(DRAFT)

113th CONGRESS

1st Session

To promote and encourage the valuable public service communications provided by FCC-licensed amateur radio operators; to promote the benefits of amateur radio communications in emergency and disaster relief; to avoid the application of preclusive private land use regulations to amateur radio stations, and to promote reasonable accommodation of amateur radio communications in residential areas.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

IN THE U.S. HOUSE OF REPRESENTATIVES

March\_\_\_\_\_\_, 2013

M\_\_. \_\_\_\_\_\_\_\_\_\_\_\_\_ of \_\_\_\_\_\_\_\_\_\_ introduced the following bill; which was referred to the Committee on Energy and Commerce

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

A BILL

To promote and encourage the valuable public service, disaster relief and emergency communications provided on a volunteer basis by licensees of the Federal Communications Commission in the Amateur Radio Service; by preempting unreasonable or preclusive private land use regulations as applied to Amateur Radio stations; and to provide reasonable accommodation for amateur radio communications in Homeland Security planning.

1. *Be it enacted by the Senate and House of Representatives of the*
2. *United States of America in Congress assembled,*
3. SECTION 1. SHORT TITLE
4. This Act may be cited as the “Emergency Communications
5. Enhancement Act of 2013.”

6 SECTION 2. FINDINGS.

7 The Congress finds the following:

8 (a) More than 700,000 radio amateurs in the United States are licensed

9 by the Federal Communications Commission in the Amateur Radio

10 Service.

11 (b) Amateur Radio operators provide a valuable public service to their

12 communities, their States, and to the nation, especially in the area of

13 national and international disaster communications, on a volunteer basis.

14 (c) Emergency and disaster relief communications services by volunteer

15 Amateur Radio operators have consistently and reliably been provided

16 before, during, and after floods, hurricanes, tornadoes, forest

17 fires, earthquakes, blizzards, train accidents, chemical spills and other

18 disasters.

19 (d) Amateur Radio, at no cost to taxpayers, provides a fertile ground for

20 technical self-training in modern telecommunications, electronic

21 technology and emergency communications techniques and protocols.

22 (e) There is a strong Federal interest in the effective performance of

23 Amateur Radio stations established at licensees’ residences, which have

24 been shown to be frequently and increasingly precluded by unreasonable 25 private land use regulations.

26 (f) Federal Communications Commission regulations have for 28

27 years prohibited the application to Amateur Radio stations of State or

28 municipal land use regulations which preclude or fail to reasonably

29 accommodate Amateur Radio communications, or which do not

30 represent the minimum practicable regulation necessary to accomplish a 31 legitimate State or municipal purpose. FCC policy has been and is to

32 permit erection of a station antenna structure at heights and dimensions 33 sufficient to accommodate amateur service communications.

34 (g) The Federal Communications Commission has sought guidance and 35 instruction from Congress with respect to the application of the

36 Commission’s limited preemption policy regarding Amateur Radio

37 communications to private land use regulations.

38 SECTION 3. PROMOTION OF AMATEUR RADIO

39 EMERGENCY AND DISASTER RELIEF

40 COMMUNICATIONS IN RESIDENTIAL AREAS.

41 Not later than 180 days after the date of enactment of this Act, the

42 Federal Communications Commission shall, pursuant to Section 303 of 43 the Communications Act, amend Section 97.15(b) of its regulations [47 44 C.F.R. §97.15(b)] so as to include in those regulations a prohibition of

45 private land use restrictions applicable to residences which (a) preclude 46 amateur radio communications; (b) do not reasonably accommodate the

47 ability of an amateur radio operator to conduct amateur radio

48 communications; or (c) do not constitute the minimum practicable

49 regulation necessary to accomplish the private land use regulatory

50 authority’s legitimate purpose.