

113TH CONGRESS
1ST SESSION

H. R. 3675

To amend the Communications Act of 1934 to provide for greater transparency and efficiency in the procedures followed by the Federal Communications Commission.

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 9, 2013

Mr. WALDEN (for himself and Mr. KINZINGER of Illinois) introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To amend the Communications Act of 1934 to provide for greater transparency and efficiency in the procedures followed by the Federal Communications Commission.

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 “Federal Communica-
5 tions Commission Process Reform Act of 2013”.

6 **SEC. 2. FCC PROCESS REFORM.**

7 (a) IN GENERAL.—Title I of the Communications Act
8 of 1934 (47 U.S.C. 151 et seq.) is amended by inserting
9 after section 12 the following new section:

1 **“SEC. 13. TRANSPARENCY AND EFFICIENCY.**

2 “(a) RULEMAKING REQUIREMENTS.—

3 “(1) REQUIREMENTS FOR NOTICES OF PRO-
4 POSED RULEMAKING.—The Commission may not
5 issue a notice of proposed rulemaking unless the
6 Commission provides for a period of not less than 30
7 days for the submission of comments and an addi-
8 tional period of not less than 30 days for the sub-
9 mission of reply comments on such notice and the
10 Commission includes in such notice the following:

11 “(A) Either—

12 “(i) an identification of—

13 “(I) a notice of inquiry, a prior
14 notice of proposed rulemaking, or a
15 notice on a petition for rulemaking
16 issued by the Commission during the
17 3-year period preceding the issuance
18 of the notice of proposed rulemaking
19 concerned and of which such notice is
20 a logical outgrowth; or

21 “(II) an order of a court review-
22 ing action by the Commission or oth-
23 erwise directing the Commission to
24 act that was issued by the court dur-
25 ing the 3-year period preceding the
26 issuance of the notice of proposed

1 rulemaking concerned and in response
2 to which such notice is being issued;
3 or

4 “(ii) a finding (together with a brief
5 statement of reasons therefor)—

6 “(I) that the proposed rule or the
7 proposed amendment of an existing
8 rule will not impose additional bur-
9 dens on industry or consumers; or

10 “(II) for good cause, that a no-
11 tice of inquiry is impracticable, unnec-
12 essary, or contrary to the public inter-
13 est.

14 “(B) The specific language of the proposed
15 rule or the proposed amendment of an existing
16 rule.

17 “(C) In the case of a proposal to create a
18 program activity, proposed performance meas-
19 ures for evaluating the effectiveness of the pro-
20 gram activity.

21 “(D) In the case of a proposal to substan-
22 tially change a program activity—

23 “(i) proposed performance measures
24 for evaluating the effectiveness of the pro-

1 gram activity as proposed to be changed;
2 or

3 “(ii) a proposed finding that existing
4 performance measures will effectively
5 evaluate the program activity as proposed
6 to be changed.

7 “(2) REQUIREMENTS FOR RULES.—Except as
8 provided in the 3rd sentence of section 553(b) of
9 title 5, United States Code, the Commission may not
10 adopt or amend a rule unless—

11 “(A) the specific language of the adopted
12 rule or the amendment of an existing rule is a
13 logical outgrowth of the specific language of a
14 proposed rule or a proposed amendment of an
15 existing rule included in a notice of proposed
16 rulemaking, as described in subparagraph (B)
17 of paragraph (1);

18 “(B) such notice of proposed rulemaking—

19 “(i) was issued in compliance with
20 such paragraph and during the 3-year pe-
21 riod preceding the adoption of the rule or
22 the amendment of an existing rule; and

23 “(ii) is identified in the order making
24 the adoption or amendment;

1 “(C) in the case of the adoption of a rule
2 or the amendment of an existing rule that may
3 have an economically significant impact, the
4 order contains—

5 “(i) an identification and analysis of
6 the specific market failure, actual con-
7 sumer harm, burden of existing regulation,
8 or failure of public institutions that war-
9 rants the adoption or amendment;

10 “(ii) a reasoned determination that
11 the benefits of the adopted rule or the
12 amendment of an existing rule justify its
13 costs (recognizing that some benefits and
14 costs are difficult to quantify), taking into
15 account alternative forms of regulation and
16 the need to tailor regulation to impose the
17 least burden on society, consistent with ob-
18 taining regulatory objectives; and

19 “(iii) a reasoned determination that
20 market forces are unlikely to resolve within
21 a reasonable period of time the specific
22 market failure, actual consumer harm, bur-
23 den of existing regulation, or failure of
24 public institutions identified under clause
25 (i);

1 “(D) in the case of the adoption of a rule
2 or the amendment of an existing rule that cre-
3 ates a program activity, the order contains per-
4 formance measures for evaluating the effective-
5 ness of the program activity; and

6 “(E) in the case of the adoption of a rule
7 or the amendment of an existing rule that sub-
8 stantially changes a program activity, the order
9 contains—

10 “(i) performance measures for evalu-
11 ating the effectiveness of the program ac-
12 tivity as changed; or

13 “(ii) a finding that existing perform-
14 ance measures will effectively evaluate the
15 program activity as changed.

16 “(3) DATA FOR PERFORMANCE MEASURES.—
17 The Commission shall develop a performance meas-
18 ure or proposed performance measure required by
19 this subsection to rely, where possible, on data al-
20 ready collected by the Commission.

21 “(4) COST-BENEFIT DETERMINATION NOT SUB-
22 JECT TO JUDICIAL REVIEW.—A determination under
23 paragraph (2)(C)(ii) shall not be subject to judicial
24 review.

1 “(b) ADEQUATE DELIBERATION BY COMMIS-
2 SIONERS.—The Commission shall by rule establish proce-
3 dures for—

4 “(1) informing all Commissioners of a reason-
5 able number of options available to the Commission
6 for resolving a petition, complaint, application, rule-
7 making, or other proceeding;

8 “(2) ensuring that all Commissioners have ade-
9 quate time, prior to being required to decide a peti-
10 tion, complaint, application, rulemaking, or other
11 proceeding (including at a meeting held pursuant to
12 section 5(d)), to review the proposed Commission de-
13 cision document, including the specific language of
14 any proposed rule or any proposed amendment of an
15 existing rule; and

16 “(3) publishing the text of agenda items to be
17 voted on at an open meeting in advance of such
18 meeting so that the public has the opportunity to
19 read the text before a vote is taken.

20 “(c) NONPUBLIC COLLABORATIVE DISCUSSIONS.—

21 “(1) IN GENERAL.—Notwithstanding section
22 552b of title 5, United States Code, a bipartisan
23 majority of Commissioners may hold a meeting that
24 is closed to the public to discuss official business
25 if—

1 “(A) a vote or any other agency action is
2 not taken at such meeting;

3 “(B) each person present at such meeting
4 is a Commissioner, an employee of the Commis-
5 sion, a member of a joint board or conference
6 established under section 410, or a person on
7 the staff of such a joint board or conference or
8 of a member of such a joint board or con-
9 ference; and

10 “(C) an attorney from the Office of Gen-
11 eral Counsel of the Commission is present at
12 such meeting.

13 “(2) DISCLOSURE OF NONPUBLIC COLLABO-
14 RATIVE DISCUSSIONS.—Not later than 2 business
15 days after the conclusion of a meeting held under
16 paragraph (1), the Commission shall publish a dis-
17 closure of such meeting, including—

18 “(A) a list of the persons who attended
19 such meeting; and

20 “(B) a summary of the matters discussed
21 at such meeting, except for such matters as the
22 Commission determines may be withheld under
23 section 552b(c) of title 5, United States Code.

24 “(3) PRESERVATION OF OPEN MEETINGS RE-
25 QUIREMENTS FOR AGENCY ACTION.—Nothing in this

1 subsection shall limit the applicability of section
2 552b of title 5, United States Code, with respect to
3 a meeting of Commissioners other than that de-
4 scribed in paragraph (1).

5 “(d) INITIATION OF ITEMS BY BIPARTISAN MAJOR-
6 ITY.—The Commission shall by rule establish procedures
7 for allowing a bipartisan majority of Commissioners to—

8 “(1) direct Commission staff to draft an order,
9 decision, report, or action for review by the Commis-
10 sion; and

11 “(2) place an order, decision, report, or action
12 on the agenda of an open meeting.

13 “(e) PUBLIC REVIEW OF CERTAIN REPORTS AND EX
14 PARTE COMMUNICATIONS.—

15 “(1) IN GENERAL.—Except as provided in para-
16 graph (2), the Commission may not rely, in any
17 order, decision, report, or action, on—

18 “(A) a statistical report or report to Con-
19 gress, unless the Commission has published and
20 made such report available for comment for not
21 less than a 30-day period prior to the adoption
22 of such order, decision, report, or action; or

23 “(B) an ex parte communication or any fil-
24 ing with the Commission, unless the public has
25 been afforded adequate notice of and oppor-

1 tunity to respond to such communication or fil-
2 ing, in accordance with procedures to be estab-
3 lished by the Commission by rule.

4 “(2) EXCEPTION.—Paragraph (1) does not
5 apply when the Commission for good cause finds
6 (and incorporates the finding and a brief statement
7 of reasons therefor in the order, decision, report, or
8 action) that publication or availability of a report
9 under subparagraph (A) of such paragraph or notice
10 of and opportunity to respond to an ex parte com-
11 munication under subparagraph (B) of such para-
12 graph are impracticable, unnecessary, or contrary to
13 the public interest.

14 “(f) PUBLICATION OF STATUS OF CERTAIN PRO-
15 CEEDINGS AND ITEMS.—The Commission shall by rule es-
16 tablish procedures for publishing the status of all open
17 rulemaking proceedings and all proposed orders, decisions,
18 reports, or actions on circulation for review by the Com-
19 missioners, including which Commissioners have not cast
20 a vote on an order, decision, report, or action that has
21 been on circulation for more than 60 days.

22 “(g) DEADLINES FOR ACTION.—The Commission
23 shall by rule establish deadlines for any Commission order,
24 decision, report, or action for each of the various cat-
25 egories of petitions, applications, complaints, and other fil-

1 ings seeking Commission action, including filings seeking
2 action through authority delegated under section 5(c)(1).

3 “(h) PROMPT RELEASE OF CERTAIN REPORTS AND
4 DECISION DOCUMENTS.—

5 “(1) STATISTICAL REPORTS AND REPORTS TO
6 CONGRESS.—

7 “(A) RELEASE SCHEDULE.—Not later
8 than January 15th of each year, the Commis-
9 sion shall identify, catalog, and publish an an-
10 ticipated release schedule for all statistical re-
11 ports and reports to Congress that are regularly
12 or intermittently released by the Commission
13 and will be released during such year.

14 “(B) PUBLICATION DEADLINES.—The
15 Commission shall publish each report identified
16 in a schedule published under subparagraph (A)
17 not later than the date indicated in such sched-
18 ule for the anticipated release of such report.

19 “(2) DECISION DOCUMENTS.—The Commission
20 shall publish each order, decision, report, or action
21 not later than 30 days after the date of the adoption
22 of such order, decision, report, or action.

23 “(3) EFFECT IF DEADLINES NOT MET.—

24 “(A) NOTIFICATION OF CONGRESS.—If the
25 Commission fails to publish an order, decision,

1 report, or action by a deadline described in
2 paragraph (1)(B) or (2), the Commission shall,
3 not later than 7 days after such deadline and
4 every 14 days thereafter until the publication of
5 the order, decision, report, or action, notify by
6 letter the chairpersons and ranking members of
7 the Committee on Energy and Commerce of the
8 House of Representatives and the Committee
9 on Commerce, Science, and Transportation of
10 the Senate. Such letter shall identify such
11 order, decision, report, or action, specify the
12 deadline, describe the reason for the delay, and
13 indicate when the Commission anticipates that
14 such order, decision, report, or action will be
15 published. The Commission shall publish such
16 letter.

17 “(B) NO IMPACT ON EFFECTIVENESS.—
18 The failure of the Commission to publish an
19 order, decision, report, or action by a deadline
20 described in paragraph (1)(B) or (2) shall not
21 render such order, decision, report, or action in-
22 effective when published.

23 “(i) BIENNIAL SCORECARD REPORTS.—

24 “(1) IN GENERAL.—For the 6-month period be-
25 ginning on January 1st of each year and the 6-

1 month period beginning on July 1st of each year,
2 the Commission shall prepare a report on the per-
3 formance of the Commission in conducting its pro-
4 ceedings and meeting the deadlines established
5 under subsections (g), (h)(1)(B), and (h)(2).

6 “(2) CONTENTS.—Each report required by
7 paragraph (1) shall contain detailed statistics on
8 such performance, including, with respect to each
9 Bureau of the Commission—

10 “(A) in the case of performance in meeting
11 the deadlines established under subsection (g),
12 with respect to each category established under
13 such subsection—

14 “(i) the number of petitions, applica-
15 tions, complaints, and other filings seeking
16 Commission action that were pending on
17 the last day of the period covered by such
18 report;

19 “(ii) the number of filings described
20 in clause (i) that were not resolved by the
21 deadlines established under such sub-
22 section and the average length of time
23 such filings have been pending; and

24 “(iii) for petitions, applications, com-
25 plaints, and other filings seeking Commis-

1 sion action that were resolved during such
2 period, the average time between initiation
3 and resolution and the percentage resolved
4 by the deadlines established under such
5 subsection;

6 “(B) in the case of proceedings before an
7 administrative law judge—

8 “(i) the number of such proceedings
9 completed during such period; and

10 “(ii) the number of such proceedings
11 pending on the last day of such period; and

12 “(C) the number of independent studies or
13 analyses published by the Commission during
14 such period.

15 “(3) PUBLICATION AND SUBMISSION.—The
16 Commission shall publish and submit to the Com-
17 mittee on Energy and Commerce of the House of
18 Representatives and the Committee on Commerce,
19 Science, and Transportation of the Senate each re-
20 port required by paragraph (1) not later than the
21 date that is 30 days after the last day of the period
22 covered by such report.

23 “(j) TRANSACTION REVIEW STANDARDS.—

24 “(1) IN GENERAL.—The Commission shall con-
25 dition its approval of a transfer of lines, a transfer

1 of licenses, or any other transaction under section
2 214, 309, or 310 or any other provision of this Act
3 only if—

4 “(A) the imposed condition is a remedy to
5 a harm that would likely arise as a direct result
6 of the specific transfer or specific transaction
7 that this Act empowers the Commission to re-
8 view;

9 “(B) the Commission could impose a simi-
10 lar requirement under the authority of a spe-
11 cific provision of law other than a provision em-
12 powering the Commission to review a transfer
13 of lines, a transfer of licenses, or other trans-
14 action; and

15 “(C) the likely harm described in subpara-
16 graph (A) is presented by the specific transfer
17 of lines, transfer of licenses, or other trans-
18 action, such that the harm is not presented by
19 persons not involved in the transfer or other
20 transaction.

21 “(2) EXCLUSIONS.—In reviewing a transfer of
22 lines, a transfer of licenses, or any other transaction
23 under section 214, 309, or 310 or any other provi-
24 sion of this Act, the Commission may not consider
25 a voluntary commitment of a party to such transfer

1 or transaction unless the Commission could adopt
2 that voluntary commitment as a condition under
3 paragraph (1).

4 “(k) ACCESS TO CERTAIN INFORMATION ON COMMIS-
5 SION’S WEBSITE.—The Commission shall provide direct
6 access from the homepage of its website to—

7 “(1) detailed information regarding—

8 “(A) the budget of the Commission for the
9 current fiscal year;

10 “(B) the appropriations for the Commis-
11 sion for such fiscal year; and

12 “(C) the total number of full-time equiva-
13 lent employees of the Commission; and

14 “(2) the performance plan most recently made
15 available by the Commission under section 1115(b)
16 of title 31, United States Code.

17 “(l) FEDERAL REGISTER PUBLICATION.—

18 “(1) IN GENERAL.—In the case of any docu-
19 ment adopted by the Commission that the Commis-
20 sion is required, under any provision of law, to pub-
21 lish in the Federal Register, the Commission shall,
22 not later than the date described in paragraph (2),
23 complete all Commission actions necessary for such
24 document to be so published.

1 “(2) DATE DESCRIBED.—The date described in
2 this paragraph is the earlier of—

3 “(A) the day that is 45 days after the date
4 of the release of the document; or

5 “(B) the day by which such actions must
6 be completed to comply with any deadline under
7 any other provision of law.

8 “(3) NO EFFECT ON DEADLINES FOR PUBLICA-
9 TION IN OTHER FORM.—In the case of a deadline
10 that does not specify that the form of publication is
11 publication in the Federal Register, the Commission
12 may comply with such deadline by publishing the
13 document in another form. Such other form of publi-
14 cation does not relieve the Commission of any Fed-
15 eral Register publication requirement applicable to
16 such document, including the requirement of para-
17 graph (1).

18 “(m) CONSUMER COMPLAINT DATABASE.—

19 “(1) IN GENERAL.—In evaluating and proc-
20 essing consumer complaints, the Commission shall
21 present information about such complaints in a pub-
22 licly available, searchable database on its website
23 that—

24 “(A) facilitates easy use by consumers; and

1 “(B) to the extent practicable, is sortable
2 and accessible by—

3 “(i) the date of the filing of the com-
4 plaint;

5 “(ii) the topic of the complaint;

6 “(iii) the party complained of; and

7 “(iv) other elements that the Commis-
8 sion considers in the public interest.

9 “(2) DUPLICATIVE COMPLAINTS.—In the case
10 of multiple complaints arising from the same alleged
11 misconduct, the Commission shall be required to in-
12 clude only information concerning one such com-
13 plaint in the database described in paragraph (1).

14 “(n) FORM OF PUBLICATION.—

15 “(1) IN GENERAL.—In complying with a re-
16 quirement of this section to publish a document, the
17 Commission shall publish such document on its
18 website, in addition to publishing such document in
19 any other form that the Commission is required to
20 use or is permitted to and chooses to use.

21 “(2) EXCEPTION.—The Commission shall by
22 rule establish procedures for redacting documents
23 required to be published by this section so that the
24 published versions of such documents do not con-
25 tain—

1 “(A) information the publication of which
2 would be detrimental to national security,
3 homeland security, law enforcement, or public
4 safety; or

5 “(B) information that is proprietary or
6 confidential.

7 “(o) **TRANSPARENCY RELATING TO PERFORMANCE**
8 **IN MEETING FOIA REQUIREMENTS.**—The Commission
9 shall take additional steps to inform the public about its
10 performance and efficiency in meeting the disclosure and
11 other requirements of section 552 of title 5, United States
12 Code (commonly referred to as the Freedom of Informa-
13 tion Act), including by doing the following:

14 “(1) Publishing on the Commission’s website
15 the Commission’s logs for tracking, responding to,
16 and managing requests submitted under such sec-
17 tion, including the Commission’s fee estimates, fee
18 categories, and fee request determinations.

19 “(2) Releasing to the public all decisions made
20 by the Commission (including decisions made by the
21 Commission’s Bureaus and Offices) granting or de-
22 nying requests filed under such section, including
23 any such decisions pertaining to the estimate and
24 application of fees assessed under such section.

1 “(3) Publishing on the Commission’s website
2 electronic copies of documents released under such
3 section.

4 “(4) Presenting information about the Commis-
5 sion’s handling of requests under such section in the
6 Commission’s annual budget estimates submitted to
7 Congress and the Commission’s annual performance
8 and financial reports. Such information shall include
9 the number of requests under such section the Com-
10 mission received in the most recent fiscal year, the
11 number of such requests granted and denied, a com-
12 parison of the Commission’s processing of such re-
13 quests over at least the previous 3 fiscal years, and
14 a comparison of the Commission’s results with the
15 most recent average for the United States Govern-
16 ment as published on www.foia.gov.

17 “(p) DEFINITIONS.—In this section:

18 “(1) AMENDMENT.—The term ‘amendment’ in-
19 cludes, when used with respect to an existing rule,
20 the deletion of such rule.

21 “(2) BIPARTISAN MAJORITY.—The term ‘bipar-
22 tisan majority’ means, when used with respect to a
23 group of Commissioners, that such group—

24 “(A) is a group of 3 or more Commis-
25 sioners; and

1 “(B) includes, for each political party of
2 which any Commissioner is a member, at least
3 1 Commissioner who is a member of such polit-
4 ical party, and, if any Commissioner has no po-
5 litical party affiliation, at least 1 unaffiliated
6 Commissioner.

7 “(3) ECONOMICALLY SIGNIFICANT IMPACT.—
8 The term ‘economically significant impact’ means an
9 effect on the economy of \$100,000,000 or more an-
10 nually or a material adverse effect on the economy,
11 a sector of the economy, productivity, competition,
12 jobs, the environment, public health or safety, or
13 State, local, or tribal governments or communities.

14 “(4) PERFORMANCE MEASURE.—The term ‘per-
15 formance measure’ means an objective and quantifi-
16 able outcome measure or output measure (as such
17 terms are defined in section 1115 of title 31, United
18 States Code).

19 “(5) PROGRAM ACTIVITY.—The term ‘program
20 activity’ has the meaning given such term in section
21 1115 of title 31, United States Code, except that
22 such term also includes any annual collection or dis-
23 tribution or related series of collections or distribu-
24 tions by the Commission of an amount that is great-
25 er than or equal to \$100,000,000.

1 “(6) OTHER DEFINITIONS.—The terms ‘agency
2 action’, ‘ex parte communication’, and ‘rule’ have
3 the meanings given such terms in section 551 of title
4 5, United States Code.”.

5 (b) EFFECTIVE DATE AND IMPLEMENTING RULES.—

6 (1) EFFECTIVE DATE.—

7 (A) IN GENERAL.—The requirements of
8 section 13 of the Communications Act of 1934,
9 as added by subsection (a), shall apply begin-
10 ning on the date that is 6 months after the date
11 of the enactment of this Act.

12 (B) PRIOR NOTICES OF PROPOSED RULE-
13 MAKING.—If the Federal Communications Com-
14 mission identifies under paragraph (2)(B)(ii) of
15 subsection (a) of such section 13 a notice of
16 proposed rulemaking issued prior to the date of
17 the enactment of this Act—

18 (i) such notice shall be deemed to
19 have complied with paragraph (1) of such
20 subsection; and

21 (ii) if such notice did not contain the
22 specific language of a proposed rule or a
23 proposed amendment of an existing rule,
24 paragraph (2)(A) of such subsection shall
25 be satisfied if the adopted rule or the

1 amendment of an existing rule is a logical
2 outgrowth of such notice.

3 (C) SCHEDULES AND REPORTS.—Notwith-
4 standing subparagraph (A), subsections (h)(1)
5 and (i) of such section shall apply with respect
6 to 2014 and any year thereafter.

7 (2) RULES.—The Federal Communications
8 Commission shall promulgate the rules necessary to
9 carry out such section not later than 1 year after
10 the date of the enactment of this Act.

11 (3) PROCEDURES FOR ADOPTING RULES.—Not-
12 withstanding paragraph (1)(A), in promulgating
13 rules to carry out such section, the Federal Commu-
14 nications Commission shall comply with the require-
15 ments of subsections (a) and (h)(2) of such section.

16 **SEC. 3. CATEGORIZATION OF TCPA INQUIRIES AND COM-**
17 **PLAINTS IN QUARTERLY REPORT.**

18 In compiling its quarterly report with respect to in-
19 formal consumer inquiries and complaints, the Federal
20 Communications Commission may not categorize an in-
21 quiry or complaint with respect to section 227 of the Com-
22 munications Act of 1934 (47 U.S.C. 227) as being a
23 wireline inquiry or complaint or a wireless inquiry or com-
24 plaint unless the party whose conduct is the subject of

1 the inquiry or complaint is a wireline carrier or a wireless
2 carrier, respectively.

3 **SEC. 4. PROVISION OF EMERGENCY WEATHER INFORMA-**
4 **TION.**

5 Nothing in subsection (a) of section 13 of the Com-
6 munications Act of 1934, as added by section 2 of this
7 Act, shall be construed to impede the Federal Communica-
8 tions Commission from acting in times of emergency to
9 ensure the availability of efficient and effective commu-
10 nications systems to alert the public to imminent dan-
11 gerous weather conditions.

12 **SEC. 5. COMMUNICATIONS OF FIRST RESPONDERS.**

13 Nothing in subsection (a) of section 13 of the Com-
14 munications Act of 1934, as added by section 2 of this
15 Act, shall be construed to impede the Federal Communica-
16 tions Commission from acting in times of emergency to
17 ensure the availability of efficient and effective commu-
18 nications systems for State and local first responders.

19 **SEC. 6. EFFECT ON OTHER LAWS.**

20 Nothing in this Act or the amendment made by this
21 Act shall relieve the Federal Communications Commission
22 from any obligations under title 5, United States Code,
23 except where otherwise expressly provided.

○