

*Library*

COMMENTS OF THE  
FEDERAL COMMUNICATIONS COMMISSION  
ON S. 485, 92ND CONGRESS, 1ST SESSION

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