

114TH CONGRESS
1ST SESSION

S. 1685

To direct the Federal Communications Commission to extend to private land use restrictions its rule relating to reasonable accommodation of amateur service communications.

IN THE SENATE OF THE UNITED STATES

JUNE 25, 2015

Mr. WICKER (for himself and Mr. BLUMENTHAL) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To direct the Federal Communications Commission to extend to private land use restrictions its rule relating to reasonable accommodation of amateur service communications.

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 Parity
5 Act of 2015”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

1 (1) More than 700,000 radio amateurs in the
2 United States are licensed by the Federal Commu-
3 nications Commission in the amateur radio service.

4 (2) Amateur radio, at no cost to taxpayers, pro-
5 vides a fertile ground for technical self-training in
6 modern telecommunications, electronics technology,
7 and emergency communications techniques and pro-
8 tocols.

9 (3) There is a strong Federal interest in the ef-
10 fective performance of amateur radio stations estab-
11 lished at the residences of licensees. Such stations
12 have been shown to be frequently and increasingly
13 precluded by unreasonable private land use restric-
14 tions, including restrictive covenants.

15 (4) Federal Communications Commission regu-
16 lations have for 3 decades prohibited the application
17 to amateur radio stations of State and local regula-
18 tions that preclude or fail to reasonably accommo-
19 date amateur service communications, or that do not
20 constitute the minimum practicable regulation to ac-
21 complish a legitimate State or local purpose. Com-
22 mission policy has been and is to permit erection of
23 a station antenna structure at heights and dimen-
24 sions sufficient to accommodate amateur service
25 communications.

1 (5) The Federal Communications Commission
2 has sought guidance and direction from Congress
3 with respect to the application of the Commission’s
4 limited preemption policy regarding amateur radio
5 communications to private land use restrictions, in-
6 cluding restrictive covenants.

7 **SEC. 3. ACCOMMODATION OF AMATEUR SERVICE COMMU-**
8 **NICATIONS.**

9 Not later than 120 days after the date of the enact-
10 ment of this Act, the Federal Communications Commis-
11 sion shall amend section 97.15(b) of title 47, Code of Fed-
12 eral Regulations, so that such section prohibits application
13 to amateur service communications of any private land use
14 restriction, including a restrictive covenant, that—

15 (1) precludes such communications;

16 (2) fails to reasonably accommodate such com-
17 munications; or

18 (3) does not constitute the minimum practicable
19 restriction on such communications to accomplish
20 the legitimate purpose of the private entity seeking
21 to enforce such restriction.

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