

115TH CONGRESS  
1ST SESSION

# H. R. 3787

To amend the Communications Act of 1934 to provide for streamlined procedures for waiver petitions seeking relief for small entities from regulations issued by the Federal Communications Commission, to require the Commission to defer the application of new regulations to small entities, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 14, 2017

Mr. LATTA (for himself and Mr. SCHRADER) introduced the following bill;  
which was referred to the Committee on Energy and Commerce

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## A BILL

To amend the Communications Act of 1934 to provide for streamlined procedures for waiver petitions seeking relief for small entities from regulations issued by the Federal Communications Commission, to require the Commission to defer the application of new regulations to small entities, 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 “Small Entity Regu-  
5       latory Relief Opportunity Act of 2017”.

1 **SEC. 2. REGULATORY RELIEF FOR SMALL ENTITIES.**

2 (a) IN GENERAL.—Title I of the Communications Act  
3 of 1934 (47 U.S.C. 151 et seq.) is amended by adding  
4 at the end the following:

5 **“SEC. 13. REGULATORY RELIEF FOR SMALL ENTITIES.**

6 “(a) STREAMLINED PROCEDURES FOR WAIVER PE-  
7 TITIONS.—

8 “(1) IN GENERAL.—Not later than 180 days  
9 after the date of the enactment of this section, the  
10 Commission shall complete a rulemaking to establish  
11 streamlined procedures applicable to the filing, con-  
12 sideration, and resolution of any petition—

13 “(A) seeking a waiver of a regulation  
14 issued by the Commission under this Act;

15 “(B) in which the relief sought is limited  
16 to small entities; and

17 “(C) that is filed—

18 “(i) by a small entity on its own be-  
19 half or jointly with other small entities; or

20 “(ii) by a representative organization  
21 on behalf of one or more classes of small  
22 entities.

23 “(2) OBJECTIVES.—The objectives of the  
24 streamlined procedures established under paragraph  
25 (1) shall be—

1           “(A) to expedite the consideration and res-  
2           olution of petitions described in such para-  
3           graph; and

4           “(B) in the case of a petition described in  
5           such paragraph that is filed by a small entity  
6           on its own behalf or jointly with other small en-  
7           tities, to reduce the costs and procedural obliga-  
8           tions associated with filing such petition.

9           “(b) DEFERRED APPLICATION OF REGULATIONS.—

10           “(1) IN GENERAL.—Except as provided in para-  
11           graphs (2) and (3), in the case of a regulation  
12           issued by the Commission under this Act, the Com-  
13           mission shall defer application to small entities of  
14           such regulation for not less than 1 year after the  
15           latest date on which such regulation becomes effec-  
16           tive for an entity that is not a small entity.

17           “(2) EXCLUSION.—Paragraph (1) shall not  
18           apply if the statutory provision under which the reg-  
19           ulation is issued expressly states that the Commis-  
20           sion may not exercise the authority granted under  
21           such paragraph to defer the application of such reg-  
22           ulation to small entities.

23           “(3) LIMITATIONS.—The Commission may de-  
24           cline to grant some or all small entities a deferral  
25           under paragraph (1), or may grant some or all small

1 entities a deferral under such paragraph for less  
2 than 1 year, if—

3 “(A) the Commission finds (and incor-  
4 porates the finding and a statement of reasons  
5 therefore in the order or other decision docu-  
6 ment in which the regulation is adopted) that—

7 “(i) the regulation is principally in-  
8 tended—

9 “(I) to reduce waste, fraud, and  
10 abuse by a small entity; or

11 “(II) to protect public safety; and

12 “(ii) no deferral or deferral for less  
13 than 1 year would be in the public interest;  
14 or

15 “(B) a showing has been made by the  
16 small entities that would benefit from the deferr-  
17 al otherwise required by paragraph (1) that  
18 the benefits to such small entities of such deferr-  
19 al are outweighed by the benefits to such small  
20 entities of no deferral or deferral for less than  
21 1 year.

22 “(4) REGULATIONS SUBJECT TO INFORMATION  
23 COLLECTION APPROVAL.—In the case of a regulation  
24 requiring a collection of information that is subject  
25 to approval under subchapter I of chapter 35 of title

1 44, United States Code, the deferral period under  
2 this subsection shall begin on the latest date fol-  
3 lowing such approval on which such regulation be-  
4 comes effective for an entity that is not a small enti-  
5 ty.

6 “(5) ENTITIES THAT CEASE TO BE SMALL EN-  
7 TITIES.—An entity that is eligible under this sub-  
8 section for deferred application of a regulation on  
9 the date on which the deferral commences shall con-  
10 tinue to be entitled to the full term of the deferral  
11 notwithstanding that such entity ceases to be a  
12 small entity, whether through a change in the defini-  
13 tion of the term ‘small entity’ or otherwise.

14 “(c) SMALL ENTITY DEFINED.—In this section, the  
15 term ‘small entity’ means any entity that meets either of  
16 the following requirements:

17 “(1) The entity is a small entity (as defined in  
18 section 601 of title 5, United States Code).

19 “(2) With respect to a regulation applicable to  
20 a particular subscription service, the entity provides  
21 such subscription service to 2 percent or fewer of the  
22 consumers receiving such subscription service in the  
23 United States.”.

1 (b) TRIENNIAL REGULATORY REVIEW.—Section 257  
2 of the Communications Act of 1934 (47 U.S.C. 257) is  
3 amended—

4 (1) in the heading, by striking “**MARKET**  
5 **ENTRY BARRIERS PROCEEDING**” and inserting  
6 “**ELIMINATION OF MARKET ENTRY BARRIERS**  
7 **AND UNNECESSARY REGULATION OF SMALL**  
8 **ENTITIES**”; and

9 (2) by adding at the end the following:

10 “(d) REVIEW OF APPLICATION OF REGULATIONS TO  
11 SMALL ENTITIES.—As part of the periodic review con-  
12 ducted under subsection (c), the Commission shall—

13 “(1) review all regulations issued under this Act  
14 in effect at the time of the review that apply to the  
15 operations or activities of any provider of any service  
16 subject to the jurisdiction of the Commission under  
17 this Act;

18 “(2) determine whether there is good cause for  
19 the Commission to grant relief to some or all small  
20 entities (as defined in section 13) from any such  
21 regulation, in whole or in part; and

22 “(3) if the determination under paragraph (2)  
23 is affirmative, grant such relief by modifying such

1 regulation as such regulation applies to some or all  
2 small entities.”.

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