

a particular importation described on an invoice had been certified by the Federal Communications Commission to conform with its regulatory standards; and that no responsibility would be imposed on customs personnel to make an actual determination on such conformity. Under these circumstances, the Department anticipates no unusual administrative difficulty in carrying out its responsibility under the proposed legislation.

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

Sincerely yours,

FRED B. SMITH,
General Counsel.

GENERAL COUNSEL OF THE DEPARTMENT OF COMMERCE,
Washington, D.C., November 16, 1967.

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

DEAR MR. CHAIRMAN: This is in further reply to your request for the views of this Department with respect to 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.

This bill would authorize the Federal Communications Commission to make reasonable regulations governing the interference potential to radio communications of devices which in their operation are capable of emitting radio frequency energy by radiation, conduction or other means. The regulations would apply to the manufacture, import, sale, shipment, or use of the devices. The bill would exempt carriers which are not trading in the devices; devices manufactured solely for export; the manufacture, assembly, or installation of devices for its own use by a public utility engaged in providing electric service; and devices for use by a Federal agency. However, the bill would require Federal agencies procuring such devices to utilize criteria, standards, or specifications designed to reduce interference to radio reception, while taking into account national defense and security needs.

This Department recommends the enactment of H. R. 9665.

Numerous electronic and electrical devices, because of improper design, radiate radio frequency energy beyond that needed for their proper functioning. This radiation may seriously interfere with radio reception. Some examples of such devices are garage door openers, electronic keys, high-powered industrial heaters, improperly designed radio and television receivers, diathermy machines, and certain kinds of household appliances.

Radiation from such devices not only interferes with television and radio programs but also results in disrupting industrial communication services. A business which depends on clear radio reception often finds interference harmful and costly. For example, the radio dispatched taxicab which does not receive clear reception of instructions may offer less efficient and convenient service to passengers. High levels of excessive radiation may force users of radios whose operations must be conducted under conditions of relatively low background interference to move from large metropolitan areas to new locations in areas of low interference. When radio is used for safety purposes, such as air traffic control, radio frequency interference may jeopardize the lives of airline passengers.

At present, the Communications Act of 1934, particularly Section 301, prohibits use of equipment which causes interference with radio communications, and empowers the Commission to prescribe regulations to prevent interference between stations. The Commission cannot proceed against an offender until the interference has been discovered. Tracing the location and the owner of the interference device after it is purchased is usually difficult even with modern detection equipment. If the offending equipment is located, the Commission must institute proceedings against the user of the devices which cause the radio frequency interference, and then require him to eliminate the excessive radiation from a device which he may have purchased under the belief that its use was legal. Moreover, the user must bear the cost of administrative proceedings brought against him.

The proposed new Section 302 would afford an additional and more satisfactory basis for dealing with interference to radio communications by approaching the problem directly at the source and apply preventive measures before radiation