

116TH CONGRESS
1ST SESSION

S. 161

To require the Comptroller General of the United States to conduct a study and submit a report on filing requirements under the Universal Service Fund programs.

IN THE SENATE OF THE UNITED STATES

JANUARY 16, 2019

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

A BILL

To require the Comptroller General of the United States to conduct a study and submit a report on filing requirements under the Universal Service Fund programs.

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. STUDY AND REPORT ON FILING REQUIRE-**
4 **MENTS UNDER UNIVERSAL SERVICE FUND**
5 **PROGRAMS.**

6 (a) DEFINITIONS.—In this section—

7 (1) the term “Administrative Procedure Act”
8 means subchapter II of chapter 5 of title 5, United
9 States Code;

1 (2) the term “Commission” means the Federal
2 Communications Commission;

3 (3) the term “covered carrier” means an eligi-
4 ble telecommunications carrier or service provider
5 that receives universal service support under sections
6 214(e) and 254 of the Communications Act of 1934
7 (47 U.S.C. 214(e), 254) for the provision of service
8 under a Universal Service Fund program; and

9 (4) the term “Universal Service Fund program”
10 means each program of the Commission set forth
11 under part 54 of title 47, Code of Federal Regula-
12 tions, or any successor thereto, including—

13 (A) the Connect America Fund set forth
14 under subpart D of that part;

15 (B) the Lifeline program set forth under
16 subpart E of that part;

17 (C) the E-Rate program set forth under
18 subpart F of that part;

19 (D) the Rural Health Care program set
20 forth under subpart G of that part;

21 (E) the Remote Areas Fund set forth
22 under subpart J of that part;

23 (F) the Connect America Fund Broadband
24 Loop Support program set forth under subpart
25 K of that part;

1 (G) the Mobility Fund set forth under sub-
2 part L of that part; and

3 (H) the High Cost Loop Support for Rate-
4 of-Return Carriers program set forth under
5 subpart M of that part.

6 (b) STUDY AND REPORT.—Not later than 18 months
7 after the date of enactment of this Act, the Comptroller
8 General of the United States shall conduct a study and
9 submit to the Commission, the Committee on Commerce,
10 Science, and Transportation of the Senate, and the Com-
11 mittee on Energy and Commerce of the House of Rep-
12 resentatives a report, which shall include—

13 (1) an analysis of the filing requirements for
14 covered carriers participating in a Universal Service
15 Fund program, including any filings required by the
16 Universal Service Administrative Company;

17 (2) an analysis of the financial impact of those
18 filing requirements on covered carriers participating
19 in a Universal Service Fund program; and

20 (3) recommendations, if any, on how to consoli-
21 date redundant filing requirements for covered car-
22 riers participating in a Universal Service Fund pro-
23 gram.

24 (c) RULEMAKING.—

1 (1) NEW OR ONGOING RULEMAKING.—Except
2 as provided in paragraph (3), not later than 60 days
3 after the date on which the report is submitted
4 under subsection (b), the Commission shall—

5 (A)(i) initiate a rulemaking to consolidate
6 redundant filing requirements for covered car-
7 riers participating in a Universal Service Fund
8 program; and

9 (ii) incorporate into the rulemaking under
10 clause (i), and as part of that rulemaking seek
11 comment on, the recommendations described in
12 subsection (b)(3), if any, except to the extent
13 that doing so would violate the requirements of
14 the Administrative Procedure Act; or

15 (B) incorporate into an ongoing rule-
16 making relating to consolidating redundant fil-
17 ing requirements of the Commission, and as
18 part of that rulemaking seek comment on, the
19 recommendations described in subsection (b)(3),
20 if any, except to the extent that doing so would
21 violate the requirements of the Administrative
22 Procedure Act.

23 (2) WASTE, FRAUD, AND ABUSE.—In a rule-
24 making in which the Commission is required under
25 paragraph (1) to seek comment on the recommenda-

1 tions described in subsection (b)(3), if any, the Com-
2 mission shall also seek comment on and consider
3 whether the benefit of each recommendation is out-
4 weighed by any potential increased risk of waste,
5 fraud, and abuse in the Universal Service Fund pro-
6 gram affected by the recommendation.

7 (3) PREVIOUS RULEMAKING.—Paragraph (1)
8 shall not apply if, on or before the date on which the
9 report is submitted under subsection (b), the Com-
10 mission completes a rulemaking to consolidate re-
11 dundant filing requirements for covered carriers par-
12 ticipating in a Universal Service Fund program.

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