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Congress of the United States  
House of Representatives  
Washington, DC 20515-1602

COMMITTEE ON  
ENERGY & COMMERCE

COMMITTEE ON  
FOREIGN AFFAIRS

April 6, 2018

The Honorable Mac Thornberry  
Chairman  
House Armed Services Committee  
2216 Rayburn House Office Building  
Washington, DC 20515

The Honorable Adam Smith  
Ranking Member  
House Armed Services Committee  
2216 Rayburn House Office Building  
Washington, DC 20515

Dear Chairman Thornberry and Ranking Member Smith,

As you begin deliberations on the National Defense Authorization Act (NDAA) for Fiscal Year 2019, I write to respectfully request that you include directive report language in the House Armed Services Committee Report to accompany the legislation requiring the Air National Guard (ANG) to conduct an analysis of its RC-26 intelligence, surveillance, and reconnaissance (ISR) platform.

The RC-26 is the Guard's only manned, domestic Incident Awareness Assessment aircraft. This critical asset responds quickly to natural disasters, hurricanes, wildfires, missing persons, and terrorist attacks to provide ISR. Furthermore, this aircraft plays a vital role in counter-cartel and counter-drug operations on the southern border and has aided in the detention of perpetrators and the confiscation of thousands of pounds of drugs, as well as cash and weapons. The RC-26 also made significant contributions to Operation Enduring Freedom (OEF) in Afghanistan. As a pilot of the RC-26—formerly as an Air Force officer serving in OEF and currently as an ANG officer executing counter-drug operations—I am able to personally attest to the platform's versatility and reliability.

There has been some discussion within the higher echelons of the ANG about the RC-26 ranging from consolidation of the platform to divestiture of five or more RC-26 aircraft. I have, on numerous occasions, expressed deep concerns about any such plans with the ANG and asked them for any data being used to drive their analysis. When budgetary data was finally offered to my office for review, I discovered that the ANG's figures were highly inaccurate. Basing major strategic decisions on faulty or inaccurate data is ill-advised in any endeavor, but especially so when such short-sightedness will have significant impacts on national security, counter-drug operations, and the individual states in which the RC-26 is based.

Given President Trump's recent announcement that he plans to send military personnel, including National Guardsmen, to the Southern Border in an effort to bolster security, it is imperative that these forces have a manned aerial ISR platform to execute this important mission. Therefore, I respectfully request that you include directive report language in the Committee Report to accompany the FY 19 NDAA instructing the Chief of the National Guard Bureau, in consultation with the Chief of the Air National Guard Bureau, to conduct a formal assessment of the RC-26. Enclosed with this letter is draft language for the Committee to consider including in the report.

Thank you for your thoughtful consideration of my request and for your dutiful leadership of the House Armed Services Committee. Should you have any questions or concerns, please do not hesitate to contact me.

Sincerely,



Adam Kinzinger  
Member of Congress

**Directive Report Language on RC-26  
National Defense Authorization Act for FY 2019  
Submitted by the Office of Rep. Adam Kinzinger**

The Committee remains concerned over the health, readiness, and utilization of the Air National Guard's RC-26 intelligence, surveillance, and reconnaissance (ISR) platform. The Committee is aware that the RC-26 is the Air National Guard's only manned, domestic Incident Awareness Assessment aircraft. This critical asset responds quickly to natural disasters, hurricanes, wildfires, missing persons, and terrorist attacks to provide ISR. Furthermore, the Committee notes that this aircraft plays a vital role in counter-cartel and counter-drug operations on the Southern Border and has aided in the detention of perpetrators and the confiscation of thousands of pounds of drugs, as well as cash and weapons. In light of the President's announced plans to have military personnel, including members of the National Guard, help secure the Southern Border, the Committee feels that the RC-26's ISR capabilities make it an essential tool with which to accomplish the mission. The Committee also appreciates the significant contributions the RC-26 made during operations in Afghanistan.

The Committee is informed that the Air National Guard is considering plans to consolidate or even divest five or more RC-26 aircraft from operational status. The Committee believes that any such plans must be carefully considered through a lens of a complete dataset, including both operational costs as well as the benefits to the missions the platform is utilized to execute. Any decision to consolidate or divest the RC-26 without the proper engagement with Congress and other stakeholders would be hasty and shortsighted, the result of which would negate the benefits that the RC-26 aircraft provides to local, state, and federal partners; as well as its ability to respond to regional and national security issues.

The Committee is also aware of an Air National Guard plan to upgrade the existing RC-26 platform. This upgrade will further enhance the capability of the aircraft and thus increase its value to its vital mission set. The Committee has been informed that this program has been delayed for more than two years. Regardless of the mission sets to be determined, the Committee feels that these are viable aircraft with low hours and many useful years of utility remaining. To this end, it is apparent that, regardless of which mission the RC-26 will support in the future, the planes will need to undergo cockpit modernization. Thus, the Committee directs the Air National Guard to upgrade the cockpits of the RC-26 as soon as possible in accordance with the previously approved plan.

The Committee further directs the Chief of the National Guard Bureau, in coordination with the Chief of the Air National Guard Bureau, to conduct a formal assessment of the RC-26, which shall include, but shall not be limited to the following:

- a full scale analysis of the RC-26 platform, including costs of maintenance and parts;
- a detailed report on the missions the platform currently performs, as well as other missions it may perform under Title 32 or Title 10;
- a detailed plan to keep and maintain this platform in its current locations for a period of no less than two years; and
- a detailed schedule for RC-26 upgrade and modifications.

The Committee directs the Chief of the National Guard Bureau to transmit this formal assessment to this Committee, as well as the House Appropriations Subcommittee on Defense, within 90 days. Should the Chief of the National Guard Bureau and the Chief of the Air National Guard Bureau conclude in their assessment that the RC-26 should be consolidated, partially divested, or fully divested before or after such two year period, the Committee further directs the Chiefs to provide such plans to this Committee, as well as the House Appropriations Subcommittee on Defense, not less than 180 days prior to executing any such plans.

**Congress of the United States**  
**Washington, DC 20515**

April 6, 2018

The Honorable Mac Thornberry  
Chairman  
House Armed Services Committee  
2216 Rayburn House Office Building  
Washington, DC 20515

The Honorable Adam Smith  
Ranking Member  
House Armed Services Committee  
2216 Rayburn House Office Building  
Washington, DC 20515

Dear Chairman Thornberry and Ranking Member Smith,

As you begin deliberations on the National Defense Authorization Act (NDAA) for Fiscal Year 2019, I write to respectfully request that you include the text of H.R. 555, the Amateur Radio Parity Act, in the base text of the bill. This important legislation—which would have a direct, positive impact on the security of the American people by providing improved emergency disaster coordination and response—has passed the House of Representatives in the 114<sup>th</sup> and the 115<sup>th</sup> Congress by voice vote.

Along with the critical communications assistance provided to local governmental and civilian emergency response organizations, the Amateur Radio Service has long played a part in assisting the United States military through the Department of Defense-sponsored Military Auxiliary Radio System (MARS), whose mission is to provide “contingency communications support on behalf of the men and women of the Department of Defense and other U.S. Government users in support of their important and diverse national security missions whenever, however and wherever required.”

Amateur radio operators who participate in the MARS program support the Department of Defense and U.S. Government by providing first-rate, on-demand contingency communications services that rival far more complex and expensive systems’ levels of service and quality, and do so in peacetime or times of national crisis, on an around-the-clock basis, and at no expense to the U.S. taxpayer. Members utilize their own resources and time to provide these services. There were MARS volunteers on the ground in Puerto Rico and the U.S. Virgin Islands providing support after Hurricanes Irma and Maria.

The Amateur Radio Service is also a key partner of the National Communications System (NCS), a confederation of government agencies established by the Presidential Memorandum of August 21, 1963. The mission of NCS is to ensure that the most critical telecommunications needs of the federal government can be met in any possible emergency, ranging from a normal situation to national emergencies and international crises, including nuclear attack, while at the same time achieving the most effective and economical fulfillment of the day-to-day telecommunications requirements. NCS administers a joint restoration priority system with the Federal Communications Commission (FCC) to assure that available telecommunications resources are used to meet the most critical requirements under all conditions. NCS is also given primary responsibility for implementing Presidential Directive 53, National Security Telecommunications Policy, under the direction and guidance of the National Security Council. National-level communications exercises have demonstrated the capability of radio amateurs to respond to simulated national emergencies when normal communications are disrupted. These tests confirm that volunteer radio amateurs are a valuable national resource whose capabilities should be utilized, further developed and exercised to improve our national security.

Unfortunately, a large segment of amateur radio operators cannot provide the services that are expected of them when necessary because they have been prohibited from installing functional outdoor antennas at their homes due to private land use restrictions. While longstanding FCC policy requires municipalities to reasonably accommodate outdoor antennas for amateur radio, operators are frequently and increasingly precluded from providing their public service and taking advantage of their FCC licenses as a result of private land use regulations.

As a result of this preclusion, I reintroduced the Amateur Radio Parity Act this Congress. The specific intent of my bill is to require the uniform application of the FCC's balanced, "reasonable accommodation" policy to all types of land use regulation for amateur radio antennas. This important bill will provide regulatory parity for amateur radio operators regardless of where they live.

In emergencies, when all other forms of communication have failed, this legislation ensures that amateur radio operators will have the means provide reliable, hardened communications in support of federal, state, and local disaster response efforts. Amateur radio operators provide volunteer public service, emergency coordination, and disaster relief communications at no cost to the American taxpayer. During the recent hurricanes Harvey and Maria, and in their aftermath, amateur radio operators were called upon to provide critical communications throughout the affected disaster areas from the time the storms started until mainstream communications were restored. In the case of Puerto Rico, the devastation was so overwhelming that 50 volunteer operators from the mainland were dispatched to provide on-site support, together with hundreds of local amateur radio operators, for many weeks of the recovery process. Equipment costing thousands of dollars was donated by radio amateurs through their national association for that specific purpose.

American amateur radio volunteers are the last line of defense in terms of communications for our first responders, and it is important that we support them because, in doing so, we are also supporting our men and women when called upon to respond to a national emergency.

Enclosed with this letter is the text of H.R. 555, the Amateur Radio Parity Act. Again, I respectfully request that you include this important legislation in the forthcoming FY 19 NDAA. Thank you for your thoughtful consideration of my request and for your dutiful leadership of the House Armed Services Committee. Should you have any questions or concerns, please do not hesitate to contact me.

Sincerely,



Adam Kinzinger  
Member of Congress



Joe Courtney  
Member of Congress

115TH CONGRESS  
1ST SESSION

# H. R. 555

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## AN ACT

To direct the Federal Communications Commission to amend its rules so as to prohibit the application to amateur stations of certain private land use restrictions, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Amateur Radio Parity  
3 Act of 2017”.

4 **SEC. 2. FINDINGS.**

5 Congress finds the following:

6 (1) More than 730,000 radio amateurs in the  
7 United States are licensed by the Federal Commu-  
8 nications Commission in the amateur radio services.

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

14 (3) There is a strong Federal interest in the ef-  
15 fective performance of amateur stations established  
16 at the residences of licensees. Such stations have  
17 been shown to be frequently and increasingly pre-  
18 cluded by unreasonable private land use restrictions,  
19 including restrictive covenants.

20 (4) Federal Communications Commission regu-  
21 lations have for three decades prohibited the applica-  
22 tion to stations in the amateur service of State and  
23 local regulations that preclude or fail to reasonably  
24 accommodate amateur service communications, or  
25 that do not constitute the minimum practicable reg-  
26 ulation to accomplish a legitimate State or local pur-

1       pose. Commission policy has been and is to require  
2       States and localities to permit erection of a station  
3       antenna structure at heights and dimensions suffi-  
4       cient to accommodate amateur service communica-  
5       tions.

6           (5) The Commission has sought guidance and  
7       direction from Congress with respect to the applica-  
8       tion of the Commission's limited preemption policy  
9       regarding amateur service communications to private  
10      land use restrictions, including restrictive covenants.

11          (6) There are aesthetic and common property  
12      considerations that are uniquely applicable to private  
13      land use regulations and the community associations  
14      obligated to enforce covenants, conditions, and re-  
15      strictions in deed-restricted communities. These con-  
16      siderations are dissimilar to those applicable to State  
17      law and local ordinances regulating the same resi-  
18      dential amateur radio facilities.

19          (7) In recognition of these considerations, a  
20      separate Federal policy than exists at section  
21      97.15(b) of title 47, Code of Federal Regulations, is  
22      warranted concerning amateur service communica-  
23      tions in deed-restricted communities.

24          (8) Community associations should fairly ad-  
25      minister private land use regulations in the interest

1 of their communities, while nevertheless permitting  
2 the installation and maintenance of effective outdoor  
3 amateur radio antennas. There exist antenna de-  
4 signs and installations that can be consistent with  
5 the aesthetics and physical characteristics of land  
6 and structures in community associations while ac-  
7 commodating communications in the amateur radio  
8 services.

9 **SEC. 3. APPLICATION OF PRIVATE LAND USE RESTRIC-**  
10 **TIONS TO AMATEUR STATIONS.**

11 (a) AMENDMENT OF FCC RULES.—Not later than  
12 120 days after the date of the enactment of this Act, the  
13 Federal Communications Commission shall amend section  
14 97.15 of title 47, Code of Federal Regulations, by adding  
15 a new paragraph that prohibits the application to amateur  
16 stations of any private land use restriction, including a  
17 restrictive covenant, that—

18 (1) on its face or as applied, precludes commu-  
19 nications in an amateur radio service;

20 (2) fails to permit a licensee in an amateur  
21 radio service to install and maintain an effective out-  
22 door antenna on property under the exclusive use or  
23 control of the licensee; or

24 (3) does not constitute the minimum practicable  
25 restriction on such communications to accomplish



1 the lawful purposes of a community association seek-  
2 ing to enforce such restriction.

3 (b) ADDITIONAL REQUIREMENTS.—In amending its  
4 rules as required by subsection (a), the Commission  
5 shall—

6 (1) require any licensee in an amateur radio  
7 service to notify and obtain prior approval from a  
8 community association concerning installation of an  
9 outdoor antenna;

10 (2) permit a community association to prohibit  
11 installation of any antenna or antenna support  
12 structure by a licensee in an amateur radio service  
13 on common property not under the exclusive use or  
14 control of the licensee; and

15 (3) subject to the standards specified in para-  
16 graphs (1) and (2) of subsection (a), permit a com-  
17 munity association to establish reasonable written  
18 rules concerning height, location, size, and aesthetic  
19 impact of, and installation requirements for, outdoor  
20 antennas and support structures for the purpose of  
21 conducting communications in the amateur radio  
22 services.

1 **SEC. 4. AFFIRMATION OF LIMITED PREEMPTION OF STATE**  
2 **AND LOCAL LAND USE REGULATION.**

3 The Federal Communications Commission may not  
4 change section 97.15(b) of title 47, Code of Federal Regu-  
5 lations, which shall remain applicable to State and local  
6 land use regulation of amateur service communications.

7 **SEC. 5. DEFINITIONS.**

8 In this Act:

9 (1) **COMMUNITY ASSOCIATION.**—The term  
10 “community association” means any non-profit man-  
11 datory membership organization composed of owners  
12 of real estate described in a declaration of covenants  
13 or created pursuant to a covenant or other applica-  
14 ble law with respect to which a person, by virtue of  
15 the person’s ownership of or interest in a unit or  
16 parcel, is obligated to pay for a share of real estate  
17 taxes, insurance premiums, maintenance, improve-  
18 ment, services, or other expenses related to common  
19 elements, other units, or any other real estate other  
20 than the unit or parcel described in the declaration.

21 (2) **TERMS DEFINED IN REGULATIONS.**—The  
22 terms “amateur radio services”, “amateur service”,  
23 and “amateur station” have the meanings given

1 such terms in section 97.3 of title 47, Code of Fed-  
2 eral Regulations.

Passed the House of Representatives January 23,  
2017.

Attest:

*Clerk.*

**Congress of the United States**  
**Washington, DC 20515**

April 6, 2018

The Honorable Mac Thornberry  
Chairman  
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2216 Rayburn House Office Building  
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The Honorable Adam Smith  
Ranking Member  
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2216 Rayburn House Office Building  
Washington, DC 20515

Dear Chairman Thornberry and Ranking Member Smith,

As you begin deliberations on the National Defense Authorization Act (NDAA) for Fiscal Year 2019, we write to respectfully request that you include language that will optimize the use of a waste disposal site used by the United States Army, effectuate cost savings for the American taxpayer, and sustain good-paying jobs in the State of Illinois. Specifically, we ask that you remove certain statutory restrictions imposed upon the Prairie View Recycling and Disposal Facility (Prairie View) in Will County, Illinois.

By way of background, President Clinton signed legislation in 1996 to decommission the Joliet Army & Ammunition Plant (JAAP) and allow Will County to receive a 455-acre parcel for use as a landfill. One stipulation for acquiring this land from the federal government was to accept non-hazardous waste from the remediation of the arsenal and nearby properties at no cost to the federal government. In 1997, after a competitive bidding process, Will County executed a Host/Operating Agreement with Waste Management of Illinois, Inc. to build and operate a non-hazardous, municipal solid waste landfill. Late in 1999, then-Congressman Jerry Weller sponsored language to restrict the deed for Prairie View to a 23-year lifespan and limit the service area to accept waste only from municipalities wholly or partially in Will County. These restrictions were specifically included to allow a second landfill to be built in an adjoining county. However, the second planned landfill was never built.

In January 2004, after receiving an operating permit approved by the Illinois Environmental Protection Agency, Prairie View opened and began accepting waste. By 2014, based on waste intake and a 44% recycling rate, it became clear to Will County and Waste Management of Illinois, Inc. that the lifespan of the landfill would likely exceed the statutory operation cap of 2027 placed on it in 1999. As a result, the Members of Congress who represent portions of Will County collaborated to extend the statutory lifespan of Prairie View. Language sponsored by Congressman Kinzinger to extend the life of Prairie View to 2042 was included in the National Defense Authorization Act for Fiscal Year 2015 (P.L. 113-291, Section 2838).

The Prairie View facility covers a waste mass footprint design of 223 acres with the remaining acreage being utilized for facility support and a buffer area. The facility provides no-cost disposal for cleanup of the former 23,000-acre JAAP property, which provides a benefit to both the Department of Defense and to the U.S. Forest Service, which owns and maintains the adjoining property as an unspoiled prairie habitat, known as the Midewin National Tallgrass Prairie. The deed restriction along with the host agreement between Will County and Waste Management of Illinois, Inc. requires that during the entire operating life of the landfill that it preserves disposal capacity for waste from the former JAAP property. However, based on Army estimates provided to the U.S. Forest Service, the cleanup will generate between 1,076,600 and 1,976,000 tons of waste material into the landfill. Given current JAAP volumes disposed to date, almost 1 million tons of waste may still be generated for disposal. Based on the annual average of 14,000 tons disposed from the cleanup project to date, the cleanup of the JAAP property will significantly exceed the closure date of 2042.

Our proposed language provides a number of benefits to our constituents, the environment, local government, and the federal government. First, Prairie View provides long-term disposal capacity to Will County residents, which yields to them lower disposal costs. The landfill's infrastructure—including groundwater protection systems, access roads, and gas recovery systems—is already established and should be utilized by the County to its fullest capability. Removal of the federally-established closure date will allow the County to maximize the capacity at Prairie View and accept waste from the cleanup of the former arsenal beyond 2042, thereby saving taxpayer dollars that would be spent on disposal elsewhere. Further, an on-site renewable energy facility produces enough electricity to provide power for 8,000 homes, which increases the savings realized by our constituents.

Second, use of the facility in concert with other valuable environmental programs allows the County to maintain a 44% recycling rate, thereby reducing the County's waste disposal needs and supporting the environment. Third, Prairie View generates more than \$4 million per year in revenue for Will County, which is used to provide important municipal services to our constituents. What is more, our proposed language facilitates local control over a mostly-local matter. Rather than the federal government defining Prairie View's service area, Congress must allow local officials to control the waste flow into the facility to suit the interests of County residents. Due to market fluctuations, waste flow volumes into Prairie View may very well drop. Allowing Will County to manage the waste flow and normalize any loss in waste flow by expanding the service area will keep disposal rates relatively constant for our constituents.

Lastly, the U.S. Forest Service has free waste disposal for the cleanup of the JAAP because of its control of the Midewin National Tallgrass Prairie. This free disposal represents savings over \$17 million in waste disposal costs thus far to the federal government. In contrast, if the facility were to be closed in 2042, estimates show that the cost to dispose of the remaining federal waste at current market prices would total more than \$81 million. Given the current levels of waste disposed from JAAP property, Prairie View will close well before the cleanup of the JAAP property is completed. Failure to remove the statutory lifespan of the facility could yield job loss as well as tens of millions of dollars in lost revenue to the County.

For these reasons, we respectfully request that you include language in the forthcoming FY 19 NDAA to remove federal restrictions on the Prairie View facility. Enclosed with this letter is draft language for the Committee to consider including in the text of the legislation. Thank you for your thoughtful consideration of our request and for your dutiful leadership of the House Armed Services Committee. Should you have any questions or concerns, please do not hesitate to contact us.

Sincerely,



Adam Kinzinger  
Member of Congress



Randy Hultgren  
Member of Congress



Bobby L. Rush  
Member of Congress



Robin L. Kelly  
Member of Congress



Bill Foster  
Member of Congress



Daniel Lipinski  
Member of Congress

**Requested Bill Language regarding Prairie View Recycling and Disposal Facility**  
**National Defense Authorization Act for FY 2019**  
**Submitted by Reps. Adam Kinzinger, Randy Hultgren, Bobby Rush, Robin Kelly, Bill Foster, and**  
**Dan Lipinski**

**SEC. \_\_\_\_.** Section 2922(c) of the Military Construction Authorization Act for Fiscal Year 1996 (division B of Public Law 104-106; 110 Stat. 605), as added by section 2842 of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106-65; 113 Stat. 863), as added by Section 2838 of the Carl Levin and Howard P. “Buck” McKeon National Defense Authorization Act for Fiscal Year 2015 (division B of Public Law 113-291; 128 Stat. 3710), is amended by striking “(1)” before “The conveyance” and by striking paragraph (2).