

fication of individuals to perform transmitter installation, operation, maintenance and repair duties in the Private Land Mobile Services and Fixed Services.

NAB concurs with the basic rationale for the bill; that is, in the absence of FCC licensing in the Private Land Mobile servicing area, a uniform standard for qualifications of servicing personnel should be maintained by an industry certification process. In comments to Docket 20817, NAB expressed concern over the possible elimination of FCC licensing because of the potentially significant negative impact of installation, servicing, and maintenance of private radio transmitters by unqualified technicians. Therefore, NAB can look to this amendment as a reasonable substitute for FCC licensing of the technicians.

Sincerely,

EDWARD O. FRITZ

MOTOROLA INC.,  
November 17, 1983.

HON. LARRY PRESSLER,  
U.S. Senator,  
Washington, D.C.

DEAR SENATOR PRESSLER: Motorola supports your proposal to amend the Communications Act of 1934 to give the FCC the authority to endorse industry certification of technicians in the Private Land Mobile Services and Fixed Services.

We have hundreds of service facilities throughout the United States manned by technicians authorized by the Commission to install and maintain land mobile equipment. Their role is crucial in enabling mobile and fixed radio users to operate efficiently, with a minimum of interference, in a spectrum which is frequently congested.

The FCC's proposal in General Docket No. 83-322 to delete the requirement that such technicians must hold a commercial radio operator's license threatened to expose the land mobile environment to substantially increased interference and degradation of service. Absent any certification that those working on land mobile equipment are qualified, private users may unwittingly turn to incompetent or unscrupulous people to service and maintain their equipment. The result will inevitably impact adversely on other adjacent and co-channel licenses. Efficient utilization of the spectrum will deteriorate.

Your proposal would be a promising solution to that alternative. While recognizing the desire of the FCC to reduce its regulatory burdens, it would provide a mechanism whereby industry itself would undertake the responsibility for assuring the quality of technical personnel. Further, it gives this effort needed stature by providing for Commission endorsement of industry certification.

We support this legislation and encourage its enactment. Motorola intends to be in the forefront of its implementation; we will work with other organizations to develop sound professional standards.

We hope that the Commission will seize the opportunity afforded by this Bill to cooperate with us in establishing a viable program. Your continued leadership would be invaluable.

We are deeply appreciative of what you have done; we hope this Bill becomes law in the very near future.

Very truly yours,

TRAVIS MARSHALL,  
Vice President, Motorola, Inc.,  
Director, Governmental Relations.

SPECIAL INDUSTRIAL RADIO  
SERVICE ASSOCIATION, INC.  
Rosslyn, Va., November 18, 1983.  
Re. S. 907/H.R. 3766—The Land Mobile Li-  
censing Amendment

HON. LARRY PRESSLER,  
U.S. Senator,  
Washington, D.C.

DEAR SENATOR PRESSLER: The Special Industrial Radio Service Association, Inc. (SIRSA), appreciates this opportunity to submit its views in regard to the above referenced legislative proposal.

SIRSA is the FCC-recognized Frequency Advisory Committee and user group organization for the Commission's Special Industrial Radio Service (FCC Rules & Regulations, Section 90.73). In this capacity we perform various frequency management functions for those engaged in the following industrial activities: mining, agriculture, heavy/utility construction, fuel delivery to consumers, the delivery and placement of concrete or hot asphalt mix, specialized services to the petroleum and gas industries, and agricultural services. There are more than 88,000 Special Industrial two-way mobile radio systems in use today throughout the United States.

Recognition of the need to continue a radio technician certification program is most important, if not vital to support the effective utilization of land mobile radio spectrum. We therefore support the concept of providing the Federal Communications Commission with authority to endorse industry certification of individuals to perform transmitter installation, maintenance and repair duties in the Private Land Mobile and Fixed Services, if such certification programs are conducted by organizations or committees representative of the users in those services. These organizations or committees should not be composed of officers or employees of the Federal Government.

Should the Federal Communications Commission ultimately propose such an endorsement, SIRSA will want to participate in the regulatory decision making process whether it be by notice and comment or, some other procedure allowing for public participation.

We hope that these comments will be beneficial to your effort, and we appreciate your interest and concern for the private land mobile radio industry.

Sincerely,

MARK E. CROSS,  
President.

Mr. TRIBBLE. Mr. President, I am pleased that the amendment proposed by my colleague in the House, Congressman BILLY, and myself to the Federal Communications Commission Authorization Act which legislatively prohibits the activities of dial-a-porn and similar services has been accepted. This amendment was cosponsored by my colleagues, Senators WARNER, DENTON, JEPSEN, HAWKINS, and NICKLES.

Dial-a-porn is a pornographic tape operated by High Society Life, a hard-core pornographic magazine in New York. This service receives as many as \$60,000 calls a day, 20 percent of which are interstate calls. It nets an average of \$10,000 daily for the com-

pany—substantially more than its income from magazine sales. For the company, this service has become a multimillion dollar a year industry.

Because of the nationwide advertising of this number and its dissemination in the schools, minor children have been exposed to the offensive and damaging messages. This problem has become a national nuisance—one which this Congress must address. Our children are our most important national resource, and we must not shirk our duty to protect them from those who would exploit them and expose them to pornographic materials.

Recently the Supreme Court has acted to protect our children in two cases where substantial first amendment questions were raised by the defendants.

In *Federal Communications Commission v. Pacifica Foundation* (438 U.S. 726, 98 S.Ct. 3026, 57 L.Ed.2d 1073) (1978) the Supreme Court determined that certain "dirty words" were indecent and could be prohibited during certain hours from broadcast on radio without violating the first amendment. The Court, speaking through Justice Stevens, noted that radio broadcasting is "uniquely accessible to children" and that "the government's interest in the 'well-being of its youth' and in supporting 'parents' claim to authority in their own household' justified the regulation of otherwise protected expression." (438 U.S. at 749.) Justice Stevens concluded: "The ease with which children may obtain access to broadcast material . . . amply justifies special treatment for indecent broadcasting." (Id.)

Last year, in *New York v. Ferber* (— U.S.—, 102 S.Ct. 2348, —L.Ed.2d—) (1982) the Supreme Court determined that pornographic publications which exploit children, even when not legally obscene, can be prohibited. Justice White wrote for the Court that "we have sustained legislation aimed at protecting the physical and emotional well-being of youth even when the laws have operated in the sensitive area of constitutionally-protected rights." (102 S.Ct. at 2354.) The Court concluded: "The prevention of sexual exploitation and abuse of children constitutes a government objective of surpassing importance." (Id. at 2355.)

The dial-a-porn situation is not identical to either of these cases. However, the basic principle in all three situations is identical: that government has an overriding responsibility to protect innocent children, and this responsibility extends to cases where first amendment issues are raised.

The Communications Act of 1934 currently focuses on protection for the innocent victim of the offensive telephone calls. Since the dial-a-porn number is relatively novel, there is some question as to whether the utterer of the speech which violates the act must be the originator of the call. In coordination with Congressman

BILEY and others, I have sought to work with the FCC and the Department of Justice to seek proper remedies. Congressman BILEY and I have determined that the only solution is to propose clarifying language to the act. The language that has been included in the FCC authorization was agreed to by Congressman BILEY and myself with the assistance of the Office of the General Counsel at the FCC and the members and staffs of the House Telecommunications Subcommittee and the House Judiciary Committee.

Specifically, the language would: raise the fine for obscene telephone messages from \$500 to \$50,000; clarify that the Communications Act does apply to the dial-a-service industry (regardless of who places the call); permit the FCC to assess a civil fine of up to \$50,000 per day if the violation is for commercial purposes; allow the FCC or the Department of Justice to seek a court injunction to prevent further violations of section 223 of the Communications Act; and require the FCC to act on all pending complaints within 90 days after enactment of this provision.

Finally, I wish to clarify two points relating to this amendment.

Representatives of the Bell Operating Companies have expressed concern about being prosecuted under this amendment. I have studied this matter carefully and I do not believe that this would be the case. This amendment requires that the dependant knowingly makes or allows to be made a communication which violates section 223 of the Communications Act. All common carriers are prohibited from listening to, or affecting the content of the telephone conversations; therefore the knowingly element will never be met by any common carrier which is obeying the law and the FCC regulations.

For the Record, I wish to make perfectly clear that it is not the intent of Congress that a common carrier be prosecuted under this amendment when it is otherwise abiding by the

law and FCC regulations and when the telephone calls which are found to violate section 223 are at the initiative of a party which has no financial or other relationship with the common carrier other than that of carrier-customer.

Also, I wish to clarify that the term "for commercial purposes" in this amendment does not require that the party alleged to be in violation of section 223 be receiving a direct profit from the calls; rather, calls which promote, advertise, or publicize a product, a service, or other commercial activity would meet this broad "for commercial purposes" test.

The PRESIDING OFFICER. The bill is before the Senate and open to amendment. If there be no amendment to be offered, the question is on the third reading and passage of the bill.

The bill (H.R. 3785) was ordered to a third reading, was read the third time, and passed.

ORDER OF PROCEDURE

Mr. BAKER. Mr. President, if the Senate will give me a moment, I would like to get my bearings and see what is left. For the moment, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

STATE DEPARTMENT AUTHORIZATION—CONFERENCE REPORT

Mr. BAKER. Mr. President, I would say to the minority leader at this time I would like to go to another conference report. I refer to the State Department authorization conference report, which is H.R. 2915.

Mr. President, I ask the Chair lay before the Senate a conference report on H.R. 2915.

The PRESIDING OFFICER. The report will be stated.

The legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 2915) to authorize appropriations for fiscal year 1984 and 1985 for the Department of State, the United States Information Agency, the Board for International Broadcasting, the Inter-American Foundation, the Asian Foundation, to establish the National Endowment for Democracy, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by a majority of the conferees.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the conference report.

(The conference report is printed in the House proceedings of the Record of today, November 18, 1983.)

Mr. MATHIAS. Mr. President, H.R. 2915 is a bill authorizing appropriations for fiscal years 1984 and 1985 for the Department of State, the U.S. Information Agency, the Board for International Broadcasting, the Inter-American Foundation and the Asia Foundation.

For fiscal year 1984, the conference substitute authorizes appropriations totaling \$1,343,366,000 which is \$45 million less than the executive branch request.

For fiscal year 1985, the conference substitute authorizes appropriations totaling \$1,482,608,000 which is \$92 million less than the administration's request.

Mr. President, I ask unanimous consent that two tables setting forth the amounts authorized by the conference substitute be printed in the Record at this point.

There being no objection, the tables were ordered to be printed in the Record, as follows:

	Executive branch request	House authorization H.R. 2915	Senate authorization S. 1342	Conference substitute
<b>2904</b>				
<b>Administration of foreign affairs (House and Senate conf. 102(1)):</b>				
Salaries and expenses	1,348,596	1,328,791	1,348,596	1,333,586
Representation allowances	4,247	4,247	4,247	4,247
Foreign building operations (FBO)	292,899	292,899	292,899	292,899
FBO/foreign currency account	29,113	29,113	29,113	29,113
Emergencies in the diplomatic consular services	4,480	4,480	4,480	4,480
Foreign Service retirement	89,583	89,583	89,583	89,583
Buying power maintenance fund	4,580	4,580	4,580	4,580
American institute in Taiwan	9,475	9,475	9,475	9,475
Extraordinary protection of consulates	4,000	4,000	4,000	4,000
Transfer from AD			1,580	1,580
Political and economic reporting			5,000	5,000
Medical Embassy property		4,000	4,000	4,000
<b>Total</b>	<b>1,679,713</b>	<b>1,690,419</b>	<b>1,690,213</b>	<b>1,680,213</b>
<b>2905</b>				
<b>International organizations and conferences (House and Senate conf. 102(2)):</b>				
Contributions to international organizations	825,773	825,793	825,773	825,773
Contributions to international peacekeeping activities	66,948	66,948	66,948	66,948
Contributions to international conferences and contingents	9,822	9,822	9,822	9,822
U.S./European Interparliamentary Group			50	50
North Atlantic Assembly			460	450
<b>Total</b>	<b>892,543</b>	<b>892,543</b>	<b>892,943</b>	<b>892,943</b>