

any radio station, unless it is so furnished in consideration for an identification in such broadcast or in such program of any person, product, service, trademark, or brand name beyond an identification which is reasonably related to the use of such service or property in such broadcast or such program.

(g) Penalties

Any person who violates any provision of this section shall, for each such violation, be fined not more than \$10,000 or imprisoned not more than one year, or both.

(June 19, 1934, ch. 652, title V, § 507, formerly § 508, as added Pub. L. 86-752, § 8(b), Sept. 13, 1960, 74 Stat. 896; renumbered § 507, Pub. L. 96-507, § 1, Dec. 8, 1980, 94 Stat. 2747.)

PRIOR PROVISIONS

A prior section 507 of act June 19, 1934, ch. 652, was renumbered section 506 by section 1 of Pub. L. 96-507, and is classified to section 507 of this title.

§ 509. Prohibited practices in contests of knowledge, skill, or chance

(a) Influencing, prearranging, or predetermining outcome

It shall be unlawful for any person, with intent to deceive the listening or viewing public—

(1) To supply to any contestant in a purportedly bona fide contest of intellectual knowledge or intellectual skill any special and secret assistance whereby the outcome of such contest will be in whole or in part prearranged or predetermined.

(2) By means of persuasion, bribery, intimidation, or otherwise, to induce or cause any contestant in a purportedly bona fide contest of intellectual knowledge or intellectual skill to refrain in any manner from using or displaying his knowledge or skill in such contest, whereby the outcome thereof will be in whole or in part prearranged or predetermined.

(3) To engage in any artifice or scheme for the purpose of prearranging or predetermining in whole or in part the outcome of a purportedly bona fide contest of intellectual knowledge, intellectual skill, or chance.

(4) To produce or participate in the production for broadcasting of, to broadcast or participate in the broadcasting of, to offer to a licensee for broadcasting, or to sponsor, any radio program, knowing or having reasonable ground for believing that, in connection with a purportedly bona fide contest of intellectual knowledge, intellectual skill, or chance constituting any part of such program, any person has done or is going to do any act or thing referred to in paragraph (1), (2), or (3) of this subsection.

(5) To conspire with any other person or persons to do any act or thing prohibited by paragraph (1), (2), (3), or (4) of this subsection, if one or more of such persons do any act to effect the object of such conspiracy.

(b) "Contest" and "the listening or viewing public" defined

For the purposes of this section—

(1) The term "contest" means any contest broadcast by a radio station in connection

with which any money or any other thing of value is offered as a prize or prizes to be paid or presented by the program sponsor or by any other person or persons, as announced in the course of the broadcast.

(2) The term "the listening or viewing public" means those members of the public who, with the aid of radio receiving sets, listen to or view programs broadcast by radio stations.

(c) Penalties

Whoever violates subsection (a) of this section shall be fined not more than \$10,000 or imprisoned not more than one year, or both.

(June 19, 1934, ch. 652, title V, § 508, formerly § 509, as added Pub. L. 86-752, § 9, Sept. 13, 1960, 74 Stat. 897; renumbered § 508, Pub. L. 96-507, § 1, Dec. 8, 1980, 94 Stat. 2747.)

PRIOR PROVISIONS

A prior section 508 of act June 19, 1934, ch. 652, was renumbered section 507 by section 1 of Pub. L. 96-507, and is classified to section 508 of this title.

§ 510. Forfeiture of communications devices

(a) Violation with willful and knowing intent

Any electronic, electromagnetic, radio frequency, or similar device, or component thereof, used, sent, carried, manufactured, assembled, possessed, offered for sale, sold, or advertised with willful and knowing intent to violate section 301 or 302a of this title, or rules prescribed by the Commission under such sections, may be seized and forfeited to the United States.

(b) Seizure

Any property subject to forfeiture to the United States under this section may be seized by the Attorney General of the United States upon process issued pursuant to the supplemental rules for certain admiralty and maritime claims by any district court of the United States having jurisdiction over the property, except that seizure without such process may be made if the seizure is incident to a lawful arrest or search.

(c) Laws applicable to seizure and forfeiture

All provisions of law relating to—

(1) the seizure, summary and judicial forfeiture, and condemnation of property for violation of the customs laws;

(2) the disposition of such property or the proceeds from the sale thereof;

(3) the remission or mitigation of such forfeitures; and

(4) the compromise of claims with respect to such forfeitures;

shall apply to seizures and forfeitures incurred, or alleged to have been incurred, under the provisions of this section, insofar as applicable and not inconsistent with the provisions of this section, except that such seizures and forfeitures shall be limited to the communications device, devices, or components thereof.

(d) Disposition of forfeited property

Whenever property is forfeited under this section, the Attorney General of the United States may forward it to the Commission or sell any forfeited property which is not harmful to the

public. The proceeds from any such sale shall be deposited in the general fund of the Treasury of the United States.

(June 19, 1934, ch. 652, title V, § 510, as added Pub. L. 97-259, title I, § 125, Sept. 13, 1982, 96 Stat. 1098.)

REFERENCES IN TEXT

The supplemental rules for certain admiralty and maritime claims, referred to in subsec. (b), were renamed the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions and are set out as part of the Federal Rules of Civil Procedure in the Appendix to Title 28, Judiciary and Judicial Procedure.

PRIOR PROVISIONS

A prior section 510, act June 19, 1934, ch. 652, title V, § 510, as added May 11, 1962, Pub. L. 87-448, § 1, 76 Stat. 68, related to forfeitures for violations of rules and regulations by radio stations operating in common carrier, safety and special radio fields, prior to repeal effective the thirtieth day after Feb. 21, 1978, by Pub. L. 95-234, §§ 4, 7, Feb. 21, 1978, 92 Stat. 35.

SUBCHAPTER V—A—CABLE COMMUNICATIONS

PART I—GENERAL PROVISIONS

§ 521. Purposes

The purposes of this subchapter are to—

- (1) establish a national policy concerning cable communications;
- (2) establish franchise procedures and standards which encourage the growth and development of cable systems and which assure that cable systems are responsive to the needs and interests of the local community;
- (3) establish guidelines for the exercise of Federal, State, and local authority with respect to the regulation of cable systems;
- (4) assure that cable communications provide and are encouraged to provide the widest possible diversity of information sources and services to the public;
- (5) establish an orderly process for franchise renewal which protects cable operators against unfair denials of renewal where the operator's past performance and proposal for future performance meet the standards established by this subchapter; and
- (6) promote competition in cable communications and minimize unnecessary regulation that would impose an undue economic burden on cable systems.

(June 19, 1934, ch. 652, title VI, § 601, as added Pub. L. 98-549, § 2, Oct. 30, 1984, 98 Stat. 2780.)

EFFECTIVE DATE

Pub. L. 98-549, § 9(a), Oct. 30, 1984, 98 Stat. 2806, provided that: "Except where otherwise expressly provided, the provisions of this Act [enacting this subchapter and section 611 of this title, amending sections 152, 224, 309, and 605 of this title, section 2511 of Title 18, Crimes and Criminal Procedure, and section 1805 of Title 50, War and National Defense, and enacting provisions set out as notes under this section and sections 543, 605, and 609 of this title] and the amendments made thereby shall take effect 60 days after the date of enactment of this Act [Oct. 30, 1984]."

SHORT TITLE

For short title of Pub. L. 98-549 [enacting this subchapter] as the "Cable Communications Policy Act of

1984", see section 1(a) of Pub. L. 98-549, set out as a Short Title of 1984 Amendment note under section 609 of this title.

CONGRESSIONAL FINDINGS AND POLICY FOR PUB. L. 102-385

Pub. L. 102-385, § 2(a), (b), Oct. 5, 1992, 106 Stat. 1460, 1463, provided that:

"(a) FINDINGS.—The Congress finds and declares the following:

"(1) Pursuant to the Cable Communications Policy Act of 1984 [Pub. L. 98-549, enacting this subchapter and section 611 of this title, amending sections 152, 224, 309, and 605 of this title, section 2511 of Title 18, Crimes and Criminal Procedure, and section 1805 of Title 50, War and National Defense, and enacting provisions set out as notes under this section and sections 543, 605, and 609 of this title], rates for cable television services have been deregulated in approximately 97 percent of all franchises since December 29, 1986. Since rate deregulation, monthly rates for the lowest priced basic cable service have increased by 40 percent or more for 28 percent of cable television subscribers. Although the average number of basic channels has increased from about 24 to 30, average monthly rates have increased by 29 percent during the same period. The average monthly cable rate has increased almost 3 times as much as the Consumer Price Index since rate deregulation.

"(2) For a variety of reasons, including local franchising requirements and the extraordinary expense of constructing more than one cable television system to serve a particular geographic area, most cable television subscribers have no opportunity to select between competing cable systems. Without the presence of another multichannel video programming distributor, a cable system faces no local competition. The result is undue market power for the cable operator as compared to that of consumers and video programmers.

"(3) There has been a substantial increase in the penetration of cable television systems over the past decade. Nearly 56,000,000 households, over 60 percent of the households with televisions, subscribe to cable television, and this percentage is almost certain to increase. As a result of this growth, the cable television industry has become a dominant nationwide video medium.

"(4) The cable industry has become highly concentrated. The potential effects of such concentration are barriers to entry for new programmers and a reduction in the number of media voices available to consumers.

"(5) The cable industry has become vertically integrated; cable operators and cable programmers often have common ownership. As a result, cable operators have the incentive and ability to favor their affiliated programmers. This could make it more difficult for noncable-affiliated programmers to secure carriage on cable systems. Vertically integrated program suppliers also have the incentive and ability to favor their affiliated cable operators over non-affiliated cable operators and programming distributors using other technologies.

"(6) There is a substantial governmental and First Amendment interest in promoting a diversity of views provided through multiple technology media.

"(7) There is a substantial governmental and First Amendment interest in ensuring that cable subscribers have access to local noncommercial educational stations which Congress has authorized, as expressed in section 396(a)(5) of the Communications Act of 1934 [47 U.S.C. 396(a)(5)]. The distribution of unique non-commercial, educational programming services advances that interest.

"(8) The Federal Government has a substantial interest in making all nonduplicative local public television services available on cable systems because—

"(A) public television provides educational and informational programming to the Nation's citi-