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ALIEN AMATEUR RADIO OPERATORS

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HEARING

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BEFORE THE

SUBCOMMITTEE ON

COMMUNICATIONS AND POWER

OF THE

COMMITTEE ON

INTERSTATE AND FOREIGN COMMERCE

HOUSE OF REPRESENTATIVES

NINETY-SECOND CONGRESS

FIRST SESSION

ON

H.R. 9261, H.R. 8964, H.R. 7343, and S. 485

BILLS 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

JUNE 24, 1971

Serial No. 92-15

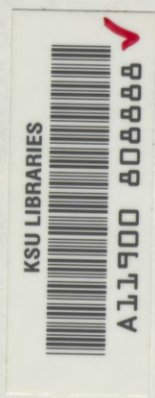
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PLATE 10

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ALIEN AMATEUR RADIO OPERATORS

THURSDAY, JUNE 24, 1971

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON COMMUNICATIONS AND POWER,
COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE,
Washington, D.C.

The subcommittee met, pursuant to notice at 10:00 a.m., in room 2322 Rayburn House Office Building, Hon. Torbert H. Macdonald (chairman) presiding.

Mr. MACDONALD. The hearing will come to order.

Our Subcommittee on Communications and Power has today before it for hearing several bills which would amend the Communications Act so as to authorize the Federal Communications Commission to issue amateur radio licenses to aliens who are admitted into the United States for permanent residence.

I have sponsored H.R. 9261; Senator Goldwater, of Arizona, introduced a similar bill, S. 485, which passed the Senate on May 26; and another bill, H.R. 8964, was introduced by Congressman Springer, the ranking minority member of the full committee, and still another bill has been introduced by Congressman Kyl, of Iowa.

This legislation was the subject of hearings before the subcommittee last year, but unfortunately, because of the time limitation, was not enacted into law.

The legislation would correct an oversight in amendments to the Communications Act adopted in 1964, which authorized the FCC to grant aliens who have been licensed by their governments as amateur radio operators the right to operate as such in the United States if there is a bilateral agreement between the United States and their government which grants reciprocal rights to U.S. citizens who are amateur radio operators.

The 1964 amendment included security provisions which I have been told have been deemed to be effective by the responsible Government agencies. These same security provisions are included in the legislation which our subcommittee will be considering today.

(The text of H.R. 9261 and identical bills and departmental reports thereon follow:)

[H.R. 9261, 92d Cong., 1st sess., introduced by Mr. Macdonald of Massachusetts on June 18, 1971;
H.R. 8964, 92d Cong., 1st sess., introduced by Mr. Springer on June 7, 1971;
H.R. 7343, 92d Cong., 1st sess., introduced by Mr. Kyl on April 7, 1971, and
S. 485, 92d Cong., 1st sess., referred to the Committee on Interstate and Foreign
Commerce on May 27, 1971;
are identical as follows:]

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 ama-

1 teur radio stations to aliens admitted to the United States
2 for permanent residence who have filed under section 334 (f)
3 of the Immigration and Nationality Act (8 U.S.C. 1445 (f))
4 a declaration of intention to become a citizen of the United
5 States: *Provided*, That when an application for a license is
6 received by the Commission, it shall notify the appropriate
7 agencies of the Government of such fact, and such agencies
8 shall forthwith furnish to the Commission such information
9 in their possession as bears upon the compatibility of the
10 request with the national security: *And provided further*,
11 That the requested license may then be granted unless the
12 Commission shall determine that information received from
13 such agencies necessitates denial of the request. Other provi-
14 sions of this Act and of the Administrative Procedure Act
15 shall not be applicable to any request or application for or
16 modification, suspension, or cancellation of any such license."

17 SEC. 2. Section 310 (a) of the Communications Act of
18 1934 (47 U.S.C. 310 (a)) is amended by adding at the
19 end thereof the following new paragraph:

20 "Notwithstanding paragraph (1) of this subsection, a
21 license for an amateur radio station may be granted to and
22 held by an alien admitted to the United States for perma-
23 nent residence who has filed under section 334 (f) of the
24 Immigration and Nationality Act (8 U.S.C. 1445 (f))
25 a declaration of intention to become a citizen of the United

1 States: *Provided*, That when an application for a license
2 is received by the Commission, it shall notify the appro-
3 priate agencies of the Government of such fact, and such
4 agencies shall forthwith furnish to the Commission such
5 information in their possession as bears upon the com-
6 patibility of the request with the national security: *And*
7 *provided further*, That the requested license may then be
8 granted unless the Commission shall determine that infor-
9 mation received from such agencies necessitates denial of
10 the request. Other provisions of this Act and of the Admin-
11 istrative Procedure Act shall not be applicable to any request
12 or application for or modification, suspension, or cancella-
13 tion of any such license.”

FEDERAL COMMUNICATIONS COMMISSION,
Washington, D.C., May 18, 1971.

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

DEAR MR. CHAIRMAN: Receipt is acknowledged of your letter of April 14, 1971, enclosing for the Commission's comments H.R. 7343, 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 Commission on March 16, 1971 submitted to the Chairman of the Senate Committee on Commerce our comments in support of S. 485, a bill identical to H.R. 7343. The OMB advised us with respect to those comments that they had no objection to their submission to the Committee.

I am enclosing copies of those comments for the use of your Committee in connection with H.R. 7343.

Sincerely,

DEAN BURCH, *Chairman.*

COMMENTS OF THE FEDERAL COMMUNICATIONS COMMISSION

S. 485 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(1) and 310(a) of the Act (47 U.S.C. §§ 303(1) 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(1) 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(1)(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 the alien's government affords a reciprocal opportunity to United States 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. 485 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. 485 would allow the Commission to license, for amateur radio operation, aliens who have filed first papers to become United States 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. 485 should not also be permitted to engage in amateur radio operations. Accordingly, we support S. 485.

The Commission does not believe that S. 485 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 is preparing 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 will soon be submitted for consideration by other interested Government departments and agencies. It is expected that it will be sent to the Congress within a few months. 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.

Adopted March 3, 1971.

DEPARTMENT OF JUSTICE,
OFFICE OF THE DEPUTY ATTORNEY GENERAL,
Washington, D.C., June 23, 1971.

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

DEAR MR. CHAIRMAN: This is in response to your request for the views of the Department of Justice on H.R. 7343, 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." This also reflects our views on S. 485 and H.R. 8964 which are also pending with your committee.

This legislation 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.

Upon receipt of an application, the Commission would be required to notify the appropriate governmental agencies and to ascertain whether or not the issuance of each license would be compatible with the national security. The license could then be issued unless information received from the agencies necessitated the denial of the request.

The Department of Justice has no objection to the enactment of this legislation.

The Office of Management and 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.

DEPARTMENT OF STATE,
Washington, D.C., April 26, 1971.

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

DEAR MR. CHAIRMAN: Thank you for your letter of April 14, 1971, enclosing for the Department's comments copies of H.R. 7343, 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 State has no objection to this legislation from the standpoint of foreign policy interests, provided that the Federal Communications Commission which appears to have primary interest in the matter concurs.

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

Sincerely yours,

DAVID M. ABSHIRE,
Assistant Secretary for Congressional Relations.

Mr. MACDONALD. We are delighted to have as our first witness the Chairman of the Federal Communications Commission.

STATEMENT OF HON. DEAN BURCH, CHAIRMAN, FEDERAL COMMUNICATIONS COMMISSION

Mr. BURCH. Thank you, Mr. Chairman. I have a prepared statement which I think I would just as soon submit for the record.

Mr. MACDONALD. Without objection, your statement will be inserted in the record at this point.

(Mr. Burch's prepared statement follows:)

STATEMENT OF HON. DEAN BURCH, CHAIRMAN, FEDERAL COMMUNICATIONS COMMISSION

Mr. Chairman, I am pleased to be here today to present the views of the Federal Communications Commission on H.R. 7343, H.R. 8964, H.R. 9261, and S. 485. These identical bills 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 bills would amend sections 303(1) and 310(a) of the Act (47 U.S.C. §§ 303(1) and 310(a)) to permit the Federal Communications Commission, after observing certain security procedures, 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. We support their enactment.

The Communications Act now generally provides in sections 303(1) 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(1)(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 the alien's government affords a reciprocal opportunity to United States 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. The bills before you 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.

The bills would allow the Commission to license, for amateur radio operation, aliens who have filed first papers to become United States 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 these bills should not also be permitted to engage in amateur radio operations.

Let me mention briefly the provision relating to security. We do not believe the bills present any problem of security. Amateur radio operators share fre-

quencies 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.

I would like to note that 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. It is expected that our proposal will be sent to the Congress next month. 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 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 when the Congress considers our more general proposal.

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

Mr. BURCH. We support these bills very much, because they do give us the power to correct an obvious, I think, oversight. We are not concerned about the national security with the enactment of this provision, because the procedures we have been using to handle the reciprocal agreements seem to be working out well, with one caveat. We are not an intelligence evaluating agency. We don't have the expertise in-house to really sometimes evaluate raw data, which is what we receive under this security provision.

Since we have been operating under the Goldwater bill of 1964, I think it was, we have granted about 2,000 permits under that provision and we have turned down three, and so that is pretty much the way that has gone.

As a pragmatic thing, it is very unlikely that anybody would choose to use an amateur frequency for any sort of illicit traffic because these are so heavily listened to, and even a code type of transmission would ultimately be suspect—attract attention because of the number of amateurs who would be monitoring the frequency at any particular time.

I would point out, Mr. Chairman, that the FCC now has at the Office of Management and Budget a proposal which would authorize us to license aliens in the safety and special services, of which amateur radio is a part.

The reason for that is that although this bill takes care of another problem and the previous Goldwater bill took care of a separate problem in the amateur band, we are still faced with the peculiar situation that an alien in this country may under this bill use his amateur radio license, but may not, for example, get a license for his boat if he happens to own a boat. He might have difficulty getting a license for an airplane if he happened to be a pilot, and we feel that these things could be cleaned up rather nicely with no bad effect on the national security.

It would also, hopefully, resolve another very difficult problem which we run into, particularly in the railroad services, where many

of our railroads have Canadian directors on the board of directors, which, under our law, requires us to go through a lot of, frankly, subterfuge, in order for them to have a license to operate their radios. I don't think that was the original intention of the Communications Act, and what we hope ultimately will be the law is that except in the common carrier and broadcast field, aliens can have licenses.

Although the legislation uses the term "License for Aliens," it is more in the area of an authorization or permit in the sense that we do not under this legislation have to apply the Administrative Procedure Act to these permits so they could be taken away without a hearing.

That is the difference that we think is, from our point of view, significant. Whether from the point of view of the person who has the piece of paper, whether he calls it a license or permit, I don't suppose it matters, but from our point of view there is that distinction.

I have with me Mr. Dick Everett, who is our supervisor in our citizens band, and who can answer any questions you have in this entire area, if you would like.

Mr. MACDONALD. I am sure you can, too, Mr. Chairman.

I would just like to ask one question. Why do you think a hearing is needed to do this? It seems to me to be a foulup in the procedure. Why couldn't you just do it on your own right? As Chairman of the Commission.

Mr. BURCH. To grant these licenses, or take them away?

Mr. MACDONALD. Either. Why don't you have full control?

Mr. BURCH. I am not sure I follow your question, Mr. Chairman.

Mr. MACDONALD. He does; he is about to answer.

Mr. EVERETT. Section 310 of the act as currently written prohibits the Commission from issuing any station license to an alien.

Now, there are exceptions that have already been provided, one of which is aliens where there is a bilateral agreement existing with this country. In this case, and what this bill provides for is an alien who has come into this country; he is still an alien, but he has filed his declaration of intent to become a U.S. citizen. He has a period of 5 years in which his own home country won't issue a license, so he can't get in under the reciprocal arrangements, and since he is an alien, the proscriptions in the act prohibit us. We have no authority to license these.

Mr. BURCH. The point I made on the Administrative Procedure Act, if there were a license we would issue to you, we could not take that away without according you a full hearing under the Administrative Procedure Act. Under this legislation we could take your license away without according you a full hearing.

Mr. MACDONALD. I take it that the Commission supports the bill?

Mr. BURCH. Yes; very much, Mr. Chairman.

Mr. MACDONALD. Mr. Van Deerlin?

Mr. VAN DEERLIN. Mr. Chairman, I have no problems with this bill. I think some of the new members of the subcommittee may have questions they want to ask on it, but we passed it last year and it is the same bill. It is just 1 year more urgent now that we get it enacted into law.

Thank you.

Mr. MACDONALD. Mr. Keith?

Mr. KEITH. Thank you, Mr. Chairman.

As a matter of curiosity, why were the three applicants turned down?

Mr. BURCH. I think this one case it was their own country—

Mr. EVERETT. Most of this is as a result of classified information that we get from various agencies. When we get a license, we check with the Department of Justice, the Department of Defense, the Central Intelligence Agency, and the Department of State, and they are supposed to furnish us whatever information they have in their files and records concerning the applicant.

We then evaluate it and make our determination, and in these cases the information, which was classified, indicated—actually, if it came down to it, it was a point that since this was an amateur radio service it was not something that their livelihood or business depended on.

Since we did not have the facilities to check in further depth as to whether there was a national risk, it was better for the Commission to deny the license than to take the chance.

Thank you.

Mr. MACDONALD. Mr. Brown?

Mr. BROWN. I am looking at H.R. 8964, Mr. Chairman, but it does not seem to cover that question that you mentioned just now, Chairman Burch, about a business with foreign connections.

Mr. BURCH. No; it does not. The bill we are preparing would cover that. It is at OMB now.

Mr. BROWN. I would want us to approve the bill you are preparing then, instead of these?

Mr. BURCH. No; we would hope that you would go ahead and pass this legislation, because what we are preparing could well take some time, and it would require new deliberation by this committee because it is much broader than this legislation or previous legislation.

Mr. BROWN. So this is stopgap legislation for the time being?

Mr. BURCH. Yes.

Mr. BROWN. This covers only those who are resident aliens?

Mr. BURCH. And only in the amateur service, not in any other service.

Mr. BROWN. Thank you, Mr. Chairman.

Mr. MACDONALD. One thing I would like to clarify, because we have to go through this and many other sorts of bills, I would hate to have us pass a stopgap bill.

Do you have any amendments that you think would clear this up so that we could just add them right now to the bill? There is no point in us holding hearings today if you say it is a stopgap operation and then come back in a little while with another bill. Do you have amendments you could put on here?

Mr. EVERETT. I have a copy of our bill.

Mr. BURCH. I have a copy of our draft legislation. It might well be that it could be made an amendment.

Mr. MACDONALD. Before you submit it to us, I hope it is beyond the draft stage, but do you have suggestion that we could act on?

Mr. BURCH. Mr. Chairman, I really can't answer that question without having gone into this. I wonder if I might advise you by a letter this afternoon?

Mr. MACDONALD. I was hoping we could dispose of this today, but if we can't we can't.

Mr. BURCH. I just honestly don't know the answer to it, whether this would be an appropriate amendment. I know it is quite a lengthy piece of legislation, and it is at OMB now.

Mr. MACDONALD. Mr. Rooney?

Mr. ROONEY. No questions.

Mr. MACDONALD. Mr. Collins?

Mr. COLLINS. Mr. Chairman, I would think H.R. 8964 would be an excellent piece of legislation, and also if we put it on the books we would have an opportunity to see if there might be modifications this time next year, when we could come up with another bill. Don't you think it would be a big step forward?

Mr. BURCH. It would relieve this particular problem. This is a terribly inequitable situation we have now, where an honest-to-goodness alien can operate his station, but an alien who has declared his intention to become a citizen of the United States cannot. It is difficult to explain that to these people.

Mr. MACDONALD. Or to us.

Mr. BURCH. Or to us, for that matter. I would make one general observation. This whole alien thing causes us a great deal of problems.

Mr. Everett was pointing up on the way down in the car recently there were some German people who wanted to—Italians—wanted to climb a mountain in Alaska, and as a safety precaution wanted to carry a radio with them.

We can't license those people even under those circumstances, so we had to advise them they ought to take one American citizen with them on their trip so they could have a licensed radio operator, and obviously that is not the purpose of the act. So it is a difficult area for us.

Mr. COLLINS. Mr. Chairman. I think this is a good piece of legislation as it is.

Mr. MACDONALD. We passed it last year.

Mr. COLLINS. What happened to it?

Mr. MACDONALD. We ran out of time. I mean the Congress ran out of time.

Mr. BURCH. Mr. Chairman, I will answer your question in some detail shortly, as soon as I get back to the Commission and get my brains to work on it.

(The following letter was received for the record:)

FEDERAL COMMUNICATIONS COMMISSION,
Washington, D.C., June 24, 1971.

HON. TORBERT H. MACDONALD,
Chairman, Subcommittee on Communications and Power, Interstate and Foreign
Commerce Committee, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: This is in response to your query this morning at the hearing on H.R. 7343, H.R. 8964, H.R. 9261 and S. 485 as to whether I had any suggested amendments to these bills which might affect other changes desired by the Commission. Upon reflection, I would urge the Committee to approve these bills as now written.

As I indicated, we have already drafted and sent to the Office of Budget Management and a more comprehensive legislative proposal which would delete the current proscriptions in Section 303(1) and 310(a) against the licensing of aliens in any of the Safety and Special Radio Services or the Experimental Radio Service. This proposal would also delete the current security procedures as they apply to alien amateurs. Because of the broad scope of this proposal it may be

some time before it is possible to enact it into law. Comments of other interested agencies must be obtained and it will require hearings before the appropriate Congressional committees, including yours. In the meantime, the existing inequity concerning the licensing of aliens, who have filed their declarations to become citizens, in the Amateur Radio Service continues to exist. In order to remedy this situation as quickly as possible, I again strongly urge the adoption of the subject bills.

Sincerely,

DEAN BURCH, *Chairman.*

Mr. MACDONALD. Are there any further questions?

We thank you very much for being here today with your associate.

Mr. Booth?

**STATEMENT OF ROBERT M. BOOTH, JR., GENERAL COUNSEL,
AMERICAN RADIO RELAY LEAGUE, WASHINGTON, D.C.**

Mr. BOOTH. I have a prepared statement. I have no objection to your incorporating it in the record, if you like.

Mr. MACDONALD. On the contrary, sit down, and you are recognized.

Mr. BOOTH. I have been a ham since I was 14 years old, so I think I may be able to answer any questions you may have on amateur radio.

I have taken little different approach in support of this bill than taken by Chairman Burch. We have set forth in our statement two instances of highly professional people being attracted to immigrating to the United States as a result of the contacts they have made over the years through the operation of their own ham radio stations in their own country.

One is a scientist who came in from a central European country. In fact, his situation was the one that was called to the attention of Senator Goldwater and led to the original initiation of this legislation.

The other is a physicist who is now practicing in New England who decided to come to this country from a central European country. One reason was his interest in amateur radio and the contacts and friendships he had made and what he had learned about this country over the years through the amateur radio contacts.

This is one of the intangible benefits of this bill, intangible benefits to the United States which have not been pointed out in previous testimony in support of this legislation.

We think this bill is in the best interests of the United States. The American Radio Relay League, of which I am general counsel, has, roughly, 90,000 licensed amateur operators throughout the United States as members. We are also the parent organization of the International Amateur Radio Union, which is made up of 83 national amateur radio societies.

I think you all know of the work of amateur radio in disasters, floods, hurricanes, and I won't dwell on that, but I will be here to answer any questions if you have them.

(Mr. Booth's prepared statement follows:)

**STATEMENT OF ROBERT M. BOOTH, JR., GENERAL COUNSEL, AMERICAN RADIO RELAY
LEAGUE**

Mr. Chairman, I appreciate the opportunity to present the views of the American Radio Relay League in support of the proposed amendment to the Communications Act of 1934.

The American Radio Relay League is a nationwide nonprofit organization of licensed amateur radio operators having approximately 90,000 licensed amateurs as voting members. There is no comparable organization or spokesman for Amateur Radio in the United States. The League also is the headquarters organization of the International Amateur Radio Union, the membership of which is composed of the national amateur radio societies of 83 nations, including the USSR. Requests for admission to membership from the national societies of Thailand and Singapore are pending, and an application from the Romanian society is expected momentarily.

The President of the League, Robert W. Denniston, often testifies in hearings on proposed legislation of interest to the amateur radio operators of the United States. Mr. Denniston regrets his inability to be here today. He is in Geneva heading up the International Amateur Radio Union's delegation to the World Administrative Radio Conference on Space Communications to support proposals of the United States and other major countries for enlargement of the rights of radio amateurs to engage in space communications. The International Radio Regulations for years have made available to amateur radio most valuable frequency bands on a world wide basis in recognition of the importance of amateur radio to all of the nations of the world.

The legislation before you is another step toward fulfilling the purposes and objectives of the Amateur Radio Service as outlined in Section 97.1 of the Rules and Regulations of the Federal Communications Commission:

§ 97.1 Basis and purpose

The rules and regulations in this part are designed to provide an amateur radio service having a fundamental purpose as expressed in the following principles:

- (a) Recognition and enhancement of the value of the amateur service to the public as a voluntary noncommercial communication service, particularly with respect to providing emergency communications.
- (b) Continuation and extension of the amateur's proven ability to contribute to the advancement of the radio art.
- (c) Encouragement and improvement of the amateur radio service through rules which provide for advancing skills in both the communication and technical phases of the art.
- (d) Expansion of the existing reservoir within the amateur radio service of trained operators, technicians, and electronics experts.
- (e) Continuation and extension of the amateur's unique ability to enhance international good will.

The International Radio Regulations, a treaty to which the United States is a signatory, provides that amateur radio licenses can be issued only to persons who have demonstrated a knowledge of the technical aspects of radio communications. In addition, amateurs desiring to operate on the high frequency bands which are useful for long distance and world wide communications must demonstrate a knowledge of the Morse Code.

Slightly less than 50% of the half million licensed amateur radio operators of the world live outside the United States. This is indeed a vast pool of trained technicians, many extremely well qualified engineers and scientists.

In 1964, Congress enacted an amendment of the Communications Act to permit amateur radio operators licensed by other countries to operate while visiting the United States. It later was recognized that the amendment created a void. An amateur licensed by another country who immigrated to the United States under a permanent visa and who had expressed his intention to become a citizen was unable to engage in amateur radio operations until after he had obtained his citizenship and then passed the examination of the Federal Communications Commission. When Senator Goldwater learned of this inequity, he introduced S. 1466 in the 91st Congress and S. 485 in this Congress.

Attention to this anomaly was called to the attention of Senator Goldwater and the League by an engineer-scientist who had immigrated to this country five or six years ago from a Central European country. When he left his native land, he was required to surrender the amateur license he had held for many years. I understand that frequent contacts and discussions via amateur radio played a most important part in his decision to become a United States citizen.

I have been told of a similar case involving a medical doctor from a Central European country who now is practicing medicine in New England and who applied for and successfully passed the amateur examinations of the FCC only a

few days after he became a citizen of the United States. He now is one of the best "ambassadors" of this country in his daily contacts with his old country and with other amateurs throughout the world.

These are just two of a number of cases where highly qualified professional men have become citizens of the United States as the direct result of amateur radio.

Almost every member of Congress is aware of the service rendered by the radio amateurs—hams—of the United States in times of emergency and disaster, such as earthquakes, tidal waves, hurricanes, typhoons, tornados, floods, blizzards, ice storms, and fires. But few are aware of the intangibles which will flow from the pending legislation. Amendment of the Communications Act as proposed in the legislation before this Committee most assuredly will serve the national interests of the United States.

Thank you for affording the American Radio Relay League the opportunity to present its views and recommendations.

Mr. MACDONALD. The only question I have, you support the legislation?

Mr. BOOTH. Yes; and we would like very much to see it go forward at this stage because the matter to which Chairman Burch referred seems to be a rather complex matter. I am familiar somewhat with the original enactment of legislation which put in the citizenship requirements for operator licenses.

This came back in the depression days, and was more of a measure to insure jobs for U.S. licensed operators than a security measure. The security aspect didn't come about until around World War II. I fear that the legislation to which Mr. Burch referred, to further amend the act, may bring about questions which are far more complex than presented by this bill and might bring about another delay and even further hearings. After all, this has passed the Senate twice, and it has met with a favorable recommendation from this committee.

Mr. MACDONALD. Mr. Van Deerlin?

Mr. VAN DEERLIN. No questions, thank you.

Mr. MACDONALD. Mr. Keith?

Mr. KEITH. No questions, Mr. Chairman.

Mr. MACDONALD. Mr. Rooney?

Mr. ROONEY. No questions.

Mr. MACDONALD. Thank you very much, sir.

Mr. BOOTH. Thank you very much, Mr. Chairman.

Mr. MACDONALD. We will put in the record the statement of Senator Goldwater.

(Senator Goldwater's prepared statement follows:)

STATEMENT OF SENATOR BARRY GOLDWATER, OF ARIZONA

AMATEUR RADIO RIGHTS FOR RESIDENT ALIENS

Mr. Chairman, I am deeply appreciative of your kindness in scheduling a hearing on amateur radio legislation so promptly after it was passed by the Senate. I only regret that my testimony must be presented as a written statement due to a medical appointment which I must keep today.

In general, my statement will be the same as it was last December when I appeared before you relative to S. 1466. The bill, S. 485, which is now before you, is identical in every respect to the bill S. 1466, which you considered and ordered favorably reported in the closing moments of the 91st Congress. About the only change in the situation on the Senate side was our good fortune in gaining 11 additional cosponsors for a total of 36. I was very pleased and indeed honored that this group was about evenly divided among Democrats and Republicans and included both the distinguished Majority Leader, Senator Mansfield, and the Chairman of the Senate Commerce Committee, Senator Magnuson.

The wide sponsorship of the bill in the Senate clearly demonstrates that the proposal is utterly noncontroversial and nonpartisan, with a good cross-section of interest in it from all geographical sections of our country.

In short, Mr. Chairman, the bill is designed to correct a technical oversight which occurred in 1964 when Congress enacted the Reciprocal Licensing Law on behalf of alien amateur radio operators visiting the United States. That law has worked well and has enabled more than 1,700 foreign visitors to enjoy radio privileges. But it left a serious gap in the communications law because it failed to cover individuals from abroad who were not simply visiting this country, but were taking up permanent residence here.

This group of prospective American citizens, who have demonstrated their preference for the American way of life, were left without any means of enjoying their amateur radio pursuits. Thus, these individuals have literally fallen into a legislative gap which on the one side benefits temporary visitors and on the other, United States citizens.

Accordingly, my proposal will allow the Federal Communications Commission to license, for amateur radio operation, permanent resident aliens who have filed their declaration of intent to become eventual United States citizens. Nothing short of this change would remove the harsh legal barrier that now denies many of our future citizens the full measure of trust and recognition which they deserve.

The double standard for our permanent immigrants must be removed. It is as simple as that. The odd thing is, Mr. Chairman, that if an amateur radio hobbyist is merely visiting the United States on a tourist visa, he can operate an amateur radio station while he is here. But once the identical person decides to settle in this country, he is immediately disqualified from all opportunity to enjoy his amateur radio activity.

Not only is there a double standard between permanent residents and visiting aliens, but there is discrimination between resident aliens and American citizens. Resident aliens are subject to the payment of American income tax fully as much as United States citizens. Resident aliens can be drafted into the American Armed Forces just the same as American citizens. And yet only American citizens can operate amateur radio equipment.

Mr. Chairman, this is flagrant discrimination and I hope the subcommittee will see fit to take swift action to remedy this unfortunate oversight. While the number of individuals who might directly benefit from the change will likely be no larger than 500 persons each year, the gesture toward all permanent residents, which is a group numbering over 3.7 million individuals, will be deeply felt and welcomed. In addition, the human interests of the 500 or so amateur radio operators among the larger group certainly are worthy of our attention.

Mr. Chairman, there is no opposition to this bill from any executive agency. It is equitable. It contains ample security safeguards. It will uplift the sense of recognition among America's permanent residents. It will unquestionably foster goodwill with friendly foreign nations by improving our foreign relations image. And it is enthusiastically supported by a great range of amateur radio clubs and organizations across the globe, representing most of the 300,000 American amateurs and the national amateur societies of 55 other countries around the globe.

Mr. Chairman, I respectfully request your favorable action on behalf of our immigrant radio operators.

Mr. MACDONALD. The hearings are concluded.

(Whereupon, at 11:33 a.m., the hearing was adjourned, subject to the call of the Chair.)



