

(6) the impact of the time delay associated with the Commission procedures necessary for establishment of such standards.

(h) Rulemaking for encryption standard

If the Commission finds, based on the information gathered from the inquiry required by subsection (g), that a universal encryption standard is necessary and in the public interest, the Commission shall initiate a rulemaking to establish such a standard.

(June 19, 1934, ch. 652, title VII, §705, formerly title VI, §605, 48 Stat. 1103; Pub. L. 90-351, title III, §803, June 19, 1968, 82 Stat. 223; Pub. L. 97-259, title I, §126, Sept. 13, 1982, 96 Stat. 1099; renumbered title VII, §705, and amended Pub. L. 98-549, §§5(a), 6(a), Oct. 30, 1984, 98 Stat. 2802, 2804; Pub. L. 100-626, §11, Nov. 7, 1988, 102 Stat. 3211; Pub. L. 100-667, title II, §§204, 205, Nov. 16, 1988, 102 Stat. 3958, 3959; Pub. L. 103-414, title III, §§303(a)(25)-(28), 304(a)(15), Oct. 25, 1994, 108 Stat. 4295-4297; Pub. L. 104-104, title II, §205(a), Feb. 8, 1996, 110 Stat. 114.)

AMENDMENTS

1996—Subsec. (e)(4). Pub. L. 104-104 inserted “or direct-to-home satellite services,” after “programming.”

1994—Subsec. (d)(6). Pub. L. 103-414, §303(a)(25), substituted “subsection (e)” for “subsection (d)”.

Subsec. (e)(3)(A). Pub. L. 103-414, §303(a)(26), substituted “paragraph (4) of this subsection” for “paragraph (4) of subsection (d)”.

Subsec. (f). Pub. L. 103-414, §303(a)(27), redesignated subsec. (f), relating to universal encryption standard, as (g).

Subsec. (g). Pub. L. 103-414, §304(a)(15), which directed substitution of “The Commission” for “within 6 months after November 16, 1988, the Federal Communications Commission”, was executed by making the substitution in text which read “Within 6 months” rather than “within 6 months” in introductory provisions to reflect the probable intent of Congress.

Pub. L. 103-414, §303(a)(27), redesignated subsec. (f), relating to universal encryption standard, as (g). Former subsec. (g) redesignated (h).

Subsec. (h). Pub. L. 103-414, §303(a)(27), (28), redesignated subsec. (g) as (h) and substituted “subsection (g)” for “subsection (f)”.

1988—Subsecs. (c), (d). Pub. L. 100-626 added subsec. (c) and redesignated former subsec. (c) as (d). Former subsec. (d) redesignated (e).

Subsec. (d)(6). Pub. L. 100-667, §205(1), which directed the addition of par. (6) to subsec. (c), was executed to subsec. (d) to reflect the probable intent of Congress and the intervening redesignation of subsec. (c) as (d) by Pub. L. 100-626.

Subsec. (e). Pub. L. 100-667, §205(2)-(12), which directed the amendment of subsec. (d)(1) to (4) of this section, was executed to subsec. (e)(1) to (4) of this section, see below, to reflect the probable intent of Congress and the intervening redesignation of subsec. (d) as (e) by Pub. L. 100-626.

Pub. L. 100-626 redesignated subsec. (d) as (e). Former subsec. (e) redesignated (f).

Subsec. (e)(1). Pub. L. 100-667, §205(2), substituted “\$2,000” for “\$1,000”.

Subsec. (e)(2). Pub. L. 100-667, §205(3), substituted “\$50,000 or imprisoned for not more than 2 years, or both, for the first such conviction and shall be fined not more than \$100,000 or imprisoned for not more than 5 years” for “\$25,000 or imprisoned for not more than 1 year, or both, for the first such conviction and shall be fined not more than \$50,000 or imprisoned for not more than 2 years”.

Subsec. (e)(3)(A). Pub. L. 100-667, §205(4), inserted “or paragraph (4) of subsection (d)” before “may bring”.

Subsec. (e)(3)(B). Pub. L. 100-667, §205(5)-(8), struck out “may” after “The court” and substituted “may

grant” for “grant” in cl. (i), “may award” for “award” in cl. (ii), and “shall direct” for “direct” in cl. (iii).

Subsec. (e)(3)(C)(i)(II). Pub. L. 100-667, §205(9), inserted “of subsection (a)” after “violation”, substituted “\$1,000” for “\$250”, and inserted before period at end “, and for each violation of paragraph (4) of this subsection involved in the action an aggrieved party may recover statutory damages in a sum not less than \$10,000, or more than \$100,000, as the court considers just”.

Subsec. (e)(3)(C)(ii). Pub. L. 100-667, §205(10), substituted “\$100,000 for each violation of subsection (a)” for “\$50,000”.

Subsec. (e)(3)(C)(iii). Pub. L. 100-667, §205(11), substituted “\$250” for “\$100”.

Subsec. (e)(4). Pub. L. 100-667, §205(12), added par. (4) and struck out former par. (4) which read as follows: “The importation, manufacture, sale, or distribution of equipment by any person with the intent of its use to assist in any activity prohibited by subsection (a) shall be subject to penalties and remedies under this subsection to the same extent and in the same manner as a person who has engaged in such prohibited activity.”

Subsec. (f). Pub. L. 100-667, §204, added subsec. (f) relating to universal encryption standard.

Pub. L. 100-626 redesignated subsec. (e), relating to rights, obligations, and liabilities under other laws, as (f).

Subsec. (g). Pub. L. 100-667, §204, added subsec. (g).

1984—Pub. L. 98-549, §5(a), designated existing provisions as subsec. (a) and added subsecs. (b) to (e).

1982—Pub. L. 97-259 struck out “broadcast or” after “communication which is”, substituted “any station” for “amateurs or others”, struck out “or” after “general public”, and substituted “ships, aircraft, vehicles, or persons in distress, or which is transmitted by an amateur radio station operator or by a citizens band radio operator” for “ships in distress”.

1968—Pub. L. 90-351 inserted “Except as authorized by chapter 119, title 18”, designated existing provisions as cls. (1) to (6), inserted “radio” before “communication” in second and fourth sentences, struck out “wire or” before “radio” in third sentence, and substituted “intercepted” for “obtained” in fourth sentence.

EFFECTIVE DATE OF 1988 AMENDMENT

Amendment by Pub. L. 100-667 effective Jan. 1, 1989, see section 206 of Pub. L. 100-667, set out as an Effective Date note under section 119 of Title 17, Copyrights.

EFFECTIVE DATE OF 1984 AMENDMENT

Pub. L. 98-549, §5(b), Oct. 30, 1984, 98 Stat. 2803, provided that: “The amendments made by subsection (a) [amending this section] shall take effect on the effective date of this Act [Dec. 29, 1984].”

Amendment by Pub. L. 98-549 effective 60 days after Oct. 30, 1984, except where otherwise expressly provided, see section 9(a) of Pub. L. 98-549, set out as an Effective Date note under section 521 of this title.

§ 606. War powers of President

(a) Priority communications

During the continuance of a war in which the United States is engaged, the President is authorized, if he finds it necessary for the national defense and security, to direct that such communications as in his judgment may be essential to the national defense and security shall have preference or priority with any carrier subject to this chapter. He may give these directions at and for such times as he may determine, and may modify, change, suspend, or annul them and for any such purpose he is authorized to issue orders directly, or through such person or persons as he designates for the purpose, or through the Commission. Any carrier complying with

any such order or direction for preference or priority herein authorized shall be exempt from any and all provisions in existing law imposing civil or criminal penalties, obligations, or liabilities upon carriers by reason of giving preference or priority in compliance with such order or direction.

(b) Obstruction of interstate or foreign communications

It shall be unlawful for any person during any war in which the United States is engaged to knowingly or willfully, by physical force or intimidation by threats of physical force, obstruct or retard or aid in obstructing or retarding interstate or foreign communication by radio or wire. The President is authorized, whenever in his judgment the public interest requires, to employ the armed forces of the United States to prevent any such obstruction or retardation of communication: *Provided*, That nothing in this section shall be construed to repeal, modify, or affect either section 17 of title 15 or section 52 of title 29.

(c) Suspension or amendment of rules and regulations applicable to certain emission stations or devices

Upon proclamation by the President that there exists war or a threat of war, or a state of public peril or disaster or other national emergency, or in order to preserve the neutrality of the United States, the President, if he deems it necessary in the interest of national security or defense, may suspend or amend, for such time as he may see fit, the rules and regulations applicable to any or all stations or devices capable of emitting electromagnetic radiations within the jurisdiction of the United States as prescribed by the Commission, and may cause the closing of any station for radio communication, or any device capable of emitting electromagnetic radiations between 10 kilocycles and 100,000 megacycles, which is suitable for use as a navigational aid beyond five miles, and the removal therefrom of its apparatus and equipment, or he may authorize the use or control of any such station or device and/or its apparatus and equipment, by any department of the Government under such regulations as he may prescribe upon just compensation to the owners. The authority granted to the President, under this subsection, to cause the closing of any station or device and the removal therefrom of its apparatus and equipment, or to authorize the use or control of any station or device and/or its apparatus and equipment, may be exercised in the Canal Zone.

(d) Suspension or amendment of rules and regulations applicable to wire communications; closing of facilities; Government use of facilities

Upon proclamation by the President that there exists a state or threat of war involving the United States, the President, if he deems it necessary in the interest of the national security and defense, may, during a period ending not later than six months after the termination of such state or threat of war and not later than such earlier date as the Congress by concurrent resolution may designate, (1) suspend or amend the rules and regulations applicable to any or

all facilities or stations for wire communication within the jurisdiction of the United States as prescribed by the Commission, (2) cause the closing of any facility or station for wire communication and the removal therefrom of its apparatus and equipment, or (3) authorize the use or control of any such facility or station and its apparatus and equipment by any department of the Government under such regulations as he may prescribe, upon just compensation to the owners.

(e) Compensation

The President shall ascertain the just compensation for such use or control and certify the amount ascertained to Congress for appropriation and payment to the person entitled thereto. If the amount so certified is unsatisfactory to the person entitled thereto, such person shall be paid only 75 per centum of the amount and shall be entitled to sue the United States to recover such further sum as added to such payment of 75 per centum will make such amount as will be just compensation for the use and control. Such suit shall be brought in the manner provided by section 1346 or section 1491 of title 28.

(f) Affect on State laws and powers

Nothing in subsection (c) or (d) shall be construed to amend, repeal, impair, or affect existing laws or powers of the States in relation to taxation or the lawful police regulations of the several States, except wherein such laws, powers, or regulations may affect the transmission of Government communications, or the issue of stocks and bonds by any communication system or systems.

(g) Limitations upon Presidential power

Nothing in subsection (c) or (d) shall be construed to authorize the President to make any amendment to the rules and regulations of the Commission which the Commission would not be authorized by law to make; and nothing in subsection (d) shall be construed to authorize the President to take any action the force and effect of which shall continue beyond the date after which taking of such action would not have been authorized.

(h) Penalties

Any person who willfully does or causes or suffers to be done any act prohibited pursuant to the exercise of the President's authority under this section, or who willfully fails to do any act which he is required to do pursuant to the exercise of the President's authority under this section, or who willfully causes or suffers such failure, shall, upon conviction thereof, be punished for such offense by a fine of not more than \$1,000 or by imprisonment for not more than one year, or both, and, if a firm, partnership, association, or corporation, by fine of not more than \$5,000, except that any person who commits such an offense with intent to injure the United States, or with intent to secure an advantage to any foreign nation, shall, upon conviction thereof, be punished by a fine of not more than \$20,000 or by imprisonment for not more than 20 years, or both.

(June 19, 1934, ch. 652, title VII, §706, formerly title VI, §606, 48 Stat. 1104; Jan. 26, 1942, ch. 18,

§§1, 2, 56 Stat. 18; Dec. 29, 1942, ch. 836, 56 Stat. 1096; July 25, 1947, ch. 327, §1, 61 Stat. 449; Oct. 24, 1951, ch. 553, §§1, 2, 65 Stat. 611; renumbered title VII, §706, Pub. L. 98-549, §6(a), Oct. 30, 1984, 98 Stat. 2804.)

REFERENCES IN TEXT

This chapter, referred to in subsec. (a), was in the original "this Act", meaning act June 19, 1934, ch. 652, 48 Stat. 1064, known as the Communications Act of 1934, which is classified principally to this chapter. For complete classification of this Act to the Code, see section 609 of this title and Tables.

For definition of Canal Zone, referred to in subsec. (c), see section 3602(b) of Title 22, Foreign Relations and Intercourse.

CODIFICATION

In subsec. (e), "section 1346 or section 1491 of title 28" substituted for "paragraph 20 of section 24 or by section 145, of the Judicial Code, as amended" (which were classified to sections 41(20) and 250 of former Title 28, Judicial Code and Judiciary) on authority of act June 25, 1948, ch. 646, 62 Stat. 869, the first section of which enacted Title 28, Judiciary and Judicial Procedure. Section 1346 of Title 28 sets forth the basic jurisdiction of the district courts in cases in which the United States is defendant. Section 1491 of Title 28 sets forth the basic jurisdiction of the United States Court of Claims. Sections 24(20) and 145 of the Judicial Code were also classified to sections 1496, 1501, 1503, 2401, 2402, and 2501 of Title 28.

AMENDMENTS

1951—Subsec. (c). Act Oct. 24, 1951, §1, clarified scope of President's powers to use, control, and close radio facilities of all kinds which might be useful to an enemy for navigational purposes.

Subsec. (h). Act Oct. 24, 1951, §2, added subsec. (h).

1947—Subsec. (h). Act July 25, 1947, struck out subsec. (h) which related to modification of certain sections of this title until six months after termination of World War II for the protection of vessels in wartime.

1942—Subsecs. (d), (e). Act Jan. 26, 1942, §1, added subsec. (d) and redesignated former subsec. (d) as (e).

Subsecs. (f), (g). Act Jan. 26, 1942, §2, added subsecs. (f) and (g).

Subsec. (h). Act Dec. 29, 1942, added subsec. (h).

TERMINATION OF WAR AND EMERGENCIES

Act July 25, 1947, ch. 327, §3, 61 Stat. 451, provided that in the interpretation of this section, the date July 25, 1947, shall be deemed to be the date of termination of any state of war theretofore declared by Congress and of the national emergencies proclaimed by the President on Sept. 8, 1939, and May 27, 1941.

EXECUTIVE ORDER NO. 8964

Ex. Ord. No. 8964, eff. Dec. 10, 1941, 6 F.R. 6367, relating to the use and control of radio stations and preference or priority of communications was revoked by Ex. Ord. No. 9831, eff. Feb. 24, 1947, 12 F.R. 1363.

EX. ORD. NO. 9831. BOARD OF WAR COMMUNICATIONS
ABOLISHED

Ex. Ord. No. 9831, eff. Feb. 24, 1947, 12 F.R. 1363, provided:

By virtue of the authority vested in me by the Constitution and statutes, including the Communications Act of 1934 (48 Stat. 1104, as amended; 47 U.S.C. 606) and as President of the United States, and in the interest of the internal management of the Government, it is hereby ordered as follows:

1. The Board of War Communications, established as the Defense Communications Board by Executive Order No. 8546 of September 24, 1940, is abolished, and all property and records thereof are transferred to the Federal Communications Commission.

2. Executive Orders Nos. 8546 of September 24, 1940, 8960 of December 6, 1941, 8964 of December 10, 1941, 9089 of March 6, 1942, and 9183 of June 15, 1942, are revoked.

HARRY S. TRUMAN.

EXECUTIVE ORDER NO. 10312

Ex. Ord. No. 10312, eff. Dec. 10, 1951, 16 F.R. 12452, as amended by Ex. Ord. No. 10438, eff. Mar. 13, 1953, 18 F.R. 1491; Ex. Ord. No. 10773, eff. July 1, 1958, 23 F.R. 5061; Ex. Ord. No. 10782, eff. Sept. 6, 1958, 23 F.R. 6971; Ex. Ord. No. 11051, eff. Sept. 27, 1962, 27 F.R. 9683, relating to delegation of authority to the Federal Communications Commission was revoked by Ex. Ord. No. 11490, eff. Oct. 28, 1969, 34 F.R. 17567.

EXECUTIVE ORDER NO. 10705

Ex. Ord. No. 10705, Apr. 17, 1957, 22 F.R. 2729, as amended by Ex. Ord. No. 10773, July 1, 1958, 23 F.R. 5061; Ex. Ord. No. 10782, Sept. 6, 1958, 23 F.R. 6971; Ex. Ord. No. 11051, Sept. 27, 1962, 27 F.R. 9683; Ex. Ord. No. 11556, Sept. 4, 1970, 35 F.R. 14193, which related to the delegation of authority to the Director of the Office of Telecommunications Policy, was revoked by Ex. Ord. No. 12046, Mar. 27, 1978, 43 F.R. 13349, set out as a note under section 305 of this title.

§ 607. Effective date of chapter

This chapter shall take effect upon the organization of the Commission, except that this section and sections 151 and 154 of this title shall take effect July 1, 1934. The Commission shall be deemed to be organized upon such date as four members of the Commission have taken office.

(June 19, 1934, ch. 652, title VII, §707, formerly title VI, §607, 48 Stat. 1105; renumbered title VII, §707, Pub. L. 98-549, §6(a), Oct. 30, 1984, 98 Stat. 2804.)

REFERENCES IN TEXT

This chapter, referred to in text, was in the original "this Act", meaning act June 19, 1934, ch. 652, 48 Stat. 1064, known as the Communications Act of 1934, which is classified principally to this chapter. For complete classification of this Act to the Code, see section 609 of this title and Tables.

§ 608. Separability

If any provision of this chapter or the application thereof to any person or circumstance is held invalid, the remainder of the chapter and the application of such provision to other persons or circumstances shall not be affected thereby.

(June 19, 1934, ch. 652, title VII, §708, formerly title VI, §608, 48 Stat. 1105; renumbered title VII, §708, Pub. L. 98-549, §6(a), Oct. 30, 1984, 98 Stat. 2804.)

REFERENCES IN TEXT

This chapter, referred to in text, was in the original "this Act", meaning act June 19, 1934, ch. 652, 48 Stat. 1064, known as the Communications Act of 1934, which is classified principally to this chapter. For complete classification of this Act to the Code, see section 609 of this title and Tables.

§ 609. Short title

This chapter may be cited as the "Communications Act of 1934."

(June 19, 1934, ch. 652, title VII, §709, formerly title VI, §609, 48 Stat. 1105; renumbered title VII, §709, Pub. L. 98-549, §6(a), Oct. 30, 1984, 98 Stat. 2804.)