



Legislative Update – Issue # 2

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House Bill 607 Threatens Amateur Radio Spectrum

On February 10, 2011, Rep. Peter King (R-NY), Chairman of the House Homeland Security Committee, introduced H.R. 607, the “Broadband for First Responders Act of 2011,” which has been referred to the House Energy and Commerce Committee (which handles telecommunications legislation). The bill addresses certain spectrum management issues including the creation and maintenance of a nationwide Public Safety broadband network. As part of that network, the Bill provides for the allocation of the so-called “D-Block” of frequencies in the 700 MHz range for Public Safety use.

The “D-Block” consists of two, 5 megahertz-wide segments of spectrum (758-763 and 788-793 MHz) that became available when the FCC ended analog television broadcasts in June 2009 and reallocated the 698-806 MHz band for Public Safety and commercial broadband. It was initially expected the D-Block would be auctioned for commercial use. However, there are now several Bills in Congress providing for the allocation of the D-Block for Public Safety use. H.R. 607 is one of those bills. However, H.R. 607 uniquely provides for the reallocation of other spectrum for auction to commercial users in order to offset the loss of revenue that would occur as the result of the allocation of the D-Block to Public Safety instead of commercial auction. Among the bands to be reallocated for commercial auction within ten years of the passage of H.R. 607 are the paired bands 420-440 MHz and 450-470 MHz.

“Of serious concern to the ARRL is the inclusion of the 420-440 MHz Amateur allocation in the list of frequencies to be cleared for auction,” said ARRL Regulatory Information Manager Dan Henderson, N1ND. “The ARRL and the Amateur Radio community certainly support the work of public safety agencies and understand their desire for an interoperable network. However, the inclusion of most of the Amateur 70-cm spectrum as one of the replacement bands is illogical and unacceptable. The 420-440 MHz band is not Public Safety spectrum and should never have been included in any spectrum swap of Public Safety allocations.”

“The ARRL Washington team has already begun meeting with key Congressional staff on Capitol Hill,” Henderson continued. “We share the 70-cm band on a secondary basis with the governmental radiolocation services, such as the PAVE PAWS radar systems. The 70-cm band is a critical and irreplaceable resource for Amateur Radio public service and emergency communications. The Amateur Satellites operating on this band would become unusable. Weak-signal operators would be forced to migrate to the remaining 440-450 MHz spectrum already occupied by repeaters. The inclusion of the 420-440 MHz band in this legislation is ill conceived. To be sure, ARRL will vigorously oppose this legislation in its present form. It is, as evidenced by other legislation, unnecessary to the creation of a nationwide Public Safety broadband network or the use by Public Safety of the D-Block for that purpose.”

H.R. 607 is presently cosponsored by the Homeland Security Committee’s Ranking Member, Rep. Bennie Thompson (D-MS) as well as Reps. Shelley Berkley (D-NV), Yvette Clarke (D-NY), Keith Ellison (D-MN), James Langevin (D-RI) Billy Long (R-MO), Candice S. Miller (R-MI), Laura Richardson (D-CA), Mike Rogers (R-AL), and Michael Grimm (R-NY). ARRL President Kay Craigie, N3KN has written to Chairman King and to each co-sponsor to explain why the ARRL opposes H.R. 607 in its current form.

A Message from ARRL President Kay Craigie, N3KN

“Eternal vigilance is the price of liberty.” This famous statement has been attributed to Thomas Jefferson, Thomas Paine, Abraham Lincoln, Patrick Henry, and various other American statesmen. No matter who actually coined the phrase long ago, we Amateur Radio operators can apply it today in a different context and say, “eternal vigilance is the price of spectrum.”

Thanks to the vigilance of the League’s Washington team, we spotted the provision in H.R. 607 that would deprive Amateurs of access to the 420-440 MHz band. Work began immediately to organize opposition to the legislation in its present form.

I have written to my own Congressman from Virginia. As President of the League, I have also written to Representative King of New York, who introduced H.R. 607, and the current co-sponsors detailing the ARRL’s objections to this provision in the bill.

As head of the League’s Washington team – and it is a good team – I want you to understand that we cannot successfully advocate for spectrum protection by ourselves. The ARRL Headquarters Staff and the volunteer Board of Directors cannot do it by themselves, either. Your letters to your legislators on Capitol Hill are the essential key to success. You, as a member of the ARRL, must step up and respectfully tell your Representative that H.R. 607 in its present form is the wrong way to go.

You may be thinking, “I don’t operate on 440. What does this have to do with me?” Here is the answer. Whether or not you operate on that particular band is irrelevant. The entire Amateur Radio Service relies on our spectrum allocations as a whole. When spectrum is on the line, we forget about our particular personal interests and work together as one Amateur Radio Service, indivisible.

73,
Kay Craigie N3KN
President, ARRL

Sample Letter Opposing H.R. 607 Available On the ARRL Web

ARRL members can find a sample letter opposing H.R. 607 in its current form at:

<http://www.arrl.org/sample-letters>

On that page you will also find links showing contact information for your Member of the House of Representatives as well as information on sending your letter to the ARRL’s Washington legislative relations firm of Chwat & Co.

ARRL members should send their signed letters to Chwat & Co. for hand delivery to Congress. This personal contact provides our Washington team an opportunity for a face-to-face meeting with key staff in each Congressional office when a delivery is made – giving our team the chance to lobby for our position.

Questions & Answers: H.R. 607 – What Are The Key Points?

Q. Why is the ARRL opposing H.R. 607?

A. The answer is straightforward: In its current form, it would remove Amateur Radio from the majority of the 70-cm band (420-440 MHz) and require that spectrum be auctioned for commercial use.

Q. Does opposing H.R. 607 send the wrong message about ARRL and Amateur Radio supporting Public Safety communications?

A. Simply put, no. The ARRL and Amateur Radio have been and remain strong supporters of Public Safety communications. We recognize their need for spectrum and do not oppose them using the so-called “D-Block” for their needs. Our opposition to this bill in its current form is based solely on the inappropriate and illogical inclusion of the 420-440 MHz band as part of a swap of Public Safety spectrum, which this band is not.

Q. I thought 420-440 MHz was allocated to governmental radiolocation services, like the PAVE PAWS radar systems.

A. You are correct – the primary designated user is radiolocation services. Amateur Radio is allocated on a secondary user basis to the 70-cm band. One of the reasons this bill seems odd is that the 420-440 MHz frequencies are not allocated for Public Safety communications.

Q. To whom should I send letters opposing H.R. 607?

A. At this time we are requesting letters be sent to your member of the US House of Representatives. We are not asking for letters to members of the US Senate at this time, as legislation requiring the frequency swap is not currently being considered by that body.

Q. What should I tell my member of Congress when I contact them?

A. First and foremost, be polite. Express your concerns in a professional manner. Say that while you do not oppose the Public Safety services being assigned the D-Block allocation for their needs, you do oppose H.R. 607 in its current form because of the specific designation of the 420-440 MHz Amateur Radio allocation as one of the frequencies targeted in the “frequency swap”.

Second, point out that the 420-440 MHz frequencies are not currently designated for Public Safety communications. Rather, they are assigned on a primary basis for governmental radiolocation purposes with Amateur Radio being allocated to the band on a secondary basis.

Third, briefly (no more than one short paragraph) explain that the 420-440 MHz frequencies are one of the most-used pieces of spectrum by Amateurs in our support of Public Safety communications and services. Losing that portion of spectrum will severely limit the Amateur Service from providing efficient communications in support of our neighborhoods, local emergency management agencies, and public service agencies.

Although emergency and public service communications are the 70-cm activities most easily understood by members of Congress and the general public, the ARRL is keenly aware that other important amateur operations take place in the 420-440 MHz segment. Don’t hesitate to tell your Representative – keeping it brief and in layman’s language – about those other activities. For example, if you operate via the Amateur Radio Satellites on 70-cm, point out that these expensive spacecraft created by and for Amateurs cannot be retuned to other frequencies. If you are a weak signal operator, note the scientific importance of what we learn about radio propagation at UHF through access to this frequency spectrum.

Finally, thank your Representative for considering what you have to say and directly ask them to oppose H.R. 607 in its current form or any other legislation that would reduce the limited amount of spectrum allocated to use by the Amateur Radio Service.

A Message from ARRL Regulatory Information Manager Dan Henderson, N1ND

Within the first week of the initial request for ARRL members to contact their Representative to oppose H.R. 607 in its current form, almost 1,000 letters were received at Chwat & Co, our Washington legislative relations firm. That is a great start and many thanks to the diligent members who have risen to the challenge. However, it cannot stop there. As long as H.R. 607 is in its current form, we must continue this campaign.

One of the most frequently asked questions I receive is “*Why does the ARRL ask us to funnel our letters to Congress through Chwat & Co.? Why can't I send my letter directly to my Representative?*” Trust me when I say I understand your concern and firmly believe the more input members of Congress receive either for or against an issue from their constituents, the better the public interest is served. However, using the services of Chwat & Co. has many advantages that help the ARRL further its legislative agenda. The most important part of our system is that hand-delivery of constituent letters to a Congressional office provides the opportunity for us to have a face-to-face meeting with key staff of your Member of Congress -- an opportunity to make our point directly.”

I have been asked to share a few reminders with those sending letters. These are important points to remember. Unfortunately, several dozen letters received by Chwat & Co. are not usable for a variety of reasons. A few have been received supporting bills that the ARRL supported in previous sessions but have no bearing on H.R. 607. Bill numbers change in subsequent Congresses, as do the issues being addressed. ***Reminder number one: Please make sure your letter is addressing the correct issue.*** (Do not “dust off” one that you previously sent – it will not help with the current problem.)

While we all look for “easy” ways to express ourselves to our Representatives, a letter sent without a signature carries little weight when Congressional staffs begin assessing support or opposition to a bill. Though many members of Congress have websites where constituents can simply fill out a web page form to share their thoughts with their representative, such web forms have only limited usefulness in lobbying on a specific issue. The fact that a constituent makes the effort to sign a letter personally - then sends it in via fax, regular US Mail, or by scanning the signed letter into a PDF then emailing it - has a far greater impact than an unsigned email or web-based form. ***Reminder number two: Please make sure your letter carries your signature.*** It does make a difference!

Several letters received at Chwat & Co. were addressed to the wrong person. For example there were several letters addressed to Senator Boxer, but began with “Dear Representative Boxer” – an incorrect title. Also, at this time we are not asking letters be sent to members of the Senate – only to your representative in the US House. In our eagerness to help, we sometimes overlook some of the basics, like grammar, proper form of address, and the like. ***Reminder number three: Please proof read your letter several times to ensure it is accurate.*** This should include all names, addresses, and salutations as well as any comments / edits you may add to our form letter. Read the final letter out loud to yourself several times before sending to Chwat & Co.

Defeating H.R. 607 in its present form is a fight Amateur Radio can win – but only with thoughtful participation by us all. Thanks to all of you for your efforts – and let us keep this moving forward. Protecting our spectrum is important to all of us!

73

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