

DEPARTMENT OF JUSTICE,
OFFICE OF THE DEPUTY ATTORNEY GENERAL,
Washington, D.C., September 25, 1967.

HON. HARLEY O. STAGGERS,
*Chairman, Committee on Interstate and Foreign Commerce,
House of Representatives, Washington, D.C.*

DEAR MR. CHAIRMAN: This is in response to your request for the views of the Department of Justice on H. R. 9665, a bill "To amend the Communications Act of 1934, as amended, to give the Federal Communications Commission authority to prescribe regulations for the manufacture, import, sale, shipment, or use of devices which cause harmful interference to radio reception."

Section 301 of the Federal Communications Act (47 U.S.C. 301) states the intention to maintain control by the United States over interstate and foreign radio transmission. Section 301 authorizes the Commission to prohibit the use of equipment or apparatus which causes interference to radio communications, and under Section 303(f) regulations may be promulgated to prevent interference between stations. Pursuant to this authority, the Commission has established technical standards with respect to the use of various radio-emitting devices. However, the Commission presently has no authority to control the manufacture or sale of such devices.

The proposed bill would authorize the Commission to issue regulations covering devices which are capable of emitting sufficient radio frequency energy to cause harmful interference to radio communications. The bill goes beyond the present Act, which deals only with the use of interfering devices, by making the Commission's regulations applicable to the manufacture, import, sale, offer for sale, shipment, or use of devices which fail to comply with such regulations. The proposed authority would not extend to devices solely for export, devices for use by an agency of the Government of the United States, or to carriers merely transporting devices covered by the measure.

Whether this legislation should be enacted involves questions as to which the Department of Justice defers to the Federal Communications Commission.

The Bureau of the Budget has advised that there is no objection to the submission of this report from the standpoint of the Administration's program.

Sincerely,

WARREN CHRISTOPHER,
Deputy Attorney General.

THE GENERAL COUNSEL OF THE TREASURY,
Washington, D.C., October 26, 1967.

HON. HARLEY O. STAGGERS,
*Chairman, Committee on Interstate and Foreign Commerce,
House of Representatives, Washington, D.C.*

DEAR MR. CHAIRMAN: Reference is made to your request for the views of this Department on H. R. 9665, "To amend the Communications Act of 1934, as amended, to give the Federal Communications Commission authority to prescribe regulations for the manufacture, import, sale, shipment, or use of devices which cause harmful interference to radio reception."

The proposed legislation would give the Federal Communications Commission authority to make regulations governing the interference potential of any devices capable of emitting radio frequency energy. It would prohibit the manufacture, import, sale, offer for sale, shipment, or use of devices which fail to comply with the proposed regulations. These prohibitions and any regulations promulgated under the authority of the bill, however, would not apply to devices to be used by any agency of the Government of the United States.

The Department supports the enactment of the proposed legislation. We believe that all users of the radio frequency spectrum would benefit from the establishment of minimum standards for the manufacture of equipment capable of causing interference to radio reception. The several operating bureaus of the Treasury Department, which make extensive use of radio equipment, have experienced an increasing number of cases of radio interference caused by environmental conditions. Enforcement of standards for equipment manufacture should reduce this interference from electrical and electronic devices and assist in the overall national program of electromagnetic compatibility.

Since the Treasury Department would be responsible for administering the ban on imports, it is assumed that the regulations would be proposed with the concurrence of the Secretary of the Treasury; that procedures designed under such regulations would limit the customs function to making a determination whether