

114TH CONGRESS
2D SESSION

S. 2644

To reauthorize the Federal Communications Commission for fiscal years 2017 and 2018, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 7, 2016

Mr. THUNE introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To reauthorize the Federal Communications Commission for fiscal years 2017 and 2018, 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 “FCC Reauthorization
5 Act of 2016”.

6 **SEC. 2. AUTHORIZATION OF APPROPRIATIONS.**

7 (a) IN GENERAL.—Section 6 of the Communications
8 Act of 1934 (47 U.S.C. 156) is amended to read as fol-
9 lows:

1 **“SEC. 6. AUTHORIZATION OF APPROPRIATIONS.**

2 “(a) IN GENERAL.—There are authorized to be ap-
3 propriated for the administration of this Act by the Com-
4 mission, other than the activities described in subsection
5 (b), \$361,116,000 for fiscal year 2017 and \$348,711,000
6 for fiscal year 2018, together with such sums as may be
7 necessary for increases resulting from adjustments in sal-
8 ary, pay, retirement, other employee benefits required by
9 law, and other nondiscretionary costs, for each such fiscal
10 year.

11 “(b) OFFICE OF INSPECTOR GENERAL.—Of the
12 amounts appropriated under subsection (a), not less than
13 \$11,751,000 for fiscal year 2017 and not less than
14 \$11,904,000 for fiscal year 2018 shall be for salaries and
15 expenses of the Office of Inspector General of the Commis-
16 sion.

17 “(c) NEW OR RECONFIGURED FACILITY.—Of the
18 amounts appropriated under subsection (a) for fiscal year
19 2017, such sums as may be necessary not to exceed
20 \$16,867,000 shall remain available until expended for nec-
21 essary expenses of the Commission associated with moving
22 to a new facility or reconfiguring the existing facility to
23 significantly reduce space consumption.

24 “(d) OFFSETTING COLLECTIONS.—Of the sum ap-
25 propriated in any fiscal year under this section, a portion,

1 in an amount determined under section 9(b), shall be de-
2 rived from fees authorized by section 9.”.

3 (b) RETENTION OF REVENUES.—Section
4 309(j)(8)(B) of the Communications Act of 1934 (47
5 U.S.C. 309(j)(8)(B)) is amended to read as follows:

6 “(B) RETENTION OF REVENUES.—

7 “(i) IN GENERAL.—Notwithstanding
8 subparagraph (A) and subject to clause (ii)
9 of this subparagraph, the salaries and ex-
10 penses account of the Commission shall re-
11 tain as an offsetting collection such sums
12 as may be necessary from such proceeds
13 for the costs of developing and imple-
14 menting the program required by this sub-
15 section. Such offsetting collections shall be
16 available for obligation subject to the terms
17 and conditions of the receiving appropria-
18 tions account, and shall be deposited in
19 such accounts on a quarterly basis. Such
20 offsetting collections are authorized to re-
21 main available until expended. No sums
22 may be retained under this subparagraph
23 during any fiscal year beginning after Sep-
24 tember 30, 1998, if the annual report of
25 the Commission under section 4(k) for the

1 second preceding fiscal year fails to include
2 in the itemized statement required by
3 paragraph (3) of such section a statement
4 of each expenditure made for purposes of
5 conducting competitive bidding under this
6 subsection during such second preceding
7 fiscal year.

8 “(ii) CAP.—Proceeds from the use of
9 a competitive bidding system under this
10 subsection that may be retained and made
11 available for obligation under clause (i)
12 shall not exceed \$124,000,000 for fiscal
13 year 2017 and \$110,750,000 for fiscal
14 year 2018.”.

15 **SEC. 3. TERMS OF OFFICE AND VACANCIES.**

16 Section 4(c) of the Communications Act of 1934 (47
17 U.S.C. 154(c)) is amended to read as follows:

18 “(c)(1) A commissioner—

19 “(A) shall be appointed for a term of 5 years;

20 “(B) except as provided in subparagraph (C),
21 may continue to serve after the expiration of the
22 fixed term of office of the commissioner until a suc-
23 cessor is appointed and has been confirmed and
24 taken the oath of office; and

1 “(C) may not continue to serve after the expira-
2 tion of the session of Congress that begins after the
3 expiration of the fixed term of office of the commis-
4 sioner.

5 “(2) Any person chosen to fill a vacancy in the Com-
6 mission—

7 “(A) shall be appointed for the unexpired term
8 of the commissioner that the person succeeds;

9 “(B) except as provided in subparagraph (C),
10 may continue to serve after the expiration of the
11 fixed term of office of the commissioner that the
12 person succeeds until a successor is appointed and
13 has been confirmed and taken the oath of office; and

14 “(C) may not continue to serve after the expira-
15 tion of the session of Congress that begins after the
16 expiration of the fixed term of office of the commis-
17 sioner that the person succeeds.

18 “(3) No vacancy in the Commission shall impair the
19 right of the remaining commissioners to exercise all the
20 powers of the Commission.”.

21 **SEC. 4. SUBMISSION OF COPY OF CERTAIN DOCUMENTS TO**
22 **CONGRESS.**

23 Section 4 of the Communications Act of 1934 (47
24 U.S.C. 154) is amended by adding at the end the fol-
25 lowing:

1 “(p) BUDGET ESTIMATES AND REQUESTS; LEGISLA-
2 TIVE RECOMMENDATIONS, TESTIMONY, AND COMMENTS
3 ON LEGISLATION.—

4 “(1) BUDGET ESTIMATES AND REQUESTS.—If
5 the Commission submits any budget estimate or re-
6 quest to the President or the Office of Management
7 and Budget, the Commission shall concurrently
8 transmit a copy of that estimate or request to Con-
9 gress.

10 “(2) LEGISLATIVE RECOMMENDATIONS, TESTI-
11 MONY, AND COMMENTS ON LEGISLATION.—

12 “(A) IN GENERAL.—If the Commission
13 submits any legislative recommendations, testi-
14 mony, or comments on legislation to the Presi-
15 dent or the Office of Management and Budget,
16 the Commission shall concurrently transmit a
17 copy thereof to Congress.

18 “(B) PROHIBITION.—No officer or agency
19 of the United States may require the Commis-
20 sion to submit legislative recommendations, tes-
21 timony, or comments on legislation to any offi-
22 cer or agency of the United States for approval,
23 comments, or review prior to the submission of
24 the recommendations, testimony, or comments
25 to Congress.”.

1 **SEC. 5. GAO REPORT ON FCC REGULATORY FEE STRUC-**
2 **TURE.**

3 (a) IN GENERAL.—Not later than 180 days after the
4 date of enactment of this Act, the Comptroller General
5 of the United States shall submit to the Committee on
6 Commerce, Science, and Transportation of the Senate and
7 the Committee on Energy and Commerce of the House
8 of Representatives a report on the current regulatory fee
9 assessments and adjustment process of the Federal Com-
10 munications Commission.

11 (b) CONTENTS.—The Comptroller General shall in-
12 clude in the report submitted under subsection (a)—

13 (1) a determination as to whether the current
14 regulatory fee structure correlates to the actual
15 workload of the Federal Communications Commis-
16 sion;

17 (2) a determination as to whether the current
18 regulatory fees are reasonably related to the benefits
19 provided to the payor of the fees;

20 (3) a determination as to whether the current
21 regulatory fee structure has a disparate impact on
22 certain payors or technologies; and

23 (4) recommendations as to how the current reg-
24 ulatory fee structure should be adjusted.

1 **SEC. 6. APPLICATION OF ANTIDEFICIENCY ACT TO UNI-**
2 **VERSAL SERVICE PROGRAM.**

3 Section 302 of the Universal Service Antideficiency
4 Temporary Suspension Act (title III of Public Law 108–
5 494; 118 Stat. 3998) is amended by striking “December
6 31, 2017”, each place it appears and inserting “Sep-
7 tember 30, 2018”.

8 **SEC. 7. DEPOSITS FOR SPECTRUM AUCTIONS.**

9 Section 309(j)(8)(C) of the Communications Act of
10 1934 (47 U.S.C. 309(j)(8)(C)) is amended to read as fol-
11 lows:

12 “(C) DEPOSITS.—Any deposits the Com-
13 mission may require for the qualification of any
14 person to bid in a system of competitive bidding
15 pursuant to this subsection shall be deposited in
16 the Treasury. Within 45 days following the con-
17 clusion of the competitive bidding—

18 “(i) the deposits of successful bidders
19 shall be credited to the deposit fund of the
20 Treasury, except as otherwise provided in
21 subparagraphs (D)(ii), (E)(ii), (F), and
22 (G); and

23 “(ii) the deposits of unsuccessful bid-
24 ders shall be returned to such bidders.”.

1 **SEC. 8. JOINT BOARD RECOMMENDATION.**

2 The Federal Communications Commission may not
3 modify, amend, or change its rules or regulations for uni-
4 versal service support payments to implement the Feb-
5 ruary 27, 2004, recommendations of the Federal-State
6 Joint Board on Universal Service regarding single connec-
7 tion or primary line restrictions on universal service sup-
8 port payments.

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