	1962	E	
Logan.....	KUSU	12	1964	A	
Provo.....	KBYU	11	1965		E
Vermont:					
Burlington.....	WVTM	33	UC	A	
Rutland.....	WVBR	28	UC	A	
St. Johnsbury.....	WVTB	20	UC	A	
Windsor.....	WVTA	41	UC	A	

ETV broadcast stations assisted by the Educational Television Facilities Act (Public Law 87-447), as of Mar. 31, 1967, by State—Continued

[A—activation; GR—grant requested; E—expansion; UC—under construction]

City	Call letters	Channel	Year activated	Public Law 87-447	
				Grants	Requested
Virginia:					
Norfolk.....	WHRO	15	1961	E, E..	E
Richmond.....	WCVE	23	1964		
Do.....	WCVW	57	1966		
Roanoke.....		15	UC	A	
Staunton.....		51	GR		A, E
Front Royal.....		42	GR		A
Washington:					
Seattle.....	KCTS	9	1954	E	
Lakewood Center.....	KPEC	56	1960	E, E	
Tacoma.....	KTPS	62	1961	E, E	
Pullman.....	KWSC	10	1962	E, E	
Yakima.....	KYVE	47	1962	E	
Spokane.....		7	UC	A	
West Virginia:					
Morgantown.....		24	UC	A	
Huntington.....		67	GR		A
Wisconsin:					
Madison.....	WHA	21	1954		
Milwaukee.....	WMVS	10	1957	E	
Do.....	WMVT	36	1962	E	
Wyoming:					
Casper.....			GR		A
Laramie.....			GR		A

¹ 1 grant awarded.

