

103^D CONGRESS
1ST SESSION

H. R. 2623

To amend the Communications Act of 1934 in order to facilitate utilization of volunteer resources on behalf of the Amateur Radio Service.

IN THE HOUSE OF REPRESENTATIVES

JULY 13, 1993

Mr. SLATTERY introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To amend the Communications Act of 1934 in order to facilitate utilization of volunteer resources on behalf of the Amateur Radio Service.

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 Volun-
5 teer Services Act of 1933”.

6 **SEC. 2. FINDINGS AND PURPOSE.**

7 (a) FINDINGS.—The Congress finds and declares
8 that—

9 (1) since 1982, following the enactment of Pub-
10 lic Law 97–259, the Federal Communications Com-

1 mission has been authorized to utilize volunteer as-
2 sistance of licensees in the Amateur Radio Service
3 for—

4 (A) the preparation and administration of
5 amateur radio license examinations, and

6 (B) on-air monitoring for violations in the
7 Amateur Radio Service;

8 (2) these volunteer services provided by individ-
9 ual amateur radio licensees have greatly enhanced
10 the self-regulatory character of the Service, and have
11 saved the Commission countless hours of staff time
12 and other resources;

13 (3) the success of these volunteer programs to
14 date should be noted, encouraged and expanded;

15 (4) Public Law 102-538 now authorizes the
16 Commission to accept the voluntary, uncompensated
17 and unreimbursed services of amateur radio organi-
18 zations in administration of club and military recre-
19 ation station call signs;

20 (5) a principal threat to the continuation of
21 each of these programs is the perception that volun-
22 teers put personal assets at risk in the event of ac-
23 tions against them, as the result of their provision
24 of the volunteer services;

1 (6) this perception may result in
2 nonparticipation of volunteers or withdrawal from
3 volunteer service; and

4 (7) the protection of voluntarism in these spe-
5 cific programs, through clarification and limitation
6 of the personal risks assumed by the volunteer in
7 connection with such participation in these enumer-
8 ated programs, is necessary and reasonable.

9 (b) PURPOSE.—It is the purpose of this Act to—

10 (1) protect the provision of volunteer services to
11 the Federal Communications Commission as pro-
12 vided for in the Communications Act of 1934, as
13 amended, in the administration of the Amateur
14 Radio Service; and

15 (2) sustain the availability of volunteer pro-
16 grams which benefit the Amateur Radio Service,
17 which has provided a model of self-administration
18 and self-enforcement among the radio services ad-
19 ministered by the Federal Communications Commis-
20 sion.

1 **SEC. 3. FACILITATION OF VOLUNTEER SERVICES TO THE**
2 **FEDERAL COMMUNICATIONS COMMISSION IN**
3 **PROGRAMS BENEFITING THE AMATEUR**
4 **RADIO SERVICE.**

5 Section 4(f)(4) of the Communications Act of 1934
6 (47 U.S.C. 4(f)(4)) is hereby amended by adding at the
7 end thereof the following new subparagraph:

8 “(K) Except as provided otherwise herein, no individ-
9 ual licensee in the Amateur Radio Service who provides
10 volunteer services pursuant to subparagraph (A), (B), or
11 (C) of this paragraph, or pursuant to subsection
12 (g)(3)(B), shall incur personal financial responsibility for
13 any alleged damage, loss, or injury from any act or omis-
14 sion of the volunteer from the provision of such volunteer
15 services, if—

16 “(i) such individual was acting in good faith
17 and within the scope of such individual’s official
18 function and duties in providing the volunteer serv-
19 ices as defined in subparagraph (A), (B), or (C) of
20 this paragraph, or as defined in subsection
21 (g)(3)(B); and

22 “(ii) such damage, loss, or injury was not
23 caused by willful and wanton misconduct by such in-
24 dividual.”.

○