

111TH CONGRESS  
1ST SESSION

# H. R. 2160

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 undertaking a study of the uses of amateur radio for emergency and disaster relief communications, by identifying unnecessary or unreasonable impediments to the deployment of Amateur Radio emergency and disaster relief communications, and by making recommendations for relief of such unreasonable restrictions so as to expand the uses of amateur radio communications in Homeland Security planning and response.

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## IN THE HOUSE OF REPRESENTATIVES

APRIL 29, 2009

Ms. JACKSON-LEE of Texas (for herself, Ms. BORDALLO, Mr. LUETKEMEYER, Ms. KILROY, Ms. ZOE LOFGREN of California, and Mr. THOMPSON of Mississippi) introduced the following bill; which was referred to the Committee on Energy and Commerce

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## 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 undertaking a study of the uses of amateur radio for emergency and disaster relief communications, by identifying unnecessary or unreasonable impediments to the deployment of Amateur Radio emergency and disaster relief communications, and by making recommendations for

relief of such unreasonable restrictions so as to expand the uses of amateur radio communications in Homeland Security planning and response.

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

3 **SECTION 1. SHORT TITLE.**

4        This Act may be cited as the “Amateur Radio Emer-  
5 gency Communications Enhancement Act of 2009”.

6 **SEC. 2. FINDINGS.**

7        The Congress finds the following:

8            (1) Nearly 700,000 amateurs radio operators in  
9            the United States are licensed by the Federal Com-  
10            munications Commission in the Amateur Radio  
11            Service.

12            (2) Amateur Radio operators provide, on a vol-  
13            unteer basis, a valuable public service to their com-  
14            munities, their States, and to the Nation, especially  
15            in the area of national and international disaster  
16            communications.

17            (3) Emergency and disaster relief communica-  
18            tions services by volunteer Amateur Radio operators  
19            have consistently and reliably been provided before,  
20            during, and after floods, hurricanes, tornadoes, for-  
21            est fires, earthquakes, blizzards, train accidents,  
22            chemical spills, and other disasters. These commu-  
23            nications services include services in connection with

1 significant examples, such as hurricanes Katrina,  
2 Rita, Hugo, and Andrew; the relief effort at the  
3 World Trade Center, and the Pentagon following the  
4 2001 terrorist attacks; and the Oklahoma City  
5 bombing in April 1995.

6 (4) Amateur Radio has formal agreements for  
7 the provision of volunteer emergency communica-  
8 tions activities with the Department of Homeland  
9 Security, the Federal Emergency Management Agen-  
10 cy, the National Weather Service, the National Com-  
11 munications System, and the Association of Public  
12 Safety Communications Officials, as well as with dis-  
13 aster relief agencies, including the American Na-  
14 tional Red Cross and the Salvation Army.

15 (5) The Congress passed Public Law 103–408  
16 which was signed by the President on October 22,  
17 1994. This included in Section 1 the following find-  
18 ing of Congress: “Reasonable accommodation should  
19 be made for the effective operation of amateur radio  
20 from residences, private vehicles and public areas,  
21 and the regulation at all levels of government should  
22 facilitate and encourage amateur radio operation as  
23 a public benefit.”

24 (6) The Congress passed Public Law 109–295  
25 which was signed by the President on October 4,

1 2006. This included a provision in the Department  
2 of Homeland Security Appropriations legislation for  
3 fiscal year 2007 that directed the Department’s Re-  
4 gional Emergency Communications Coordinating  
5 Working Group to coordinate their activities with  
6 “ham and amateur radio operators” among the elev-  
7 en other emergency organizations such as ambulance  
8 services, law enforcement, and others.

9 (7) Amateur Radio, at no cost to taxpayers,  
10 provides a fertile ground for technical self-training  
11 in modern telecommunications, electronic technology,  
12 and emergency communications techniques and pro-  
13 tocols.

14 (8) There is a strong Federal interest in the ef-  
15 fective performance of Amateur Radio stations, and  
16 that performance must be given support at all levels  
17 of government and given protection against unrea-  
18 sonable regulation and impediments to the provision  
19 of these valuable communications.

20 **SEC. 3. STUDY OF ENHANCED USES OF AMATEUR RADIO IN**  
21 **EMERGENCY AND DISASTER RELIEF COMMU-**  
22 **NICATION, AND FOR RELIEF OF RESTRIC-**  
23 **TIONS.**

24 (a) **AUTHORITY.**—The Secretary of Homeland Secu-  
25 rity—

1           (1) shall undertake a study on the uses and ca-  
2           pabilities of Amateur Radio communications in  
3           emergencies and disaster relief; and

4           (2) shall report its findings to Congress not  
5           later than 180 days after the date of enactment of  
6           this Act.

7           (b) SCOPE OF THE STUDY.—The study required by  
8           this section shall—

9           (1) include recommendations—

10           (A) for enhancements in the voluntary de-  
11           ployment of Amateur Radio licensees in disaster  
12           and emergency communications and disaster re-  
13           lief efforts; and

14           (B) for improved integration of Amateur  
15           Radio operators in planning and in furtherance  
16           of the Department of Homeland Security initia-  
17           tives;

18           (2)(A) identify unreasonable or unnecessary im-  
19           pediments to enhanced Amateur Radio communica-  
20           tions, such as the effects of private land use regula-  
21           tions on residential antenna installations; and

22           (B) make recommendations regarding such im-  
23           pediments; and

1           (3)(A) include an evaluation of section 207 of  
2           the Telecommunications Act of 1996 (Public Law  
3           104–104, 110 Stat. 56 (1996)); and

4           (B) make a recommendation whether that sec-  
5           tion should be modified to prevent unreasonable pri-  
6           vate land use restrictions that impair the ability of  
7           an amateur radio operator licensed by the Federal  
8           Communications Commission to conduct, or prepare  
9           to conduct, emergency communications by means of  
10          effective outdoor antennas and support structures at  
11          reasonable heights and dimensions for the purpose,  
12          in residential areas.

13          (c) USE OF EXPERTISE AND INFORMATION.—In con-  
14          ducting the study required by this section, the Secretary  
15          of Homeland Security shall—

16                (1) utilize the expertise of the American Radio  
17                Relay League, representing the National Amateur  
18                Radio community; and

19                (2) seek information from private and public  
20                sectors for the study.

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