

# Union Calendar No. 231

114<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 2583

**[Report No. 114–305]**

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

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## IN THE HOUSE OF REPRESENTATIVES

MAY 29, 2015

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

OCTOBER 22, 2015

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italics]

[For text of introduced bill, see copy of bill as introduced on May 29, 2015]

# **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, 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,*

3 **SECTION 1. SHORT TITLE.**

4 *This Act may be cited as the “Federal Communica-*  
5 *tions Commission Process Reform Act of 2015”.*

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 adding at*  
9 *the end the following:*

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

11 *“(a) INITIAL RULEMAKING AND INQUIRY.—*

12 *“(1) RULEMAKING.—Not later than 1 year after*  
13 *the date of the enactment of the Federal Communica-*  
14 *tions Commission Process Reform Act of 2015, the*  
15 *Commission shall complete a rulemaking proceeding*  
16 *and adopt procedural changes to its rules to maxi-*  
17 *mize opportunities for public participation and effi-*  
18 *cient decisionmaking.*

19 *“(2) REQUIREMENTS FOR RULEMAKING.—The*  
20 *rules adopted under paragraph (1) shall—*

21 *“(A) set minimum comment periods for*  
22 *comment and reply comment, subject to a deter-*  
23 *mination by the Commission that good cause ex-*  
24 *ists for departing from such minimum comment*  
25 *periods, for—*

1                   “(i) significant regulatory actions, as  
2                   defined in Executive Order No. 12866; and

3                   “(ii) all other rulemaking proceedings;

4                   “(B) establish policies concerning the sub-  
5                   mission of extensive new comments, data, or re-  
6                   ports towards the end of the comment period;

7                   “(C) establish policies regarding treatment  
8                   of comments, *ex parte* communications, and data  
9                   or reports (including statistical reports and re-  
10                  ports to Congress) submitted after the comment  
11                  period to ensure that the public has adequate no-  
12                  tice of and opportunity to respond to such sub-  
13                  missions before the Commission relies on such  
14                  submissions in any order, decision, report, or ac-  
15                  tion;

16                  “(D) establish procedures for, not later than  
17                  14 days after the end of each quarter of a cal-  
18                  endar year (or more frequently, as the Commis-  
19                  sion considers appropriate), publishing on the  
20                  Internet website of the Commission and submit-  
21                  ting to Congress a report that contains—

22                   “(i) the status of open rulemaking pro-  
23                   ceedings and proposed orders, decisions, re-  
24                   ports, or actions on circulation for review  
25                   by the Commissioners, including which

1           Commissioners have not cast a vote on an  
2           order, decision, report, or action that has  
3           been on circulation for more than 60 days;

4           “(ii) for the petitions, applications,  
5           complaints, and other requests for action by  
6           the Commission that were pending at the  
7           Commission on the last day of such quarter  
8           (or more frequent period, as the case may  
9           be)—

10           “(I) the number of such requests,  
11           broken down by the bureau primarily  
12           responsible for action and, for each bu-  
13           reau, the type of request (such as a pe-  
14           tition, application, or complaint); and

15           “(II) information regarding the  
16           amount of time for which such requests  
17           have been pending, broken down as de-  
18           scribed in subclause (I); and

19           “(iii) a list of the congressional inves-  
20           tigations of the Commission that were pend-  
21           ing on the last day of such quarter (or more  
22           frequent period, as the case may be) and the  
23           cost of such investigations, individually and  
24           in the aggregate;

1           “(E) establish deadlines (relative to the date  
2 of filing) for—

3           “(i) in the case of a petition for a de-  
4 claratory ruling under section 1.2 of title  
5 47, Code of Federal Regulations, issuing a  
6 public notice of such petition;

7           “(ii) in the case of a petition for rule-  
8 making under section 1.401 of such title,  
9 issuing a public notice of such petition; and

10           “(iii) in the case of a petition for re-  
11 consideration under section 1.106 or 1.429  
12 of such title or an application for review  
13 under section 1.115 of such title, issuing a  
14 public notice of a decision on the petition or  
15 application by the Commission or under  
16 delegated authority (as the case may be);

17           “(F) establish guidelines (relative to the  
18 date of filing) for the disposition of petitions  
19 filed under section 1.2 of such title;

20           “(G) establish procedures for the inclusion  
21 of the specific language of the proposed rule or  
22 the proposed amendment of an existing rule in  
23 a notice of proposed rulemaking; and

1           “(H) require notices of proposed rulemaking  
2           and orders adopting a rule or amending an ex-  
3           isting rule that—

4                   “(i) create (or propose to create) a pro-  
5                   gram activity to contain performance meas-  
6                   ures for evaluating the effectiveness of the  
7                   program activity; and

8                   “(ii) substantially change (or propose  
9                   to substantially change) a program activity  
10                  to contain—

11                   “(I) performance measures for  
12                   evaluating the effectiveness of the pro-  
13                   gram activity as changed (or proposed  
14                   to be changed); or

15                   “(II) a finding that existing per-  
16                   formance measures will effectively  
17                   evaluate the program activity as  
18                   changed (or proposed to be changed).

19           “(3) INQUIRY.—Not later than 1 year after the  
20           date of the enactment of the Federal Communications  
21           Commission Process Reform Act of 2015, the Commis-  
22           sion shall complete an inquiry to seek public comment  
23           on whether and how the Commission should—

24                   “(A) establish procedures for allowing a bi-  
25                   partisan majority of Commissioners to place an

1           *order, decision, report, or action on the agenda*  
2           *of an open meeting;*

3           “(B) *establish procedures for informing all*  
4           *Commissioners of a reasonable number of options*  
5           *available to the Commission for resolving a peti-*  
6           *tion, complaint, application, rulemaking, or*  
7           *other proceeding;*

8           “(C) *establish procedures for ensuring that*  
9           *all Commissioners have adequate time, prior to*  
10          *being required to decide a petition, complaint,*  
11          *application, rulemaking, or other proceeding (in-*  
12          *cluding at a meeting held pursuant to section*  
13          *5(d)), to review the proposed Commission deci-*  
14          *sion document, including the specific language of*  
15          *any proposed rule or any proposed amendment*  
16          *of an existing rule;*

17          “(D) *establish deadlines (relative to the date*  
18          *of filing) for disposition of applications for a li-*  
19          *cense under section 1.913 of title 47, Code of*  
20          *Federal Regulations;*

21          “(E) *assign resources needed in order to*  
22          *meet the deadlines described in subparagraph*  
23          *(D), including whether the Commission’s ability*  
24          *to meet such deadlines would be enhanced by as-*



1           *sessing a fee from applicants for such a license;*  
2           *and*

3           “(F) *publish each order, decision, report, or*  
4           *action not later than 30 days after the date of*  
5           *the adoption of such order, decision, report, or*  
6           *action.*

7           “(4) *DATA FOR PERFORMANCE MEASURES.—The*  
8           *Commission shall develop a performance measure or*  
9           *proposed performance measure required by this sub-*  
10          *section to rely, where possible, on data already col-*  
11          *lected by the Commission.*

12          “(5) *GAO AUDIT.—Not less frequently than every*  
13          *6 months, the Comptroller General of the United*  
14          *States shall audit the cost estimates provided by the*  
15          *Commission under paragraph (2)(D)(iii) during the*  
16          *preceding 6-month period.*

17          “(b) *PERIODIC REVIEW.—On the date that is 5 years*  
18          *after the completion of the rulemaking proceeding under*  
19          *subsection (a)(1), and every 5 years thereafter, the Commis-*  
20          *sion shall initiate a new rulemaking proceeding to continue*  
21          *to consider such procedural changes to its rules as may be*  
22          *in the public interest to maximize opportunities for public*  
23          *participation and efficient decisionmaking.*

24          “(c) *NONPUBLIC COLLABORATIVE DISCUSSIONS.—*

1           “(1) *IN GENERAL.*—*Notwithstanding section*  
2           *552b of title 5, United States Code, a bipartisan ma-*  
3           *ajority of Commissioners may hold a meeting that is*  
4           *closed to the public to discuss official business if—*

5                   “(A) *a vote or any other agency action is*  
6                   *not taken at such meeting;*

7                   “(B) *each person present at such meeting is*  
8                   *a Commissioner, an employee of the Commission,*  
9                   *a member of a joint board or conference estab-*  
10                   *lished under section 410, or a person on the staff*  
11                   *of such a joint board or conference or of a mem-*  
12                   *ber of such a joint board or conference; and*

13                   “(C) *an attorney from the Office of General*  
14                   *Counsel of the Commission is present at such*  
15                   *meeting.*

16           “(2) *DISCLOSURE OF NONPUBLIC COLLABO-*  
17           *RATIVE DISCUSSIONS.*—*Not later than 2 business days*  
18           *after the conclusion of a meeting held under para-*  
19           *graph (1), the Commission shall publish a disclosure*  
20           *of such meeting, including—*

21                   “(A) *a list of the persons who attended such*  
22                   *meeting; and*

23                   “(B) *a summary of the matters discussed at*  
24                   *such meeting, except for such matters as the*

1           *Commission determines may be withheld under*  
2           *section 552b(c) of title 5, United States Code.*

3           “(3) *PRESERVATION OF OPEN MEETINGS RE-*  
4           *QUIREMENTS FOR AGENCY ACTION.—Nothing in this*  
5           *subsection shall limit the applicability of section 552b*  
6           *of title 5, United States Code, with respect to a meet-*  
7           *ing of Commissioners other than that described in*  
8           *paragraph (1).*

9           “(d) *PUBLICATION OF DOCUMENTS IN ADVANCE OF*  
10          *FCC VOTING.—*

11           “(1) *IN GENERAL.—The Commission may not*  
12           *adopt any order, decision, report, or action by vote of*  
13           *the Commission, unless the Chairman causes the*  
14           *Commission to publish on the Internet website of the*  
15           *Commission the text of such order, decision, report, or*  
16           *action—*

17                   “(A) *not later than 24 hours after the time*  
18                   *such text is placed on circulation for review by*  
19                   *the Commissioners; or*

20                   “(B) *not later than 21 days before the date*  
21                   *on which the vote is to occur.*

22           “(2) *TEXT TO BE PUBLISHED; EFFECT.—The*  
23           *text published pursuant to paragraph (1) shall be the*  
24           *text intended at the time of the publishing to be sub-*  
25           *ject to a vote. Nothing in this subsection may be con-*

1        *strued to prevent the Commission from making*  
2        *changes to the text after the publishing.*

3            “(3) *EXCEPTION.—This subsection shall not*  
4        *apply to a portion of any order, decision, report, or*  
5        *action if the publishing of such portion is likely to*  
6        *lead to a result described in a paragraph of section*  
7        *552b(c) of title 5, United States Code.*

8            “(4) *NOT AGENCY ACTION.—Publication pursu-*  
9        *ant to this subsection shall not constitute ‘agency ac-*  
10       *tion’ as defined in section 551 of title 5, United*  
11       *States Code.*

12          “(e) *TIMELY AVAILABILITY OF CHANGES TO RULES OF*  
13       *THE COMMISSION.—Not later than 24 hours after adopting*  
14       *a provision that will appear in the Code of Federal Regula-*  
15       *tions, or an amendment to or repeal of a provision that*  
16       *appears in the Code of Federal Regulations, the Commis-*  
17       *sion shall publish on the Internet website of the Commission*  
18       *the text of the provision adopted or repealed, or the text*  
19       *indicating how the provision is being amended, as the case*  
20       *may be.*

21          “(f) *ACCESS TO CERTAIN INFORMATION ON COMMIS-*  
22       *SION’S WEBSITE.—The Commission shall provide direct ac-*  
23       *cess from the homepage of its website to—*

24            “(1) *detailed information regarding—*

1           “(A) *the budget of the Commission for the*  
2           *current fiscal year;*

3           “(B) *the appropriations for the Commission*  
4           *for such fiscal year; and*

5           “(C) *the total number of full-time equiva-*  
6           *lent employees of the Commission; and*

7           “(2) *the performance plan most recently made*  
8           *available by the Commission under section 1115(b) of*  
9           *title 31, United States Code.*

10          “(g) *INTERNET PUBLICATION OF CERTAIN FCC POLI-*  
11          *CIES AND PROCEDURES.—The chairman of the Commission*  
12          *shall—*

13                 “(1) *publish on the Internet website of the Com-*  
14                 *mission any policies or procedures of the Commission*  
15                 *that—*

16                         “(A) *are established by the chairman; and*

17                         “(B) *relate to the functioning of the Com-*  
18                         *mission or the handling of the agenda of the*  
19                         *Commission; and*

20                 “(2) *update such publication not later than 48*  
21                 *hours after the chairman makes changes to any such*  
22                 *policies or procedures.*

23          “(h) *FEDERAL REGISTER PUBLICATION.—*

24                 “(1) *IN GENERAL.—In the case of any document*  
25                 *adopted by the Commission that the Commission is*

1       *required, under any provision of law, to publish in*  
2       *the Federal Register, the Commission shall, not later*  
3       *than the date described in paragraph (2), complete all*  
4       *Commission actions necessary for such document to be*  
5       *so published.*

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

8                       “(A) *the day that is 45 days after the date*  
9                       *of the release of the document; or*

10                      “(B) *the day by which such actions must be*  
11                      *completed to comply with any deadline under*  
12                      *any other provision of law.*

13               “(3) *NO EFFECT ON DEADLINES FOR PUBLICA-*  
14       *TION IN OTHER FORM.*—*In the case of a deadline that*  
15       *does not specify that the form of publication is publi-*  
16       *cation in the Federal Register, the Commission may*  
17       *comply with such deadline by publishing the docu-*  
18       *ment in another form. Such other form of publication*  
19       *does not relieve the Commission of any Federal Reg-*  
20       *ister publication requirement applicable to such docu-*  
21       *ment, including the requirement of paragraph (1).*

22               “(i) *CONSUMER COMPLAINT DATABASE.*—

23                      “(1) *IN GENERAL.*—*In evaluating and processing*  
24       *consumer complaints, the Commission shall present*

1 *information about such complaints in a publicly*  
2 *available, searchable database on its website that—*

3 *“(A) facilitates easy use by consumers; and*

4 *“(B) to the extent practicable, is sortable*  
5 *and accessible by—*

6 *“(i) the date of the filing of the com-*  
7 *plaint;*

8 *“(ii) the topic of the complaint;*

9 *“(iii) the party complained of; and*

10 *“(iv) other elements that the Commis-*  
11 *sion considers in the public interest.*

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

17 *“(j) FORM OF PUBLICATION.—*

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

24 *“(2) EXCEPTION.—The Commission shall by rule*  
25 *establish procedures for redacting documents required*

1       to be published by this section so that the published  
2       versions of such documents do not contain—

3               “(A) information the publication of which  
4               would be detrimental to national security, home-  
5               land security, law enforcement, or public safety;  
6               or

7               “(B) information that is proprietary or  
8               confidential.

9       “(k) *TRANSPARENCY RELATING TO PERFORMANCE IN*  
10 *MEETING FOIA REQUIREMENTS.*—*The Commission shall*  
11 *take additional steps to inform the public about its perform-*  
12 *ance and efficiency in meeting the disclosure and other re-*  
13 *quirements of section 552 of title 5, United States Code*  
14 *(commonly referred to as the Freedom of Information Act),*  
15 *including by doing the following:*

16               “(1) *Publishing on the Commission’s website the*  
17 *Commission’s logs for tracking, responding to, and*  
18 *managing requests submitted under such section, in-*  
19 *cluding the Commission’s fee estimates, fee categories,*  
20 *and fee request determinations.*

21               “(2) *Releasing to the public all decisions made*  
22 *by the Commission (including decisions made by the*  
23 *Commission’s Bureaus and Offices) granting or deny-*  
24 *ing requests filed under such section, including any*



1        *such decisions pertaining to the estimate and applica-*  
2        *tion of fees assessed under such section.*

3            *“(3) Publishing on the Commission’s website*  
4        *electronic copies of documents released under such sec-*  
5        *tion.*

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

19            *“(l) PROMPT RELEASE OF STATISTICAL REPORTS AND*  
20       *REPORTS TO CONGRESS.—Not later than January 15th of*  
21       *each year, the Commission shall identify, catalog, and pub-*  
22       *lish an anticipated release schedule for all statistical reports*  
23       *and reports to Congress that are regularly or intermittently*  
24       *released by the Commission and will be released during such*  
25       *year.*

1       “(m) *ANNUAL SCORECARD REPORTS.*—

2               “(1) *IN GENERAL.*—*For the 1-year period begin-*  
3       *ning on January 1st of each year, the Commission*  
4       *shall prepare a report on the performance of the Com-*  
5       *mission in conducting its proceedings and meeting*  
6       *the deadlines established under subsection (a)(2)(E)*  
7       *and the guidelines established under subsection*  
8       *(a)(2)(F).*

9               “(2) *CONTENTS.*—*Each report required by para-*  
10       *graph (1) shall contain detailed statistics on such*  
11       *performance, including, with respect to each Bureau*  
12       *of the Commission—*

13                       “(A) *with respect to each type of filing spec-*  
14       *ified in subsection (a)(2)(E) or (a)(2)(F)—*

15                               “(i) *the number of filings that were*  
16       *pending on the last day of the period cov-*  
17       *ered by such report;*

18                               “(ii) *the number of filings described in*  
19       *clause (i) for which each applicable deadline*  
20       *or guideline established under such sub-*  
21       *section was not met and the average length*  
22       *of time such filings have been pending; and*

23                               “(iii) *for filings that were resolved dur-*  
24       *ing such period, the average time between*  
25       *initiation and resolution and the percentage*

1           *for which each applicable deadline or guide-*  
2           *line established under such subsection was*  
3           *met;*

4           “(B) *with respect to proceedings before an*  
5           *administrative law judge—*

6                   “(i) *the number of such proceedings*  
7                   *completed during such period; and*

8                   “(ii) *the number of such proceedings*  
9                   *pending on the last day of such period; and*

10           “(C) *the number of independent studies or*  
11           *analyses published by the Commission during*  
12           *such period.*

13           “(3) *PUBLICATION AND SUBMISSION.—The Com-*  
14           *mission shall publish and submit to the Committee on*  
15           *Energy and Commerce of the House of Representa-*  
16           *tives and the Committee on Commerce, Science, and*  
17           *Transportation of the Senate each report required by*  
18           *paragraph (1) not later than the date that is 30 days*  
19           *after the last day of the period covered by such report.*

20           “(n) *DEFINITIONS.—In this section:*

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

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

4                     “(A) *is a group of 3 or more Commis-*  
5                     *sioners; and*

6                     “(B) *includes, for each political party of*  
7                     *which any Commissioner is a member, at least*  
8                     *1 Commissioner who is a member of such polit-*  
9                     *ical party, and, if any Commissioner has no po-*  
10                    *litical party affiliation, at least one unaffiliated*  
11                    *Commissioner.*

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

17           “(4) *PROGRAM ACTIVITY.*—*The term ‘program*  
18           *activity’ has the meaning given such term in section*  
19           *1115 of title 31, United States Code, except that such*  
20           *term also includes any annual collection or distribu-*  
21           *tion or related series of collections or distributions by*  
22           *the Commission of an amount that is greater than or*  
23           *equal to \$100,000,000.*

24           “(5) *OTHER DEFINITIONS.*—*The terms ‘agency*  
25           *action’, ‘ex parte communication’, and ‘rule’ have the*

1        *meanings given such terms in section 551 of title 5,*  
2        *United States Code.”*

3        *(b) EFFECTIVE DATES AND IMPLEMENTING RULES.—*

4            *(1) EFFECTIVE DATES.—*

5                    *(A) NONPUBLIC COLLABORATIVE DISCUS-*  
6                    *SIONS.—Subsection (c) of section 13 of the Com-*  
7                    *munications Act of 1934, as added by subsection*  
8                    *(a), shall apply beginning on the first date on*  
9                    *which all of the procedural changes to the rules*  
10                   *of the Federal Communications Commission re-*  
11                   *quired by subsection (a)(1) of such section have*  
12                   *taken effect.*

13                   *(B) PUBLICATION OF DOCUMENTS IN AD-*  
14                   *VANCE OF FCC VOTING.—Subsection (d) of such*  
15                   *section 13 shall apply with respect to an order,*  
16                   *decision, report, or action the text of which is*  
17                   *placed on circulation after the date that is 90*  
18                   *days after the date of the enactment of this Act.*

19                   *(C) TIMELY AVAILABILITY OF CHANGES TO*  
20                   *RULES OF THE COMMISSION.—Subsection (e) of*  
21                   *such section 13 shall apply with respect to a pro-*  
22                   *vision, or an amendment to or repeal of a provi-*  
23                   *sion, that is adopted after the date that is 30*  
24                   *days after the date of the enactment of this Act.*

1           (D) *INTERNET PUBLICATION OF CERTAIN*  
 2           *FCC POLICIES AND PROCEDURES.*—Subsection  
 3           (i) of such section 13 shall apply beginning on  
 4           the date that is 30 days after the date of the en-  
 5           actment of this Act.

6           (E) *REPORT RELEASE SCHEDULES.*—Sub-  
 7           section (l) of such section 13 shall apply with re-  
 8           spect to 2016 and any year thereafter.

9           (F) *ANNUAL SCORECARD REPORTS.*—Sub-  
 10          section (m) of such section 13 shall apply with  
 11          respect to 2015 and any year thereafter.

12          (2) *RULES.*—Except as otherwise provided in  
 13          such section 13, the Federal Communications Com-  
 14          mission shall promulgate any rules necessary to carry  
 15          out such section not later than 1 year after the date  
 16          of the enactment of this Act.

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

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

1 *or complaint is a wireline carrier or a wireless carrier, re-*  
2 *spectively.*

3 **SEC. 4. EFFECT ON OTHER LAWS.**

4 *Nothing in this Act or the amendments made by this*  
5 *Act shall relieve the Federal Communications Commission*  
6 *from any obligations under title 5, United States Code, ex-*  
7 *cept where otherwise expressly provided.*

8 **SEC. 5. APPLICATION OF ANTIDEFICIENCY ACT TO UNI-**  
9 **VERSAL SERVICE PROGRAM.**

10 *Section 302 of Public Law 108–494 (118 Stat. 3998)*  
11 *is amended by striking “December 31, 2016” each place it*  
12 *appears and inserting “December 31, 2020”.*

13 **SEC. 6. REPORT ON IMPROVING SMALL BUSINESS PARTICI-**  
14 **PATION IN FCC PROCEEDINGS.**

15 *Not later than 1 year after the date of the enactment*  
16 *of this Act, the Federal Communications Commission, in*  
17 *consultation with the Administrator of the Small Business*  
18 *Administration, shall submit to Congress a report on—*

19 *(1) actions that the Commission will take to im-*  
20 *prove the participation of small businesses in the pro-*  
21 *ceedings of the Commission; and*

22 *(2) recommendations for any legislation that the*  
23 *Commission considers appropriate to improve such*  
24 *participation.*

1 **SEC. 7. IDENTIFICATION AND DESCRIPTION OF ITEMS TO**  
2 **BE DECIDED ON AUTHORITY DELEGATED BY**  
3 **THE COMMISSION.**

4 (a) *IN GENERAL.*—Section 5(c) of the Communications  
5 Act of 1934 (47 U.S.C. 155(c)) is amended by adding at  
6 the end the following:

7 “(10) Not later than 48 hours before the time when  
8 an order, decision, report, or action is made or taken pursu-  
9 ant to delegation under paragraph (1), such order, decision,  
10 report, or action shall be identified and briefly described  
11 on the Internet website of the Commission, unless the au-  
12 thority to which the delegation is made for good cause finds  
13 that such identification and description are likely to lead  
14 to a result described in a paragraph of section 552b(c) of  
15 title 5, United States Code. Identification and description  
16 pursuant to this paragraph shall not constitute ‘agency ac-  
17 tion’ as defined in section 551 of title 5, United States Code.  
18 This paragraph shall not apply with respect to an order,  
19 decision, report, or action that—

20 “(A) does not receive a delegated authority num-  
21 ber pursuant to the procedures of the Commission;

22 “(B) is made or taken on authority delegated to  
23 an administrative law judge; or

24 “(C) is made or taken to address an immediate  
25 threat to health or safety that constitutes an emer-



1        *gency requiring an expedited response from the Com-*  
2        *mission.”.*

3        *(b) EFFECTIVE DATE.—The amendment made by this*  
4        *section shall apply with respect to an order, decision, re-*  
5        *port, or action made or taken after the date that is 90 days*  
6        *after the date of the enactment of this Act.*

Union Calendar No. 231

114<sup>TH</sup> CONGRESS  
1<sup>ST</sup> Session

**H. R. 2583**

[Report No. 114-305]

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## **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, and for other purposes.

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OCTOBER 22, 2015

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed