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TO PERMIT CERTAIN ALIENS TO OPERATE RADIO STATIONS

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HEARING

BEFORE THE
COMMUNICATIONS SUBCOMMITTEE
OF THE
COMMITTEE ON COMMERCE
UNITED STATES SENATE
NINETY-FIRST CONGRESS

SECOND SESSION

S. 1466

TO AMEND THE COMMUNICATIONS ACT OF 1934 TO PROVIDE THAT CERTAIN ALIENS ADMITTED TO THE UNITED STATES FOR PERMANENT RESIDENCE SHALL BE ELIGIBLE TO OPERATE AMATEUR RADIO STATIONS IN THE UNITED STATES AND TO HOLD LICENSES FOR THEIR STATIONS

OCTOBER 8, 1970

Serial No. 91-77

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WASHINGTON : 1970

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TO PERMIT CERTAIN ALIENS TO OPERATE RADIO STATIONS

THURSDAY, OCTOBER 8, 1970

U.S. SENATE,
COMMITTEE ON COMMERCE,
SUBCOMMITTEE ON COMMUNICATIONS,
Washington, D.C.

The subcommittee met, pursuant to notice, at 10:10 a.m., in room 5110, New Senate Office Building, Hon. John O. Pastore (chairman of the subcommittee) presiding.

Present: Senators Pastore and Baker.

OPENING STATEMENT BY THE CHAIRMAN

Senator PASTORE. This hearing will please come to order.

Today the committee begins hearings on S. 1466, a bill to amend the Communications Act of 1934 to provide that certain aliens admitted to the United States for permanent residence shall be eligible to operate amateur radio stations in the United States and to hold licenses for their stations. Present law, of course, precludes this category of aliens from operating and holding licenses for amateur stations.

Specifically, under the provisions of the bill, sections 303(l) and 310(a) of the Communications Act would be amended so that the Federal Communications Commission could grant licenses for amateur radio stations and also issue licenses for their operation to aliens admitted to the United States for permanent residence who have filed declarations of intention to become citizens of the United States under section 334(f) of the Immigration and Nationality Act.

This legislation was introduced by the Senator from Arizona, Senator Barry Goldwater, and cosponsored by 25 other Senators.

During the course of today's hearings, the committee will hear from him as well as the Chairman of the FCC, and other interested witnesses. I would hope that the testimony they will give and the recommendations they might make will enable the committee to report legislation that will be sound and acceptable to the Senate.

We will insert the bill, the amendment, and also the names of the cosponsors and agency comments, in the record.

(The bill, amendment, list of cosponsors, and agency comments follow:)

Staff members assigned to this hearing: Nicholas Zapple and John D. Hardy.

91ST CONGRESS
1ST SESSION

S. 1466

IN THE SENATE OF THE UNITED STATES

MARCH 11 (legislative day, MARCH 7), 1969

Mr. GOLDWATER introduced the following bill; which was read twice and referred to the Committee on Commerce

A BILL

To amend the Communications Act of 1934 to provide that certain aliens admitted to the United States for permanent residence shall be eligible to operate amateur radio stations in the United States and to hold licenses for their stations.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 That section 303 (1) of the Communications Act of 1934
4 (47 U.S.C. 303 (1)) is amended by inserting at the end
5 thereof a new paragraph as follows:

6 “(3) Notwithstanding paragraph (1) of this subsection,
7 the Commission may issue licenses for the operation of
8 amateur radio stations to aliens admitted to the United
9 States for permanent residence who have filed under section

1 334 (f) of the Immigration and Nationality Act a declara-
2 tion of intention to become a citizen of the United States.”

3 SEC. 2. Section 310 (a) of the Communications Act of
4 1934 (47 U.S.C. 310 (a)) is amended by adding at the
5 end thereof the following new paragraph:

6 “Notwithstanding paragraph (1) of this subsection,
7 a license for an amateur radio station may be granted to and
8 held by an alien admitted to the United States for permanent
9 residence who has filed under section 334 (f) of the Immi-
10 gration and Nationality Act a declaration of intention to be-
11 come a citizen of the United States.”

AMENDMENT TO S. 1466 SUGGESTED BY SENATOR GOLDWATER

On page 2, line 2, immediately preceding the period, insert a colon and:

“*Provided*, That when such an application for a license is received by the Commission, it shall notify the appropriate agencies of the Government of such fact, and such agencies shall forthwith furnish to the Commission such information in their possession as bears upon the compatibility of the request with the national security: *And provided further*, That the requested license may then be granted unless the Commission shall determine that information received from such agencies necessitates denial of the request. Other provisions of this Act and of the Administrative Procedure Act shall not be applicable to any request or application for or modification, suspension, or cancellation of any such license.”

On page 2, line 11, immediately preceding the period, insert a colon and the following:

“*Provided*, That when such an application for a license is received by the Commission it shall notify the appropriate agencies of the Government of such fact, and such agencies shall forthwith furnish to the Commission such information in their possession as bears upon the compatibility of the request with the national security: *And provided further*, That the requested license may then be granted unless the Commission shall determine that information received from such agencies necessitates denial of the request. Other provisions of this Act and of the Administrative Procedure Act shall not be applicable to any request or application for or modification suspension, or cancellation of any such license.”

S. 1466 COSPONSORS

Howard H. Baker, Jr., Birch Bayh, Wallace F. Bennett, Alan Bible, Howard W. Cannon, Alan Cranston, Carl T. Curtis, Robert J. Dole, Peter H. Dominick, Paul J. Fannin, Hiram L. Fong, Charles E. Goodell, Ernest F. Hollings, Roman L. Hruska, Daniel K. Inouye, Jacob K. Javits, Thomas J. McIntyre, Lee Metcalf, Frank E. Moss, George Murphy, Robert W. Packwood, Claiborne Pell, Jennings Randolph, Strom Thurmond, and John G. Tower.

FEDERAL COMMUNICATIONS COMMISSION,
Washington, D.C., December 16, 1969.

Hon. WARREN G. MAGNUSON,
Chairman, Committee on Commerce,
U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: This is in reply to your request seeking this Commission's comments on S. 1466, a bill to amend the Communications Act of 1934 to provide that certain aliens admitted to the United States for permanent residence shall be eligible to operate amateur radio stations in the United States and to hold licenses for their stations.

Enclosed please find copies of our comments on this bill. We are advised by the Bureau of the Budget that there is no objection to the submission of this report from the viewpoint of the Administration's program.

Sincerely,

DEAN BURCH, *Chairman.*

COMMENTS OF THE FEDERAL COMMUNICATIONS COMMISSION ON S. 1466, BEFORE
THE SENATE COMMITTEE ON COMMERCE, 91ST CONGRESS, 1ST SESSION

S. 1466 is a bill to amend the Communications Act of 1934 to provide that certain aliens admitted to the United States for permanent residence shall be eligible to operate amateur radio stations in the United States and to hold licenses for their stations. The bill would amend sections 303(1) and 310(a) of the Act to permit the Federal Communications Commission to issue licenses for the operation of amateur radio stations by aliens who have filed a declaration of intention to become citizens of the United States.

The Communications Act now generally provides in sections 303(1) and 310(a) that only citizens and nationals shall be licensed by the Federal Communications Commission to operate amateur radio stations. However, sections 303(1)(2) and 310(a) contain an exception to this general requirement for aliens who have amateur radio operator and station licenses issued by their government. The Commission is empowered by sections 303(1)(2) and 310(a) to issue "authorizations" to such amateurs to operate their amateur radio stations in the United States, its possessions, and the Commonwealth of Puerto Rico, provided that the alien's government affords a reciprocal opportunity to United States citizens. This authorization does not have the legal protection of a license. Sections 303(1)(2) and 310(a) specifically provide that "[o]ther procedures of this Act and of the Administrative Procedure Act shall not be applicable to any request or application for or modification, suspension, or cancellation of such authorization." This section, added to the Act in 1964 (78 Stat. 202), has been implemented without difficulty. S. 1466 would provide for the operation of amateur stations by an additional category of aliens, and would also provide for the issuance of station licenses to such aliens not licensed by their own governments.

The Commission has no objection to aliens operating amateur radio stations in this country. As pointed out above, the Communications Act now provides that aliens who have expressed no interest in United States citizenship may, on a reciprocal basis, operate an amateur station. We are prepared, upon a showing of technical competence, to issue licenses to those aliens who have declared their intention to become citizens by filing first papers.

It should be noted in this connection that under procedures adopted by the Commission pursuant to section 303(1)(2) the Commission normally undertakes no technical examination of the alien amateurs seeking reciprocal authorizations, where these aliens have been examined and found qualified by their own governments. Under S. 1466, we would, of course, have to examine the alien applicants in the same way that we examine those applicants who are citizens of the United States. This may cause some unpredictable difficulties, because many of these prospective applicants may have a very limited, if any, command of the English language. We do not have the facilities to aid these applicants by conducting examinations in their native tongue.

The proposed legislation is also silent on the status of applicants who have filed a declaration of intention to become a citizen of the United States under section 334(f) of the Immigration and Nationality Act, but who take no further steps to obtain United States citizenship. We understand that a declaration of intention is no longer required for naturalization, but is permitted to be filed if needed for employment or a license. The only requirements are that the person be 18 years of age and lawfully admitted to the United States for permanent resi-

dence. Congress may therefore wish to consider whether it should impose some time limit within which a petition for naturalization must be filed for the amateur to remain in good standing under the provisions of S. 1466.

We should note also that the current authority to permit aliens to receive authorizations to operate amateur radio stations on a reciprocal basis includes a provision intended to avoid the grant of authorizations to aliens who might be security risks. Sections 303(l)(2) and 310(a) provide that "when an application for an authorization is received by the Commission, it shall notify the appropriate agencies of the Government of such fact, and such agencies shall forthwith furnish to the Commission such information in their possession as bears upon the compatibility of the request with the national security: *And provided further*, That the requested authorization may then be granted unless the Commission shall determine that information received from such agencies necessitates denial of the request." Our experience does not indicate that provision for a security check is necessary. However, if Congress believes it to be desirable with respect to the proposal of S. 1466, we urge that it be provided for in the same manner as in sections 303(l)(2) and 310(a), because the Commission does not have the staff to undertake security investigations nor the sources for securing information necessary to reaching a determination as to whether an alien is a security risk. If this procedure is followed, it might also then be desirable to describe the contemplated licenses as "authorizations" to be acted on, as are the authorizations authorized under sections 303(l)(2) and 310(a), without regard to the procedures of the Communications Act and the Administrative Procedure Act. A similar exclusion from such procedures would also be provided for applications for such authorizations. We suggest this because of the impracticability of dealing with classified material in normal hearing procedures and because the authorizations involved are not required for the pursuit of the applicant's livelihood.

In connection with these comments on S. 1466, we should also like to draw to the Committee's attention the broader problem of alien licensing. Sections 303 and 310 of the Communications Act, as noted above, generally prohibit the issuance of licenses to aliens or to corporations with a specified alien composition. This causes some acute problems in those non-broadcast and non-common carrier radio services licensed by the Commission, commonly called the safety and special radio services. Many radio stations are licensed in these services as an adjunct to the licensee's business activity. Radio is also widely used for the protection of life and property. The Commission cannot issue a radio station license to an alien, to a foreign corporation, or to any domestic corporation which has an alien officer or director, or where more than one-fifth of the capital stock is owned or voted by aliens or foreign governments or their representatives, or by foreign corporations. Yet, these aliens and corporations with alien composition are authorized to engage in the various business activities in the United States for which radio facilities are a necessary or highly desirable adjunct. These corporations are forced to resort to the cumbersome procedure provided in section 310(a)(5) of the Act, of forming a subsidiary corporation which provides radio communications service to the parent corporation. Even this procedure is not available to individual aliens who frequently have a need for radio communications. This is a particularly acute problem with respect to radio stations aboard ships or vessels. We frequently receive requests for ship radio station licenses by aliens residing in the United States to meet their radio communications needs essential for the safety of life at sea. Since we cannot issue licenses to aliens, these persons must resort to the procedure of having the ship captain or master who is a United States citizen obtain the radio station license in his own name for the necessary radio communications. However, this procedure is not available for licensing radio aboard those numerous small vessels which have aboard only the alien owner and no crew, master, or captain.

To remedy the foregoing problems, the Commission has been studying proposed legislation which might generally ease the citizenship requirements for licenses in the safety and special radio services. Any proposals which are developed will be coordinated with interested Government agencies before submission to Congress. We have mentioned this broader problem so that Congress may be fully informed concerning the broader aspects of the use of radio by aliens. We have no objection to the enactment of legislation at this time to provide for the additional use of amateur stations by aliens, as contemplated by S. 1466.

Adopted: October 8, 1969; Chairman Hyde and Commissioner Wadsworth absent.

DEPARTMENT OF STATE,
Washington, D.C., January 16, 1970.

HON. WARREN G. MAGNUSON,
Chairman, Committee on Commerce,
U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: I have your letter of March 13, 1969 requesting the Department's comments on S. 1466 "To amend the Communications Act of 1934 to provide that certain aliens admitted to the United States for permanent residence shall be eligible to operate amateur radio stations in the United States and to hold licenses for their stations."

I am pleased to inform you that the Department foresees no difficulty with the proposed legislation from the standpoint of foreign policy interests and offers no objection to its passage, provided that the Federal Communications Commission, which appears to have primary interest in the matter, concurs.

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

Sincerely yours,

H. G. TORBERT, JR.,
Acting Assistant Secretary for Congressional Relations.

DEPARTMENT OF THE AIR FORCE,
Washington, January 21, 1970.

HON. WARREN G. MAGNUSON,
Chairman, Committee on Commerce, U.S. Senate.

DEAR MR. CHAIRMAN: Reference is made to your request to the Secretary of Defense for the views of the Department of Defense with respect to S. 1466, 91st Congress, a bill "To amend the Communications Act of 1934 to provide that certain aliens admitted to the United States for permanent residence shall be eligible to operate amateur radio stations in the United States and to hold licenses for their stations". The Department of the Air Force has been designated to express the views of the Department of Defense.

The purpose of the bill is as stated in the title.

The effect of the legislation would be to increase the number of persons eligible to apply for permission to operate amateur radio stations in the United States by allowing certain aliens, now prohibited from applying, to seek licenses. In this regard it is noted that section 310(a) of the Communications Act of 1934, as amended, contains three specific exceptions under which aliens may currently obtain authorizations to operate certain radio stations.

The Department of Defense has no objection to the enactment of S. 1466. As a matter of technical comment, it is suggested that "(8 U.S.C. 1445(f))" be inserted on page 2, lines 1 and 10, of the bill after the word "Act".

This report has been coordinated within the Department of Defense in accordance with procedures prescribed by the Secretary of Defense.

The Bureau of the Budget advises that, from the standpoint of the Administration's program, there is no objection to the presentation of this report for the consideration of the Committee.

Sincerely,

PHILIP N. WHITTAKER,
Assistant Secretary of the Air Force (Installation and Logistics).

EXECUTIVE OFFICE OF THE PRESIDENT,
OFFICE OF EMERGENCY PREPAREDNESS,
Washington, D.C., January 21, 1970.

HON. WARREN G. MAGNUSON,
Chairman, Committee on Commerce,
U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: This is in reply to your request for an expression of the views of this Agency concerning S. 1466, 91st Congress, a bill entitled:

"To amend the Communications Act of 1934 to provide that certain aliens admitted to the United States for permanent residence shall be eligible to operate amateur radio stations in the United States and to hold licenses for their stations."

This bill is similar to S.J. Res. 27, 91st Congress. S. 1466 would amend the Communications Act of 1934 to provide that resident aliens in the United States who have declared an intention of becoming citizens of the United States would be eligible to operate amateur radio stations and to hold a license for an amateur radio station.

As part of this Agency's emergency preparedness planning responsibilities, it is charged with the duty of assuring that this nation has all the resources needed to meet any emergency that may confront the country. We consider an effective telecommunications system to be one of our most essential resources, and recognize that there is an ever present need for strengthening that system.

However, we are unable to advise you as to whether the provisions of this bill would accomplish that objective. In carrying out our responsibilities for overall mobilization readiness of economic resources, we rely on the various federal agencies to provide their technical talents and capabilities. Accordingly, we defer to the views of the Federal Communications Commission and other agencies which would be charged with administering this legislation.

Inasmuch as it appears that S. 1466 is a substitute for S.J. Res. 27 and inasmuch as Senator Goldwater introduced both, we assume that you are no longer interested in receiving a report on S.J. Res. 27.

From the standpoint of the Administration's program, the Bureau of the Budget advises that it has no objection to the submission of this report.

Sincerely,

G. A. LINCOLN, *Director.*

OFFICE OF THE DEPUTY ATTORNEY GENERAL,
Washington, D.C., January 22, 1970.

HON. WARREN G. MAGNUSON,
*Chairman, Committee on Commerce,
U.S. Senate, Washington, D.C.*

DEAR MR. CHAIRMAN: This is in response to your request for the views of the Department of Justice on S. 1466, a bill "To amend the Communications Act of 1934 to provide that certain aliens admitted to the United States for permanent residence shall be eligible to operate amateur radio stations in the United States and to hold licenses for their stations."

As indicated in its title, the bill would amend section 303 of the Communications Act of 1934, as amended (47 U.S.C. 303), to authorize the Federal Communications Commission to issue amateur radio operators licenses and station licenses to aliens admitted to the United States for permanent residence who have filed a declaration of intention to become a United States citizen.

The Department of Justice has no objection to the enactment of this legislation. However, since there are dangers to the national security which are inherent in the field of communications (*Borrow v. F.C.C.*, 285 F. 2d 666) the Committee may wish to amend the bill to incorporate procedures similar to those now contained in sections 303 and 310 of the Communications Act, as amended.

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,

RICHARD G. KLEINDIENST,
Deputy Attorney General.

Senator PASTORE. I repeat again we are honored to have Mr. Goldwater here, and any way you want to proceed, Mr. Goldwater, you just proceed.

STATEMENT OF HON. BARRY GOLDWATER, U.S. SENATOR FROM ARIZONA

Senator GOLDWATER. Well, I want to thank you, Mr. Chairman, for your consideration of this legislation, which I think is very important not only to those of us who are interested in amateur radio, but to international relations as well.

Six years ago this subcommittee was instrumental in passing legislation which helped visitors from foreign lands to acquire the right to operate amateur radio equipment in the United States. Today, I will ask the members of this panel if they are willing to extend the same privilege to American immigrants that is now given to foreign visitors.

As the chairman will recall, the earlier statute arose out of a bill which I had introduced, together with 17 of my colleagues, for the purpose of allowing visitors from abroad to operate ham radios here if their home countries extended reciprocal rights to U.S. citizens. They can receive this authority only after a careful review indicates that the national security will not be imperiled through this privilege.

During the past 6 fiscal years more than 1,700 alien radio operators have received authorizations pursuant to the reciprocal program. By fiscal year 1970 the number of aliens enjoying radio privileges had jumped to more than 500 a year.

Mr. Chairman, I am pleased to report that, in the opinion of all concerned, the program has been remarkably successful.

However, after the inauguration of the new system, we were disappointed to learn an important group of aliens had been excluded from its benefits. While the law worked well for temporary visitors, it did nothing for permanent residents. This is particularly inequitable in the case of resident aliens who are so strongly attracted to the United States that they wish to become American citizens.

These prospective nationals have fallen into a wide legislative gap which, on one side, benefits temporary visitors, and on the other side, American citizens. On March 11 of last year, I attempted to close this gap by the introduction of S. 1466, which is the bill before you.

Mr. Chairman, the present situation lacks either rhyme or reason. In practice, it stands as nothing less than an arbitrary legal technicality that denies many of our future citizens the right to engage in a rewarding and interesting activity.

For if an amateur radio hobbyist is merely visiting the United States on a student, business, or tourist visa, he can obtain an authorization to operate amateur radio equipment while he is here. But, if the same person decides to settle in this country, he will find himself completely cut off from all right to enjoy his ham radio pursuits.

Mr. Chairman, the anomaly of the present situation is clearly visible in other typical illustrations of the dual standard applied to resident aliens. For example, resident immigrants are fully subject to the payment of American income tax. They also are fully subject to compulsory military service in the Armed Forces of the United States. And, in fact, many permanent residents who do serve in the military regularly use Government radio transmitters.

So, we have the odd situation where American immigrants are trusted enough to be admitted to our shores for permanent residence. They are required to pay U.S. taxes. They are inducted into the military. And, they are asked to operate military radios as part of their duties, but the very same people are not allowed to operate an amateur radio station.

This is downright discrimination, Mr. Chairman, of course, and it is high time Congress took action to correct the matter, which is exactly why I have introduced S. 1466.

Senator PASTORE. Well, wouldn't you say at this point, Mr. Goldwater, that this was actually an oversight at the time that we amended the law. Had we realized what the effect of it would be we would have done it at that time as well as doing it now?

Senator GOLDWATER. I agree with you, Mr. Chairman, completely. It was an oversight. I never thought of it. The FCC didn't think of it, the State Department didn't think of it. We goofed—put it that way.

I am very pleased to tell you that one-fourth of the Senate's membership has arrived at the same conclusion which I hold regarding the need for remedial legislation. In all, 25 Senators representing 18 different States have joined as cosponsors of the pending measure. In fact, it is very encouraging that six members of this committee have signed on as backers of the bill. To my mind, this indicates a widespread national interest in assisting our immigrant radio amateurs.

Mr. Chairman, the bill which we have introduced will authorize the Federal Communications Commission to issue a license for the operation of ham radios by resident aliens who have declared their intent to become U.S. citizens. While there are no precise statistics available, I would estimate that the proposed law will benefit approximately a hundred or so persons each year.

There are at any one time about 66,000 aliens who are admitted for permanent residence and are waiting out the 5-year period it normally takes to be able to petition for U.S. citizenship. Out of this total number of declared aliens, I would judge that roughly two-tenths of 1 percent are radio amateurs, since this is the equivalent proportion of Americans who belong to the ham fraternity.

While their numbers are not large, I consider these persons to be important nevertheless. There are human needs and human interests at stake and this is always important.

Mr. Chairman, if we were to put ourselves in the position of these immigrants, and consider that it was us who were faced with a change in our citizenship, we could imagine some of the practical and emotional concerns that would confront us. There is no reason to add to these, in the case of foreign citizens admitted to our shores, by denying to the amateur radio operators among them the practice of this activity for 5 years or more while they await their American citizenship.

To the contrary, it is possible to conceive that we might enrich the motivation, dedication, and American patriotism of these individuals by granting radio privileges to those who qualify. It may well be that these new "voices of America" can do as much to enhance our reputation abroad as many of our 270,000 amateur radio operators have already done.

After working out the administrative details and procedures for security, opposition to the 1964 law benefiting foreign visitors became almost nil. Opposition to a law granting a similar privilege to immigrants who have announced their intent to become American citizens should be completely nonexistent.

And, indeed, there is no opposition I have heard of regarding this measure. Not only has it attracted a sizable number of sponsors, but none of the agencies reporting on the bill has raised any objection to its passage. Some observers, however, indicate there is a security interest inherent in the communications field and, for this reason, suggest the adoption of procedures similar to those incorporated in

the 1964 statute. These practices have worked well in the case of visiting aliens and, if it will help give momentum to the proposal, I am willing to take the bull by the horns and ask that the committee accept the suggested amendment.

To this end, I have prepared amended language which will utilize the security procedures of the existing amateur radio law. This change will be accomplished by using exactly the same language which is applicable to security procedures in the case of visiting aliens.

Mr. Chairman, in closing I would like to mention my great appreciation for the aid rendered by the many radio organizations and periodicals which have taken up the cause of our resident radio amateurs. You shall hear shortly from Mr. Robert M. Booth, general counsel of the American Radio Relay League, who will speak of his group's support for the bill. In addition, the resident amateur bill has also received the endorsement of the International Amateur Radio Union, which consists of 80 national societies representing ham operators from most other countries of the world.

Furthermore, magazines like CQ, QST, 73, and Dialog have all given their strong editorial support to the idea. As I say, they are the leading amateur radio journals in this country.

Mr. Chairman, I hope the committee will act favorably and swiftly on the legislation we have proposed. Also, with your consent, I would like to ask that the names and States of all 26 Senators who are sponsoring the measure shall be printed in the hearings record, together with a copy of the amendment which I have offered relative to security procedures.

And I do want to thank you again, Mr. Chairman, for having this hearing, and I want to apologize if I have to leave, but I am supposed to be in San Francisco tonight to speak for a certain party. I may have to leave early.

Senator PASTORE. I shan't make any comments.

We want to thank you, Mr. Goldwater.

I will hear from Mr. Dean Burch.

STATEMENT OF THE HONORABLE DEAN BURCH, CHAIRMAN, FEDERAL COMMUNICATIONS COMMISSION

Mr. BURCH. Mr. Chairman, I am pleased to be here today to present the views of the Federal Communications Commission on S. 1466. This bill would amend the Communications Act of 1934 to provide that certain aliens admitted to the United States for permanent residence shall be eligible to operate amateur radio stations in the United States and to hold licenses for their stations. Specifically, the bill would amend sections 303(l) and 310(a) of the act (47 U.S.C. 303(l) and 310(a)) to permit the Federal Communications Commission to issue licenses for the operation of amateur radio stations by aliens who have filed a declaration of intention to become citizens of the United States.

The Communications Act now generally provides in sections 303(l) and 310(a) that only citizens and nationals of the United States shall be licensed by the Federal Communications Commission to operate amateur radio stations. However, sections 303(l)(2) and 310(a) contain an exception to this general requirement. The Commission is

empowered by sections 303(1)(2) and 310(a) to issue an "authorization" to an alien who has an amateur radio operator and station license issued by his government if that government affords a reciprocal opportunity to U.S. citizens. This "authorization" allows an alien to operate his amateur radio station in the United States, its possessions, and the Commonwealth of Puerto Rico. An "authorization," however, does not have the legal protection of a license. Sections 303(1)(2) and 310(a) specifically provide that "other provisions of this act and of the Administrative Procedure Act shall not be applicable to any request or application for or modification, suspension, or cancellation of such authorization." These provisions, added to the act in 1964 (78 Stat. 202), have been implemented without difficulty. S. 1466 would not affect this authorization procedure. Thus, our citizens could still be permitted to operate amateur radios in countries with which we have reciprocal arrangements.

S. 1466 would allow the Commission to license, for amateur radio operation, aliens who have filed first papers to become U.S. citizens, and who could qualify technically for an amateur license. It should be noted, however, that the Commission conducts license examinations only in English and that an alien who applies for an amateur license would need sufficient familiarity with the English language to pass the examination.

Although present procedures allow only the above-described "authorizations" for alien amateur operation where there are reciprocal bilateral agreements, we see no reasons why the very limited group of aliens encompassed by S. 1466 should not also be permitted to engage in amateur radio operations. Accordingly, we support S. 1466.

Let me mention briefly the question of security. We do not believe that S. 1466 presents any problem of security. Amateur radio operators share frequencies with other licensees or authorized operators; thus, there is little, if any, secrecy in amateur radio transmissions. It seems doubtful that anyone would attempt to use these shared frequencies to breach the national security or that anyone intent upon such a use would be inhibited by the lack of a license or authorization. Furthermore, every alien who is issued a visa is given a security check before entering the country.

The Commission has prepared a legislative proposal which will recommend general authority to license aliens in the safety and special and experimental radio services, of which amateur radio is a part. Our proposal is currently awaiting consideration by other interested Government departments and agencies. It is expected that it will be sent to the Congress early in the next session. Because our experience with the alien amateur authorizations and with the general prohibition against licensing of aliens and alien corporations has convinced us that present security provisions in the law are unnecessary, our proposal will probably recommend repeal of those provisions so far as the safety and special radio services are concerned. In the interim, however, because the security procedures are in the law with respect to alien amateur authorizations, which may be summarily revoked, it may be deemed desirable to require similar procedures if we are to license in the amateur service those aliens who have filed declarations of intention to become citizens. This whole procedure could then be

reviewed in detail at such time as the Congress considers our more general proposal.

Senator Goldwater has suggested language, worked out with my office, which would accomplish this result. We support passage of S. 1466 with his suggested amendments.

Thank you, Mr. Chairman. That concludes my testimony and I will be glad to answer any questions.

Senator PASTORE. Thank you very much, Mr. Burch.
Mr. Booth.

STATEMENT OF ROBERT M. BOOTH, GENERAL COUNSEL; ACCOMPANIED BY ROBERT W. DENNISTON, PRESIDENT; AND JOHN HUNTOON, GENERAL MANAGER AND SECRETARY, THE AMERICAN RADIO RELAY LEAGUE, INC.

Mr. BOOTH. Mr. Chairman, I have with me today Mr. Robert W. Denniston, the president of the American Radio Relay League, and he has prepared a statement which he will present. I also have Mr. Huntoon with me, the general manager and secretary, and any of us will do our best to answer any questions you might have.

Senator PASTORE. All right, sir.

Mr. DENNISTON. Right.

My name is Robert W. Denniston. I am president of the American Radio Relay League, the national association of amateur radio operators. I have held this office since 1966. For 10 years prior to that time I was one of the 16 elected directors of the league.

I am also president of the International Amateur Radio Union, an organization made up of 83 national amateur radio societies, who represent the radio amateurs in most of the other countries of the world.

The league directorships, as well as the two presidencies, are all volunteer unpaid positions. Professionally, I was president of the Denniston and Partridge Lumber Co. of Newton, Iowa, until my retirement earlier this year—largely to devote more volunteer time to league and IARU affairs. I have held an amateur radio license for the last 37 years, and my call sign is WODX.

In 1964 the Congress adopted an amendment to the Communications Act of 1934 for the benefit of visiting alien amateurs. Under this amendment the Federal Communications Commission can grant authorization to such visitors from countries where an agreement as to reciprocity has been concluded to operate their amateur stations while temporarily in this country.

This concept was generally based on a bilateral agreement signed in 1952 between the Governments of Canada and the United States providing such privileges for the amateurs of each nation. It was indeed the beneficial result of that 1952 action which was a strong point in persuading the Congress to offer the arrangement on a worldwide basis to any interested nation. Since that time some 44 agreements have been concluded by our Department of State with as many foreign administrations.

So far as I am aware there have been no real difficulties in the administration of this program. On the positive side, it has been a most constructive step forward in attaining one of the objectives of

the amateur radio service delineated by the Federal Communications Commission in its Rules; that is, section 97.1(e) which states: "Continuation and extension of the amateur's unique ability to enhance international good will."

From a practical standpoint, the advantages have been more to U.S. amateurs than to aliens, simply because more Americans travel overseas than the reverse. The enactment and implementation of the reciprocal bill in 1964 led other administrations throughout the world to adopt similar regulations. Almost 1,700 authorizations have been issued by the United States to amateurs from other countries, not including Canadians. Far more authorizations have been issued to U.S. amateurs by other administrations. Without a doubt, the reciprocal program has been most desirable and beneficial to our country.

It is most unfortunate that in the processing of the original reciprocal bill through the Congress in 1964 none of its many supporters, including the league, recognized a serious omission. This involves aliens who come to this country intending to be citizens. Inasmuch as they are aliens they cannot apply for an amateur's license in the normal fashion. Inasmuch as they have left their homeland, and have likely relinquished their license and call sign they may have held therein, they are not eligible for a reciprocal operating authorization under the amendments made to the act in 1964. They are—to put it bluntly—caught in the middle.

We thus have the anomaly that an alien licensed operator can visit this country even for an extended term with full operating privileges in the amateur band. But another alien, one who has expressed his desire to become a citizen of the United States, is denied that opportunity no matter how well qualified.

It is for these reasons we support the bill now before you and express the hope that your committee will report it favorably.

A question has arisen concerning the type of grant which would be made by the Commission under the proposed amendment of the act. U.S. citizen applicants for amateur operation are issued licenses. Alien visitors are issued "authorizations." Both convey the same operating privileges.

We believe issuance of a license following examination is the preferred course in this instance. The applicant has filed notice of intention to become a U.S. citizen. He has no plans to return to his native land as does the alien temporary visitor. As to the matter of security, we note with interest the comments of the Federal Communications Commission that "our experience does not indicate the provision for a security check is necessary." We share that view. As we commented here several years ago on the original reciprocal operating bill, the current proposal does not in any way alter the real problems of national security. The matter of license is not of itself any deterrent to the operation of a radio station. If a foreign agent wishes to engage in subversive radio communication, he may buy transmitting and receiving equipment on the open market, from an unlimited number of sources, without any need for identification. He may operate such equipment at any spot of his choice in the frequency spectrum, amateur bands or elsewhere. He runs the risk of immediate detection, of course, because of the efficient surveillance and monitoring system operated by our Government, and a program in which the amateur body cooperates by helping to police its own frequency assignments.

Senator PASTORE. May I interrupt? Do you have any serious objection to the modified amendment that was suggested by Senator Goldwater?

Mr. DENNISTON. No.

Senator PASTORE. All right.

Mr. DENNISTON. To the best of our knowledge, no espionage or other subversive communication has ever taken place undetected in the amateur bands. But the license itself is no deterrent, and it seems absurd to envision a subversive agent calling attention to himself by the process of application for an official amateur authorization.

It might be in order, however, for the Commission to set a limit on the number of years such an immigrant could hold an amateur license without actually following through on his declared intention to become a citizen. Six years seems an appropriate figure. It is my understanding that such an arrangement exists in Canada, which was, of course, the first country to sign a reciprocal operating agreement with the United States, and it has worked beneficially all these years without difficulty.

I very much appreciate the opportunity to appear before this committee in support of S. 1466.

Thank you.

Senator PASTORE. Thank you very much, sir.

Is there anyone else here in this room who wants to testify for or against this legislation?

There being none, we will now recess and take the matter under advisement.

Thank you very, very much for coming.

(Whereupon, at 10:35 a.m., the subcommittee adjourned.)





