

Title 35.

Communications.

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CHAPTER 1.

GENERAL PROVISIONS.

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§ 1. Promulgation of regulations. — For the purpose of regulating inter-island, intra-island, inter-district and foreign commerce in communication by radio so as to make available, so far as possible, to the people of the Trust Territory such communication services required for the purpose of conducting personal business, promoting safety of life and property and providing public service, the director of the department of transportation and communications shall, in the manner which is or may be provided by law, promulgate regulations, and amendments thereto, which shall have the force and effect of law and be binding upon persons seeking to perform or performing the act of providing radio communications within the Trust Territory. (Code 1966, § 1200; Code 1970, tit. 35, § 1; P.L. No. 4C-48, § 7(6).)

§ 2. Scope of regulations. — The provisions of communication regulations, and amendments thereto, promulgated under section 1 of this chapter, shall apply to all inter-island, intra-island, inter-district and foreign transmission of energy by radio which originates or is received within the Trust Territory, and to all persons engaged within the Trust Territory in such communications or such transmission of energy by radio, and to the licensing and regulating of all radio stations as provided in this chapter. (Code 1966, § 1201; Code 1970, tit. 35, § 2.)

§ 3. Definitions. — For the purposes of communication regulations, and amendments thereto, unless the context otherwise requires:

(1) "*Radio communication*" or "*communication by radio*" means the transmission by radio of writing, signs, signals, pictures and sounds of all kinds, including all instrumentalities, facilities, apparatus and services (among other things, the receipt forwarding and delivery of communications) incidental to such transmissions.

(2) "*Transmission of energy by radio*" or "*radio transmission of energy*" includes both such transmission and all instrumentalities, facilities, and services incidental to such transmission.

(3) "*Inter-island communication*" or "*inter-island transmission*" means radio communication or transmission of energy by radio:

(a) From any island now under the jurisdiction of the government of the Trust Territory or which shall be, by executive order of the President of the United States, placed under such jurisdiction, to any other island which now

or shall in the future be under the jurisdiction of the government of the said Trust Territory, or

(b) From or to any island under the jurisdiction of the government of the Trust Territory insofar as the receipt of such radio communication or transmission of energy by radio takes place within that island, or

(c) Between points within the said Trust Territory but through any territory or possession of the United States.

(4) "*Intra-island communication*" or "*intra-island transmission*" means radio communication or transmission of energy by radio between points within any island now under the jurisdiction of the government of the Trust Territory or which shall be, by executive order of the President of the United States, placed under such jurisdiction.

(5) "*Inter-district communication*" or "*inter-district transmission*" means radio communication or transmission of energy by radio from any island, group or groups of islands within any district in the Trust Territory to an island, group or groups of islands in another such district within the said Trust Territory.

(6) "*Foreign communication*" or "*foreign transmission*" means radio communication or transmission of energy by radio from or to any place in the Trust Territory to or from a foreign country, or between a station in the said Trust Territory and a mobile station located outside the said Trust Territory.

(7) "*Person*" includes an individual, partnership, association, joint-stock company, trust or corporation.

(8) "*Corporation*" includes any corporation, joint-stock company or association.

(9) "*Licensee*" means the holder of a radio station license granted or continued in force by the government of the Trust Territory.

(10) "*Amateur service*" means a service of self-training, inter-communication and technical investigations carried on by amateurs, that is, by duly authorized persons interested in radio technique solely with a personal aim and without pecuniary interest.

(11) "*Amateur station*" means a station in the amateur service.

(12) "*Broadcasting service*" means a radiocommunication service of transmissions to be received directly by the general public, and may include transmissions of sounds or transmissions by television, facsimile or other means.

(13) "*Broadcasting station*" means a station in the broadcasting service.

(14) "*Coast station*" means a land station in the maritime mobile service carrying on a service with ship stations and which may secondarily communicate with other coast stations incident to communication with ship stations.

(15) "*Fixed service*" means a service of radio communication between specified fixed points.

(16) "*Fixed station*" means a station in the fixed service and which may, as a secondary service, transmit to mobile stations on its normal frequencies.

(17) "*Maritime mobile service*" means a mobile service between ship stations and the coast stations or between ships' stations.

(18) "*Ship station*" means a mobile station in the maritime mobile service located on board a vessel which is not permanently moored. (Code 1966, § 1202; Code 1970, tit. 35, § 3.)

§ 4. Unauthorized publication of communications prohibited.— (1) No person receiving or assisting in receiving, or transmitting or assisting in transmitting, any inter-island, intra-island, or foreign communication by radio shall divulge or publish the existence, contents, substance, purport, effect, or meaning thereof, except through authorized channels of transmission or reception, to any person other than the addressee, his agent, or attorney, or to

a person employed or authorized to forward such communication to its destination, or to proper accounting or distributing officers of the various communicating centers over which the communication may be passed, or to the master of a ship under whom he is serving, or in response to a subpoena issued by a court of competent jurisdiction, or on demand of other lawful authority.

(2) No person not being authorized by the sender shall intercept any communication and divulge or publish the existence, contents, substance, purport, effect, or meaning of such intercepted communication to any person.

(3) No person not being entitled thereto shall receive or assist in receiving any inter-island, intra-island, inter-district or foreign communication by radio and use the same or any information therein contained for his own benefit or for the benefit of another not entitled thereto.

(4) No person having received such intercepted communication or having become acquainted with the contents, substance, purport, effect or meaning of the same or any part thereof, knowing that such information was so obtained, shall divulge or publish the existence, contents, substance, purport, effect, or meaning of the same or any part thereof, or use the same or any information therein contained for his own benefit or for the benefit of another not entitled thereto.

(5) This section shall not apply to the receiving, divulging, publishing, or utilizing the contents of any radio communication broadcast or transmitted by amateurs or others for the use of the general public, or relating to ships in distress. (Code 1966, § 1203; Code 1970, tit. 35, § 4.)

§ 5. War emergency provisions. — (1) During the continuance of a war in which the United States is engaged, the High Commissioner of the Trust Territory 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 licensee subject to the radio regulations of the government of the said Trust Territory. He may give these directions at and for such times as he may determine, and may modify, change, or annul them. For such purpose he is hereby authorized to issue orders directly, or through such person or persons as he designates for the purpose. Any licensee complying with such order or direction for preference or priority authorized in this section shall be exempt from any and all provisions in existing law imposing civil or criminal penalties, obligations, or liabilities upon licensees by reason of giving preference or priority in compliance with such order or direction.

(2) Upon proclamation by the President of the United States and/or the High Commissioner of the Trust Territory that there exists war or threat of war, or a state of public peril or disaster or other national peril, or in order to preserve the neutrality of the United States, the High Commissioner, if he deems it necessary in the interest of national security or defense, may suspend or amend, for such time as he sees fit, the rules and regulations applicable to any or all stations or devices capable of emitting electromagnetic radiations between ten kilocycles and one hundred thousand 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 or its apparatus and equipment, by any department of the government of the United States or of the government of the said Trust Territory under such regulations as he may prescribe upon just compensation to the owners.

(3) Any person who wilfully does or causes or suffers to be done any act prohibited pursuant to the exercise of the High Commissioner's authority under this section, or who wilfully fails to do any act which he is required to do pursuant to the exercise of the High Commissioner's authority under this section, or who wilfully causes or suffers such failure, shall, upon conviction

thereof, be punished for such offense by a fine of not more than one thousand dollars, or by imprisonment for not more than a year, or both, and, if a firm, partnership, association, or corporation, by fine of not more than five thousand dollars, except that any person who commits such an offense with intent to injure the United States or the Trust Territory, or with intent to secure an advantage to any foreign nation, shall, upon conviction thereof, be punished by a fine of not more than twenty thousand dollars, or by imprisonment for not more than twenty years, or both. (Code 1966, § 1204; Code 1970, tit. 35, §5.)

§ 6. Penalty for violation. — Any person who wilfully and knowingly does or causes or suffers to be done any act, matter, or thing prohibited or declared to be unlawful, or wilfully or knowingly omits or fails to do any act, matter, or thing required to be done, or wilfully and knowingly causes or suffers such omission or failure required by any communication, regulation, or amendments thereto, made or imposed by the High Commissioner, or any rule, regulation, restriction, or condition made or imposed by an international radio or wire communications treaty or convention, or regulations annexed thereto, to which the United States is or may hereafter become a party, shall upon conviction thereof be punished for such offense by a fine of not more than one thousand dollars, or by imprisonment for a term not exceeding one year, or both. (Code 1966, § 1205; Code 1970, tit. 35, § 6.)

CHAPTER 2.

POLITICAL BROADCASTS.

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51. Availability of government facilities to political candidates.	53. Assurance of reasonable access.
52. Promulgation of rules and regulations by district administrators.	54. Remedies for denial of access.

§ 51. Availability of government facilities to political candidates. — Any rules, regulations, or directives governing the use of government-owned and operated broadcasting facilities in any district notwithstanding, any candidate for an elective office or any political party as defined in section 104 of title 43 shall have free access to the use of government-owned and operated broadcasting facilities in the district. Any program submitted for broadcasting by a candidate or a political party shall be broadcast as submitted without any preview or censorship or follow-up commentary by the government. Programs submitted by a candidate or a political party may relate to any issue of public interest. Upon conclusion of any program by a candidate or political party, an announcement disclaiming any government responsibility for the views expressed shall be made. (P.L. No. 7-107, § 1.)

§ 52. Promulgation of rules and regulations by district administrators. — Each district administrator may promulgate rules and regulations governing the duration of programs submitted by candidates or political parties. No rules or regulations issued by the district administrator may have the effect of prohibiting use of broadcasting facilities by candidates or political parties. The limit placed upon the duration of programs shall not be less than one hour. (P.L. No. 7-107, § 2.)

§ 53. Assurance of reasonable access. — To ensure reasonable access by responsible persons or groups to government-owned and operated broadcasting facilities, the following provisions shall be complied with by the district administrator and all other government officials responsible for broadcasting operations in any district:

(1) Individuals and representatives of identifiable groups who hold views on issues of public importance which are contrary to views broadcast by a station shall be given a reasonable opportunity to present their views.

(2) Any individual or identifiable group made the subject of criticism, argument or debate during any broadcast shall be allowed an opportunity to respond to or rebut such criticism, argument or debate. The response or rebuttal broadcast shall be of such duration and broadcast at such hours as is calculated to reach the same audience as likely heard the first broadcast, and as allows a timely and adequate response or rebuttal.

(3) These provisions shall not be construed to require interruption of scheduled broadcast programs, but to require timely and equal access to the broadcast media by persons entitled thereto. (P.L. No. 7-107, § 3.)

§ 54. Remedies for denial of access. — Any individual or group who has been denied the right of access to a broadcast station, granted under any statute, regulation, or policy, may apply to a judge of the high court for injunctive and other relief; and, in the absence of a high court judge, may apply to a judge of the district court for such relief. (P.L. No. 7-107, § 4.)