

The Communications Act of 1934, [47 U.S.C. § 151 et seq.](#)

Background. The Communications Act of 1934 combined and organized federal regulation of telephone, telegraph, and radio communications. The Act created the [Federal Communications Commission](#) (FCC) to oversee and regulate these industries. The Act is updated periodically to add provisions governing new communications technologies, such as broadcast, cable and satellite television.

General Provisions. The Communications Act, as amended, is an expansive statute regulating U.S. telephone, telegraph, television, and radio communications. Its seven subchapters regulate virtually all aspects of the communications and broadcasting industry, including assignment of frequencies, rates and fees, standards, competition, terms of subscriber access, commercials, broadcasting in the public interest, government use of communications systems. The Act also provides for more detailed regulation and oversight via the establishment of the FCC.

Of particular interest to the national security, law enforcement, and intelligence communities, the Act:

- Requires that common carriers establish procedures to ensure “appropriate authorization to activate interception of communications or access to call-identifying information” and prevent unauthorized interception or access, and “to maintain secure and accurate records of any interception or access with or without such authorization,” [47 U.S.C. § 229](#); and
- Allows the President to suspend or amend rules and regulations upon proclamation “that there exists a war or a threat of a war or state of public peril or disaster or other national emergency or if he deems it necessary in the interests of national security or defense.” The President may prioritize defense or security communications, authorize government use or control of communications facilities, and suspend or amend “rules and regulations applicable to any or all stations or devices capable of emitting electromagnetic radiations.” [47 U.S.C. § 606 \(c\), \(d\)](#).

Amendments. The Communications Act has been amended by many acts of Congress since 1934, most extensively by the [Telecommunications Act of 1996](#). Amendments of particular interest to the national security, law enforcement, and intelligence communities were made by the Communications Assistance for Law Enforcement Act ([CALEA](#)) and the [USA PATRIOT Act](#).

Privacy and Other Civil Liberties. The Communications Act has several provisions that address customer privacy, access for individuals with disabilities, and nondiscrimination.

Customer Privacy – Section 222 requires telecommunications carriers to provide confidentiality for customer information as proprietary information of another common carrier. Carriers are prohibited from disclosing customer information except as required by law or with the customer's permission.

Exceptions:

- There is an exception for disclosing the location of a mobile services user to medical, public safety, or law enforcement services where the user has called for emergency services.
- Section 551 provides cable service subscribers with protection of their personally identifiable information.
- There is an exception for disclosure to a government agency when that agency has appropriate authority under Title III of the Omnibus Crime Control and Safe Streets Act or the ECPA.

Access for Individuals with Disabilities – The Communications Act has multiple provisions that require carriers to provide accommodation for individuals with disabilities through technologies such as closed captioning and telephone typewriters. 47 U.S.C. §§ 225, 610-11, 613.

Nondiscrimination – Section 202 generally prohibits discrimination in rates or provision of services by common carriers against a “particular person, class of persons, or locality.” Section 554 requires cable companies to practice equal opportunity in employment with regard to race, color, religion, national origin, age, and sex.