

90TH CONGRESS  
1ST SESSION

# S. 1160

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IN THE SENATE OF THE UNITED STATES

MARCH 2, 1967

Mr. MAGNUSON introduced the following bill; which was read twice and referred to the Committee on Commerce

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## A BILL

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 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.

- 1 *Be it enacted by the Senate and House of Representa-*
- 2 *tives of the United States of America in Congress assembled,*
- 3 That this Act may be cited as the "Public Television Act
- 4 of 1967".

1           TITLE I—CONSTRUCTION OF FACILITIES  
2           EXTENSION OF DURATION OF CONSTRUCTION GRANTS  
3                           FOR EDUCATIONAL TELEVISION

4           SEC. 101. (a) Section 391 of the Communications Act  
5 of 1934 (47 U.S.C. 391) is amended by inserting after  
6 the first sentence the following new sentence: "There are  
7 also authorized to be appropriated for carrying out the pur-  
8 poses of such section, \$10,500,000 for the fiscal year ending  
9 June 30, 1968, and such sums as may be necessary for the  
10 next four fiscal years."

11           (b) The last sentence of such section is amended by  
12 striking out "July 1, 1968" and inserting in lieu thereof  
13 "July 1, 1973".

14                           MAXIMUM ON GRANTS IN ANY STATE

15           SEC. 102. Effective with respect to grants made from  
16 appropriations for any fiscal year beginning after June 30,  
17 1967, subsection (b) of section 392 of the Communications  
18 Act of 1934 (47 U.S.C. 392 (b) ) is amended to read:

19           “(b) The total of the grants for any fiscal year made  
20 under this part for the construction of noncommercial edu-  
21 cational television broadcasting facilities or noncommercial  
22 educational radio broadcasting facilities in any State may not  
23 exceed  $12\frac{1}{2}$  per centum of the portion of the appropriation  
24 for such year available for such grants.”



1 eligible to receive a license from the Federal Communi-  
2 cations Commission; or meets the requirements of clause  
3 (i) and is also organized to engage in or encourage such  
4 radio broadcasting and is eligible for such a license for  
5 such a radio station”;

6 (4) striking out “television” in paragraphs (2),  
7 (3), and (4) of such subsection;

8 (5) striking out “and” at the end of paragraph  
9 (3), striking out the period at the end of paragraph  
10 (4) and inserting in lieu thereof “; and”, and inserting  
11 after paragraph (4) the following new paragraph:

12 “(5) that, in the case of an application with respect  
13 to radio broadcasting facilities, there has been compre-  
14 hensive planning for educational broadcasting facilities  
15 and services in the area the applicant proposes to serve  
16 and the applicant has participated in such planning, and  
17 the applicant will make most efficient use of the fre-  
18 quency assignment.”

19 (c) Subsection (c) of such section is amended by in-  
20 sserting “(1)” after “(c)” and “noncommercial” before  
21 “educational television broadcasting facilities”, and by insert-  
22 ing at the end thereof the following new paragraph:

23 “(2) In order to assure proper coordination of construc-  
24 tion of noncommercial educational radio broadcasting facil-  
25 ities within each State which has established a State educa-

1 tional radio agency, each applicant for a grant under this  
2 section for a project for construction of such facilities in such  
3 State, other than such agency, shall notify such agency of  
4 each application for such a grant which is submitted by it to  
5 the Secretary, and the Secretary shall advise such agency  
6 with respect to the disposition of each such application.”

7 (d) Subsection (d) of such section is amended by in-  
8 serting “noncommercial” before “educational television” and  
9 inserting “or noncommercial educational radio broadcasting  
10 facilities, as the case may be,” after “educational television  
11 broadcasting facilities” in clauses (2) and (3).

12 (e) Subsection (f) of such section is amended by insert-  
13 ing “or radio” after “television” in the part thereof which  
14 precedes paragraph (1), and by inserting “or noncommercial  
15 educational radio purposes, as the case may be” after “edu-  
16 cational television purposes” in paragraph (2) thereof.

17 (f) (1) Paragraph (2) of section 394 of such Act  
18 (42 U.S.C. 394) is amended by inserting “or educational  
19 radio broadcasting facilities” after “educational television  
20 broadcasting facilities,” and by inserting “or radio broad-  
21 casting, as the case may be” after “television broadcasting”.

22 (2) Paragraph (4) of such section is amended by strik-  
23 ing out “The term ‘State educational television agency’  
24 means” and inserting in lieu thereof “The terms ‘State edu-  
25 cational television agency’ and ‘State educational radio

1 agency' mean, with respect to television broadcasting and  
2 radio broadcasting, respectively," and by striking out "edu-  
3 cational television" in clauses (A) and (C) and inserting  
4 in lieu thereof "such broadcasting".

5 (g) Section 397 of such Act (42 U.S.C. 397) is  
6 amended by inserting "or radio" after "television" in clause  
7 (2).

8 FEDERAL SHARE OF COST OF CONSTRUCTION

9 SEC. 104. Subsection (e) of section 392 of the Com-  
10 munications Act of 1934 (47 U.S.C. 392 (e) ) is amended  
11 to read as follows:

12 " (e) Upon approving any application under this sec-  
13 tion with respect to any project, the Secretary shall make a  
14 grant to the applicant in the amount determined by him, but  
15 not exceeding 75 per centum of the amount determined by  
16 the Secretary to be the reasonable and necessary cost of such  
17 project. The Secretary shall pay such amount from the sum  
18 available therefor, in advance or by way of reimbursement,  
19 and in such installments consistent with construction prog-  
20 ress, as he may determine."

21 INCLUSION OF TERRITORIES

22 SEC. 105. (a) Paragraph (1) of section 394 of the  
23 Communications Act of 1934 is amended by striking out  
24 "and" and inserting a comma in lieu thereof, and by insert-  
25 ing before the period at the end thereof ", the Virgin Islands,

1 Guam, American Samoa, and the Trust Territory of the  
2 Pacific Islands”.

3 (b) Paragraph (4) of such section is amended by in-  
4 serting “and, in the case of the Trust Territory of the Pacific  
5 Islands, means the High Commissioner thereof” before the  
6 period at the end thereof.

7 INCLUSION OF COSTS OF PLANNING

8 SEC. 106. Paragraph (2) of section 394 of the Com-  
9 munications Act of 1934 is further amended by inserting at  
10 the end thereof the following: “In the case of apparatus the  
11 acquisition and installation of which is so included, such term  
12 also includes planning therefor.”

13 TITLE II—ESTABLISHMENT OF NONPROFIT EDU-  
14 CATIONAL BROADCASTING CORPORATION

15 SEC. 201. Part IV of title III of the Communications  
16 Act of 1934 is further amended by—

17 (1) inserting

18 “SUBPART A—GRANTS FOR FACILITIES”

19 immediately above the heading of section 390;

20 (2) striking out “part” and inserting in lieu thereof  
21 “subpart” in sections 390, 393, 395, and 396;

22 (3) redesignating section 397 as section 398, insert-  
23 ing it before such section 398, and redesignating section  
24 394 as section 397 and inserting immediately above the  
25 heading thereof

1                                   “SUBPART C—GENERAL”;

2                   (4) redesignating section 396 as section 394 and  
3 inserting it immediately after section 393;

4                   (5) inserting after “broadcasting” the first time it  
5 appears in clause (2) of the section of such part IV  
6 redesignated herein as section 398 “, or over the Corpo-  
7 ration or any of its grantees or contractors, or over the  
8 charter or bylaws of the Corporation,”.

9                   (6) inserting in the section of such part IV herein  
10 redesignated as section 397 the following new para-  
11 graphs;

12                   “(6) The term ‘Corporation’ means the Corporation  
13 authorized to be established by subpart B of this part.

14                   “(7) The term ‘noncommercial educational broad-  
15 cast station’ means a television or radio broadcast station,  
16 which, under the rules and regulations of the Federal  
17 Communications Commission, is eligible to be licensed  
18 or is licensed by the Commission as a noncommercial  
19 educational radio or television broadcast station and  
20 which is owned and operated by a public agency or  
21 nonprofit private foundation, corporation, or association.

22                   “(8) The term ‘interconnection’ means the use of  
23 microwave equipment, boosters, translators, repeaters,  
24 communication space satellites, or other apparatus or  
25 equipment for the transmission and distribution of tele-

1 vision or radio programs to noncommercial educational  
2 television or radio broadcast stations.”

3 (7) inserting after section 395 the following new  
4 subpart:

5 “SUBPART B—CORPORATION FOR PUBLIC TELEVISION

6 “Congressional Declaration of Policy

7 “SEC. 396. (a) The Congress hereby finds and de-  
8 clares—

9 “(1) that it is in the public interest to encourage  
10 the growth and development of noncommercial educa-  
11 tional radio and television broadcasting, including the  
12 use of such media for instructional purposes;

13 “(2) that expansion and development of noncom-  
14 mercial educational radio and television broadcasting and  
15 of diversity of its programing depend on freedom, imag-  
16 ination, and initiative on both the local and national  
17 levels;

18 “(3) that the encouragement and support of non-  
19 commercial educational radio and television broadcast-  
20 ing, while matters of importance for private and local  
21 development, are also of appropriate and important con-  
22 cern to the Federal Government;

23 “(4) that it furthers the general welfare to encour-  
24 age noncommercial educational radio and television

1 broadcast programing which will be responsive to the  
2 interests of people both in particular localities and  
3 throughout the United States, and which will constitute  
4 an expression of diversity and excellence;

5 “(5) that it is necessary and appropriate for the  
6 Federal Government to complement, assist, and support  
7 a national policy that will most effectively make non-  
8 commercial educational radio and television service  
9 available to all the citizens of the United States;

10 “(6) that a private corporation should be created  
11 to facilitate the development of educational radio and  
12 television broadcasting and to afford maximum protec-  
13 tion to such broadcasting from extraneous interference  
14 and control.

15 “Corporation Established

16 “(b) There is authorized to be established a nonprofit  
17 corporation, to be known as the ‘Corporation for Public Tele-  
18 vision’, which will not be an agency or establishment of the  
19 United States Government. The Corporation shall be subject  
20 to the provisions of this section, and, to the extent consistent  
21 with this section, to the District of Columbia Nonprofit Cor-  
22 poration Act.

23 “Board of Directors

24 “(c) (1) The Corporation shall have a Board of Direc-  
25 tors (hereinafter in this section referred to as the ‘Board’),

1 consisting of fifteen members appointed by the President, by  
2 and with the advice and consent of the Senate.

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

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

17 “(4) The term of office of each member of the Board  
18 shall be six years; except that (A) any member appointed  
19 to fill a vacancy occurring prior to the expiration of the  
20 term for which his predecessor was appointed shall be  
21 elected for the remainder of such term; and (B) the terms  
22 of office of members first taking office shall begin on the  
23 date of incorporation and shall expire, as designated at the  
24 time of their appointment, five at the end of two years,  
25 five at the end of four years, and five at the end of six

1 years. No member shall be eligible to serve in excess of  
2 two consecutive terms of six years each. Notwithstanding  
3 the preceding provisions of this paragraph, a member whose  
4 term has expired may serve until his successor has qualified.

5 “(5) Any vacancy in the Board shall not affect its  
6 power, but shall be filled in the manner in which the original  
7 appointments were made.

8 “Election of Chairman; Compensation

9 “(d) (1) The President shall designate one of the mem-  
10 bers first appointed to the Board as Chairman; thereafter the  
11 members of the Board shall annually elect one of their num-  
12 ber as Chairman. The members of the Board shall also elect  
13 one or more of them as a Vice Chairman or Vice Chairmen.

14 “(2) The members of the Board shall not, by reason  
15 of such membership, be deemed to be employees of the  
16 United States. They shall, while attending meetings of the  
17 Board or while engaged in duties related to such meetings  
18 or in other activities of the Board pursuant to this subpart  
19 be entitled to receive compensation at the rate of \$100 per  
20 day (or such other rate as may be determined by a vote of  
21 more than two-thirds of the full membership of the Board),  
22 including travel time, and while away from their homes or  
23 regular places of business they may be allowed travel ex-  
24 penses, including per diem in lieu of subsistence, equal to

1 that authorized by law (5 U.S.C. 5703) for persons in the  
2 Government service employed intermittently.

3 “Officers and Employees

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

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

18 “Nonprofit and Nonpolitical Nature of the Corporation

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

21 “(2) No part of the income or assets of the Corpora-  
22 tion shall inure to the benefit of any director, officer, em-  
23 ployee, or any other individual except as salary or reasonable  
24 compensation for services.

1       “(3) The Corporation may not contribute to or other-  
2 wise support any political party or candidate for elective  
3 public office.

4               “Purposes and Activities of the Corporation

5       “(g) (1) In order to achieve the objectives and to  
6 carry out the purposes of this subpart, as set out in subsec-  
7 tion (a), the Corporation is authorized to—

8               “(A) facilitate the full development of educational  
9 broadcasting in which programs of high quality, obtained  
10 from diverse sources, will be made available to noncom-  
11 mercial educational television or radio broadcast stations;

12              “(B) assist in the establishment and development  
13 of a system of interconnection to be used for the dis-  
14 tribution of educational television or radio programs so  
15 that all noncommercial educational television or radio  
16 broadcast stations that wish to may broadcast the pro-  
17 grams at times chosen by the stations;

18              “(C) assist in the establishment and development  
19 of one or more systems of noncommercial educational  
20 television or radio broadcast stations throughout the  
21 United States;

22              “(D) carry out its purposes and functions and  
23 engage in its activities in ways that will most effectively  
24 assure the maximum freedom of the noncommercial edu-  
25 cational television or radio broadcast systems and local

1 stations from interference with or control of program  
2 content or other activities.

3 “(2) Included in the activities of the Corporation  
4 authorized for accomplishment of the purposes set forth in  
5 subsection (a) of this section, are, among others not spe-  
6 cifically named—

7 “(A) to obtain grants from and to make contracts  
8 with individuals and with private, State, and Federal  
9 agencies, organizations, and institutions;

10 “(B) to contract with or make grants to program  
11 production entities, individuals, and selected noncommer-  
12 cial educational broadcast stations for the production of,  
13 and otherwise to procure, educational television or radio  
14 programs for national or regional distribution to noncom-  
15 mercial educational broadcast stations;

16 “(C) to make payments to existing and new non-  
17 commercial educational broadcast stations to aid in  
18 financing local educational television or radio program-  
19 ing costs of such stations, particularly innovative ap-  
20 proaches thereto, and other costs of operation of such  
21 stations;

22 “(D) to establish and maintain a library and  
23 archives of noncommercial educational television or radio  
24 programs and related materials and develop public aware-  
25 ness of and disseminate information about noncommer-

1 cial educational television or radio broadcasting by  
2 various means, including the publication of a journal;

3 “(E) to arrange, by grant or contract with ap-  
4 propriate public or nonprofit private agencies, organi-  
5 zations, or institutions, for interconnection facilities  
6 suitable for distribution and transmission of educational  
7 television or radio programs to noncommercial educa-  
8 tional broadcast stations;

9 “(F) to hire or accept the voluntary services of  
10 consultants, experts, advisory boards, and panels to aid  
11 the Corporation in carrying out the purposes of this  
12 section;

13 “(G) to encourage the creation of new noncommer-  
14 cial educational broadcast stations in order to enhance  
15 such service on a local, State, regional, and national  
16 basis;

17 “(H) to conduct (directly or through grants or  
18 contracts) research, demonstrations, or training in mat-  
19 ters related to noncommercial educational television or  
20 radio broadcasting.

21 “(3) To carry out the foregoing purposes and engage  
22 in the foregoing activities, the Corporation shall have the  
23 usual powers conferred upon a nonprofit corporation by the  
24 District of Columbia Nonprofit Corporation Act, except that  
25 the Corporation may not own or operate any television or

1 radio broadcast stations, system, or network, on interconnec-  
2 tion or program production facility.

3 “Authorization for Free or Reduced Rate Interconnection  
4 Service

5 “(h) Nothing in the Communications Act of 1934, as  
6 amended, or in any other provision of law shall be construed  
7 to prevent United States communications common carriers  
8 from rendering free or reduced rate communications inter-  
9 connection services to grantees of or contractors with the  
10 Corporation and local noncommercial educational television  
11 or radio broadcast stations, subject to such rules and regula-  
12 tions as the Federal Communications Commission may  
13 prescribe.

14 “Report to Congress

15 “(i) The Corporation shall submit an annual report for  
16 the preceding fiscal year ending June 30 to the President  
17 for transmittal to the Congress on or before the 31st day of  
18 December of each year. The report shall include a compre-  
19 hensive and detailed report of the Corporation’s operations,  
20 activities, financial condition, and accomplishments under this  
21 section and may include such recommendations as the Cor-  
22 poration deems appropriate.

23 “Right to Repeal, Alter, or Amend

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



1 take, and which may aid communities, institutions, or agen-  
2 cies in determining whether and to what extent such activi-  
3 ties should be used.

4 CONTENT OF STUDY

5 SEC. 302. Such study shall be comprehensive in nature  
6 and shall cover particularly such items as—

7 (1) the quality and content of existing programs  
8 and how they can be improved;

9 (2) the financial factors involved in use of in-  
10 structional television in educational institutions;

11 (3) the relative advantages or disadvantages of  
12 using instructional television as compared with other  
13 media;

14 (4) the advantages and disadvantages of closed cir-  
15 cuit television;

16 (5) the relationship between instructional and edu-  
17 cational television; and

18 (6) new technology not now available, including  
19 flexible teacher-controlled scheduling of programs based  
20 on videotapes, discs, films, and other materials or  
21 devices.



90TH CONGRESS  
1ST SESSION

**S. 1160**

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**A BILL**

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 non-profit 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.

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By Mr. MAGNUSON

MARCH 2, 1967

Read twice and referred to the Committee on  
Commerce

90<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

Calendar No. 213

# S. 1160

[Report No. 222]

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## IN THE SENATE OF THE UNITED STATES

MARCH 2, 1967

Mr. MAGNUSON introduced the following bill; which was read twice and referred to the Committee on Commerce

MAY 11 (legislative day, MAY 10), 1967

Reported by Mr. PASTORE, with amendments

[Omit the part struck through and insert the part printed in italic]

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## A BILL

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 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.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

1 That this Act may be cited as the “Public Television Broad-  
2 *casting* Act of 1967”.

3 TITLE I—CONSTRUCTION OF FACILITIES

4 EXTENSION OF DURATION OF CONSTRUCTION GRANTS

5 FOR EDUCATIONAL ~~TELEVISION~~ BROADCASTING

6 SEC. 101. (a) Section 391 of the Communications Act  
7 of 1934 (47 U.S.C. 391) is amended by inserting after  
8 the first sentence the following new sentence: “There are  
9 also authorized to be appropriated for carrying out the pur-  
10 poses of such section, \$10,500,000 for the fiscal year ending  
11 June 30, 1968, and such sums as may be necessary for the  
12 next four fiscal years.”.

13 (b) The last sentence of such section is amended by  
14 striking out “July 1, 1968” and inserting in lieu thereof  
15 “July 1, 1973”.

16 MAXIMUM ON GRANTS IN ANY STATE

17 SEC. 102. Effective with respect to grants made from  
18 appropriations for any fiscal year beginning after June 30,  
19 1967, subsection (b) of section 392 of the Communications  
20 Act of 1934 (47 U.S.C. 392 (b) ) is amended to read:

21 “(b) The total of the grants for any fiscal year made  
22 under this part for the construction of noncommercial edu-  
23 cational television broadcasting facilities or noncommercial  
24 educational radio broadcasting facilities in any State may not

1 exceed 12½ per centum of the portion of the appropriation  
2 for such year available for such grants.”

3 NONCOMMERCIAL EDUCATIONAL RADIO BROADCASTING  
4 FACILITIES

5 SEC. 103. (a) Section 390 of the Communications Act  
6 of 1934 (47 U.S.C. 390) is amended by inserting “non-  
7 commercial” before “educational” and by inserting “or  
8 radio” after “television”.

9 (b) Subsection (a) of section 392 of the Communica-  
10 tions Act of 1934 (47 U.S.C. 392 (a) ) is amended by—

11 (1) inserting “noncommercial” before “educa-  
12 tional” and by inserting “or radio” after “television” in  
13 so much thereof as precedes paragraph (1) ;

14 (2) striking out clause (B) of such paragraph and  
15 inserting in lieu thereof “(B) in the case of a project  
16 for television facilities, the State educational television  
17 agency or, in the case of a project for radio facilities,  
18 the State educational radio agency,”;

19 (3) inserting “(i) in the case of a project for  
20 television facilities,” after “(D)” and “noncommercial”  
21 before “educational” in such paragraph (1) (D) and by  
22 inserting before the semicolon at the end of such para-  
23 graph “, or (ii) in the case of a project for radio facil-  
24 ities, a nonprofit foundation, corporation, or association

1       which is organized primarily to engage in or encourage  
2       noncommercial educational radio broadcasting and is  
3       eligible to receive a license from the Federal Communi-  
4       cations Commission; or meets the requirements of clause  
5       (i) and is also organized to engage in or encourage such  
6       radio broadcasting and is eligible for such a license for  
7       such a radio station”;

8           (4) striking out “television” in paragraphs (2),  
9       (3), and (4) of such subsection;

10          (5) striking out “and” at the end of paragraph  
11       (3), striking out the period at the end of paragraph  
12       (4) and inserting in lieu thereof “; and”, and inserting  
13       after paragraph (4) the following new paragraph:

14           “(5) that, in the case of an application with respect  
15       to radio broadcasting facilities, there has been compre-  
16       hensive planning for educational broadcasting facilities  
17       and services in the area the applicant proposes to serve  
18       and the applicant has participated in such planning, and  
19       the applicant will make most efficient use of the fre-  
20       quency assignment.”

21       (c) Subsection (c) of such section is amended by in-  
22       serting “(1)” after “(c)” and “noncommercial” before  
23       “educational television broadcasting facilities”, and by insert-  
24       ing at the end thereof the following new paragraph:

25           “(2) In order to assure proper coordination of construc-

1 tion of noncommercial educational radio broadcasting facil-  
2 ities within each State which has established a State educa-  
3 tional radio agency, each applicant for a grant under this  
4 section for a project for construction of such facilities in such  
5 State, other than such agency, shall notify such agency of  
6 each application for such a grant which is submitted by it to  
7 the Secretary, and the Secretary shall advise such agency  
8 with respect to the disposition of each such application.”

9 (d) Subsection (d) of such section is amended by in-  
10 serting “noncommercial” before “educational television” and  
11 inserting “or noncommercial educational radio broadcasting  
12 facilities, as the case may be,” after “educational television  
13 broadcasting facilities” in clauses (2) and (3).

14 (e) Subsection (f) of such section is amended by insert-  
15 ing “or radio” after “television” in the part thereof which  
16 precedes paragraph (1), *by inserting “noncommercial” before*  
17 *“educational television purposes” in paragraph (2) thereof,*  
18 and by inserting “or noncommercial educational radio pur-  
19 poses, as the case may be” after “educational television  
20 purposes” in *such* paragraph (2) thereof.

21 (f) (1) Paragraph (2) of section 394 of such Act  
22 (427 U.S.C. 394) is amended by inserting “or educational  
23 radio broadcasting facilities” after “educational television  
24 broadcasting facilities,” and by inserting “or radio broadcast-

1 ing, as the case may be" after "*necessary for television*  
2 broadcasting".

3 (2) Paragraph (4) of such section is amended by strik-  
4 ing out "The term 'State educational television agency'  
5 means" and inserting in lieu thereof "The terms 'State edu-  
6 cational television agency' and 'State educational radio  
7 agency' mean, with respect to television broadcasting and  
8 radio broadcasting, respectively," and by striking out "edu-  
9 cational television" in clauses (A) and (C) and inserting  
10 in lieu thereof "such broadcasting".

11 (g) Section 397 of such Act (~~427~~ U.S.C. 397) is  
12 amended by inserting "or radio" after "television" in clause  
13 (2).

14 FEDERAL SHARE OF COST OF CONSTRUCTION

15 SEC. 104. Subsection (e) of section 392 of the Com-  
16 munications Act of 1934 (47 U.S.C. 392 (e) ) is amended  
17 to read as follows:

18 "(e) Upon approving any application under this sec-  
19 tion with respect to any project, the Secretary shall make a  
20 grant to the applicant in the amount determined by him, but  
21 not exceeding 75 per centum of the amount determined by  
22 the Secretary to be the reasonable and necessary cost of such  
23 project. The Secretary shall pay such amount from the sum  
24 available therefor, in advance or by way of reimbursement,

1 and in such installments consistent with construction prog-  
2 ress, as he may determine.”

3 INCLUSION OF TERRITORIES

4 SEC. 105. (a) Paragraph (1) of section 394 of the  
5 Communications Act of 1934 is amended by striking out  
6 “and” and inserting a comma in lieu thereof, and by insert-  
7 ing before the period at the end thereof “, the Virgin Islands,  
8 Guam, American Samoa, and the Trust Territory of the  
9 Pacific Islands”.

10 (b) Paragraph (4) of such section is amended by  
11 inserting “and, in the case of the Trust Territory of the Pa-  
12 cific Islands, means the High Commissioner thereof” before  
13 the period at the end thereof.

14 INCLUSION OF COSTS OF PLANNING

15 SEC. 106. Paragraph (2) of section 394 of the Com-  
16 munications Act of 1934 is further amended by inserting at  
17 the end thereof the following: “In the case of apparatus the  
18 acquisition and installation of which is so included, such  
19 term also includes planning therefor.”

20 TITLE II—ESTABLISHMENT OF NONPROFIT EDU-  
21 CATIONAL BROADCASTING CORPORATION

22 SEC. 201. Part IV of title III of the Communications  
23 Act of 1934 is further amended by—

24 (1) inserting

## 1           “SUBPART A—GRANTS FOR FACILITIES”

2           immediately above the heading of section 390;

3           (2) striking out “part” and inserting in lieu thereof  
4           “subpart” in sections 390, 393, 395, and 396;5           (3) redesignating section 397 as section 398, *and*  
6           *redesignating section 394 as section 397 and* inserting  
7           it before such section 398, ~~and redesignating section~~  
8           ~~394 as section 397~~ and inserting immediately above ~~the~~  
9           *its heading thereof*

## 10                           “SUBPART C—GENERAL”;

11           (4) redesignating section 396 as section 394 and  
12           inserting it immediately after section 393;13           (5) inserting after “broadcasting” the first time it  
14           appears in clause (2) of the section of such part IV  
15           redesignated herein as section 398 “, or over the Corpo-  
16           ration or any of its grantees or contractors, or over the  
17           charter or bylaws of the Corporation,”.18           (6) inserting in the section of such part IV herein  
19           redesignated as section 397 the following new para-  
20           graphs:21           “ (6) The term ‘Corporation’ means the Corporation  
22           authorized to be established by subpart B of this part.23           “ (7) The term ‘noncommercial educational broad-  
24           cast station’ means a television or radio broadcast station,  
25           which, under the rules and regulations of the Federal



1 of diversity of its programing depend on freedom, imag-  
2 ination, and initiative on both the local and national  
3 levels;

4 “(3) that the encouragement and support of non-  
5 commercial educational radio and television broadcast-  
6 ing, while matters of importance for private and local  
7 development, are also of appropriate and important con-  
8 cern to the Federal Government;

9 “(4) that it furthers the general welfare to encour-  
10 age noncommercial educational radio and television  
11 broadcast programing which will be responsive to the  
12 interests of people both in particular localities and  
13 throughout the United States, and which will constitute  
14 an expression of diversity and excellence;

15 “(5) that it is necessary and appropriate for the  
16 Federal Government to complement, assist, and support  
17 a national policy that will most effectively make non-  
18 commercial educational radio and television service  
19 available to all the citizens of the United States;

20 “(6) that a private corporation should be created  
21 to facilitate the development of *noncommercial* educa-  
22 tional radio and television broadcasting and to afford  
23 maximum protection to such broadcasting from ex-  
24 traneous interference and control.

## 1                                   “Corporation Established

2           “(b) There is authorized to be established a nonprofit  
3 corporation, to be known as the ‘Corporation for Public  
4 *Broadcasting Television*’, which will not be an agency or  
5 establishment of the United States Government. The Cor-  
6 poration shall be subject to the provisions of this section, and,  
7 to the extent consistent with this section, to the District of  
8 Columbia Nonprofit Corporation Act.

## 9                                   “Board of Directors

10          “(c) (1) The Corporation shall have a Board of Direc-  
11 tors (hereinafter in this section referred to as the ‘Board’),  
12 consisting of fifteen members *of which nine shall be* appointed  
13 by the President, by and with the advice and consent of the  
14 Senate *and six shall be elected by the members so appointed.*

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

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

5       “(4) The term of office of each member of the Board  
6 shall be six years; except that (A) any member appointed  
7 *or elected* to fill a vacancy occurring prior to the expiration  
8 of the term for which his predecessor was appointed shall be  
9 *appointed or elected* for the remainder of such term; and  
10 (B) the terms of office of members first taking office shall  
11 begin on the date of incorporation and shall expire, as des-  
12 ignated at the time of their appointment *or election*, ~~five~~  
13 ~~at the end of two years, five at the end of four years, and~~  
14 ~~five at the end of six~~ *as follows: the terms of three of the*  
15 *appointed members and two of the elected members shall ex-*  
16 *pire at the end of two years, the terms of three of the ap-*  
17 *pointed members and two of the elected members shall ex-*  
18 *pire at the end of four years, and the terms of three of the*  
19 *appointed members and two of the elected members shall*  
20 *expire at the end of six years.* No member shall be eligible  
21 to serve in excess of two consecutive terms of six years  
22 each. Notwithstanding the preceding provisions of this  
23 paragraph, a member whose term has expired may serve  
24 until his successor has qualified.

25       “(5) Any vacancy in the Board shall not affect i-

1 power, but shall be filled in the manner in which the original  
2 ~~appointments~~ were *appointment or election* was made.

3 "Election of Chairman; Compensation

4 "(d) (1) The President shall designate one of the mem-  
5 bers first appointed *or elected* to the Board as Chairman;  
6 thereafter the members of the Board shall annually elect one  
7 of their number as Chairman. The members of the Board  
8 shall also elect one or more of them as a Vice Chairman or  
9 Vice Chairmen.

10 "(2) The members of the Board shall not, by reason  
11 of such membership, be deemed to be employees of the  
12 United States. They shall, while attending meetings of the  
13 Board or while engaged in duties related to such meetings  
14 or in other activities of the Board pursuant to this subpart  
15 be entitled to receive compensation at the rate of \$100 per  
16 day (or such other rate as may be determined by a vote of  
17 more than two-thirds of the full membership of the Board),  
18 including travel time, and while away from their homes or  
19 regular places of business they may be allowed travel ex-  
20 penses, including per diem in lieu of subsistence, equal to  
21 that authorized by law (5 U.S.C. 5703) for persons in the  
22 Government service employed intermittently.

23 "Officers and Employees

24 "(e) (1) The Corporation shall have a President, and  
25 such other officers as may be named and appointed by the

1 Board for terms and at rates of compensation fixed by the  
2 Board. No individual other than a citizen of the United  
3 States may be an officer of the Corporation. No officer of  
4 the Corporation, other than the Chairman and any Vice  
5 Chairman *of the Board*, may receive any salary or other  
6 compensation from any source other than the Corporation  
7 during the period of his employment by the Corporation.  
8 All officers shall serve at the pleasure of the Board.

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

13 “Nonprofit and Nonpolitical Nature of the Corporation

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

16 “(2) No part of the income or assets of the Corpora-  
17 tion shall inure to the benefit of any director, officer, em-  
18 ployee, or any other individual except as salary or reasonable  
19 compensation for services.

20 “(3) The Corporation may not contribute to or other-  
21 wise support any political party or candidate for elective  
22 public office.

1           “Purposes and Activities of the Corporation

2           “(g) (1) In order to achieve the objectives and to  
3 carry out the purposes of this subpart, as set out in subsec-  
4 tion (a), the Corporation is authorized to—

5           “(A) facilitate the full development of educational  
6 broadcasting in which programs of high quality, obtained  
7 from diverse sources, will be made available to noncom-  
8 mercial educational television or radio broadcast stations;

9           “(B) assist in the establishment and development  
10 of ~~a system~~ *one or more systems of noncommercial educa-*  
11 *tional television or radio broadcasting and one or more*  
12 *systems* of interconnection to be used for the distribution  
13 of educational television or radio programs so that all  
14 noncommercial educational television or radio broad-  
15 cast stations that wish to may broadcast the programs  
16 at times chosen by the stations;

17           ~~“(C) assist in the establishment and development~~  
18 ~~of one or more systems of noncommercial educational~~  
19 ~~television or radio broadcast stations throughout the~~  
20 ~~United States;~~

21           ~~“(D) (C)~~ carry out its purposes and functions and  
22 engage in its activities in ways that will most effectively

1       assure the maximum freedom of the noncommercial edu-  
2       cational television or radio broadcast systems and local  
3       stations from interference with or control of program  
4       content or other activities.

5       “(2) Included in the activities of the Corporation  
6       authorized for accomplishment of the purposes set forth in  
7       subsection (a) of this section, are, among others not spe-  
8       cifically named—

9               “(A) to obtain grants from and to make contracts  
10       with individuals and with private, State, and Federal  
11       agencies, organizations, and institutions;

12              “(B) to contract with or make grants to program  
13       production entities, individuals, and selected noncommer-  
14       cial educational broadcast stations for the production of,  
15       and otherwise to procure, educational television or radio  
16       programs for national or regional distribution to noncom-  
17       mercial educational broadcast stations;

18              “(C) to make payments to existing and new non-  
19       commercial educational broadcast stations to aid in  
20       financing local educational television or radio program-  
21       ing costs of such stations, particularly innovative ap-  
22       proaches thereto, and other costs of operation of such  
23       stations;

24              “(D) to establish and maintain ~~a library~~ *libraries*  
25       and archives of noncommercial educational television or

1 radio programs and related materials and develop public  
2 awareness of and disseminate information about noncom-  
3 mercial educational television or radio broadcasting by  
4 various means, including the publication of a journal;

5 “(E) to arrange, by grant or contract with appro-  
6 priate public or ~~nonprofit~~ private agencies, organiza-  
7 tions, or institutions, for interconnection facilities suitable  
8 for distribution and transmission of educational television  
9 or radio programs to noncommercial educational broad-  
10 cast stations;

11 “(F) to hire or accept the voluntary services of  
12 consultants, experts, advisory boards, and panels to aid  
13 the Corporation in carrying out the purposes of this  
14 section;

15 “(G) to encourage the creation of new noncommer-  
16 cial educational broadcast stations in order to enhance  
17 such service on a local, State, regional, and national  
18 basis;

19 “(H) to conduct (directly or through grants or  
20 contracts) research, demonstrations, ~~or~~ and training in  
21 matters related to noncommercial educational television  
22 or radio broadcasting.

23 “(3) To carry out the foregoing purposes and engage  
24 in the foregoing activities, the Corporation shall have the  
25 usual powers conferred upon a nonprofit corporation by the

1 District of Columbia Nonprofit Corporation Act, except that  
2 the Corporation may not own or operate any television or  
3 radio broadcast stations, system, or network, *or community*  
4 *antenna television system, or* interconnection or program  
5 production facility.

6 “Authorization for Free or Reduced Rate Interconnection  
7 Service

8 “(h) Nothing in the Communications Act of 1934, as  
9 amended, or in any other provision of law shall be construed  
10 to prevent United States communications common carriers  
11 from rendering free or reduced rate communications inter-  
12 connection services to ~~grantees of or contractors with the~~  
13 ~~Corporation and local~~ *for* noncommercial educational tele-  
14 vision or radio broadcast ~~stations~~ *services*, subject to such  
15 rules and regulations as the Federal Communications Com-  
16 mission may prescribe.

17 “Report to Congress

18 “(i) The Corporation shall submit an annual report for  
19 the preceding fiscal year ending June 30 to the President  
20 for transmittal to the Congress on or before the 31st day of  
21 December of each year. The report shall include a compre-  
22 hensive and detailed report of the Corporation’s operations,  
23 activities, financial condition, and accomplishments under  
24 this section and may include such recommendations as the  
25 Corporation deems appropriate.

1 "Right To Repeal, Alter, or Amend

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

4 "Financing

5 "(k) (1) There are authorized to be appropriated for  
6 expenses of the Corporation for the fiscal year ending June  
7 30, 1968, the sum of \$9,000,000, and for the next fiscal  
8 year such sums as may be necessary, to remain available  
9 until expended.

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

15 TITLE III—STUDY OF EDUCATIONAL AND IN-  
16 STRUCTIONAL TELEVISION BROADCASTING

17 STUDY AUTHORIZED

18 SEC. 301. The Secretary of Health, Education, and  
19 Welfare is authorized to conduct, directly or by contract,  
20 and in consultation with other interested Federal agencies,  
21 a study of instructional television, including its relationship  
22 to education television broadcasting and such other aspects  
23 thereof as may assist in determining whether Federal aid  
24 should be provided therefor and the form that aid should

1 take, and which may aid communities, institutions, or agen-  
 2 cies in determining whether and to what extent such activi-  
 3 ties should be used. *a comprehensive study of instructional*  
 4 *television and radio (including broadcast, closed circuit, com-*  
 5 *munity antenna television, and instructional television fixed*  
 6 *services and two-way communication of data links and com-*  
 7 *puters) and their relationship to each other and to instruc-*  
 8 *tional materials such as videotapes, films, discs, computers, and*  
 9 *other educational materials or devices, and such other aspects*  
 10 *thereof as may be of assistance in determining what Federal*  
 11 *aid should be provided for instructional radio and television*  
 12 *and the form that aid should take, and which may aid com-*  
 13 *munities, institutions, or agencies in determining whether and*  
 14 *to what extent such activities should be used.*

15 **CONTENT OF STUDY**

16 **SEC. 302.** Such study shall be comprehensive in nature  
 17 and shall cover particularly such items as—

18 (1) the quality and content of existing programs  
 19 and how they can be improved;

20 (2) the financial factors involved in use of in-  
 21 structional television in educational institutions;

22 (3) the relative advantages or disadvantages of  
 23 using instructional television as compared with other  
 24 media;



Calendar No. 213

90TH CONGRESS  
1st Session

**S. 1160**

[Report No. 222]

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**A BILL**

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 non-profit 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.

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By Mr. MAGNUSON

MARCH 2, 1967

Read twice and referred to the Committee on  
Commerce

MAY 11 (legislative day, MAY 10), 1967

Reported with amendments