§ 312. Administrative sanctions

(a) Revocation of station license or construction permit

The Commission may revoke any station license or construction permit—

(1) for false statements knowingly made either in the application or in any statement of fact which may be required pursuant to section 308 of this title;

(2) because of conditions coming to the attention of the Commission which would warrant it in refusing to grant a license or permit on an original application;

(3) for willful or repeated failure to operate substantially as set forth in the license;

(4) for willful or repeated violation of, or willful or repeated failure to observe any provision of this chapter or any rule or regulation of the Commission authorized by this chapter or by a treaty ratified by the United States;

(5) for violation of or failure to observe any final cease and desist order issued by the Commission under this section;

(6) for violation of section 1304, 1343, or 1464 of title 18; or

(7) for willful or repeated failure to allow reasonable access to or to permit purchase of reasonable amounts of time for the use of a broadcasting station, other than a non-commercial educational broadcast station, by a legally qualified candidate for Federal elective office on behalf of his candidacy.

(b) Cease and desist orders

Where any person

(1) has failed to operate substantially as set forth in a license,

(2) has violated or failed to observe any of the provisions of this chapter, or section 1304, 1343, or 1464 of title 18, or

(3) has violated or failed to observe any rule or regulation of the Commission authorized by this chapter or by a treaty ratified by the United States, the Commission may order such person to cease and desist from such action.

(c) Order to show cause

Before revoking a license or permit pursuant to subsection (a) of this section, or issuing a cease and desist order pursuant to subsection (b) of this section, the Commission shall serve upon the licensee, permittee, or person involved an order to show cause why an order of revocation or a cease and desist order should not be issued. Any such order to show cause shall contain a statement of the matters with respect to which the Commission is inquiring and shall call upon said licensee, permittee, or person to appear before the Commission at a time and place stated in the order, but in no event less than thirty days after the receipt of such order, and give evidence upon the matter specified therein; except that where safety of life or property is involved, the Commission may provide in the order for a shorter period. If after hearing, or a waiver thereof, the Commission determines that an order of revocation or a cease and desist order should issue, it shall issue such order, which shall include a statement of the findings of the Commission and the grounds and reasons therefor and specify the effective date of the order, and shall cause the same to be served on said licensee, permittee, or person.

(d) Burden of proof

In any case where a hearing is conducted pursuant to the provisions of this section, both the burden of proceeding with the introduction of evidence and the burden of proof shall be upon the Commission.
(e) Procedure for issuance of cease and desist order

The provisions of section 558 (c) of title 5 which apply with respect to the institution of any proceeding
for the revocation of a license or permit shall apply also with respect to the institution, under this section,
of any proceeding for the issuance of a cease and desist order.

(f) “Willful” and “repeated” defined

For purposes of this section:

1. The term “willful”, when used with reference to the commission or omission of any act, means
the conscious and deliberate commission or omission of such act, irrespective of any intent to
violate any provision of this chapter or any rule or regulation of the Commission authorized by
this chapter or by a treaty ratified by the United States.

2. The term “repeated”, when used with reference to the commission or omission of any act,
means the commission or omission of such act more than once or, if such commission or omission
is continuous, for more than one day.

(g) Limitation on silent station authorizations

If a broadcasting station fails to transmit broadcast signals for any consecutive 12-month period,
then the station license granted for the operation of that broadcast station expires at the end of that
period, notwithstanding any provision, term, or condition of the license to the contrary, except that the
Commission may extend or reinstate such station license if the holder of the station license prevails
in an administrative or judicial appeal, the applicable law changes, or for any other reason to promote
equity and fairness. Any broadcast license revoked or terminated in Alaska in a proceeding related to
broadcasting via translator, microwave, or other alternative signal delivery is reinstated.


References in Text

This chapter, referred to in subsecs. (a)(4), (b), and (f)(1), 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.

Codification

In subsec. (e), “section 558 (c) of title 5” substituted for “section 1008 (b) of title 5” on authority of Pub. L. 89–554, §
7(b), Sept. 6, 1966, 80 Stat. 631, the first section of which enacted Title 5, Government Organization and Employees.

Amendments

2004—Subsec. (g). Pub. L. 108–447 inserted before period at end “, except that the Commission may extend or
reinstate such station license if the holder of the station license prevails in an administrative or judicial appeal, the
applicable law changes, or for any other reason to promote equity and fairness. Any broadcast license revoked or
terminated in Alaska in a proceeding related to broadcasting via translator, microwave, or other alternative signal
delivery is reinstated”.

2000—Subsec. (a)(7). Pub. L. 106–554 inserted “, other than a non-commercial educational broadcast station,” after
“use of a broadcasting station”.


1952—Act July 16, 1952, amended section generally to provide for revocation of licenses and permits only for acts willfully and knowingly committed or for disregarding cease and desist orders, and to authorize the Commission to issue cease and desist orders.

Repeals

Repeal of title I of Pub. L. 92–225, cited as a credit to this section, by Pub. L. 93–443, title II, § 205(b), Oct. 15, 1974, 88 Stat. 1278, has been construed as not repealing the amendment to this section made by section 103(a)(2)(A) of such title I.

Declination of Political Advertising by Educational Broadcast Stations