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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)
)
Amendment of the Amateur Radio)
Service Rules to Provide a Special)
Temporary Licensing Procedure for)
Visiting Foreign Amateur Operators)

PR Docket No. 92-167

To: The Commission

REPLY COMMENTS OF THE AMERICAN RADIO RELAY LEAGUE, INCORPORATED

The American Radio Relay League, Incorporated (the League), the national association of amateur radio operators in the United States, by counsel and pursuant to §1.415(c) of the Commission's Rules [47 C.F.R. §1.415(c)], hereby respectfully submits its reply comments with respect to the Notice of Proposed Rule Making, 7 FCC Rcd. 4988 (1992) (the Notice). The Notice proposed to amend the Amateur Radio Service rules to provide a means of temporarily licensing foreign amateur radio operators visiting the United States for short periods of time, and who wish to operate their Amateur Radio stations while in the United States. In reply to comments filed in this proceeding, the League states as follows:

1. In its comments, the League noted that the Commission's goal was laudable, and appreciated by the amateur radio community, but that there were other, significantly better means of accommodating foreign radio amateurs' interest in operating their stations while they are in the United States. Using as a model the International Driving Permit (IDP), the League urged that the Commission lead the way toward worldwide implementation of an

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endorsement on amateur radio licenses to permit international operation.

2. An initial step toward this goal would be for the United States to participate in the international licensing system for amateurs recently created by the European Conference of Postal and Telecommunications Administrations (CEPT). By means of a table of equivalencies for dissimilar licenses among CEPT countries, amateurs with a CEPT endorsement on their own country's amateur radio license, operate their stations in other CEPT countries. States outside the territory of CEPT can now participate in the amateur licensing program, without otherwise participating in CEPT or concurring in its actions.

3. None of the comments in this proceeding disputed the considerations set forth in the League's comments. Most, in fact, expressed an absence of support for the specific proposal to have Volunteer Examiners (VEs) test candidates for a temporary permit. The comments of certain Volunteer Examiner Coordinators (VECs)¹ addressed only the effect on the VEC program² of implementation of

¹ See, e.g. the comments of the W5YI-VEC, the Anchorage Amateur Radio Club VEC, and WCARS/VEC.

² There is no unanimity in the comments as to the ability of the VEC program to accommodate the proposed examinations for visiting foreign amateurs. The bulk of the commenters note that it would be difficult for a foreign amateur to locate a test session and to work the test into the schedule of their visit. Even if a test session could be located and the test taken (in English), the VEs would have a virtually impossible task in accomplishing their part of the proposed program. As noted by commenter Earl S. Mead, an experienced VE:

...VEs would examine the foreign operator's amateur service license, review identification credentials, and

the Notice proposal, without addressing the root issue. Of far more significance is whether or not the proposed plan for issuing rules examinations to foreign temporary license candidates is or is not reasonable from the point of view of the foreign amateur, and the effect of such a program on international relations, i.e. how United States amateurs will be treated by other countries should this proposal be enacted.

4. All commenters, however, noted the difficulties inherent in determining the bona fides of international licensing documents in foreign languages³, and determining, on an ad hoc basis, the appropriate privileges to be accorded a foreign amateur based on

determine the extent of operating privileges. This creates an impossible task for the VE. Most VEs cannot read a license printed in a foreign country's official language.

As to determining operator privileges, Mr. Mead notes:

A VE can determine equivalency from a guide listing each equivalent license. The FCC or VECs would have an extremely onerous task keeping the guide's information current. Neither the FCC nor the VECs have the resources for doing this.

³ For example, the comments of Kerry B. Hofferth, NH2JA/7J1AIK, of the United States Embassy in Japan, are instructive:

I believe it is asking too much of VEs to inspect foreign licenses and identification documents to determine their authenticity. Foreign Amateur Operator licenses are issued in their native language and VEs should not be expected to judge whether the document is authentic or not. Also, without knowledge of the applicant's language, the VE would have no way of determining the operator's license class. While European and Latin American licenses might be easy to translate, other countries, such as China, Japan, Korea and Arab countries, would be very difficult to translate.

Comments of Kerry B. Hofferth, at 1.

the rather superficial "lowest common denominator" principle⁴ ⁵. Essentially all of the commenters supported the Commission's intent in this proceeding, which was to remedy the shortcomings in the present arrangements for reciprocal amateur licensing and permits, which are cumbersome. Provisions made for American radio amateur visitors to other countries are more accommodating.⁶

5. Those that did address the basic issue in this proceeding, especially those United States amateurs which have experience operating their stations in other countries, noted the difficulties which would inevitably confront the foreign amateur coming to the

⁴ See, e.g. the comments of Joseph E. Turkoc of Cleveland Heights, Ohio, and the Comments of the Anchorage Amateur Radio Club, Inc. VEC.

⁵ The inequities of the "lowest common denominator" principle were well stated by David Popkin, in his comments dated September 28, 1992, at paragraph 3:

Proposed Section 97.107(c) is overly restrictive in the case where an operator has frequency restrictions on his/her own license as a result of the ITU Region requirements rather than on [the basis of] the level of the license. For example, ITU Region 1 does not permit any operation on the 6 or 1.25 meter bands and only permits operation on the lower half of the 2 meter band. Therefore, even if an individual were to hold the highest class of license in his/her country, operation would still not be possible on the 6 or 1.25 meter band nor on the 146-148 MHz half of the 2 meter band.

⁶ For example, Jacek A. Michalski, Ph.D., a Polish citizen who is also licensed here, states that a United States radio amateur who wishes to operate in Poland need merely send a copy of his or her license to the Polish Agency of Radio Communication (PAR) indicating that he or she wishes to operate in Poland during a particular period. After some time, the applicant receives an authorization, band plan and book with rules in Polish. The obligation placed on the visitor is to understand and comply with those rules, but there is no test, especially none in the Polish language. The comments of Clyde V. Carl, WB2EYC, also discuss the favorable accommodations made in Poland for foreign visitors.

United States if the Notice proposal were to be implemented. Particularly compelling were the comments of Stephen R. Hutchins, KN6G, who is also licensed in Germany as DJ0HB, who states, among other things, that:

Requiring amateur operators who desire to visit the United States to take a test in English on the FCC Part 97 Rules and Regulations may prove to be counterproductive for two reasons. Many foreign amateurs have enough knowledge of the English Language from their contacts on Amateur Radio to be able to converse in English at a very rudimentary level. This does not mean that they are not smart, or that they are uneducated, or that they do not understand the FCC Rules and Regulations...I believe that being required to take a test in English will discourage foreign amateurs who have previously operated in the United States using an Alien Permit from applying for a Special Temporary License for Visiting Foreign Amateur Operators, no matter how simple a test in English is.

If other countries would take the approach that the Commission has proposed of testing applicants for a visitor's license in their local language, operating amateur radio in other countries around the world would eventually only be done by U.S. citizens who were able to read, write and speak the language of the country in which they wished to visit and operate amateur radio. This is a situation which the Commission should avoid at all costs.

Comments of Stephen Hutchins, at 5-6.

These comments assert that other countries are very likely to enact similar restrictions on United States amateurs if the Notice proposal is enacted. These restrictions would have the effect of stifling international amateur radio operation,⁷ which is a result

⁷ Indeed, a number of commenters noted that under the Notice proposal, a 90 percent passing score would be required for the foreign amateur examination on rules and regulations. This is a far higher percentage than is required for United States amateur examinations, which is 74 percent. Though it clearly is not the Commission's intention to do so, the Notice proposal is on its face a clear disincentive for foreign amateurs to operate in the United States.

which the Commission should absolutely avoid. Mr. Hutchins, the author of RM-7680,⁸ which proposes that the United States participate in the CEPT international amateur radio license program, suggests, as did the League, that a simplified licensing plan would be a far better means of accomplishing the Commission's goals, and the opportunity exists for the Commission to take the lead in working toward a global international reciprocal amateur licensing arrangement.

6. Finally, a number of commenters responded to Commissioner Quello's concurring statement in the Notice, which was insightful. The Notice proposal would do nothing toward encouraging other countries to make reasonable accommodation for United States amateurs, and Commissioner Quello is properly concerned that it would act as a disincentive to participate in reciprocal agreements. Worse than a passive disincentive to other countries to participate in reciprocal agreements that might benefit United States amateurs, however, it would actually result in an active response on the part of certain countries to restrict United States citizens in operation in those countries, since their amateurs would suffer significant restrictions here.

7. The Commission's attention is better turned to the CEPT amateur radio licensing program as a means of accommodating foreign radio amateurs in the United States, as a first step towards an internationally accepted endorsement on the basic amateur radio

⁸ RM-7680 was filed with the Commission March 13, 1991, and placed on public notice March 27, 1991. No action has been taken to date on that petition, and it remains pending.

licensing document of each country, thus to make amateur radio as a matter of law and regulation the global community that it already is as a matter of fact.

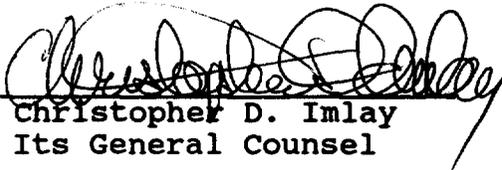
Therefore, the foregoing considered, the American Radio Relay League, Incorporated respectfully requests that the Commission not adopt the rules as proposed in the Notice, but that it approach its laudable goal from a different, broader perspective. The League looks forward to assisting the Commission in planning for the alternative international licensing plan as described hereinabove and in the League's previously filed comments in this proceeding.

Respectfully submitted,

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November 30, 1992

CERTIFICATE OF SERVICE

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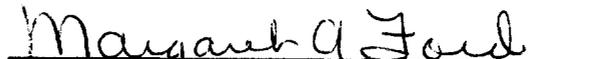
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