

spect to parts of a statute or portion thereof.

Sec. 21. If the President does not issue any proclamation authorized by section 19 of this Act within a period of six months following the effective date of the Act, the requirement of United States citizenship or nationality as a prerequisite of any benefit, right, privilege, or immunity in any statute made applicable to the Northern Mariana Islands by the terms of that statute or by operation of the Covenant shall not be applicable to citizens of the Northern Mariana Islands. Provided, That the provisions of this section shall not be applicable to any requirements of United States citizenship or nationality contained in statutes relating to the political rights of citizenship, and to the diplomatic protection of, and services to, citizens or nationals of the United States in foreign countries. Provided further, That with respect to the statutes relating to the uniformed services, the requirement of United States citizenship or nationality shall remain in effect, except with respect to those citizens of the Northern Mariana Islands who declare in writing that they do not intend to exercise their option under section 307 of the Covenant to become a national but not a citizen of the United States.

Sec. 22. Nothing in this Act shall be construed as extending to the Northern Mariana Islands any statutory provision or regulation not otherwise applicable to or within the Northern Mariana Islands, in particular the statutes relating to immigration and nationality and the regulations issued under them.

Sec. 23. The authority of the President to issue proclamations under section 19 of this Act shall terminate upon the establishment of the Commonwealth of the Northern Mariana Islands pursuant to section 1007 of the Covenant. Section 21 of this Act shall not become effective if the Commonwealth of the Northern Mariana Islands is established within the period of six months following the effective date of this Act.

Sec. 24. As used in this Act:

(a) "Covenant" means the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America, approved by the Joint Resolution of March 24, 1976 (96 Stat. 283, 48 U.S.C. 1681, *note*).

(b) "Citizen of the Northern Mariana Islands" means a citizen of the Trust Territory of the Pacific Islands and his or her children under the age of eighteen years, who does not owe allegiance to any foreign state, and who—

(1) was born in the Northern Mariana Islands and is physically present in the Northern Mariana Islands or in the United States or any territory or possession thereof; or

(2) has been lawfully and continuously domiciled in the Northern Mariana Islands since January 1, 1974, and, who, unless then under age, was registered to vote in an election for the Mariana Islands legislature or for any municipal election in the Northern Mariana Islands prior to January 1, 1974.

(c) "Domicile" means that place where a person maintains a residence with the intention of continuing such residence for an unlimited or indefinite period, and to which such person has the intention of returning whenever he is absent, even for an extended period.

Sec. 25. Upon the establishment of the Commonwealth of the Northern Mariana Islands pursuant to section 1003 of the Covenant, the benefits acquired under this Act shall merge without interruption into those to which the recipient is entitled by virtue of his acquisition of United States citizenship, unless the recipient exercises his privilege under section 302 of the Covenant to

become a national but not a citizen of the United States.

Mr. WON PAT (during the reading). Mr. Speaker, I ask unanimous consent that the Senate amendments to the House amendment be considered as read and printed in the Record.

The SPEAKER. Is there objection to the request of the gentleman from Guam?

Mr. LAGOMARSINO. Mr. Speaker, reserving the right to object, the gentleman from Guam has already explained the Senate amendment. I would only add that the bill is vitally important. We should pass it now, because to fail to do so could cost the State of Guam about \$12 million unnecessarily. I urge my colleagues to vote for this amendment.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Guam?

There was no objection.

The SPEAKER. Is there objection to the initial request of the gentleman from Guam?

There was no objection.

A motion to reconsider was laid on the table.

□ 1730

#### UNITED STATES SHOULD SPEAK OUT IN DEFENSE OF GREEK CYPRIOTE

(Mr. DYSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DYSON. Mr. Speaker, 9 years ago, in July 1974, a Turkish army invaded the small island nation of Cyprus. In an unprovoked attack along the northern beaches, it brutally occupied more than one-third of the island, making refugees of almost half the population.

That criminal assault has never been righted. During the intervening period, the Turks have steadily colonized their occupied territory. They have relocated hundreds of their people from the mainland to the island. They have instituted the Turkish language into the schools. They have substituted a Turkish based monetary system. They have attempted to veil their criminal invasion in the cloak of legitimacy.

Greek-speaking Cypriotes have initiated eight rounds of intercommunal talks, searching for ways to reconcile the divided population. The Turks have remained intransigent. The United Nations has repeatedly promulgated resolutions condemning the forced division of the island. It has demanded the removal of all foreign troops from Cyprus. And still the Turks have remained, unmovable.

Until this past Tuesday, the 1974 assault was another wretched chapter in a mournful history of international discord. Now, it has become current events. On Tuesday, November 15, the

Turkish Army considered itself powerful enough, and well enough entrenched to announce itself as a sovereign state. A certain Mr. Denktash and his backers are pretending to legitimacy. And Turkey is the sole nation to extend to this band the privilege of diplomatic recognition.

Mr. Speaker, the point to which I wish to draw my colleagues' attention is that throughout these past 9 years, the United States has never once expressed its condemnation. Our Government supplied the munitions that Turkish soldiers used in the 1974 invasion. We abstained from voting in any of the U.N. resolutions. We have, in fact, tacitly approved the eradication of the Greek-speaking Cypriotes.

Mr. Speaker, it is time that we spoke out, in defense of the Greek Cypriotes, in defense of sovereignty, and in opposition to brutal invasion. I strongly support the resolution that passed the House yesterday, and am pleased that my colleagues took that opportunity to clear the record of American neglect.

#### DISCUSSION RELATIVE TO THE DECLARING OF A RECESS

The SPEAKER. Are there any further requests from the membership? If not, without objection, the House will be in recess subject to the call of the Chair.

Mr. LOTT. Mr. Speaker, reserving the right to object, I assume that this is so that we could wait for the other body to complete action on their remaining bills over there. But I would like to inquire as to whether or not there will be any legislative business when we do come back into session subject to the call of the Chair.

We would hope that this would be the end of the legislative business for the House and the Members would be assured that they would not have any more recorded votes or any other legislative business.

The SPEAKER. The Chair would state it could very well be that the other body would send over some other business. They are voting on the defense appropriation bill at this particular time.

It is also the Chair's understanding there still remains a request from the gentleman from California (Mr. PARNETT).

Will the gentleman withdraw his reservation? The Chair will not declare a recess at this time.

Mr. LOTT. Mr. Speaker, I withdraw my reservation of objection.

#### FEDERAL COMMUNICATIONS COMMISSION AUTHORIZATION ACT OF 1983

Mr. WIRTH. Mr. Speaker, I ask unanimous consent that further consideration of the bill (H.R. 3755), the Federal Communications Commission Authorization Act of 1983, be in the

House; that the committee amendment in the nature of a substitute, now printed in the bill, as already amended in the Committee of the Whole and as further amended in the form now at the desk, be considered as agreed to, and that the previous question be considered as ordered on the bill to final passage.

The Clerk read the title of the bill and the proposed amendment.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

Mr. BROYHILL. Mr. Speaker, reserving the right to object, and I shall not object, there have been several amendments that have been floating around that I was objecting to being put in the bill, one pertaining to the Internet organization, the International Satellite Corporation, and also that would have prohibited the FCC from taking action in certain instances on applications that had been filed before that agency.

It is my understanding that those amendments now have been dropped and this bill is as was agreed to by the committee, with amendments that have been agreed to by the committee.

Mr. WERVE. Mr. Speaker, will the gentleman yield?

Mr. BROYHILL. I yield to the gentleman from Colorado.

Mr. WIRTH. All of the Internet language, per the discussion between the gentleman from North Carolina, the gentleman from Michigan, and the gentleman from Colorado, has been dropped.

In addition, in the bill are two amendments sponsored by the gentleman from Virginia (Mr. BULLY). One of these which he had worked out with the gentleman from Wisconsin (Mr. KASPER) relates to the so-called dial-a-porn issue. The second amendment which the gentleman from Virginia (Mr. BULLY) had been concerned about related to the Public Broadcasting System interest-free loans. Both of those amendments are now included in the bill.

In addition, included in the bill are the four amendments of concern to the other body: first, the Goldwater amateur radio amendment which is in section 11; the Presler certification of engineers by voluntary groups in section 10; the administration's request through NTIA related to ITU conferences in section 13; and the amendment of Senator HOLLIBS on the encouragement of new services, section 12.

Mr. BROYHILL. Mr. Speaker, I have no general objection and I know many people would have an interest in these. I find no objection and in fact wholeheartedly endorse these amendments, so I would have no objection so long as the objectionable amendments have been dropped.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

Mr. BULLY asked and was given permission to revise and extend his remarks.)

Mr. BULLY. Mr. Speaker, reserving the right to object, I rise in support of the amendment.

Mr. Speaker, I would like to express my thanks to the gentleman from Wisconsin, a member of the Committee on the Judiciary and the gentleman from Colorado, chairman of the Subcommittee on Telecommunications for their cooperation in this matter.

The Judiciary Committee has, in the pending amendment, redrafted the amendment I originally offered in the Energy and Commerce Committee to more closely follow Supreme Court rulings on obscenity. I am not a lawyer, and the committee's expertise in this area far exceeds my own, so I appreciate their assistance.

I would observe that the Judiciary Committee amendment is not designed to make substantive changes in the amendment as reported from the Energy and Commerce Committee. The amendment clarifies our intent to target obscene material which may be available to children.

The amendment omits the terms "lewd, lascivious, filthy" from the section 3 of the bill. This change is merely to clarify that Congress intends to be consistent with Supreme Court rulings on obscenity which require a violation of community standards and an appeal to prurient interests. In *Morand Enterprises v. Day*, 879 U.S. 473, Justice Harlan observed that though words such as these have different shades of meaning in common usage, they are all aimed at obscenity by degrading portrayals of sex. Therefore, it is not necessary to keep the litany of terms as currently in the statute to prohibit that kind of material. It was necessary, however, to maintain the term "indecent" since the Supreme Court upheld the FCC's assessment of a fine based on indecent material in the Pacifica case.

I would observe as an aside that the ruling in Pacifica clearly affirms the FCC's ability and authority to examine material to determine whether it is obscene or indecent and to assess fines on that basis. This amendment clarifies that question and obviates the need for the FCC's pending inquiry on that issue, though I believe it was absurd for the FCC to ever consider their authority in that area questionable, based on Pacifica.

The amendment refers to "commercial purposes," and I would like to clarify that it is my understanding and that of the other Members involved that commercial purposes in this context extends not only to activities which may be financially profitable in themselves, but also to advertising or promotional activities for ventures such as magazines or movies, and other types of commercial activity.

Finally, I would again like to clarify that no common carrier is liable under this provision unless the carrier itself or a subsidiary or related entity originates the obscene transmission. As long as a common carrier is following the law and FCC regulations, it could not have knowledge of any transmissions by other parties. Therefore, AT&T and other common carriers would not in any way be liable for merely transmitting obscene or offensive messages in the capacity of a common carrier. I would again welcome the confirmation of the gentleman from Colorado on that point.

I thank the gentleman and again the gentleman from Wisconsin and the Committee on the Judiciary for their cooperation in this matter. I urge the adoption of the amendment.

Mr. Speaker, I would like to further comment at this time on the effect of this amendment on the FCC's GEN Docket No. 63-969. In the matter of inquiry into enforcement of prohibitions against the use of common carriers for the transmission of obscene materials, and on the complaint of Peter F. Cobalan (File No. E 33-14) and other complaints against dial-a-porn services which violate section 223.

The Commission initiated its inquiry on September 9 after Mr. Cobalan's complaint had been pending for over 5 months. This amendment clearly requires that that complaint and any other complaints now pending alleging violation of section 223 be acted on by the Commission within 30 days. The intent of this amendment is that the Commission examine the complaints, determine whether the material complained of violates section 223, and, if the material is obscene or indecent, fine or otherwise appropriately punish the person or persons responsible.

This 30-day requirement will obviously require the Commission to end proceedings under issue 1 of the inquiry and proceed to determine whether the material complained of violates section 223. Though it is clear that common carriers are in no way liable for violations of section 223 unless the carrier originates the obscene or indecent material, this amendment does not reach the issues raised in issue 2 relating specifically to MDS services.

In issue 1, in brief, the Commission inquires whether it has authority to determine if material is obscene and whether it is "necessary, desirable or appropriate" for it to make such determinations to stop the offensive activity. The answer to these questions is quite clear under the current section 223, and it is clarified by the pending amendment. The Commission clearly has the authority to determine whether material is obscene or indecent since that determination is necessary in order for the Commission to assess fines as provided for in section 223(b)(4)(B)(ii) as proposed. The constitutionality of the Commission making

such determinations is not in question pursuant to *FCC v. Pacific Foundation*, 438 U.S. 736 (1978). Further, the Commission is required to make such a determination pursuant to subsection (d) of the pending amendment. Though that requirement applies only to pending complaints, it is evident that Congress intends for the Commission to continue to take an active role in enforcing section 223 and thus that it will be "necessary, desirable and appropriate" for the Commission to make such determinations should it receive complaints in the future.

I would now like to comment more specifically on the areas of inquiry announced by the Commission under issue 1. Following the numbering in the inquiry:

10. The pending amendment clearly allows the Commission to take action against any provider of a service; that is, High Society, for violation of section 223. The amendment would not allow it to take action against a common carrier in its capacity as a common carrier.

11. It is clear on the face of the current section 223 that a person is liable for a violation of section 223 regardless of who places a call. The pending amendment merely specifies and reinforces that provision, and dial-a-porn does fall within the statute's ambit.

12. Section 223 does not apply to common carriers and the legislative history of the pending amendment reinforces that point as well. A telephone leased from a common carrier would not be considered to be under its control for purposes of section 223. That point is made even more clear by the deregulation of CPE.

13. Section 312(b) in combination with section 223 may give the Commission the power to terminate violative conduct. The pending amendment does not speak directly to that question. However, the question may be moot since the preferred method under the pending amendment would be for the Attorney General to seek an injunction under the proposed section 223(b)(5). Clearly the Commission would have the authority to issue a cease and desist order for violation of regulations issued under section 223(b)(2) of the pending amendment. Further, these regulations would not be a questionable constitutionality since they not only deal with unprotected speech, but they would also be in the form of time, place and manner restrictions. It would not be necessary for the Commission to seek an immediate judicial determination under such regulations—in regard to the Freedom precedent—since the regulations would not prohibit the speech per se, but would only limit its availability to children. Of course, any such order could be appealed to an appropriate court.

14. Congress orders to Commission in the proposed amendment to become involved in enforcement of section 223. Any order or other penalty would only

apply to interstate calls or calls within the District of Columbia. If it is feasible to limit dial-it services to local access only, the Commission could so require. If such limitations are not feasible, persons offering such services might be forced to comply with procedures under the 223(b)(2) regulations for local calls, though such compliance would be only incidental to their obligations to limit interstate access.

15. The Commission may consider subsection (d) of the pending amendment as a rebuke to their statement that they do not have a duty to act on alleged violations of section 223. The Commission clearly does have a duty to act, and it is an almost unimaginable perversion of the Commission's purpose and the Constitution that they have not yet acted. The Commission is ordered to act on pending complaints within 90 days. Even that limitation would allow Mr. Cohalan's complaint to languish at the Commission for nearly a year, an inexcusable period. If further action is necessary to insure that the Commission will act expeditiously on complaints of violations of section 223 and will take its enforcement responsibilities under the proposed amendment seriously, this Member will see that that action is taken. Such steps should not be necessary, neither should this amendment have been necessary in order to induce the Commission to act.

16. The pending amendment would clearly allow consenting adults to hear whatever they wish in their own homes. Equally clearly, obscene material must not be available to children who, by their nature, cannot consent to such activity. Recent Supreme Court decisions such as *New York v. Ferber*, reaffirm our special duty to protect children from obscenity. Regulations limiting dial-it services would not limit the ability of persons to say or hear whatever they like in their own homes since similar services which are less pervasive would be available, and since dial-it services would still be available pursuant to the regulations regarding time, place and manner. The Commission has no choice under the proposed amendment but to regulate such material.

17. The current statute and the proposed amendment both use the disjunctive "or". Clearly, messages which are indecent only—that is, affronting community standards without appealing to prurient interest—would violate section 223. Dial-it services are subject to the nuisance rational in *Pacific* or under common law because of their in discriminate availability to children. Much as the owner of a swimming pool would be liable if a child wandered onto his unfenced lot, fell into the pool and drowned, operators of attractive nuisances such as dial-a-porn must place a barrier between the offensive material and children.

18. It is evident under the current statute and the amendment that any judgment of obscenity or indecency

must be judged in relation to the person who hears the statement. It is unimaginable that the Commission would excuse a harassing phone call prohibited under the current section 223 simply because the caller did not find it harassing. The judgment must be made according to whoever is damaged by the violation, and thus, the community standard in that person's community would apply. This amendment clearly contemplates that the Commission will take an active role in enforcing section 223, and therefore, limitations on the categories of cases to be examined would be inappropriate. The Commission would not be obligated to admit evidence of community standards but it certainly could do so if such evidence is appropriate or necessary. The Commission should exercise care that it does not misrepresent Supreme Court cases by inserting local before community standards. The question of whether the Commission can or should make obscenity or indecency decisions is closed by the amendment. Beyond the specific direction in subsection (d), Congress clearly intends for the Commission to continue enforcing section 223.

19. The availability of obscene material to children is the controlling factor in this amendment. Farber indicates that protections for children against obscenity may limit the type of and means by which adults may obtain such material. The proposed amendment contemplates that adults will continue to have access to this material. The fact that children can call the number with no limitation is sufficient to impose the lesser standard. The amendment does not contemplate a total ban. The inability of parents to effectively control children's access to obscene material places a duty on the Government to intervene. Generally, the access of children to obscene material must be the Commission's primary concern.

20. A cease and desist order under the Commission's regulations pursuant to this amendment would be strictly limited to time, place, and manner. Such an order could apply to the material in a general fashion. Such an order would not prevent High Society or anyone else from offering the service at all, though it might severely limit its availability.

21. Section 223 does not apply to common carriers in their capacity as common carriers.

In conclusion I would like to comment on the nature of regulations to be issued by the Commission under section 223(b)(2) of the amendment. Merely limiting the recording to a certain time of day would not be sufficient for two reasons. First, such limitations would not be effective in preventing children from having access to the material. Second, we are dealing with interstate calls. The territory of the United States spans six time zones. When it is midnight in New York it is

only 7 p.m. in Alaska and Hawaii. Thus limiting availability of the material to children purely on time-of-day restrictions would leave a window of only 1 or 2 hours daily across the country. Likewise, a line screen who merely inquired whether the caller was a minor would be insufficient since such a procedure would provide no effective bar to children against this attractive nuisance.

I hope that the Commission will now proceed to act in a timely and reasonable manner. I thank my colleagues for their assistance in this matter, and I urge them to support this amendment.

Mr. Speaker, I withdraw my reservation of objection.

(Mr. BLILEY asked and was given permission to revise and extend his remarks.)

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

Mr. FASCELL. Mr. Speaker, reserving the right to object, I would like to ask the chairman of the subcommittee: How will a minority ownership interest in an application for a cellular radio license be considered in a comparative proceeding?

Mr. WIRTH. Mr. Speaker, if the gentleman will yield, in the award of broadcast licenses, the FCC affords a preference to minority applicants who demonstrate that they will be involved in the management of the station. The Commerce Committee has long encouraged minority ownership of communications properties—both mass media and common carrier.

The Commission is currently making initial decisions about the grant of cellular radio licenses. FCC actions in coming months and years will determine the ownership of this important new sector of the communications industry. The committee would strongly urge the Commission, in making these decisions, to give a preference to qualified minority applicants. The FCC should adopt rules to implement this policy at the earliest possible date, and make the policy an integral part of the comparative process for considering and granting applications for cellular licenses.

Mr. FASCELL. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

There was no objection. The Clerk read the amendment as follows:

SHORT TITLE

SECTION 1. This Act may be cited as the "Federal Communications Commission Authorization Act of 1963".

FEDERAL COMMUNICATIONS COMMISSION APPROPRIATIONS AUTHORIZATION

SEC. 2. (a) Section 6 of the Communications Act of 1934 (47 U.S.C. 256) is amended to read as follows:

AUTHORIZATION OF APPROPRIATIONS

"Sec. 6. There are authorized to be appropriated for the administration of this Act by

the Commission \$81,150,000, together with such sums as may be necessary for increases resulting from adjustments in salary, pay, retirement, other employee benefits required by law, and other nondiscretionary costs, for each of the fiscal years 1964 and 1965."

(b) The amendment made by subsection (a) shall apply with respect to fiscal years beginning after September 30, 1963.

INCREASE IN PUBLIC BROADCASTING APPROPRIATIONS AUTHORIZATION

SEC. 3. Section 206(c)(1)(C) of the Communications Act of 1934 (47 U.S.C. 206(c)(1)(C)) is amended by striking out "and \$130,000,000 for each of the fiscal years 1964, 1965, and 1966," and inserting in lieu thereof " \$161,000,000 for fiscal year 1964, \$155,000,000 for fiscal year 1965, and \$162,000,000 for fiscal year 1966."

FEDERAL COMMUNICATIONS COMMISSION ADMINISTRATIVE MATTERS

SEC. 4. (a) Section 218 of the Communications Act of 1934 (47 U.S.C. 218) is amended—

(1) in subsection (a), by inserting "15" after "14" and by striking out "and shall have been given reasonable opportunity" and all that follows and inserting in lieu thereof "and shall be given reasonable opportunity, of at least 30 days, to protest such proposed order of modification; except that, where safety of life or property is involved, the Commission may by order provide for a shorter period of notice;"

(2) by adding at the end of subsection (a) the following new paragraph:

"(b) Any other licensee or permittee who believes its license or permit would be modified by the proposed action may also protest the proposed action before its effective date.

"(c) A protest filed pursuant to this subsection shall be subject to the requirements of section 209 for petitions to deny," and

(3) in subsection (b), by inserting before the period at the end thereof the following: "except that, with respect to any issue that addresses the question of whether the proposed action would modify the license or permit of a person described in subsection (a)(3), such hearings shall be as determined by the Commission";

(4) Section 203(a)(3) of such Act (47 U.S.C. 203(a)(3)) is amended by inserting, before the period in the second sentence, the following: "or if the person involved is transmitting on frequencies assigned for use in a service in which individual station operation is authorized by rule pursuant to section 307(c)";

FINANCIAL OVERSIGHT OF NATIONAL PUBLIC RADIO BY CORPORATION FOR PUBLIC BROADCASTING

SEC. 5. Section 206(l) of the Communications Act of 1934 (47 U.S.C. 206(l)) is amended by adding at the end thereof the following:

"(A) Subject to subparagraph (c), the Corporation may not distribute to National Public Radio any funds authorized to be appropriated by this Act unless there is in effect a determination by the Corporation that—

"(1) National Public Radio has adopted and is implementing a system of financial controls and procedures devised in consultation with, and recommended by, an independent certified public accountant and determined by the Comptroller General as sufficient to assure that the financial transactions of National Public Radio reflect prudent management practices and are accounted for in a manner consistent with generally accepted accounting principles;

"(2) National Public Radio has adopted a budget under which reasonable projected

expenditures will not exceed reasonably projected revenues from all sources for any fiscal year in which such funds are distributed to National Public Radio; and

"(3) financial reporting systems of National Public Radio provide the Corporation with continuous access to all financial books and records of National Public Radio.

"(B) Not later than 35 days after the date of the enactment of this paragraph, the Corporation shall report to the appropriate committees of the Congress on actions taken by National Public Radio to meet the conditions described in subparagraph (A) and on actions taken by the Corporation with respect to the indebtedness of National Public Radio related to deficits accumulated before October 1, 1963. The Corporation shall certify to such committees when such conditions have been met.

"(C) The requirements of subparagraphs (A) and (B) shall cease to be effective on and after the date on which the Corporation certifies to the appropriate committees of Congress that all indebtedness of National Public Radio related to deficits accumulated before October 1, 1963, has been liquidated in full."

CORPORATION FOR PUBLIC BROADCASTING ADMINISTRATIVE MATTERS

SEC. 6. (a) Section 206(c)(d) of the Communications Act of 1934 (47 U.S.C. 206(c)(d)) is amended—

(1) in the first sentence, by striking out "and the President of the Corporation"; and

(2) by striking out the third sentence.

(b)(1) Section 206(d)(1) of such Act is amended by inserting after "annually" the following: "select one of their members to be Chairman and"

(2) The subsection heading for section 206(d) of such Act is amended by striking out "VICE CHAIRMAN" and inserting in lieu thereof "CHAIRMAN AND VICE CHAIRMAN";

(3) Section 206(c)(2) of such Act is amended by striking out "No officer of the Corporation, other than a Vice Chairman" and inserting in lieu thereof "No officer of the Corporation, other than the Chairman or a Vice Chairman";

ADMINISTRATION OF REGIONAL CONCENTRATION RULES FOR BROADCAST STATIONS

SEC. 7. Section 210 of the Communications Act of 1934 (47 U.S.C. 210) is amended by adding at the end thereof the following new subsection:

"(e)(1) In the case of any broadcast station, and any ownership interest therein, which is excluded from the regional concentration rules by reason of the savings provision for existing facilities provided by the First Report and Order adopted March 9, 1977 (Bureau No. 20548; 42 Fed. Reg. 16165), the exclusion shall not terminate solely by reason of changes made in the technical facilities of the station to improve its service.

"(2) For purposes of this subsection, the term 'regional concentration rules' means the provisions of sections 73.25, 73.260, and 73.636 of title 47, Code of Federal Regulations (as in effect June 1, 1962), which prohibit any party from directly or indirectly owning, operating, or controlling three broadcast stations in one or several services where any two of such stations are within 100 miles of the third (measured city-to-city), and where there is a primary service area or overlap of any of the stations."

CLARIFICATION AND ADMINISTRATION OF SECTION 223

SEC. 8. (a) Section 223 of the Communications Act of 1934 (47 U.S.C. 223) is amended—

(1) by striking out "\$500" and inserting in lieu thereof "\$50,000";

(2) by inserting "(a)" before "Whoever"; and

(3) by adding at the end thereof the following new subsection:

"(b)(1) Whoever knowingly—  
 "(A) in the District of Columbia or in interstate or foreign communication, by means of telephone, makes (directly or by recording device) any obscene or indecent communication for commercial purposes to any person under eighteen years of age or to any other person without that person's consent, regardless of whether the maker of such communication placed the call; or  
 "(B) permits any telephone facility under such person's control to be used for an activity prohibited by subparagraph (A),  
 shall be fined not more than \$50,000 or imprisoned not more than six months, or both.  
 "(2) It is a defense to a prosecution under this subsection that the defendant restricted access to the prohibited communication to persons eighteen years of age or older in accordance with procedures which the Commission shall prescribe by regulation.  
 "(3) In addition to the penalties under paragraph (1), whoever, in the District of Columbia or in interstate or foreign communication, intentionally violates paragraph (1)(A) or (1)(B) shall be subject to a fine of not more than \$50,000 for each violation. For purposes of this paragraph, each day of violation shall constitute a separate violation.

"(4)(A) In addition to the penalties under paragraphs (1) and (3), whoever, in the District of Columbia or in interstate or foreign communication, violates paragraph (1)(A) or (1)(B) shall be subject to a civil fine of not more than \$50,000 for each violation. For purposes of this paragraph, each day of violation shall constitute a separate violation.  
 "(B) A fine under this paragraph may be assessed either—  
 "(1) by a court, pursuant to a civil action by the Commission or any attorney employed by the Commission who is designated by the Commission for such purposes, or  
 "(2) by the Commission after appropriate administrative proceedings.  
 "(3) The Attorney General may bring a suit in the appropriate district court of the United States to enjoin any act or practice which violates paragraph (1)(A) or (1)(B). An injunction may be granted in accordance with the Federal Rules of Civil Procedure."  
 "(b) Section 223(a) of the Communications Act of 1934 (as redesignated by subsection (a) of this section) is amended in paragraph (3) by inserting "facility" after "telephone".  
 "(c) The Federal Communications Commission shall issue regulations pursuant to section 223(b)(3) of the Communications Act of 1934 (as added by subsection (a) of this section) not later than 180 days after the date of the enactment of this Act.  
 "(d) The Commission shall act on all complaints alleging violation of section 223 of the Communications Act of 1934 which are pending on the date of the enactment of this Act within ninety days of such date of enactment.

#### RESTRICTION ON USE OF FUNDS REGARDING FREQUENCY ALLOCATION AND ASSIGNMENTS FOR PUBLIC SAFETY PURPOSES

Sec. 9. (a) Funds authorized to be appropriated under section 2 of this Act shall be used by the Federal Communications Commission to establish a plan which adequately ensures that the needs of State and local public safety authorities would be taken into account in making allocations of the electromagnetic spectrum. In establishing such a plan the Commission shall (1) review the current and future needs of such public

safety authorities in light of suitable and commercially available equipment and (2) consider the need for a nationwide contiguous frequency allocation for public safety purposes.

(b) Pending adoption of a plan, the Commission, while making assignments and allocations, shall duly recognize the needs of State and local public safety authorities.

#### CERTIFICATION OF TECHNICIANS

Sec. 10. Section 4(f)(4) of the Communications Act of 1934 (47 U.S.C. 154(f)(4)) is amended—

(1) by redesignating subparagraphs (E) through (H) as subparagraphs (F) through (I), respectively; and

(2) by inserting immediately after subparagraph (D) the following new subparagraph:

"(E) The Commission shall have the authority to endorse certification of individuals to perform transmitter installation, operation, maintenance, and repair duties in the private land mobile services and fixed services (as defined by the Commission by rule) if such certification programs are conducted by organizations or committees which are representative of the users in those services and which consist of individuals who are not officers or employees of the Federal Government."

#### VOLUNTEER ADMINISTERED AMATEUR RADIO EXAMINATIONS

Sec. 11. Section 5(f)(4) of the Communications Act of 1934 (47 U.S.C. 154(f)(4)), as amended by section 10 of this Act, is further amended by adding at the end thereof the following new subparagraph:

"(J) With respect to the acceptance of voluntary uncompensated services for the preparation, processing, or administration of examinations for amateur station operator licenses pursuant to subparagraph (A) or (B) of this paragraph, individuals, or organizations which provide or coordinate such authorized volunteer services may recover from examinees reimbursement for out-of-pocket costs. The total amount of allowable cost reimbursement per examinee shall not exceed \$4, adjusted annually every January 1 for changes in the Department of Labor Consumer Price Index. Such individuals and organizations shall maintain records of out-of-pocket expenditures and shall certify annually to the Commission that all costs for which reimbursement was obtained were necessarily and prudently incurred."

#### NEW TECHNOLOGIES AND SERVICES

Sec. 12. Title I of the Communications Act of 1934 is amended by inserting after section 6 the following new section:

#### "NEW TECHNOLOGIES AND SERVICES

"Sec. 7. (a) It shall be the policy of the United States to encourage the provision of new technologies and services to the public. Any person or party (other than the Commission) who opposes a new technology or service proposed to be permitted under this Act shall have the burden to demonstrate that such proposal is inconsistent with the public interest.  
 "(b) The Commission shall determine whether any new technology or service proposed in a petition or application is in the public interest within 1 year after such petition or application is filed or 12 months after the date of the enactment of this section, if later. If the Commission initiates its own proceeding for a new technology or service, such proceeding shall be completed within 12 months after it is initiated or 12 months after the date of the enactment of this section, if later."

#### RADIO COMMUNICATION CONFERENCE PARTICIPANTS

Sec. 13. Not fewer than three vice chairpersons shall be appointed to any United States delegation to or for radio communications conferences held under the auspices of the International Telecommunications Union. Notwithstanding any other provision of law, and unless declined by the head of the entity involved, such chairpersons shall be officers or employees of the Department of State, the Department of Commerce, and the Federal Communications Commission.

Page 1, line 30, insert "(a)" after "Sec. 3."  
 Page 1, after line 25, insert the following:  
 "(b) paragraph (1) of such section 396(k) is amended by inserting before the period at the end thereof the following: ", and unless further assurances are provided to the Corporation that no officer or employee of such an entity will be loaned money by that entity on an interest-free basis".

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

#### TRIBUTE TO JOHN RICHARD IMES

Mr. HUBBARD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HUBBARD. Mr. Speaker, I speak today in tribute to a good friend and my constituent, John Richard Imes, who died on Thursday, November 10, in Murray, Ky., at the age of 65.

Born March 8, 1918, in Calloway County, Ky., John Imes was postmaster at Almo, Ky., from 1948 to September 1980. Upon his retirement, his lovely wife, Martha Imes, became postmaster in October 1980—a position that she still holds.

John served his country in the U.S. Army from 1941 to 1945. He was dedicated in his work with the community, and well loved by his family and friends. He was a member of the Flint Baptist Church in Calloway County. I was proud to have known him and to have been his Congressman.

Survivors include his wife, Martha Churchill Imes; two daughters, Mrs. David (Becky) Lanier of Murray, Ky., and Miss Suzie Imes of Nashville, Tenn.; and one son, Kenneth C. Imes, of Murray, a former Kentucky State representative for Calloway and Trigg counties and now deputy secretary of the Kentucky Department of Natural Resources and Environmental Protection.

I extend my personal sympathy to the family and friends of this fine Kentuckian who was admired and respected by those who knew him.

□ 1730

#### EXPORT ADMINISTRATION ACT OF 1979 EXTENSION

Mr. BONKER. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H.R. 4476), to extend the authorities under the