

We could tell the manufacturer: "Maybe you have made a mistake here, maybe you have hundreds of others. You better cooperate and find them or stop your line and fix it." It's a transfer of responsibility.

Mr. MACDONALD: In other words, shifting the burden to the manufacturer?

Mr. LEE. Right.

Mr. MACDONALD. But isn't it quite true, and I have no strong feelings about this. I don't know why I got into it actually, but isn't it a fact that the manufacturer can put out a perfectly fine piece of equipment and then have it misused in such a way that radiation, the definition that you have just given, results?

Mr. LEE. If he would misuse it technically, he would have to make some modification of it. This he could do if he was qualified. The misuse that we generally find is in the broadcasting on the transmitter rather than in the technical ability of the transmitter to cause interference. He could fool with it and make some adjustments; that's right.

We still have authority to go to him, but this would be a very minuscule.

Mr. MACDONALD. Thank you.

Mr. Brown?

Mr. BROWN. It occurs to me that you now have authority to get into the citizen-band radio field in order to control faulty equipment in the citizen-band radio area or the misuse of it, and the FCC has been relatively powerless to straighten out this situation, because it is growing so fast because the technology and ability to produce this inexpensive equipment which anybody can buy and operate has gone past FCC's power to control. Not the authority to control but the power to control because of the economics of the situation.

Mr. LEE. If we find technical problems with the citizens-band transmission, we can go to the manufacturer under this bill and say: "Fix it." Now we have to find——

Mr. BROWN. Even after he has fiddled with it?

Mr. LEE. If he fiddled with it, we cannot control it. We would still have authority over this kid, whoever he might be. I am the first to say this is a real major problem for us and we have been really unable to cope with it.

Mr. BROWN. I would submit this has become a major problem in just this one field in citizen-band radio, walkie-talkie, and so forth, when you get into the technical development of type acceptance. I gather this is really what you have in mind is a type acceptance of a product.

Mr. LEE. There would be more of that than there is now; yes, sir.

Mr. BROWN. When it is manufactured, but when the guy takes it home and installs it and tightens bolt A or adjusts Y or C, you may have a product as a result of this that isn't really beneficial in its operation.

Mr. LEE. Our major problem in the citizen-band field is not a technical one. It is that these kids are using it for purposes other than their license calls for.

Mr. BROWN. I would submit they are not all kids. I think a lot of them are adults and they are licensed and you do have the right to go in and lift a license or correct this problem, but in fact you are not able to do this because of the economics of the operation of the FCC.