

Union Calendar No. 445

115TH CONGRESS
2D SESSION**H. R. 4986****[Report No. 115–587, Part I]**

To amend the Communications Act of 1934 to reauthorize appropriations for the Federal Communications Commission, to provide for certain procedural changes to the rules of the Commission to maximize opportunities for public participation and efficient decisionmaking, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 8, 2018

Mrs. BLACKBURN introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committees on Transportation and Infrastructure, and Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

MARCH 6, 2018

Additional sponsor: Mr. WALDEN

MARCH 6, 2018

Reported from the Committee on Energy and Commerce with an amendment

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

MARCH 6, 2018

The Committees on Transportation and Infrastructure and Oversight and Government Reform discharged; committed to the Committee of the Whole House on the State of the Union and ordered to be printed

[For text of introduced bill, see copy of bill as introduced on February 8, 2018]

A BILL

To amend the Communications Act of 1934 to reauthorize appropriations for the Federal Communications Commission, to provide for certain procedural changes to the rules of the Commission to maximize opportunities for public participation and efficient decisionmaking, 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; TABLE OF CONTENTS.**

4 (a) *SHORT TITLE.*—*This Act may be cited as the “Re-*
 5 *pack Airwaves Yielding Better Access for Users of Modern*
 6 *Services Act of 2018” or the “RAY BAUM’S Act of 2018”.*

7 (b) *TABLE OF CONTENTS.*—*The table of contents for*
 8 *this Act is as follows:*

Sec. 1. Short title; table of contents.

Sec. 2. Commission defined.

TITLE I—FCC REAUTHORIZATION

Sec. 101. Authorization of appropriations.

Sec. 102. Application and regulatory fees.

Sec. 103. Effective date.

TITLE II—FCC PROCESS REFORM

Sec. 201. FCC process reform.

Sec. 202. Categorization of TCPA inquiries and complaints in quarterly report.

Sec. 203. Effect on other laws.

Sec. 204. Application of Antideficiency Act to Universal Service Program.

Sec. 205. Report on improving small business participation in FCC proceedings.

Sec. 206. Timely availability of items adopted by vote of the Commission.

TITLE III—SECURING ACCESS TO NETWORKS IN DISASTERS

Sec. 301. Study on network resiliency.

Sec. 302. Access to essential service providers during federally declared emer-
gencies.

Sec. 303. Definitions.

TITLE IV—FCC CONSOLIDATED REPORTING

Sec. 401. Communications marketplace report.

Sec. 402. Consolidation of redundant reports; conforming amendments.

Sec. 403. Effect on authority.

Sec. 404. Other reports.

TITLE V—ADDITIONAL PROVISIONS

Sec. 501. Independent Inspector General for FCC.

Sec. 502. Authority of Chief Information Officer.

Sec. 503. Spoofing prevention.

Sec. 504. Report on promoting broadband Internet access service for veterans.

Sec. 505. Methodology for collection of mobile service coverage data.

Sec. 506. Accuracy of dispatchable location for 9-1-1 calls.

Sec. 507. NTIA study on interagency process following cybersecurity incidents.

Sec. 508. Tribal digital access.

TITLE VI—VIEWER PROTECTION

Sec. 601. Reserve source for payment of TV broadcaster relocation costs.

Sec. 602. Payment of relocation costs of television translator stations and low power television stations.

Sec. 603. Payment of relocation costs of FM broadcast stations.

Sec. 604. Consumer education payment.

Sec. 605. Implementation and enforcement.

Sec. 606. Rule of construction.

1 SEC. 2. COMMISSION DEFINED.

2 *In this Act, the term “Commission” means the Federal*
 3 *Communications Commission.*

4 TITLE I—FCC **5 REAUTHORIZATION**

6 SEC. 101. 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 follows:*

9 “SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

10 *“(a) AUTHORIZATION.—There are authorized to be ap-*
 11 *propriated to the Commission to carry out the functions*
 12 *of the Commission \$322,035,000 for each of the fiscal years*
 13 *2019 and 2020.*

14 “(b) OFFSETTING COLLECTIONS.—

15 *“(1) IN GENERAL.—The sum appropriated in*
 16 *any fiscal year to carry out the activities described in*
 17 *subsection (a), to the extent and in the amounts pro-*
 18 *vided for in advance in Appropriations Acts, shall be*
 19 *derived from fees authorized by section 9.*

1 “(2) *DEPOSIT OF COLLECTIONS.*—Amounts re-
 2 ceived from fees authorized by section 9 shall be de-
 3 posited as an offsetting collection in, and credited to,
 4 the account through which funds are made available
 5 to carry out the activities described in subsection (a).

6 “(3) *DEPOSIT OF EXCESS COLLECTIONS.*—Any
 7 fees collected in excess of the total amount of fees pro-
 8 vided for in Appropriations Acts for a fiscal year
 9 shall be deposited in the general fund of the Treasury
 10 of the United States for the sole purpose of deficit re-
 11 duction.”.

12 (b) *DEPOSITS OF BIDDERS TO BE DEPOSITED IN*
 13 *TREASURY.*—Section 309(j)(8)(C) of the Communications
 14 Act of 1934 (47 U.S.C. 309(j)(8)(C)) is amended—

15 (1) in the first sentence, by striking “an interest
 16 bearing account” and all that follows and inserting
 17 “the Treasury.”;

18 (2) in clause (i)—

19 (A) by striking “paid to the Treasury” and
 20 inserting “deposited in the general fund of the
 21 Treasury (where such deposits shall be used for
 22 the sole purpose of deficit reduction)”; and

23 (B) by striking the semicolon and inserting
 24 “; and”;

1 (3) *in clause (ii), by striking “; and” and insert-*
 2 *ing “, and payments representing the return of such*
 3 *deposits shall not be subject to administrative offset*
 4 *under section 3716(c) of title 31, United States*
 5 *Code.”; and*

6 (4) *by striking clause (iii).*

7 (c) *ELIMINATION OF DUPLICATIVE AUTHORIZATION OF*
 8 *APPROPRIATIONS.—*

9 (1) *IN GENERAL.—Section 710 of the Tele-*
 10 *communications Act of 1996 (Public Law 104–104) is*
 11 *repealed.*

12 (2) *CONFORMING AMENDMENT.—The table of*
 13 *contents in section 2 of such Act is amended by strik-*
 14 *ing the item relating to section 710.*

15 (d) *TRANSFER OF FUNDS.—On the effective date de-*
 16 *scribed in section 103, any amounts in the account pro-*
 17 *viding appropriations to carry out the functions of the*
 18 *Commission that were collected in excess of the amounts*
 19 *provided for in Appropriations Acts in any fiscal year*
 20 *prior to such date shall be transferred to the general fund*
 21 *of the Treasury of the United States for the sole purpose*
 22 *of deficit reduction.*

23 **SEC. 102. APPLICATION AND REGULATORY FEES.**

24 (a) *IN GENERAL.—Section 9 of the Communications*
 25 *Act of 1934 (47 U.S.C. 159) is amended to read as follows:*

1 **“SEC. 9. APPLICATION AND REGULATORY FEES.**

2 “(a) *GENERAL AUTHORITY.*—*The Commission shall*
3 *assess and collect application fees and regulatory fees to re-*
4 *cover the costs of carrying out the activities described in*
5 *section 6(a) only to the extent and in the amounts provided*
6 *for in advance in Appropriations Acts.*

7 “(b) *APPLICATION FEES.*—

8 “(1) *IN GENERAL.*—*The Commission shall assess*
9 *and collect application fees at such rates as the Com-*
10 *mission shall establish in a schedule of application*
11 *fees to recover the costs of the Commission to process*
12 *applications.*

13 “(2) *ADJUSTMENT OF SCHEDULE.*—

14 “(A) *IN GENERAL.*—*In every even-numbered*
15 *year, the Commission shall review the schedule of*
16 *application fees established under this subsection*
17 *and, except as provided in subparagraph (B), set*
18 *a new amount for each fee in the schedule that*
19 *is equal to the amount of the fee on the date*
20 *when the fee was established or the date when the*
21 *fee was last amended under paragraph (3),*
22 *whichever is later—*

23 “(i) *increased or decreased by the per-*
24 *centage change in the Consumer Price Index*
25 *during the period beginning on such date*
26 *and ending on the date of the review; and*

1 “(ii) rounded to the nearest \$5 incre-
2 ment.

3 “(B) *THRESHOLD FOR ADJUSTMENT.*—The
4 Commission may not adjust a fee under sub-
5 paragraph (A) if—

6 “(i) in the case of a fee the current
7 amount of which is less than \$200, the ad-
8 justment would result in a change in the
9 current amount of less than \$10; or

10 “(ii) in the case of a fee the current
11 amount of which is \$200 or more, the ad-
12 justment would result in a change in the
13 current amount of less than 5 percent.

14 “(C) *CURRENT AMOUNT DEFINED.*—In sub-
15 paragraph (B), the term ‘current amount’
16 means, with respect to a fee, the amount of the
17 fee on the date when the fee was established, the
18 date when the fee was last adjusted under sub-
19 paragraph (A), or the date when the fee was last
20 amended under paragraph (3), whichever is lat-
21 est.

22 “(3) *AMENDMENTS.*—In addition to the adjust-
23 ments required by paragraph (2), the Commission
24 shall by rule amend the schedule of application fees
25 established under this subsection if the Commission

1 *determines that the schedule requires amendment so*
2 *that such fees reflect increases or decreases in the costs*
3 *of processing applications at the Commission and the*
4 *consolidation or addition of new categories of appli-*
5 *cations.*

6 *“(c) REGULATORY FEES.—*

7 *“(1) IN GENERAL.—The Commission shall assess*
8 *and collect regulatory fees at such rates as the Com-*
9 *mission shall establish in a schedule of regulatory fees*
10 *that will result in the collection, in each fiscal year,*
11 *of an amount that can reasonably be expected to*
12 *equal the difference between—*

13 *“(A) the amounts described in subsection*
14 *(a) with respect to such fiscal year; and*

15 *“(B) the amount of application fees reason-*
16 *ably expected to be collected in such fiscal year.*

17 *“(2) ADJUSTMENT OF SCHEDULE.—*

18 *“(A) IN GENERAL.—For each fiscal year,*
19 *the Commission shall by rule adjust the schedule*
20 *of regulatory fees established under this sub-*
21 *section to—*

22 *“(i) reflect unexpected increases or de-*
23 *creases in the number of units subject to the*
24 *payment of such fees; and*

1 “(ii) result in the collection of the
2 amount required by paragraph (1).

3 “(B) *ROUNDING.*—In making adjustments
4 under this paragraph, the Commission may
5 round fees to the nearest \$5 increment.

6 “(3) *AMENDMENTS.*—In addition to the adjust-
7 ments required by paragraph (2), the Commission
8 shall by rule amend the schedule of regulatory fees es-
9 tablished under this subsection if the Commission de-
10 termines that the schedule requires amendment so that
11 such fees reflect the full-time equivalent number of em-
12 ployees within the bureaus and offices of the Commis-
13 sion, adjusted to take into account factors that are
14 reasonably related to the benefits provided to the
15 payor of the fee by the Commission’s activities. In
16 making an amendment under this paragraph, the
17 Commission may not change the total amount of reg-
18 ulatory fees required by paragraph (1) to be collected
19 in a fiscal year.

20 “(d) *JUDICIAL REVIEW PROHIBITED.*—An adjustment
21 or amendment to a schedule of fees under subsection (b) or
22 (c) is not subject to judicial review.

23 “(e) *NOTICE TO CONGRESS.*—The Commission shall
24 transmit to Congress notification—

1 “(1) of any adjustment under subsection (b)(2)
2 or (c)(2) immediately upon the adoption of such ad-
3 justment; and

4 “(2) of any amendment under subsection (b)(3)
5 or (c)(3) not later than 90 days before the effective
6 date of such amendment.

7 “(f) *ENFORCEMENT.*—

8 “(1) *PENALTIES FOR LATE PAYMENT.*—*The Com-*
9 *mission shall by rule prescribe a penalty for late pay-*
10 *ment of fees under this section. Such penalty shall be*
11 *25 percent of the amount of the fee that was not paid*
12 *in a timely manner.*

13 “(2) *INTEREST ON UNPAID FEES AND PEN-*
14 *ALTIES.*—*The Commission shall charge interest, at a*
15 *rate determined under section 3717 of title 31, United*
16 *States Code, on a fee or penalty under this section*
17 *that is not paid in a timely manner. Such section*
18 *3717 shall not otherwise apply with respect to a fee*
19 *or penalty under this section.*

20 “(3) *DISMISSAL OF APPLICATIONS OR FILINGS.*—
21 *The Commission may dismiss any application or*
22 *other filing for failure to pay in a timely manner*
23 *any fee, interest, or penalty under this section.*

24 “(4) *REVOCATIONS.*—

1 “(A) *IN GENERAL.*—*In addition to or in*
2 *lieu of the penalties and dismissals authorized by*
3 *paragraphs (1) and (3), the Commission may re-*
4 *voke any instrument of authorization held by*
5 *any licensee that has not paid in a timely man-*
6 *ner a regulatory fee assessed under this section*
7 *or any related interest or penalty.*

8 “(B) *NOTICE.*—*Revocation action may be*
9 *taken by the Commission under this paragraph*
10 *after notice of the Commission’s intent to take*
11 *such action is sent to the licensee by registered*
12 *mail, return receipt requested, at the licensee’s*
13 *last known address. The notice shall provide the*
14 *licensee at least 30 days to either pay the fee, in-*
15 *terest, and any penalty or show cause why the*
16 *fee, interest, or penalty does not apply to the li-*
17 *cencee or should otherwise be waived or payment*
18 *deferred.*

19 “(C) *HEARING.*—

20 “(i) *GENERALLY NOT REQUIRED.*—*A*
21 *hearing is not required under this para-*
22 *graph unless the licensee’s response presents*
23 *a substantial and material question of fact.*

24 “(ii) *EVIDENCE AND BURDENS.*—*In*
25 *any case where a hearing is conducted*

1 *under this paragraph, the hearing shall be*
2 *based on written evidence only, and the bur-*
3 *den of proceeding with the introduction of*
4 *evidence and the burden of proof shall be on*
5 *the licensee.*

6 “(iii) *COSTS.—Unless the licensee sub-*
7 *stantially prevails in the hearing, the Com-*
8 *mission may assess the licensee for the costs*
9 *of such hearing.*

10 “(D) *OPPORTUNITY TO PAY PRIOR TO REV-*
11 *OCATION.—Any Commission order adopted*
12 *under this paragraph shall determine the*
13 *amount due, if any, and provide the licensee*
14 *with at least 30 days to pay that amount or*
15 *have its authorization revoked.*

16 “(E) *FINALITY.—No order of revocation*
17 *under this paragraph shall become final until*
18 *the licensee has exhausted its right to judicial re-*
19 *view of such order under section 402(b)(5).*

20 “(g) *WAIVER, REDUCTION, AND DEFERMENT.—The*
21 *Commission may waive, reduce, or defer payment of a fee,*
22 *interest charge, or penalty in any specific instance for good*
23 *cause shown, if such action would promote the public inter-*
24 *est.*

1 “(h) *PAYMENT RULES.*—*The Commission shall by rule*
 2 *permit payment—*

3 “(1) *in the case of fees in large amounts, by in-*
 4 *stallments; and*

5 “(2) *in the case of fees in small amounts, in ad-*
 6 *vance for a number of years not to exceed the term*
 7 *of the license held by the payor.*

8 “(i) *EXCEPTIONS.*—

9 “(1) *PARTIES TO WHICH FEES ARE NOT APPLI-*
 10 *CABLE.*—

11 “(A) *APPLICATION FEES.*—*The application*
 12 *fees established under this section shall not be*
 13 *applicable to—*

14 “(i) *a governmental entity;*

15 “(ii) *a nonprofit entity licensed in the*
 16 *Local Government, Police, Fire, Highway*
 17 *Maintenance, Forestry-Conservation, Public*
 18 *Safety, or Special Emergency Radio service;*
 19 *or*

20 “(iii) *a noncommercial radio station*
 21 *or noncommercial television station.*

22 “(B) *REGULATORY FEES.*—*The regulatory*
 23 *fees established under this section shall not be*
 24 *applicable to—*

1 “(i) a governmental entity or nonprofit
2 entity;

3 “(ii) an amateur radio operator li-
4 censee under part 97 of the Commission’s
5 rules (47 C.F.R. part 97); or

6 “(iii) a noncommercial radio station
7 or noncommercial television station.

8 “(2) COST OF COLLECTION.—

9 “(A) APPLICATION FEES.—If, in the judg-
10 ment of the Commission, the cost of collecting an
11 application fee established under this section
12 would exceed the amount collected, the Commis-
13 sion may by rule eliminate such fee.

14 “(B) REGULATORY FEES.—If, in the judg-
15 ment of the Commission, the cost of collecting a
16 regulatory fee established under this section from
17 a party would exceed the amount collected from
18 such party, the Commission may exempt such
19 party from paying such fee.

20 “(j) ACCOUNTING SYSTEM.—The Commission shall de-
21 velop accounting systems necessary to make the amend-
22 ments authorized by subsections (b)(3) and (c)(3).”.

23 (b) CONFORMING AMENDMENTS.—The Communica-
24 tions Act of 1934 (47 U.S.C. 151 et seq.) is amended—

25 (1) by repealing section 8; and

1 (2) *in section 309(j)(6)(H), by striking “charges*
2 *imposed pursuant to section 8 of this Act” and insert-*
3 *ing “application fees assessed under section 9”.*

4 (c) *TRANSITIONAL RULES.—*

5 (1) *APPLICATION FEES.—An application fee es-*
6 *tablished under section 8 of the Communications Act*
7 *of 1934, as such section is in effect on the day before*
8 *the effective date described in section 103 of this Act,*
9 *shall remain in effect under subsection (b) of section*
10 *9 of the Communications Act of 1934, as amended by*
11 *subsection (a) of this section, until such time as the*
12 *Commission adjusts or amends such fee under sub-*
13 *section (b)(2) or (b)(3) of such section 9, as so amend-*
14 *ed.*

15 (2) *REGULATORY FEES.—A regulatory fee estab-*
16 *lished under section 9 of the Communications Act of*
17 *1934, as such section is in effect on the day before the*
18 *effective date described in section 103 of this Act,*
19 *shall remain in effect under subsection (c) of section*
20 *9 of the Communications Act of 1934, as amended by*
21 *subsection (a) of this section, until such time as the*
22 *Commission adjusts or amends such fee under sub-*
23 *section (c)(2) or (c)(3) of such section 9, as so amend-*
24 *ed.*

1 (d) *RULEMAKING TO AMEND SCHEDULE OF REGU-*
 2 *LATORY FEES.*—

3 (1) *IN GENERAL.*—Not later than 1 year after
 4 the effective date described in section 103, the Com-
 5 mission shall complete a rulemaking proceeding under
 6 subsection (c)(3) of section 9 of the Communications
 7 Act of 1934, as amended by subsection (a) of this sec-
 8 tion.

9 (2) *REPORT TO CONGRESS.*—If the Commission
 10 has not completed the rulemaking proceeding required
 11 by paragraph (1) by the date that is 6 months after
 12 the effective date described in section 103, the Com-
 13 mission shall submit to Congress a report on the
 14 progress of such rulemaking proceeding.

15 **SEC. 103. EFFECTIVE DATE.**

16 This title and the amendments made by this title shall
 17 take effect on October 1, 2018.

18 **TITLE II—FCC PROCESS REFORM**

19 **SEC. 201. FCC PROCESS REFORM.**

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

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

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

1 “(1) *RULEMAKING.*—Not later than 1 year after
2 the date of the enactment of this section, the Commis-
3 sion shall complete a rulemaking proceeding and
4 adopt procedural changes to its rules to maximize op-
5 portunities for public participation and efficient deci-
6 sionmaking.

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

9 “(A) set minimum comment periods for
10 comment and reply comment, subject to a deter-
11 mination by the Commission that good cause ex-
12 ists for departing from such minimum comment
13 periods, for—

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

16 “(ii) all other rulemaking proceedings;

17 “(B) establish policies concerning the sub-
18 mission of extensive new comments, data, or re-
19 ports towards the end of the comment period in
20 the proceedings described in clauses (i) and (ii)
21 of subparagraph (A);

22 “(C) establish policies regarding treatment
23 of comments, ex parte communications, and data
24 or reports (including statistical reports and re-
25 ports to Congress) submitted after the comment

1 *period in the proceedings described in clauses (i)*
2 *and (ii) of subparagraph (A) to ensure that the*
3 *public has adequate notice of and opportunity to*
4 *respond to such submissions before the Commis-*
5 *sion relies on such submissions in any order, de-*
6 *cision, report, or action;*

7 *“(D) establish procedures for, not later than*
8 *14 days after the end of each quarter of a cal-*
9 *endar year (or more frequently, as the Commis-*
10 *sion considers appropriate), publishing on the*
11 *Internet website of the Commission and submit-*
12 *ting to Congress a report that contains—*

13 *“(i) the status of open rulemaking pro-*
14 *ceedings and proposed orders, decisions, re-*
15 *ports, or actions on circulation for review*
16 *by the Commissioners, including which*
17 *Commissioners have not cast a vote on an*
18 *order, decision, report, or action that has*
19 *been on circulation for more than 60 days;*

20 *“(ii) for the petitions, applications,*
21 *complaints, and other requests for action by*
22 *the Commission that were pending at the*
23 *Commission on the last day of such quarter*
24 *(or more frequent period, as the case may*
25 *be)—*

1 “(I) the number of such requests,
2 broken down by the bureau primarily
3 responsible for action and, for each bu-
4 reau, the type of request (such as a pe-
5 tition, application, or complaint); and

6 “(II) information regarding the
7 amount of time for which such requests
8 have been pending, broken down as de-
9 scribed in subclause (I); and

10 “(iii) a list of the congressional inves-
11 tigations of the Commission that were pend-
12 ing on the last day of such quarter (or more
13 frequent period, as the case may be) and the
14 cost of such investigations, individually and
15 in the aggregate;

16 “(E) establish deadlines (relative to the date
17 of filing) for—

18 “(i) in the case of a petition for a de-
19 claratory ruling under section 1.2 of title
20 47, Code of Federal Regulations, issuing a
21 public notice of such petition;

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

1 “(iii) in the case of a petition for re-
2 consideration under section 1.106 or 1.429
3 of such title or an application for review
4 under section 1.115 of such title, issuing a
5 public notice of a decision on the petition or
6 application by the Commission or under
7 delegated authority (as the case may be);

8 “(F) establish guidelines (relative to the
9 date of filing) for the disposition of petitions
10 filed under section 1.2 of such title;

11 “(G) establish procedures for the inclusion
12 of the specific language of the proposed rule or
13 the proposed amendment of an existing rule in
14 a notice of proposed rulemaking; and

15 “(H) require notices of proposed rulemaking
16 and orders adopting a rule or amending an ex-
17 isting rule that—

18 “(i) create (or propose to create) a pro-
19 gram activity to contain performance meas-
20 ures for evaluating the effectiveness of the
21 program activity; and

22 “(ii) substantially change (or propose
23 to substantially change) a program activity
24 to contain—

1 “(I) performance measures for
2 evaluating the effectiveness of the pro-
3 gram activity as changed (or proposed
4 to be changed); or

5 “(II) a finding that existing per-
6 formance measures will effectively
7 evaluate the program activity as
8 changed (or proposed to be changed).

9 “(3) INQUIRY.—Not later than 1 year after the
10 date of the enactment of this section, the Commission
11 shall complete an inquiry to seek public comment on
12 whether and how the Commission should—

13 “(A) establish procedures for allowing a bi-
14 partisan majority of Commissioners to place an
15 order, decision, report, or action on the agenda
16 of an open meeting;

17 “(B) establish procedures for informing all
18 Commissioners of a reasonable number of options
19 available to the Commission for resolving a peti-
20 tion, complaint, application, rulemaking, or
21 other proceeding;

22 “(C) establish procedures for ensuring that
23 all Commissioners have adequate time, prior to
24 being required to decide a petition, complaint,
25 application, rulemaking, or other proceeding (in-

cluding at a meeting held pursuant to section 5(d)), to review the proposed Commission decision document, including the specific language of any proposed rule or any proposed amendment of an existing rule;

“(D) establish procedures for publishing the text of agenda items to be voted on at an open meeting in advance of such meeting so that the public has the opportunity to read the text before a vote is taken;

“(E) establish deadlines (relative to the date of filing) for disposition of applications for a license under section 1.913 of title 47, Code of Federal Regulations;

“(F) assign resources needed in order to meet the deadlines described in subparagraph (E), including whether the Commission’s ability to meet such deadlines would be enhanced by assessing a fee from applicants for such a license; and

“(G) except as otherwise provided in section 4(o), publish each order, decision, report, or action not later than 30 days after the date of the adoption of such order, decision, report, or action.

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

6 “(5) *GAO AUDIT.*—Not less frequently than every
 7 6 months, the Comptroller General of the United
 8 States shall audit the cost estimates provided by the
 9 Commission under paragraph (2)(D)(iii) during the
 10 preceding 6-month period.

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

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

19 “(1) *IN GENERAL.*—Notwithstanding section
 20 552b of title 5, United States Code, a bipartisan ma-
 21 jority of Commissioners may hold a meeting that is
 22 closed to the public to discuss official business if—

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

1 “(B) each person present at such meeting is
2 a Commissioner, an employee of the Commission,
3 a member of a joint board or conference estab-
4 lished under section 410, or a person on the staff
5 of such a joint board or conference or of a mem-
6 ber of such a joint board or conference; and

7 “(C) an attorney from the Office of General
8 Counsel of the Commission is present at such
9 meeting.

10 “(2) *DISCLOSURE OF NONPUBLIC COLLABO-*
11 *RATIVE DISCUSSIONS.*—Not later than 2 business days
12 after the conclusion of a meeting held under para-
13 graph (1), the Commission shall publish a disclosure
14 of such meeting, including—

15 “(A) a list of the persons who attended such
16 meeting; and

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

21 “(3) *PRESERVATION OF OPEN MEETINGS RE-*
22 *QUIREMENTS FOR AGENCY ACTION.*—Nothing in this
23 subsection shall limit the applicability of section 552b
24 of title 5, United States Code, with respect to a meet-

1 *ing of Commissioners other than that described in*
 2 *paragraph (1).*

3 “(d) *ACCESS TO CERTAIN INFORMATION ON COMMIS-*
 4 *SION’S WEBSITE.—The Commission shall provide direct ac-*
 5 *cess from the homepage of its website to—*

6 “(1) *detailed information regarding—*

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

9 “(B) *the appropriations for the Commission*
 10 *for such fiscal year; and*

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

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

16 “(e) *INTERNET PUBLICATION OF CERTAIN FCC POLI-*
 17 *CIES AND PROCEDURES.—The chairman of the Commission*
 18 *shall—*

19 “(1) *publish on the Internet website of the Com-*
 20 *mission any policies or procedures of the Commission*
 21 *that—*

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

23 “(B) *relate to the functioning of the Com-*
 24 *mission or the handling of the agenda of the*
 25 *Commission; and*

1 “(2) update such publication not later than 48
2 hours after the chairman makes changes to any such
3 policies or procedures.

4 “(f) *FEDERAL REGISTER PUBLICATION.*—

5 “(1) *IN GENERAL.*—In the case of any document
6 adopted by the Commission that the Commission is
7 required, under any provision of law, to publish in
8 the Federal Register, the Commission shall, not later
9 than the date described in paragraph (2), complete all
10 Commission actions necessary for such document to be
11 so published.

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

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

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

19 “(3) *NO EFFECT ON DEADLINES FOR PUBLICA-*
20 *TION IN OTHER FORM.*—In the case of a deadline that
21 does not specify that the form of publication is publi-
22 cation in the Federal Register, the Commission may
23 comply with such deadline by publishing the docu-
24 ment in another form. Such other form of publication
25 does not relieve the Commission of any Federal Reg-

1 *ister publication requirement applicable to such docu-*
2 *ment, including the requirement of paragraph (1).*

3 *“(g) CONSUMER COMPLAINT DATABASE.—*

4 *“(1) IN GENERAL.—In evaluating and processing*
5 *consumer complaints, the Commission shall present*
6 *information about such complaints in a publicly*
7 *available, searchable database on its website that—*

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

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

11 *“(i) the date of the filing of the com-*
12 *plaint;*

13 *“(ii) the topic of the complaint;*

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

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

17 *“(2) DUPLICATIVE COMPLAINTS.—In the case of*
18 *multiple complaints arising from the same alleged*
19 *misconduct, the Commission shall be required to in-*
20 *clude only information concerning one such com-*
21 *plaint in the database described in paragraph (1)*
22 *and shall take any other steps the Commission finds*
23 *prudent to avoid publishing inaccurate or misleading*
24 *data.*

25 *“(h) FORM OF PUBLICATION.—*

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

7 “(2) *EXCEPTION.*—*The Commission shall by rule*
8 *establish procedures for redacting documents required*
9 *to be published by this section so that the published*
10 *versions of such documents do not contain—*

11 “(A) *information the publication of which*
12 *would be detrimental to national security, home-*
13 *land security, law enforcement, or public safety;*
14 *or*

15 “(B) *information that is proprietary or*
16 *confidential.*

17 “(i) *TRANSPARENCY RELATING TO PERFORMANCE IN*
18 *MEETING FOIA REQUIREMENTS.*—*The Commission shall*
19 *take additional steps to inform the public about its perform-*
20 *ance and efficiency in meeting the disclosure and other re-*
21 *quirements of section 552 of title 5, United States Code*
22 *(commonly referred to as the Freedom of Information Act),*
23 *including by doing the following:*

24 “(1) *Publishing on the Commission’s website the*
25 *Commission’s logs for tracking, responding to, and*

1 *managing requests submitted under such section, in-*
2 *cluding the Commission’s fee estimates, fee categories,*
3 *and fee request determinations.*

4 *“(2) Releasing to the public all decisions made*
5 *by the Commission (including decisions made by the*
6 *Commission’s Bureaus and Offices) granting or deny-*
7 *ing requests filed under such section, including any*
8 *such decisions pertaining to the estimate and applica-*
9 *tion of fees assessed under such section.*

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

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

1 “(j) *PROMPT RELEASE OF STATISTICAL REPORTS AND*
 2 *REPORTS TO CONGRESS.*—Not later than January 15th of
 3 each year, the Commission shall identify, catalog, and pub-
 4 lish an anticipated release schedule for all statistical reports
 5 and reports to Congress that are regularly or intermittently
 6 released by the Commission and will be released during such
 7 year.

8 “(k) *ANNUAL SCORECARD REPORTS.*—

9 “(1) *IN GENERAL.*—For the 1-year period begin-
 10 ning on January 1st of each year, the Commission
 11 shall prepare a report on the performance of the Com-
 12 mission in conducting its proceedings and meeting
 13 the deadlines established under subsection (a)(2)(E)
 14 and the guidelines established under subsection
 15 (a)(2)(F).

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

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

22 “(i) the number of filings that were
 23 pending on the last day of the period cov-
 24 ered by such report;

1 “(ii) the number of filings described in
 2 clause (i) for which each applicable deadline
 3 or guideline established under such sub-
 4 section was not met and the average length
 5 of time such filings have been pending; and

6 “(iii) for filings that were resolved dur-
 7 ing such period, the average time between
 8 initiation and resolution and the percentage
 9 for which each applicable deadline or guide-
 10 line established under such subsection was
 11 met;

12 “(B) with respect to proceedings before an
 13 administrative law judge—

14 “(i) the number of such proceedings
 15 completed during such period; and

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

18 “(C) the number of independent studies or
 19 analyses published by the Commission during
 20 such period.

21 “(3) PUBLICATION AND SUBMISSION.—The Com-
 22 mission shall publish and submit to the Committee on
 23 Energy and Commerce of the House of Representa-
 24 tives and the Committee on Commerce, Science, and
 25 Transportation of the Senate each report required by

1 paragraph (1) not later than the date that is 30 days
 2 after the last day of the period covered by such report.

3 “(l) *DEFINITIONS.*—In this section:

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

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

10 “(A) is a group of three or more Commis-
 11 sioners; and

12 “(B) includes, for each political party of
 13 which any Commissioner is a member, at least
 14 one Commissioner who is a member of such po-
 15 litical party, and, if any Commissioner has no
 16 political party affiliation, at least one unaffili-
 17 ated Commissioner.

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

23 “(4) *PROGRAM ACTIVITY.*—The term ‘program
 24 activity’ has the meaning given such term in section
 25 1115 of title 31, United States Code, except that such

term also includes any annual collection or distribution or related series of collections or distributions by the Commission of an amount that is greater than or equal to \$100,000,000.

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

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

(1) *EFFECTIVE DATES.*—

(A) *NONPUBLIC COLLABORATIVE DISCUSSIONS.*—Subsection (c) of section 13 of the Communications Act of 1934, as added by subsection (a), shall apply beginning on the first date on which all of the procedural changes to the rules of the Commission required by subsection (a)(1) of such section have taken effect.

(B) *REPORT RELEASE SCHEDULES.*—Subsection (j) of such section 13 shall apply with respect to 2019 and any year thereafter.

(C) *ANNUAL SCORECARD REPORTS.*—Subsection (k) of such section 13 shall apply with respect to 2018 and any year thereafter.

(D) *INTERNET PUBLICATION OF CERTAIN FCC POLICIES AND PROCEDURES.*—Subsection (e)

1 *of such section 13 shall apply beginning on the*
2 *date that is 30 days after the date of the enact-*
3 *ment of this Act.*

4 (2) *RULES.—Except as otherwise provided in*
5 *such section 13, the Commission shall promulgate any*
6 *rules necessary to carry out such section not later*
7 *than 1 year after the date of the enactment of this*
8 *Act.*

9 **SEC. 202. CATEGORIZATION OF TCPA INQUIRIES AND COM-**
10 **PLAINTS IN QUARTERLY REPORT.**

11 *In compiling its quarterly report with respect to infor-*
12 *mal consumer inquiries and complaints, the Commission*
13 *may not categorize an inquiry or complaint with respect*
14 *to section 227 of the Communications Act of 1934 (47*
15 *U.S.C. 227) as being a wireline inquiry or complaint or*
16 *a wireless inquiry or complaint unless the party whose con-*
17 *duct is the subject of the inquiry or complaint is a wireline*
18 *carrier or a wireless carrier, respectively.*

19 **SEC. 203. EFFECT ON OTHER LAWS.**

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

1 **SEC. 204. APPLICATION OF ANTIDEFICIENCY ACT TO UNI-**
 2 **VERSAL SERVICE PROGRAM.**

3 *Section 302 of Public Law 108–494 (118 Stat. 3998)*
 4 *is amended by striking “December 31, 2018” each place it*
 5 *appears and inserting “December 31, 2021”.*

6 **SEC. 205. REPORT ON IMPROVING SMALL BUSINESS PAR-**
 7 **TICIPATION IN FCC PROCEEDINGS.**

8 *Not later than 1 year after the date of the enactment*
 9 *of this Act, the Commission, in consultation with the Ad-*
 10 *ministrator of the Small Business Administration, shall*
 11 *submit to Congress a report on—*

12 *(1) actions that the Commission will take to im-*
 13 *prove the participation of small businesses in the pro-*
 14 *ceedings of the Commission; and*

15 *(2) recommendations for any legislation that the*
 16 *Commission considers appropriate to improve such*
 17 *participation.*

18 **SEC. 206. TIMELY AVAILABILITY OF ITEMS ADOPTED BY**
 19 **VOTE OF THE COMMISSION.**

20 *(a) AMENDMENT.—Section 4 of the Communications*
 21 *Act of 1934 (47 U.S.C. 154) is amended by adding at the*
 22 *end the following:*

23 *“(o) In the case of any item that is adopted by vote*
 24 *of the Commission, the Commission shall publish on the*
 25 *Internet website of the Commission the text of such item*
 26 *not later than 7 days after the Secretary of the Commission*

1 *has received dissenting statements from all Commissioners*
 2 *wishing to submit such a statement with respect to such*
 3 *item.”.*

4 (b) *EFFECTIVE DATE.*—*The amendment made by this*
 5 *section shall apply with respect to an item that is adopted*
 6 *after the date that is 30 days after the date of the enactment*
 7 *of this Act.*

8 ***TITLE III—SECURING ACCESS TO*** 9 ***NETWORKS IN DISASTERS***

10 ***SEC. 301. STUDY ON NETWORK RESILIENCY.***

11 *Not later than 36 months after the date of enactment*
 12 *of this Act, the Commission shall submit to Congress, and*
 13 *make publically available on the Commission’s website, a*
 14 *study on the public safety benefits and technical feasibility*
 15 *and cost of—*

16 (1) *making telecommunications service provider-*
 17 *owned WiFi access points, and other communications*
 18 *technologies operating on unlicensed spectrum, avail-*
 19 *able to the general public for access to 9–1–1 services,*
 20 *without requiring any login credentials, during times*
 21 *of emergency when mobile service is unavailable;*

22 (2) *the provision by non-telecommunications*
 23 *service provider-owned WiFi access points of public*
 24 *access to 9–1–1 services during times of emergency*
 25 *when mobile service is unavailable; and*

1 (3) *other alternative means of providing the pub-*
 2 *lic with access to 9–1–1 services during times of emer-*
 3 *gency when mobile service is unavailable.*

4 **SEC. 302. ACCESS TO ESSENTIAL SERVICE PROVIDERS DUR-**
 5 **ING FEDERALLY DECLARED EMERGENCIES.**

6 *Section 427(a) of the Robert T. Stafford Disaster Relief*
 7 *and Emergency Assistance Act (42 U.S.C. 5189e(a)) is*
 8 *amended—*

9 (1) *in paragraph (1)—*

10 (A) *in subparagraph (A), by striking “tele-*
 11 *communications service” and inserting “wireline*
 12 *or mobile telephone service, Internet access serv-*
 13 *ice, radio or television broadcasting, cable serv-*
 14 *ice, or direct broadcast satellite service”;*

15 (B) *in subparagraph (E), by striking the*
 16 *semicolon and inserting “; or”;*

17 (C) *by redesignating subparagraphs (A)*
 18 *through (E) as clauses (i) through (v), respec-*
 19 *tively; and*

20 (D) *by adding at the end the following:*

21 “(B) *is a tower owner or operator;*”; and

22 (2) *by striking “(1) provides” and inserting*
 23 *“(1)(A) provides”.*

24 **SEC. 303. DEFINITIONS.**

25 *As used in this title—*

1 (1) the term “mobile service” means commercial
 2 mobile service (as defined in section 332 of the Com-
 3 munications Act of 1934 (47 U.S.C. 332)) or commer-
 4 cial mobile data service (as defined in section 6001 of
 5 the Middle Class Tax Relief and Job Creation Act of
 6 2012 (47 U.S.C. 1401));

7 (2) the term “WiFi access point” means wireless
 8 Internet access using the standard designated as
 9 802.11 or any variant thereof; and

10 (3) the term “times of emergency” means either
 11 an emergency as defined in section 102 of the Robert
 12 T. Stafford Disaster Relief and Emergency Assistance
 13 Act (42 U.S.C. 5122), or an emergency as declared by
 14 the governor of a State or territory of the United
 15 States.

16 **TITLE IV—FCC CONSOLIDATED** 17 **REPORTING**

18 **SEC. 401. COMMUNICATIONS MARKETPLACE REPORT.**

19 Title I of the Communications Act of 1934, as amended
 20 by section 201(a), is further amended by adding at the end
 21 the following:

22 **“SEC. 14. COMMUNICATIONS MARKETPLACE REPORT.**

23 “(a) *IN GENERAL.*—In the last quarter of every even-
 24 numbered year, the Commission shall publish on its website
 25 and submit to the Committee on Energy and Commerce of

1 *the House of Representatives and the Committee on Com-*
2 *merce, Science, and Transportation of the Senate a report*
3 *on the state of the communications marketplace.*

4 “(b) CONTENTS.—Each report required by subsection
5 (a) shall—

6 “(1) assess the state of competition in the com-
7 munications marketplace, including competition to
8 deliver voice, video, audio, and data services among
9 providers of telecommunications, providers of com-
10 mercial mobile service (as defined in section 332),
11 multichannel video programming distributors (as de-
12 fined in section 602), broadcast stations, providers of
13 satellite communications, Internet service providers,
14 and other providers of communications services;

15 “(2) assess the state of deployment of commu-
16 nications capabilities, including advanced tele-
17 communications capability (as defined in section 706
18 of the Telecommunications Act of 1996 (47 U.S.C.
19 1302)), regardless of the technology used for such de-
20 ployment, including whether advanced telecommuni-
21 cations capability is being deployed to all Americans
22 in a reasonable and timely fashion;

23 “(3) assess whether laws, regulations, or regu-
24 latory practices (whether those of the Federal Govern-
25 ment, States, political subdivisions of States, Indian

1 *tribes or tribal organizations (as such terms are de-*
2 *finied in section 4 of the Indian Self-Determination*
3 *and Education Assistance Act (25 U.S.C. 5304)), or*
4 *foreign governments) pose a barrier to competitive*
5 *entry into the communications marketplace or to the*
6 *competitive expansion of existing providers of commu-*
7 *nications services;*

8 *“(4) describe the agenda of the Commission for*
9 *the next 2-year period for addressing the challenges*
10 *and opportunities in the communications marketplace*
11 *that were identified through the assessments under*
12 *paragraphs (1) through (3); and*

13 *“(5) describe the actions that the Commission*
14 *has taken in pursuit of the agenda described pursuant*
15 *to paragraph (4) in the previous report submitted*
16 *under this section.*

17 *“(c) EXTENSION.—If the President designates a Com-*
18 *missioner as Chairman of the Commission during the last*
19 *quarter of an even-numbered year, the portion of the report*
20 *required by subsection (b)(4) may be published on the*
21 *website of the Commission and submitted to the Committee*
22 *on Energy and Commerce of the House of Representatives*
23 *and the Committee on Commerce, Science, and Transpor-*
24 *tation of the Senate as an addendum during the first quar-*
25 *ter of the following odd-numbered year.*

1 “(d) *SPECIAL REQUIREMENTS.*—

2 “(1) *ASSESSING COMPETITION.*—*In assessing the*
3 *state of competition under subsection (b)(1), the Com-*
4 *mission shall consider all forms of competition, in-*
5 *cluding the effect of intermodal competition, facilities-*
6 *based competition, and competition from new and*
7 *emergent communications services, including the pro-*
8 *vision of content and communications using the*
9 *Internet.*

10 “(2) *ASSESSING DEPLOYMENT.*—*In assessing the*
11 *state of deployment under subsection (b)(2), the Com-*
12 *mission shall compile a list of geographical areas that*
13 *are not served by any provider of advanced tele-*
14 *communications capability.*

15 “(3) *INTERNATIONAL COMPARISONS AND DEMO-*
16 *GRAPHIC INFORMATION.*—*The Commission may use*
17 *readily available data to draw appropriate compari-*
18 *sons between the United States communications mar-*
19 *ketplace and the international communications mar-*
20 *ketplace and to correlate its assessments with demo-*
21 *graphic information.*

22 “(4) *CONSIDERING SMALL BUSINESSES.*—*In as-*
23 *sessing the state of competition under subsection*
24 *(b)(1) and regulatory barriers under subsection*
25 *(b)(3), the Commission shall consider market entry*

1 *barriers for entrepreneurs and other small businesses*
 2 *in the communications marketplace in accordance*
 3 *with the national policy under section 257(b).*

4 “(5) *CONSIDERING CABLE RATES.*—*In assessing*
 5 *the state of competition under subsection (b)(1), the*
 6 *Commission shall include in each report required by*
 7 *subsection (a) the aggregate average total amount*
 8 *paid by cable systems in compensation under section*
 9 *325 during the period covered by such report.”.*

10 **SEC. 402. CONSOLIDATION OF REDUNDANT REPORTS; CON-**
 11 **FORMING AMENDMENTS.**

12 (a) *ORBIT ACT REPORT.*—*Section 646 of the Commu-*
 13 *nications Satellite Act of 1962 (47 U.S.C. 765e; 114 Stat.*
 14 *57) is repealed.*

15 (b) *SATELLITE COMPETITION REPORT.*—*Section 4 of*
 16 *Public Law 109–34 (47 U.S.C. 703) is repealed.*

17 (c) *INTERNATIONAL BROADBAND DATA REPORT.*—*Sec-*
 18 *tion 103 of the Broadband Data Improvement Act (47*
 19 *U.S.C. 1303) is amended—*

20 (1) *by striking subsection (b); and*

21 (2) *by redesignating subsections (c) through (e)*
 22 *as subsections (b) through (d), respectively.*

23 (d) *STATUS OF COMPETITION IN THE MARKET FOR*
 24 *THE DELIVERY OF VIDEO PROGRAMMING REPORT.*—*Sec-*

tion 628 of the Communications Act of 1934 (47 U.S.C. 548) is amended—

(1) by striking subsection (g);

(2) by redesignating subsection (j) as subsection (g); and

(3) by transferring subsection (g) (as redesignated) so that it appears after subsection (f).

(e) *REPORT ON CABLE INDUSTRY PRICES.*—

(1) *IN GENERAL.*—Section 623 of the Communications Act of 1934 (47 U.S.C. 543) is amended—

(A) by striking subsection (k); and

(B) by redesignating subsections (l) through (o) as subsections (k) through (n), respectively.

(2) *CONFORMING AMENDMENT.*—Section 613(a)(3) of the Communications Act of 1934 (47 U.S.C. 533(a)(3)) is amended by striking “623(l)” and inserting “623(k)”.

(f) *TRIENNIAL REPORT IDENTIFYING AND ELIMINATING MARKET ENTRY BARRIERS FOR ENTREPRENEURS AND OTHER SMALL BUSINESSES.*—Section 257 of the Communications Act of 1934 (47 U.S.C. 257) is amended by striking subsection (c).

(g) *SECTION 706 REPORT.*—Section 706 of the Telecommunications Act of 1996 (47 U.S.C. 1302) is amended—

1 (1) *by amending subsection (b) to read as fol-*
 2 *lows:*

3 “(b) *DETERMINATION.—If the Commission determines*
 4 *in its report under section 14 of the Communications Act*
 5 *of 1934, after considering the availability of advanced tele-*
 6 *communications capability to all Americans (including, in*
 7 *particular, elementary and secondary schools and class-*
 8 *rooms), that advanced telecommunications capability is not*
 9 *being deployed to all Americans in a reasonable and timely*
 10 *fashion, the Commission shall take immediate action to ac-*
 11 *celerate deployment of such capability by removing barriers*
 12 *to infrastructure investment and by promoting competition*
 13 *in the telecommunications market.”;*

14 (2) *by striking subsection (c);*

15 (3) *in subsection (d), by striking “this sub-*
 16 *section” and inserting “this section”; and*

17 (4) *by redesignating subsection (d) as subsection*
 18 *(c).*

19 (h) *STATE OF COMPETITIVE MARKET CONDITIONS*
 20 *WITH RESPECT TO COMMERCIAL MOBILE RADIO SERV-*
 21 *ICES.—Section 332(c)(1)(C) of the Communications Act of*
 22 *1934 (47 U.S.C. 332(c)(1)(C)) is amended by striking the*
 23 *first and second sentences.*

24 (i) *PREVIOUSLY ELIMINATED ANNUAL REPORT.—*

(1) *IN GENERAL.*—Section 4 of the Communications Act of 1934 (47 U.S.C. 154), as amended by section 206(a), is further amended—

(A) *by striking subsection (k);*

(B) *by redesignating subsections (l) through (n) as subsections (k) through (m), respectively; and*

(C) *by redesignating the first subsection (o) (relating to use of radio and wire communications in connection with safety of life and property) as subsection (n).*

(2) *CONFORMING AMENDMENT.*—Section 309(j)(8)(B) of the Communications Act of 1934 (47 U.S.C. 309(j)(8)(B)) is amended by striking the last sentence.

(j) *ADDITIONAL OUTDATED REPORTS.*—The Communications Act of 1934 is further amended—

(1) *in section 4—*

(A) *in subsection (b)(2)(B)(ii), by striking “and shall furnish notice of such action” and all that follows through “subject of the waiver”; and*

(B) *in subsection (g), by striking paragraph (2);*

(2) *in section 215—*

(A) *by striking subsection (b); and*

1 (B) by redesignating subsection (c) as sub-
2 section (b);

3 (3) in section 227(e), by striking paragraph (4);
4 (4) in section 309(j)—

5 (A) by striking paragraph (12); and

6 (B) in paragraph (15)(C), by striking
7 clause (iv);

8 (5) in section 331(b), by striking the last sen-
9 tence;

10 (6) in section 336(e), by amending paragraph
11 (4) to read as follows:

12 “(4) *REPORT.*—*The Commission shall annually*
13 *advise the Congress on the amounts collected pursuant*
14 *to the program required by this subsection.*”;

15 (7) in section 339(c), by striking paragraph (1);

16 (8) in section 396—

17 (A) by striking subsection (i);

18 (B) in subsection (k)—

19 (i) in paragraph (1), by striking sub-
20 paragraph (F); and

21 (ii) in paragraph (3)(B)(iii), by strik-
22 ing subclause (V);

23 (C) in subsection (l)(1)(B), by striking
24 “shall be included” and all that follows through
25 “The audit report”; and

- 1 (D) by striking subsection (m);
- 2 (9) in section 398(b)(4), by striking the third
- 3 sentence;
- 4 (10) in section 624A(b)(1)—
- 5 (A) by striking “REPORT; REGULATIONS”
- 6 and inserting “REGULATIONS”;
- 7 (B) by striking “Within 1 year after” and
- 8 all that follows through “on means of assuring”
- 9 and inserting “The Commission shall issue such
- 10 regulations as are necessary to assure”; and
- 11 (C) by striking “Within 180 days after”
- 12 and all that follows through “to assure such com-
- 13 patibility.”; and
- 14 (11) in section 713, by striking subsection (a).

15 **SEC. 403. EFFECT ON AUTHORITY.**

16 Nothing in this title or the amendments made by this

17 title shall be construed to expand or contract the authority

18 of the Commission.

19 **SEC. 404. OTHER REPORTS.**

20 Nothing in this title or the amendments made by this

21 title shall be construed to prohibit or otherwise prevent the

22 Commission from producing any additional reports other-

23 wise within the authority of the Commission.

**TITLE V—ADDITIONAL
PROVISIONS**

SEC. 501. INDEPENDENT INSPECTOR GENERAL FOR FCC.

(a) *AMENDMENTS.—The Inspector General Act of 1978 (5 U.S.C. App.) is amended—*

(1) *in section 8G(a)(2), by striking “the Federal Communications Commission,”; and*

(2) *in section 12—*

(A) *in paragraph (1), by inserting “, the Federal Communications Commission,” after “the Chairman of the Nuclear Regulatory Commission”; and*

(B) *in paragraph (2), by inserting “the Federal Communications Commission,” after “the Environmental Protection Agency,”.*

(b) *TRANSITION RULE.—An individual serving as Inspector General of the Commission on the date of the enactment of this Act pursuant to an appointment made under section 8G of the Inspector General Act of 1978 (5 U.S.C. App.)—*

(1) *may continue so serving until the President makes an appointment under section 3(a) of such Act with respect to the Commission consistent with the amendments made by subsection (a); and*

1 (2) *shall, while serving under paragraph (1), re-*
 2 *main subject to the provisions of section 8G of such*
 3 *Act which, immediately before the date of the enact-*
 4 *ment of this Act, applied with respect to the Inspector*
 5 *General of the Commission and suffer no reduction in*
 6 *pay.*

7 **SEC. 502. AUTHORITY OF CHIEF INFORMATION OFFICER.**

8 (a) *IN GENERAL.*—*The Commission shall ensure that*
 9 *the Chief Information Officer of the Commission has a sig-*
 10 *nificant role in—*

11 (1) *the decision-making process for annual and*
 12 *multi-year planning, programming, budgeting, and*
 13 *execution decisions, related reporting requirements,*
 14 *and reports related to information technology;*

15 (2) *the management, governance, and oversight*
 16 *processes related to information technology; and*

17 (3) *the hiring of personnel with information*
 18 *technology responsibilities.*

19 (b) *CIO APPROVAL.*—*The Chief Information Officer of*
 20 *the Commission, in consultation with the Chief Financial*
 21 *Officer of the Commission and budget officials, shall specify*
 22 *and approve the allocation of amounts appropriated to the*
 23 *Commission for information technology, consistent with the*
 24 *provisions of appropriations Acts, budget guidelines, and*

1 *recommendations from the Director of the Office of Manage-*
 2 *ment and Budget.*

3 **SEC. 503. SPOOFING PREVENTION.**

4 *(a) EXPANDING AND CLARIFYING PROHIBITION ON*
 5 *MISLEADING OR INACCURATE CALLER IDENTIFICATION IN-*
 6 *FORMATION.—*

7 *(1) COMMUNICATIONS FROM OUTSIDE THE*
 8 *UNITED STATES.—Section 227(e)(1) of the Commu-*
 9 *nications Act of 1934 (47 U.S.C. 227(e)(1)) is amend-*
 10 *ed by striking “in connection with any telecommuni-*
 11 *cations service or IP-enabled voice service” and in-*
 12 *serting “or any person outside the United States if*
 13 *the recipient is within the United States, in connec-*
 14 *tion with any voice service or text messaging service”.*

15 *(2) COVERAGE OF TEXT MESSAGES AND VOICE*
 16 *SERVICES.—Section 227(e)(8) of the Communications*
 17 *Act of 1934 (47 U.S.C. 227(e)(8)) is amended—*

18 *(A) in subparagraph (A), by striking “tele-*
 19 *communications service or IP-enabled voice serv-*
 20 *ice” and inserting “voice service or a text mes-*
 21 *sage sent using a text messaging service”;*

22 *(B) in the first sentence of subparagraph*
 23 *(B), by striking “telecommunications service or*
 24 *IP-enabled voice service” and inserting “voice*

1 *service or a text message sent using a text mes-*
2 *saging service”; and*

3 *(C) by striking subparagraph (C) and in-*
4 *serting the following:*

5 “(C) *TEXT MESSAGE*.—*The term ‘text mes-*
6 *sage’—*

7 “(i) *means a message consisting of*
8 *text, images, sounds, or other information*
9 *that is transmitted to or from a device that*
10 *is identified as the receiving or transmit-*
11 *ting device by means of a 10-digit telephone*
12 *number or N11 service code;*

13 “(ii) *includes a short message service*
14 *(commonly referred to as ‘SMS’) message*
15 *and a multimedia message service (com-*
16 *monly referred to as ‘MMS’) message; and*

17 “(iii) *does not include—*

18 “(I) *a real-time, two-way voice or*
19 *video communication; or*

20 “(II) *a message sent over an IP-*
21 *enabled messaging service to another*
22 *user of the same messaging service, ex-*
23 *cept a message described in clause (ii).*

24 “(D) *TEXT MESSAGING SERVICE*.—*The term*
25 *‘text messaging service’ means a service that en-*

ables the transmission or receipt of a text message, including a service provided as part of or in connection with a voice service.

“(E) VOICE SERVICE.—The term ‘voice service’—

“(i) means any service that is interconnected with the public switched telephone network and that furnishes voice communications to an end user using resources from the North American Numbering Plan or any successor to the North American Numbering Plan adopted by the Commission under section 251(e)(1); and

“(ii) includes transmissions from a telephone facsimile machine, computer, or other device to a telephone facsimile machine.”.

(3) TECHNICAL AMENDMENT.—Section 227(e) of the Communications Act of 1934 (47 U.S.C. 227(e)) is amended in the heading by inserting “MISLEADING OR” before “INACCURATE”.

(4) REGULATIONS.—

(A) IN GENERAL.—Section 227(e)(3)(A) of the Communications Act of 1934 (47 U.S.C. 227(e)(3)(A)) is amended by striking “Not later

1 *than 6 months after the date of enactment of the*
 2 *Truth in Caller ID Act of 2009, the Commis-*
 3 *sion” and inserting “The Commission”.*

4 *(B) DEADLINE.—The Commission shall pre-*
 5 *scribe regulations to implement the amendments*
 6 *made by this subsection not later than 18 months*
 7 *after the date of enactment of this Act.*

8 *(5) EFFECTIVE DATE.—The amendments made*
 9 *by this subsection shall take effect on the date that is*
 10 *6 months after the date on which the Commission pre-*
 11 *scribes regulations under paragraph (4).*

12 *(b) CONSUMER EDUCATION MATERIALS ON HOW TO*
 13 *AVOID SCAMS THAT RELY UPON MISLEADING OR INAC-*
 14 *CURATE CALLER IDENTIFICATION INFORMATION.—*

15 *(1) DEVELOPMENT OF MATERIALS.—Not later*
 16 *than 1 year after the date of enactment of this Act,*
 17 *the Commission, in coordination with the Federal*
 18 *Trade Commission, shall develop consumer education*
 19 *materials that provide information about—*

20 *(A) ways for consumers to identify scams*
 21 *and other fraudulent activity that rely upon the*
 22 *use of misleading or inaccurate caller identifica-*
 23 *tion information; and*

1 (B) existing technologies, if any, that a con-
2 sumer can use to protect against such scams and
3 other fraudulent activity.

4 (2) CONTENTS.—In developing the consumer
5 education materials under paragraph (1), the Com-
6 mission shall—

7 (A) identify existing technologies, if any,
8 that can help consumers guard themselves
9 against scams and other fraudulent activity that
10 rely upon the use of misleading or inaccurate
11 caller identification information, including—

12 (i) descriptions of how a consumer can
13 use the technologies to protect against such
14 scams and other fraudulent activity; and

15 (ii) details on how consumers can ac-
16 cess and use the technologies; and

17 (B) provide other information that may
18 help consumers identify and avoid scams and
19 other fraudulent activity that rely upon the use
20 of misleading or inaccurate caller identification
21 information.

22 (3) UPDATES.—The Commission shall ensure
23 that the consumer education materials required under
24 paragraph (1) are updated on a regular basis.

1 (4) *WEBSITE.*—*The Commission shall include*
2 *the consumer education materials developed under*
3 *paragraph (1) on its website.*

4 (c) *GAO REPORT ON COMBATING THE FRAUDULENT*
5 *PROVISION OF MISLEADING OR INACCURATE CALLER IDEN-*
6 *TIFICATION INFORMATION.*—

7 (1) *IN GENERAL.*—*The Comptroller General of*
8 *the United States shall conduct a study of the actions*
9 *the Commission and the Federal Trade Commission*
10 *have taken to combat the fraudulent provision of mis-*
11 *leading or inaccurate caller identification informa-*
12 *tion, and the additional measures that could be taken*
13 *to combat such activity.*

14 (2) *REQUIRED CONSIDERATIONS.*—*In conducting*
15 *the study under paragraph (1), the Comptroller Gen-*
16 *eral shall examine—*

17 (A) *trends in the types of scams that rely*
18 *on misleading or inaccurate caller identification*
19 *information;*

20 (B) *previous and current enforcement ac-*
21 *tions by the Commission and the Federal Trade*
22 *Commission to combat the practices prohibited*
23 *by section 227(e)(1) of the Communications Act*
24 *of 1934 (47 U.S.C. 227(e)(1));*

1 (C) current efforts by industry groups and
2 other entities to develop technical standards to
3 deter or prevent the fraudulent provision of mis-
4 leading or inaccurate caller identification infor-
5 mation, and how such standards may help com-
6 bat the current and future provision of mis-
7 leading or inaccurate caller identification infor-
8 mation; and

9 (D) whether there are additional actions the
10 Commission, the Federal Trade Commission, and
11 Congress should take to combat the fraudulent
12 provision of misleading or inaccurate caller
13 identification information.

14 (3) *REPORT.*—Not later than 18 months after the
15 date of enactment of this Act, the Comptroller General
16 shall submit to the Committee on Energy and Com-
17 merce of the House of Representatives and the Com-
18 mittee on Commerce, Science, and Transportation of
19 the Senate a report on the findings of the study under
20 paragraph (1), including any recommendations re-
21 garding combating the fraudulent provision of mis-
22 leading or inaccurate caller identification informa-
23 tion.

24 (d) *RULE OF CONSTRUCTION.*—Nothing in this sec-
25 tion, or the amendments made by this section, shall be con-

1 *strued to modify, limit, or otherwise affect any rule or order*
 2 *adopted by the Commission in connection with—*

3 *(1) the Telephone Consumer Protection Act of*
 4 *1991 (Public Law 102–243; 105 Stat. 2394) or the*
 5 *amendments made by that Act; or*

6 *(2) the CAN–SPAM Act of 2003 (15 U.S.C. 7701*
 7 *et seq.).*

8 **SEC. 504. REPORT ON PROMOTING BROADBAND INTERNET**
 9 **ACCESS SERVICE FOR VETERANS.**

10 *(a) VETERAN DEFINED.—In this section, the term*
 11 *“veteran” has the meaning given the term in section 101*
 12 *of title 38, United States Code.*

13 *(b) REPORT REQUIRED.—Not later than 1 year after*
 14 *the date of the enactment of this Act, the Commission shall*
 15 *submit to Congress a report on promoting broadband Inter-*
 16 *net access service for veterans, in particular low-income vet-*
 17 *erans and veterans residing in rural areas. In such report,*
 18 *the Commission shall—*

19 *(1) examine such access and how to promote such*
 20 *access; and*

21 *(2) provide findings and recommendations for*
 22 *Congress with respect to such access and how to pro-*
 23 *mote such access.*

24 *(c) PUBLIC NOTICE AND OPPORTUNITY TO COM-*
 25 *MENT.—In preparing the report required by subsection (b),*

1 *the Commission shall provide the public with notice and*
 2 *an opportunity to comment on broadband Internet access*
 3 *service for veterans, in particular low-income veterans and*
 4 *veterans residing in rural areas, and how to promote such*
 5 *access.*

6 **SEC. 505. METHODOLOGY FOR COLLECTION OF MOBILE**
 7 **SERVICE COVERAGE DATA.**

8 *(a) DEFINITIONS.—In this section—*

9 *(1) the term “commercial mobile data service”*
 10 *has the meaning given the term in section 6001 of the*
 11 *Middle Class Tax Relief and Job Creation Act of 2012*
 12 *(47 U.S.C. 1401);*

13 *(2) the term “commercial mobile service” has the*
 14 *meaning given the term in section 332(d) of the Com-*
 15 *munications Act of 1934 (47 U.S.C. 332(d));*

16 *(3) the term “coverage data” means, if commer-*
 17 *cial mobile service or commercial mobile data service*
 18 *is available, general information about the service,*
 19 *which may include available speed tiers, radio fre-*
 20 *quency signal levels, and network and performance*
 21 *characteristics; and*

22 *(4) the term “Universal Service program” means*
 23 *the universal service support mechanisms established*
 24 *under section 254 of the Communications Act of 1934*

1 (47 U.S.C. 254) and the regulations issued under that
2 section.

3 (b) *METHODOLOGY ESTABLISHED.*—Not later than
4 180 days after the conclusion of the Mobility Fund Phase
5 II Auction, the Commission shall promulgate regulations
6 to establish a methodology that shall apply to the collection
7 of coverage data by the Commission for the purposes of—

8 (1) the Universal Service program; or

9 (2) any other similar program.

10 (c) *REQUIREMENTS.*—The methodology established
11 under subsection (b) shall—

12 (1) contain standard definitions for different
13 available technologies such as 2G, 3G, 4G, and 4G
14 LTE;

15 (2) enhance the consistency and robustness of
16 how the data are collected by different parties;

17 (3) improve the validity and reliability of cov-
18 erage data; and

19 (4) increase the efficiency of coverage data collec-
20 tion.

21 **SEC. 506. ACCURACY OF DISPATCHABLE LOCATION FOR 9-1-**

22 **1 CALLS.**

23 (a) *PROCEEDING REQUIRED.*—Not later than 18
24 months after the date of the enactment of this Act, the Com-
25 mission shall conclude a proceeding to consider adopting

1 *rules to ensure that the dispatchable location is conveyed*
 2 *with a 9-1-1 call, regardless of the technological platform*
 3 *used and including with calls from multi-line telephone sys-*
 4 *tems (as defined in section 6502 of the Middle Class Tax*
 5 *Relief and Job Creation Act of 2012 (47 U.S.C. 1471)).*

6 (b) *RELATIONSHIP TO OTHER PROCEEDINGS.—In con-*
 7 *ducting the proceeding required by subsection (a), the Com-*
 8 *mission may consider information and conclusions from*
 9 *other Commission proceedings regarding the accuracy of the*
 10 *dispatchable location for a 9-1-1 call, but nothing in this*
 11 *section shall be construed to require the Commission to re-*
 12 *consider any information or conclusion from a proceeding*
 13 *regarding the accuracy of the dispatchable location for a*
 14 *9-1-1 call in which the Commission has adopted rules or*
 15 *issued an order before the date of the enactment of this Act.*

16 (c) *DEFINITIONS.—In this section:*

17 (1) *9-1-1 CALL.—The term “9-1-1 call” means a*
 18 *voice call that is placed, or a message that is sent by*
 19 *other means of communication, to a public safety an-*
 20 *swering point (as defined in section 222 of the Com-*
 21 *munications Act of 1934 (47 U.S.C. 222)) for the*
 22 *purpose of requesting emergency services.*

23 (2) *DISPATCHABLE LOCATION.—The term*
 24 *“dispatchable location” means the street address of*
 25 *the calling party, and additional information such as*

1 *room number, floor number, or similar information*
2 *necessary to adequately identify the location of the*
3 *calling party.*

4 **SEC. 507. NTIA STUDY ON INTERAGENCY PROCESS FOL-**
5 **LOWING CYBERSECURITY INCIDENTS.**

6 (a) *IN GENERAL.*—*The Assistant Secretary of Com-*
7 *merce for Communications and Information shall complete*
8 *a study on how the National Telecommunications and In-*
9 *formation Administration can best coordinate the inter-*
10 *agency process following cybersecurity incidents.*

11 (b) *REPORT TO CONGRESS.*—*Not later than 18 months*
12 *after the date of the enactment of this Act, the Assistant*
13 *Secretary shall submit to the Committee on Energy and*
14 *Commerce of the House of Representatives and the Com-*
15 *mittee on Commerce, Science, and Transportation of the*
16 *Senate a report detailing the findings and recommenda-*
17 *tions of the study conducted under subsection (a).*

18 **SEC. 508. TRIBAL DIGITAL ACCESS.**

19 (a) *TRIBAL BROADBAND DATA REPORT.*—

20 (1) *IN GENERAL.*—*Not later than 1 year after*
21 *the date of the enactment of this Act, the Commission*
22 *shall submit to the Committee on Energy and Com-*
23 *merce of the House of Representatives and the Com-*
24 *mittee on Commerce, Science, and Transportation of*
25 *the Senate a report evaluating broadband coverage in*

1 *Indian country (as defined in section 1151 of title 18,*
 2 *United States Code) and on land held by a Native*
 3 *Corporation pursuant to the Alaska Native Claims*
 4 *Settlement Act.*

5 (2) *REQUIRED ASSESSMENTS.—The report re-*
 6 *quired by paragraph (1) shall include the following:*

7 (A) *An assessment of areas of Indian coun-*
 8 *try (as so defined) and land held by a Native*
 9 *Corporation pursuant to the Alaska Native*
 10 *Claims Settlement Act that have adequate*
 11 *broadband coverage.*

12 (B) *An assessment of unserved areas of In-*
 13 *dian country (as so defined) and land held by a*
 14 *Native Corporation pursuant to the Alaska Na-*
 15 *tive Claims Settlement Act.*

16 (b) *TRIBAL BROADBAND RULEMAKING.—Not later*
 17 *than 30 months after the date of the enactment of this Act,*
 18 *the Commission shall complete a proceeding to address the*
 19 *unserved areas identified in the report under subsection (a).*

20 **TITLE VI—VIEWER PROTECTION**

21 **SEC. 601. RESERVE SOURCE FOR PAYMENT OF TV BROAD-** 22 **CASTER RELOCATION COSTS.**

23 (a) *ESTABLISHMENT OF FUND.—There is established*
 24 *in the Treasury of the United States a fund to be known*
 25 *as the Broadcast Repack Fund.*

1 **(b) AVAILABILITY OF FUNDS.—**

2 **(1) IN GENERAL.—***If the Commission makes the*
3 *certification described in paragraph (2), amounts in*
4 *the Broadcast Repack Fund shall be available to the*
5 *Commission to make reimbursements pursuant to*
6 *subsection (b)(4)(A)(i) or (b)(4)(A)(ii) of section 6403*
7 *of the Middle Class Tax Relief and Job Creation Act*
8 *of 2012 (47 U.S.C. 1452).*

9 **(2) CERTIFICATION.—***The certification described*
10 *in this paragraph is a certification from the Commis-*
11 *sion to the Secretary of the Treasury that the funds*
12 *available in the TV Broadcaster Relocation Fund es-*
13 *tablished under subsection (d) of such section are like-*
14 *ly to be insufficient to reimburse reasonably incurred*
15 *costs described in subsection (b)(4)(A)(i) or*
16 *(b)(4)(A)(ii) of such section.*

17 **(3) AVAILABILITY FOR PAYMENTS AFTER APRIL**
18 **13, 2020.—***Notwithstanding subsection (b)(4)(D) of*
19 *such section, the Commission may make payments*
20 *pursuant to subsection (b)(4)(A)(i) or (b)(4)(A)(ii) of*
21 *such section from the Broadcast Repack Fund after*
22 *April 13, 2020, if, before making any such payments*
23 *after such date, the Commission submits to Congress*
24 *a certification that such payments are necessary to*

1 *reimburse reasonably incurred costs described in such*
2 *subsection.*

3 *(c) UNUSED FUNDS RESCINDED AND DEPOSITED INTO*
4 *THE GENERAL FUND OF THE TREASURY.—*

5 *(1) RESCISSION AND DEPOSIT.—If any unobli-*
6 *gated amounts remain in the Broadcast Repack Fund*
7 *after the date described in paragraph (2), such*
8 *amounts shall be rescinded and deposited into the*
9 *general fund of the Treasury, where such amounts*
10 *shall be dedicated for the sole purpose of deficit reduc-*
11 *tion.*

12 *(2) DATE DESCRIBED.—The date described in*
13 *this paragraph is the earlier of—*

14 *(A) the date of a certification by the Com-*
15 *mission under paragraph (3) that all reimburse-*
16 *ments pursuant to subsections (b)(4)(A)(i) and*
17 *(b)(4)(A)(ii) of such section 6403 have been*
18 *made; or*

19 *(B) July 3, 2022.*

20 *(3) CERTIFICATION.—If all reimbursements pur-*
21 *suant to subsections (b)(4)(A)(i) and (b)(4)(A)(ii) of*
22 *such section 6403 have been made before July 3, 2022,*
23 *the Commission shall submit to the Secretary of the*
24 *Treasury a certification that all such reimbursements*
25 *have been made.*

1 (d) *ADMINISTRATIVE COSTS.*—*The amount of auction*
 2 *proceeds that the salaries and expenses account of the Com-*
 3 *mission is required to retain under section 309(j)(8)(B) of*
 4 *the Communications Act of 1934 (47 U.S.C. 309(j)(8)(B)),*
 5 *including from the proceeds of the forward auction under*
 6 *section 6403 of the Middle Class Tax Relief and Job Cre-*
 7 *ation Act of 2012 (47 U.S.C. 1452), shall be sufficient to*
 8 *cover the administrative costs incurred by the Commission*
 9 *in making any reimbursements out of the Broadcast Repack*
 10 *Fund.*

11 **SEC. 602. PAYMENT OF RELOCATION COSTS OF TELEVISION**
 12 **TRANSLATOR STATIONS AND LOW POWER**
 13 **TELEVISION STATIONS.**

14 (a) *PAYMENT REQUIRED.*—

15 (1) *IN GENERAL.*—*From amounts made avail-*
 16 *able under subsection (b)(2), the Commission shall re-*
 17 *imburse costs reasonably incurred by a television*
 18 *translator station or low power television station on*
 19 *or after January 1, 2017, in order for such station*
 20 *to relocate its television service from one channel to*
 21 *another channel or otherwise modify its facility as a*
 22 *result of the reorganization of broadcast television*
 23 *spectrum under subsection (b) of section 6403 of the*
 24 *Middle Class Tax Relief and Job Creation Act of 2012*
 25 *(47 U.S.C. 1452). Only stations that are eligible to*

1 *file and do file an application in the Commission's*
2 *Special Displacement Window are eligible to seek re-*
3 *imbursement under this paragraph.*

4 (2) *LIMITATION.—The Commission may not*
5 *make reimbursements under paragraph (1) for lost*
6 *revenues.*

7 (3) *DUPLICATIVE PAYMENTS PROHIBITED.—In*
8 *the case of a low power television station that has*
9 *been accorded primary status as a Class A television*
10 *licensee under section 73.6001(a) of title 47, Code of*
11 *Federal Regulations—*

12 (A) *if the licensee of such station has re-*
13 *ceived reimbursement with respect to such sta-*
14 *tion under subsection (b)(4)(A)(i) of such section*
15 *6403 (including from amounts made available*
16 *under section 601 of this title), or from any*
17 *other source, such station may not receive reim-*
18 *bursment under paragraph (1); and*

19 (B) *if such station has received reimburse-*
20 *ment under paragraph (1), the licensee of such*
21 *station may not receive reimbursement with re-*
22 *spect to such station under subsection*
23 *(b)(4)(A)(i) of such section 6403.*

24 (4) *ADDITIONAL LIMITATION.—The Commission*
25 *may not make reimbursement under paragraph (1)*

1 *for costs incurred to resolve mutually exclusive appli-*
2 *cations, including costs incurred in any auction of*
3 *available channels.*

4 ***(b) FUNDING.—***

5 ***(1) ESTABLISHMENT OF FUND.—****There is estab-*
6 *lished in the Treasury of the United States a fund to*
7 *be known as the Translator and Low Power Station*
8 *Relocation Fund.*

9 ***(2) AVAILABILITY OF FUNDS.—***

10 ***(A) IN GENERAL.—****Amounts in the Trans-*
11 *lator and Low Power Station Relocation Fund*
12 *shall be available to the Commission to make*
13 *payments required by subsection (a)(1).*

14 ***(B) AVAILABILITY AFTER APRIL 13, 2020.—***
15 *Amounts in the Translator and Low Power Sta-*
16 *tion Relocation Fund shall not be available to*
17 *the Commission to make payments required by*
18 *subsection (a)(1) after April 13, 2020, unless, be-*
19 *fore making any such payments after such date,*
20 *the Commission submits to Congress a certifi-*
21 *cation that such payments are necessary to reim-*
22 *burse costs reasonably incurred by a television*
23 *translator station or low power television station*
24 *on or after January 1, 2017, in order for such*
25 *station to relocate its television service from one*

1 *channel to another channel or otherwise modify*
 2 *its facility as a result of the reorganization of*
 3 *broadcast television spectrum under subsection*
 4 *(b) of section 6403 of the Middle Class Tax Relief*
 5 *and Job Creation Act of 2012 (47 U.S.C. 1452).*

6 *(3) UNUSED FUNDS RESCINDED AND DEPOSITED*
 7 *INTO THE GENERAL FUND OF THE TREASURY.—*

8 *(A) RESCISSION AND DEPOSIT.—If any un-*
 9 *obligated amounts remain in the Translator and*
 10 *Low Power Station Relocation Fund after the*
 11 *date described in subparagraph (B), such*
 12 *amounts shall be rescinded and deposited into*
 13 *the general fund of the Treasury, where such*
 14 *amounts shall be dedicated for the sole purpose*
 15 *of deficit reduction.*

16 *(B) DATE DESCRIBED.—The date described*
 17 *in this subparagraph is the earlier of—*

18 *(i) the date of a certification by the*
 19 *Commission under subparagraph (C) that*
 20 *all reimbursements pursuant to subsection*
 21 *(a)(1) have been made; or*

22 *(ii) July 3, 2023.*

23 *(C) CERTIFICATION.—If all reimbursements*
 24 *pursuant to subsection (a)(1) have been made be-*
 25 *fore July 3, 2023, the Commission shall submit*

1 *to the Secretary of the Treasury a certification*
 2 *that all such reimbursements have been made.*

3 (c) *ADMINISTRATIVE COSTS.—The amount of auction*
 4 *proceeds that the salaries and expenses account of the Com-*
 5 *mission is required to retain under section 309(j)(8)(B) of*
 6 *the Communications Act of 1934 (47 U.S.C. 309(j)(8)(B)),*
 7 *including from the proceeds of the forward auction under*
 8 *section 6403 of the Middle Class Tax Relief and Job Cre-*
 9 *ation Act of 2012 (47 U.S.C. 1452), shall be sufficient to*
 10 *cover the administrative costs incurred by the Commission*
 11 *in making any reimbursements out of the Translator and*
 12 *Low Power Station Relocation Fund.*

13 (d) *DEFINITIONS.—In this section:*

14 (1) *LOW POWER TELEVISION STATION.—The*
 15 *term “low power television station” means a low*
 16 *power TV station (as defined in section 74.701 of title*
 17 *47, Code of Federal Regulations) that was licensed*
 18 *and transmitting for at least 9 of the 12 months prior*
 19 *to April 13, 2017. For purposes of the preceding sen-*
 20 *tence, the operation of analog and digital companion*
 21 *facilities may be combined.*

22 (2) *TELEVISION TRANSLATOR STATION.—The*
 23 *term “television translator station” means a tele-*
 24 *vision broadcast translator station (as defined in sec-*
 25 *tion 74.701 of title 47, Code of Federal Regulations)*

1 *that was licensed and transmitting for at least 9 of*
 2 *the 12 months prior to April 13, 2017. For purposes*
 3 *of the preceding sentence, the operation of analog and*
 4 *digital companion facilities may be combined.*

5 **SEC. 603. PAYMENT OF RELOCATION COSTS OF FM BROAD-**
 6 **CAST STATIONS.**

7 *(a) PAYMENT REQUIRED.—*

8 *(1) IN GENERAL.—From amounts made avail-*
 9 *able under subsection (b)(2), the Commission shall re-*
 10 *imburse costs reasonably incurred by an FM broad-*
 11 *cast station for facilities necessary for such station to*
 12 *reasonably minimize disruption of service as a result*
 13 *of the reorganization of broadcast television spectrum*
 14 *under subsection (b) of section 6403 of the Middle*
 15 *Class Tax Relief and Job Creation Act of 2012 (47*
 16 *U.S.C. 1452).*

17 *(2) LIMITATION.—The Commission may not*
 18 *make reimbursements under paragraph (1) for lost*
 19 *revenues.*

20 *(3) DUPLICATIVE PAYMENTS PROHIBITED.—If an*
 21 *FM broadcast station has received a payment for in-*
 22 *terim facilities from the licensee of a television broad-*
 23 *cast station that was reimbursed for such payment*
 24 *under subsection (b)(4)(A)(i) of such section 6403 (in-*
 25 *cluding from amounts made available under section*

1 601 of this title), or from any other source, such FM
2 broadcast station may not receive any reimburse-
3 ments under paragraph (1).

4 (b) FUNDING.—

5 (1) ESTABLISHMENT OF FUND.—There is estab-
6 lished in the Treasury of the United States a fund to
7 be known as the FM Broadcast Station Relocation
8 Fund.

9 (2) AVAILABILITY OF FUNDS.—

10 (A) IN GENERAL.—Amounts in the FM
11 Broadcast Station Relocation Fund shall be
12 available to the Commission to make payments
13 required by subsection (a)(1).

14 (B) AVAILABILITY AFTER APRIL 13, 2020.—
15 Amounts in the FM Broadcast Station Reloca-
16 tion Fund shall not be available to the Commis-
17 sion to make payments required by subsection
18 (a)(1) after April 13, 2020, unless, before making
19 any such payments after such date, the Commis-
20 sion submits to Congress a certification that such
21 payments are necessary to reimburse costs rea-
22 sonably incurred by an FM broadcast station for
23 facilities necessary for such station to reasonably
24 minimize disruption of service as a result of the
25 reorganization of broadcast television spectrum

1 *under subsection (b) of section 6403 of the Mid-*
2 *dle Class Tax Relief and Job Creation Act of*
3 *2012 (47 U.S.C. 1452).*

4 *(3) UNUSED FUNDS RESCINDED AND DEPOSITED*
5 *INTO THE GENERAL FUND OF THE TREASURY.—*

6 *(A) RESCISSION AND DEPOSIT.—If any un-*
7 *obligated amounts remain in the FM Broadcast*
8 *Station Relocation Fund after the date described*
9 *in subparagraph (B), such amounts shall be re-*
10 *scinded and deposited into the general fund of*
11 *the Treasury, where such amounts shall be dedi-*
12 *cated for the sole purpose of deficit reduction.*

13 *(B) DATE DESCRIBED.—The date described*
14 *in this subparagraph is the earlier of—*

15 *(i) the date of a certification by the*
16 *Commission under subparagraph (C) that*
17 *all reimbursements pursuant to subsection*
18 *(a)(1) have been made; or*

19 *(ii) July 3, 2022.*

20 *(C) CERTIFICATION.—If all reimbursements*
21 *pursuant to subsection (a)(1) have been made be-*
22 *fore July 3, 2022, the Commission shall submit*
23 *to the Secretary of the Treasury a certification*
24 *that all such reimbursements have been made.*

1 (c) *ADMINISTRATIVE COSTS.*—*The amount of auction*
 2 *proceeds that the salaries and expenses account of the Com-*
 3 *mission is required to retain under section 309(j)(8)(B) of*
 4 *the Communications Act of 1934 (47 U.S.C. 309(j)(8)(B)),*
 5 *including from the proceeds of the forward auction under*
 6 *section 6403 of the Middle Class Tax Relief and Job Cre-*
 7 *ation Act of 2012 (47 U.S.C. 1452), shall be sufficient to*
 8 *cover the administrative costs incurred by the Commission*
 9 *in making any reimbursements out of the FM Broadcast*
 10 *Station Relocation Fund.*

11 (d) *FM BROADCAST STATION DEFINED.*—*In this sec-*
 12 *tion, the term “FM broadcast station” has the meaning*
 13 *given such term in section 73.310 of title 47, Code of Fed-*
 14 *eral Regulations.*

15 **SEC. 604. CONSUMER EDUCATION PAYMENT.**

16 (a) *ESTABLISHMENT OF FUND.*—*There is established*
 17 *in the Treasury of the United States a fund to be known*
 18 *as the Broadcast Station Relocation Consumer Education*
 19 *Fund.*

20 (b) *AVAILABILITY OF FUNDS.*—*Amounts in the Broad-*
 21 *cast Station Relocation Consumer Education Fund shall be*
 22 *available to the Commission to make payments solely for*
 23 *the purposes of consumer education relating to the reorga-*
 24 *nization of broadcast television spectrum under subsection*

1 *(b) of section 6403 of the Middle Class Tax Relief and Job*
 2 *Creation Act of 2012 (47 U.S.C. 1452).*

3 *(c) ADMINISTRATIVE COSTS.—The amount of auction*
 4 *proceeds that the salaries and expenses account of the Com-*
 5 *mission is required to retain under section 309(j)(8)(B) of*
 6 *the Communications Act of 1934 (47 U.S.C. 309(j)(8)(B)),*
 7 *including from the proceeds of the forward auction under*
 8 *section 6403 of the Middle Class Tax Relief and Job Cre-*
 9 *ation Act of 2012 (47 U.S.C. 1452), shall be sufficient to*
 10 *cover the administrative costs incurred by the Commission*
 11 *in making any payments out of the Broadcast Station Relo-*
 12 *cation Consumer Education Fund.*

13 **SEC. 605. IMPLEMENTATION AND ENFORCEMENT.**

14 *The Commission shall implement and enforce this title*
 15 *as if this title is a part of the Communications Act of 1934*
 16 *(47 U.S.C. 151 et seq.). A violation of this title, or a regula-*
 17 *tion promulgated under this title, shall be considered to be*
 18 *a violation of the Communications Act of 1934, or a regula-*
 19 *tion promulgated under such Act, respectively.*

20 **SEC. 606. RULE OF CONSTRUCTION.**

21 *Nothing in this title shall alter the final transition*
 22 *phase completion date established by the Commission for*
 23 *full power and Class A television stations.*

Union Calendar No. 445

115TH CONGRESS
2^D Session

H. R. 4986

[Report No. 115-587, Part I]

A BILL

To amend the Communications Act of 1934 to re-authorize appropriations for the Federal Communications Commission, to provide for certain procedural changes to the rules of the Commission to maximize opportunities for public participation and efficient decisionmaking, and for other purposes.

MARCH 6, 2018

Reported from the Committee on Energy and Commerce
with an amendment

MARCH 6, 2018

The Committees on Transportation and Infrastructure
and Oversight and Government Reform discharged;
committed to the Committee of the Whole House on
the State of the Union and ordered to be printed