

**Calendar No. 700**114<sup>TH</sup> CONGRESS  
2<sup>D</sup> 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.

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**IN THE SENATE OF THE UNITED STATES**

JUNE 25, 2015

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

DECEMBER 6, 2016

Reported by Mr. THUNE, without amendment

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**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”.

1 **SEC. 2. FINDINGS.**

2 Congress finds the following:

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

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

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

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

1 sions sufficient to accommodate amateur service  
2 communications.

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

9 **SEC. 3. ACCOMMODATION OF AMATEUR SERVICE COMMU-**  
10 **NICATIONS.**

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

17 (1) precludes such communications;

18 (2) fails to reasonably accommodate such com-  
19 munications; or

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

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