

BOARD CONFIDENTIAL

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Our efforts to obtain legislative approval of the Amateur Radio Parity Act got off to a fast start in the 115<sup>th</sup> Congress of the United States. The bill, once again sponsored by Representative Adam Kinzinger (R-IL-16) was co-sponsored by Joe Courtney (D-CT-2) AND Greg Walden (R-OR-2). The addition of Chairman Walden was very telling of the importance of the Bill to him. We were to see that the bill was a priority for him as it was introduced on January 13, 2017 as HR 555 and was passed by voice vote in the House of Representatives on January 23, 2017. The Bill moved so quickly through the House that our co-sponsors from the previous session were left in the cold, calling to add their names to the legislation but unable to since the Bill had already moved forward.

While things were looking rosy in the House, the Senate was entirely another matter. Late in the previous year we had run an email RallyCongress and telephone campaign with the members from Florida participating. Senator Nelson's Chief of Staff informed Frank that the some of the emails were very pointed with some of them writing very angry emails. She assured Frank that Nelson would like to bring this matter to a successful conclusion in the new year.

Unfortunately, their idea of a successful conclusion and ours' were not the same. It became very difficult to obtain a meeting to discuss their issues. When a conversation was finally had, Nelson's staff told us that the Senator was concerned with the Florida Chapter of CAI no signing on and instead were blocking progress. They asked us to talk to the Florida group, which after a few weeks of trying to set it up, we held two teleconferences in which they expressed their concerns, and in which we told them that we would not make any changes to the legislation as it was already agreed to with their national group. They were satisfied with our explanation and understood that they could submit report language but no changes would be made. They told us that they would tell their chapter that they were now ok with the bill.

We expected to hear from them within a day or two as they were having a chapter meeting in that period. Not only did we not hear from them, they went silent. As did Nelson's staff. When we finally sat down with Nelson's staff in April, they played dumb and claimed they knew nothing about our our troubles reaching Florida CAI. They picked up the phone, called the lead for Florida CAI (who picked up on the first ring), and then proceeded to beat us up. They now claimed that no agreement was understood, that they couldn't support the bill because report language was meaningless. We had just had the goal-line moved back 10 yards as we were preparing to cross it.

After the meeting with Senator Nelson's office and the telephone call with the Florida Chapter of CAI, it became painfully obvious that Nelson was still stonewalling us. We decided to try to reach out to the White House as we had a ham there who was now a senior domestic policy advisor to the President. It was thought that it was now time, with the new administration, to run a parallel administrative strategy to the legislative strategy.

We reached out to the White House and met with the abovementioned ham, whom we had met with last year. At that time he was a congressional staffer and was responsible for obtaining a

Congressional cosponsor for us. He is painfully aware of the issues dealing with HOAs. He had put together a mobile station out of necessity as he lives in a deed-restricted community in the D.C. area.

In May, Chris Imlay, Frank McCarthy of McCarthy Advanced Consulting (formerly of The Keelen Group), and I visited D.C. on behalf of the Legislative Committee.

We met with our friends in Senator Wicker's (R-MS) office and with a representative of Senator Thune (R-SD). We brought them up to date on the machinations of Senator Nelson's staff as it regards the Bill. They talked with us about dropping a Senate companion and obtaining a quick markup in the Senate Commerce Committee. We went to visit Senator Blumenthal's (D-CT) office to ask about cosponsoring a Senate Bill identical to H.R. 555 and expecting that to be a breeze given Blumenthal's co-sponsorship of S.1685 earlier. But we were blindsided. Blumenthal's staffers had a copy of a marked-up version of H.R. 555 that included Nelson's proposed modifications to the Bill that we earlier told all parties was completely unacceptable. Blumenthal's office had been told by Nelson's staff that we had agreed to the edits.

We told Blumenthal's staff that we had never seen that document. Apparently, it was what Florida CAI had been proposing initially. We asked how recently this version had been circulated and Blumenthal's staff was not clear about it, but they asked why we couldn't accept the edits. Chris explained that the edits completely gutted the entire benefit of the legislation and explained why, and noted that we had been informed at the end of our negotiations with Florida CAI that they didn't need any edits to the Bill any longer. Once again the goalposts moved away from us. Any perceived understanding went out the window as Nelson's staff put the kibosh on moving forward.

We met with Michael Kratsios, Deputy Assistant to the President and Deputy United States Chief Technology Officer, Office of Telecommunications Policy. ARRL has not visited OTP since the G.W. Bush administration when we went to express our opposition to BPL. We first discussed H.R. 555 with Michael Kratsios, who was quite familiar with the Bill. We explained the logjam we are facing in the Senate and brought up the possibility of an administrative (as opposed to legislative) solution in which FCC Chairman Ajit Pai would be asked by Senator Thune and Representative Walden to enact the provisions of H.R. 555 administratively by rulemaking initiated by FCC or by a petition from ARRL. He was receptive to the idea, but no commitment was made. He did ask to be kept informed and he said that we have the support of the White House for our legislative effort. We also brought up the tower painting/lighting issues of the 2016 FAA reauthorization Act to make the White House aware of its effect on Amateur Radio, explaining that legislation would be necessary in order to eliminate the overreach of that Act.

We then met with David Redl, then majority counsel to the House telecom subcommittee and a major advisor to House Commerce Committee Chairman Greg Walden (now Assistant Secretary for Communications and Information and Administrator, National Telecommunications and Information Administration). We expressed our continuing concern over the stonewalling we're still getting from Senator Nelson. We brought up the possibility of attaching a Senate version of H.R. 555 to a must-pass bill. As there is nothing on the immediate horizon that would constitute

must-pass telecom legislation, a new spending bill would likely come up around year-end. He also believed that due to the battle over net-neutrality it was unlikely that any telecomm legislation will get out of either the House or the Senate as long as that battle exists.

This would indicate that unless we can get past Nelson legislatively, an administrative approach discussed above would be necessary. Redl said that Nelson has been an obstacle to virtually all telecom legislation and that the reaction of the Democrats in the Senate to any telecom legislation currently has been to stonewall all of it due to the Republican's interest in repealing Net Neutrality and because the Republicans won't reconfirm FCC Commissioner Rosenworcel, a democrat.

Our final meeting of that day was with Rachel Bender, advisor to FCC Chairman Ajit Pai. This meeting was set up specifically to inform the FCC Chairman's office of our legislative issues in case we needed to proceed with the administrative option on the Parity Act. We discussed both the Parity Act and the FAA tower issues. We did ask for any commitment about either issue. What was interesting is that she mentioned that CAI had been in to see the Chairman about unspecified topics and, among other things, they mentioned that they support HR 555. We did leave her with the thought that we may be seeking administrative relief if the bill cannot get past the Senate.

After those three very positive meetings, we met with Crystal Tulley, Majority Counsel to the Senate Commerce Committee (formerly of Senator Wicker's office who now reports directly to Senator Thune), Olivia Trusty, and Samantha Helton (both from Senator Wicker's office). We discussed the issue of a Senate companion Bill to H.R. 555.

Our next meeting was with Senator Nelson's staff. Here is where things continued to go south.

After much discussion we again were left in the lurch, particularly as this was the first time we were actually presented with Nelson's proposed version of the bill.

In addition, to add insult to injury, we were told that the bill would likely never see the light of day this Session, nor would any telecom legislation, due to the political infighting over net-neutrality legislation. This echoed what we'd previously been told by Dave Redl.

Our final meeting of that day was with Senator Blumenthal's staff, Anna Yu & Maya Kalonia. We explained the situation as our last meeting was the broadside from them regarding the supposed changed legislation. They seemed to be a little shell-shocked in their reaction to us as they were under the impression that we had approved Nelson's proposal. We set that right and then asked if Mr. Blumenthal would continue to cosponsor the legislation.

Despite the frustration and the obvious stonewalling, we felt it necessary to continue the legislative strategy while beginning to pursue an administrative strategy. One way to get to an administrative solution is to create a situation that allows for both the House and the Senate committee chairs the ability to pressure the FCC. We feel that getting a bill introduced and marked-up in the Senate will both allow us to bombard Sen. Nelson with mail AND allow Senators Wicker and Thune to approach Chairman Pai with an explanation that just this one

Senator is holding up a bipartisan bill in the Senate, and make the ask at that point. Another way is via the White House.

In September, Chris, Frank McCarthy, and I held meetings with members of the Senate Commerce Committee and members of the Senate Appropriations Committee. We are exploring alternative strategies, including getting on a must-pass spending bill or approaching an administration strategy by going through the White House to get to the FCC Chairman for support.

The Bill was then scheduled to be marked-up and moved through the Commerce Committee on October 4<sup>th</sup>, however, 36 hours before the meeting Senator Nelson informed all that he would offer an amendment that would completely gut the bill. It was decided to pull the bill off the calendar for the time being.

As to an administrative strategy, we met with the Asst Dir for Natural Hazard Resilience, Office of Science and Technology Policy (OSTP – an Executive Department) and her staff. This department had been very involved with the recent Cascadia Rising drill as well as the hurricanes this past year. They were familiar with Amateur Radio and we had a very positive meeting with them.

In November we had meetings with members of the House Appropriations Committee with the goal of getting our bill attached to an omnibus spending bill. The chair of the committee, Rodney Frelinghuysen (R-NJ-11), is an original cosponsor of the Bill in the House and very favorable to Amateur Radio. We have also met with individual members to keep them up to date on our progress in getting the bill added. To date only some small spending bills have passed specifically to keep the government open. The current temporary spending authorization expires on November 19<sup>th</sup>, the day we meet. It appears that only a short-term continuing resolution (CR) will pass once again, however, a major omnibus package is expected in the near future. It is unknown whether we will get added or not.

We continue to actively move on parallel strategies. It is our hope that at least one will prove successful. Frank McCarthy has been diligently lobbying for our addition to a spending bill and as well as maintaining contact with White House staff trying to move administratively.

Frank will be attending the session on Friday morning and he will address your questions with his update to us.

Respectfully submitted:

Mike Lisenco N2YBB, Chair