

FCC MAIL SECTION

Nov 2 1994
 Before the
 Federal Communications Commission
 Washington, D.C. 20554

PR Docket No. 92-167

In the Matter of

Amendment of the Amateur Radio Service Rules to Provide a Special Temporary Licensing Procedure for Visiting Foreign Amateur Operators. RM-7680

MEMORANDUM OPINION AND ORDER
(Proceeding Terminated)

Adopted: October 24, 1994; Released: November 2, 1994

By the Commission:

I. INTRODUCTION

1. In the *Notice of Proposed Rule Making (Notice)*¹ in this proceeding, we proposed to amend the amateur service rules to provide a temporary licensing procedure for foreign amateur operators, such as tourists and convention attendees, so that they could operate their amateur stations during brief visits to our country. For the reasons given herein, this *Order* terminates the proceeding.

II. BACKGROUND

2. There are two ways that a foreign amateur operator can be authorized to operate an amateur station in the United States. Non-citizens who pass the necessary examinations can receive a ten-year term amateur service license. Citizens of countries whose governments have signed recip-

rocal operating agreements with the United States may, on the basis of the amateur service licenses issued by their own countries, be issued one-year permits to operate their amateur stations while they are in the United States.

3. The *Notice* in this proceeding proposed a temporary licensing procedure that would be administered under the existing volunteer-examiner coordinator (VEC) system.² The volunteer examiners (VEs) would accept the amateur service licenses of visiting foreign amateur operators as proof of technical and operational competence. Under the proposal, the VEs would administer a short examination on the unique rules governing the amateur service in the United States. Upon certification by the VEs, the foreign amateur operators would have conditional authority from the Commission to operate their stations for a single, consecutive sixty-day period.

III. DISCUSSION

4. The proposal in this proceeding addressed a need that visiting foreign amateur operators have for a convenient procedure by which they obtain authority to operate their amateur stations while they are here in the United States on brief visits. The comments did not dispute the need for an expeditious procedure. They did, however, raise practical and other problems in connection with such authorization. Some commenters are concerned, for example, that language barriers may pose a problem for VEs in verifying the foreign license.³ The ARRL also sees the authorization procedure as burdensome for VEs and questions whether the VEC system should be used for this purpose.⁴ Other commenters are concerned that authorizing operation by visitors from countries that do not currently have reciprocal agreements⁵ with the United States might reduce the incentive for those countries to enter into such agreements.⁶

5. The ARRL believes that the best way to satisfy the need for a convenient licensing procedure is to establish an international system for reciprocal licensing and suggests the International Drivers License as a model.⁷ Stephen R. Hutchins recommends that the Commission allow amateur operators from countries with whom the United States has reciprocal agreements, and amateur operators whose licenses convey conditions authorized by the Conference of

¹ 7 FCC Rcd 4988 (1992)

² Currently, all amateur operator license examinations are administered in the private sector under the VEC system. The VECs coordinate the efforts of volunteer examiners (VEs) in preparing, administering, and grading examinations. There are 18 VECs and between 20,000 and 30,000 accredited VEs in the United States and elsewhere. They prepare and administer over 100,000 amateur operator examinations annually to 65,000-75,000 persons.

³ Comments of The American Radio Relay League, Inc. (ARRL) at 8. The ARRL has requested that its late-filed comments be accepted because ARRL officers were involved in meetings relating to this proceeding late in the day that these comments were due. The results of those meetings affected the position adopted by the ARRL in response to the *Notice*. Because of those late meetings, the comments could not be timely filed. We believe that the ARRL has shown good cause for the acceptance of the late comments, and in the interest of a complete record, its request is granted. See also the comments of Carl Zelich at 1, Earl S. Mead at 1, and Anchorage Amateur Radio Club, Inc. VEC at 1.

⁴ Comments of ARRL at 7-9. The ARRL also states at page 7

that, under the proposal, the VEs would be issuing "United States license documents, with no participation on the part of the Commission in determining operator qualifications at all." That would not be the case. The authority to operate would come from the rule which authorizes the amateur station of the visiting foreign amateur operator to transmit. See proposed rule Section 97.5 which was set forth in the *Notice* in this proceeding. The role of the VE would be merely to issue a Certificate of Successful Completion of Examination (CSCE) to the foreign visitor. The CSCE would be visible proof of the foreign visitor's conditional license authority to operate the station in the United States. See proposed rule Section 97.529(c).

⁵ Section 310 of the Communications Act of 1934, as amended, 47 U.S.C. § 310(c), authorizes the Commission to issue permits to aliens, licensed by their governments as amateur operators, to operate their licensed amateur stations in the United States provided that there is a bilateral or multilateral reciprocal agreement in effect between the United States and the alien's government.

⁶ Comments of W. H. Guin at 1, and Carl Zelich at 2.

⁷ Comments of ARRL at 11, 12, and 14.

Europeenne des Administrations de la Post et Telecommunication (CEPT), to operate their amateur stations in the United States.⁸ Mutual recognition of the licenses of CEPT member countries and non-member countries may be considered at some future date. Such recognition requires coordination with the Department of State as well as international negotiations. Rather than retaining Mr. Hutchins' rule making petition in a pending status while we pursue such international negotiations, we believe that it is advisable to dismiss it without prejudice.

IV. CONCLUSION

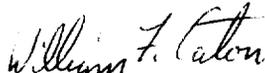
6. In light of concerns expressed by the commenters, we have decided not to amend the amateur service rules as proposed. We recognize, however, the need for a convenient licensing procedure for visiting foreign amateur operators and have noted the suggestions in the comments for alternative means of licensing visiting foreign amateur operators. We will, therefore, continue to explore other ways by which the need can be met. In particular, we will work to ensure the reciprocal treatment of United States amateur operators -- whether through bilateral or multilateral arrangements.

V. ORDERING CLAUSES

7. Accordingly, pursuant to the authority contained in 47 U.S.C. § 154(i), **IT IS ORDERED** that this proceeding **IS TERMINATED**.

8. In addition, for the reasons discussed above, rule making petition RM-7680, filed by Stephen R. Hutchins, **IS DISMISSED** without prejudice.

FEDERAL COMMUNICATIONS COMMISSION


William F. Caton
Acting Secretary

⁸ Comments of Stephen Hutchins at 4. Mr. Hutchins urges the Commission to adopt a proposal that he filed March 13, 1991,

(RM-7680), to allow CEPT licensees to operate in the United States.