

Calendar No. 77

115TH CONGRESS
1ST SESSION

S. 174

[Report No. 115–61]

To amend the Communications Act of 1934 to consolidate the reporting obligations of the Federal Communications Commission in order to improve congressional oversight and reduce reporting burdens.

IN THE SENATE OF THE UNITED STATES

JANUARY 17, 2017

Mr. HELLER (for himself and Mr. SCHATZ) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

MAY 11, 2017

Reported by Mr. THUNE, without amendment

A BILL

To amend the Communications Act of 1934 to consolidate the reporting obligations of the Federal Communications Commission in order to improve congressional oversight and reduce reporting burdens.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Federal Communica-
3 tions Commission Consolidated Reporting Act of 2017”.

4 **SEC. 2. COMMUNICATIONS MARKETPLACE REPORT.**

5 Title I of the Communications Act of 1934 (47
6 U.S.C. 151 et seq.) is amended by adding at the end the
7 following:

8 **“SEC. 13. COMMUNICATIONS MARKETPLACE REPORT.**

9 “(a) IN GENERAL.—In the last quarter of every even-
10 numbered year, the Commission shall publish on its
11 website and submit to the Committee on Energy and Com-
12 merce of the House of Representatives and the Committee
13 on Commerce, Science, and Transportation of the Senate
14 a report on the state of the communications marketplace.

15 “(b) CONTENTS.—Each report required under sub-
16 section (a) shall—

17 “(1) assess the state of competition in the com-
18 munications marketplace, including competition to
19 deliver voice, video, audio, and data services among
20 providers of telecommunications, providers of com-
21 mercial mobile service (as defined in section 332),
22 multichannel video programming distributors (as de-
23 fined in section 602), broadcast stations, providers
24 of satellite communications, Internet service pro-
25 viders, and other providers of communications serv-
26 ices;

1 “(2) assess the state of deployment of commu-
2 nications capabilities, including advanced tele-
3 communications capability (as defined in section 706
4 of the Telecommunications Act of 1996 (47 U.S.C.
5 1302)), regardless of the technology used for such
6 deployment;

7 “(3) assess whether laws, regulations, regu-
8 latory practices, or demonstrated marketplace prac-
9 tices pose a barrier to competitive entry into the
10 communications marketplace or to the competitive
11 expansion of existing providers of communications
12 services; and

13 “(4) describe the agenda of the Commission for
14 the next 2-year period for addressing the challenges
15 and opportunities in the communications market-
16 place that were identified through the assessments
17 under paragraphs (1) through (3).

18 “(c) EXTENSION.—If the Senate confirms the Chair-
19 man of the Commission during the third or fourth quarter
20 of an even-numbered year, the report required under sub-
21 section (a) may be published on the website of the Com-
22 mission and submitted to the Committee on Energy and
23 Commerce of the House of Representatives and the Com-
24 mittee on Commerce, Science, and Transportation of the
25 Senate by March 1 of the following odd-numbered year.

1 “(d) SPECIAL REQUIREMENTS.—

2 “(1) ASSESSING COMPETITION.—In assessing
3 the state of competition under subsection (b)(1), the
4 Commission shall consider all forms of competition,
5 including the effect of intermodal competition, facili-
6 ties-based competition, and competition from new
7 and emergent communications services, including the
8 provision of content and communications using the
9 Internet.

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

15 “(3) CONSIDERING SMALL BUSINESSES.—In as-
16 sessing the state of competition under subsection
17 (b)(1) and barriers under subsection (b)(3), the
18 Commission shall consider market entry barriers for
19 entrepreneurs and other small businesses in the
20 communications marketplace in accordance with the
21 national policy under section 257(b).

22 “(e) NOTIFICATION OF DELAY IN REPORT.—If the
23 Commission fails to publish a report by the applicable
24 deadline under subsection (a) or (c), the Commission shall,

1 not later than 7 days after the deadline and every 60 days
 2 thereafter until the publication of the report—

3 “(1) provide notification of the delay by letter
 4 to the chairperson and ranking member of—

5 “(A) the Committee on Energy and Com-
 6 merce of the House of Representatives; and

7 “(B) the Committee on Commerce,
 8 Science, and Transportation of the Senate;

9 “(2) indicate in the letter the date on which the
 10 Commission anticipates the report will be published;
 11 and

12 “(3) publish the letter on the website of the
 13 Commission.”.

14 **SEC. 3. CONSOLIDATION OF REDUNDANT REPORTS; CON-**
 15 **FORMING AMENDMENTS.**

16 (a) ORBIT ACT REPORT.—Section 646 of the Com-
 17 munications Satellite Act of 1962 (47 U.S.C. 765e) is re-
 18 pealed.

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

21 (c) INTERNATIONAL BROADBAND DATA REPORT.—
 22 Section 103(b)(1) of the Broadband Data Improvement
 23 Act (47 U.S.C. 1303(b)(1)) is amended by striking “the
 24 assessment and report” and all that follows through “the
 25 Federal Communications Commission” and inserting “its

1 report under section 13 of the Communications Act of
2 1934, the Federal Communications Commission”.

3 (d) STATUS OF COMPETITION IN THE MARKET FOR
4 THE DELIVERY OF VIDEO PROGRAMMING REPORT.—Sec-
5 tion 628 of the Communications Act of 1934 (47 U.S.C.
6 548) is amended—

7 (1) by striking subsection (g);

8 (2) by redesignating subsection (j) as sub-
9 section (g); and

10 (3) by transferring subsection (g) (as redesign-
11 nated) so that it appears after subsection (f).

12 (e) REPORT ON CABLE INDUSTRY PRICES.—Section
13 623(k) of the Communications Act of 1934 (47 U.S.C.
14 543(k)) is amended—

15 (1) in paragraph (1), by striking “annually
16 publish” and inserting “publish with its report
17 under section 13 of the Communications Act of
18 1934”; and

19 (2) in paragraph (2), in the heading, by strik-
20 ing “ANNUAL”.

21 (f) TRIENNIAL REPORT IDENTIFYING AND ELIMI-
22 NATING MARKET ENTRY BARRIERS FOR ENTRE-
23 PRENEURS AND OTHER SMALL BUSINESSES.—Section
24 257 of the Communications Act of 1934 (47 U.S.C. 257)
25 is amended by striking subsection (c).

1 (g) STATE OF COMPETITIVE MARKET CONDITIONS
 2 WITH RESPECT TO COMMERCIAL MOBILE RADIO SERV-
 3 ICES.—Section 332(c)(1)(C) of the Communications Act
 4 of 1934 (47 U.S.C. 332(c)(1)(C)) is amended by striking
 5 the first and second sentences.

6 (h) PREVIOUSLY ELIMINATED ANNUAL REPORT.—

7 (1) IN GENERAL.—Section 4 of the Commu-
 8 nications Act of 1934 (47 U.S.C. 154) is amended—

9 (A) by striking subsection (k); and

10 (B) by redesignating subsections (l)
 11 through (o) as subsections (k) through (n), re-
 12 spectively.

13 (2) CONFORMING AMENDMENTS.—The Commu-
 14 nications Act of 1934 (47 U.S.C. 151 et seq.) is
 15 amended—

16 (A) in section 9(i), by striking “In the
 17 Commission’s annual report, the Commission
 18 shall prepare an analysis of its progress in de-
 19 veloping such systems and” and inserting “The
 20 Commission”; and

21 (B) in section 309(j)(8)(B), by striking the
 22 last sentence.

23 (i) ADDITIONAL OUTDATED REPORTS.—

24 (1) IN GENERAL.—The Communications Act of
 25 1934 (47 U.S.C. 151 et seq.) is amended—

1 (A) in section 4—

2 (i) in subsection (b)(2)(B)(ii), by
3 striking “and shall furnish notice of such
4 action” and all that follows through “sub-
5 ject of the waiver”; and

6 (ii) in subsection (g)—

7 (I) by striking paragraph (2);

8 and

9 (II) by redesignating paragraph
10 (3) as paragraph (2);

11 (B) in section 215—

12 (i) by striking subsection (b); and

13 (ii) by redesignating subsection (c) as
14 subsection (b);

15 (C) in section 227(e)—

16 (i) by striking paragraph (4); and

17 (ii) by redesignating paragraphs (5)
18 through (9) as paragraphs (4) through (8),
19 respectively;

20 (D) in section 303(u)(1)(B), by striking

21 “section 713(f)” and inserting “section
22 713(e)”;

23 (E) in section 309(j)—

24 (i) by striking paragraph (12);

1 (ii) by redesignating paragraphs (13)
 2 through (17) as paragraphs (12) through
 3 (16), respectively; and

4 (iii) in paragraph (14)(C), as redesign-
 5 nated—

6 (I) by striking clause (iv);

7 (II) by redesignating clauses (v)
 8 and (vi) as clauses (iv) and (v), re-
 9 spectively; and

10 (III) in clause (v), as redesign-
 11 nated, in the matter preceding sub-
 12 clause (I)—

13 (aa) by striking “clause (v)”
 14 and inserting “clause (iv)”; and

15 (bb) by striking “paragraph
 16 (14)” and inserting “paragraph
 17 (13)”;

18 (F) in section 331(b), by striking the last
 19 sentence;

20 (G) in section 336(e), by striking para-
 21 graph (4) and inserting the following:

22 “(4) REPORT.—The Commission shall annually
 23 advise the Congress on the amounts collected pursu-
 24 ant to the program required by this subsection.”;

1 (H) in section 338(k)(6)(B), by striking
 2 “section 396(k)(6)(B)” and inserting “section
 3 396(j)(6)(B)”;

4 (I) in section 339(c)—

5 (i) by striking paragraph (1);

6 (ii) by redesignating paragraphs (2)
 7 through (5) as paragraphs (1) through (4),
 8 respectively;

9 (iii) in paragraph (3)(A), as redesign-
 10 nated, by striking “paragraph (2)” and in-
 11 serting “paragraph (1)”;

12 (iv) in paragraph (4), as redesignated,
 13 by striking “paragraphs (2) and (4)” and
 14 inserting “paragraphs (1) and (3)”;

15 (J) in section 396—

16 (i) by striking subsections (i) and (m);

17 (ii) by redesignating subsections (j)
 18 through (l) as subsections (i) through (k),
 19 respectively;

20 (iii) in subsection (j), as redesign-
 21 nated—

22 (I) in paragraph (1), by striking
 23 subparagraph (F);

24 (II) in paragraph (3)(B)(iii)—

1 (aa) by striking subclause
2 (V);

3 (bb) by redesignating sub-
4 clause (VI) as subclause (V); and

5 (cc) in subclause (V), as re-
6 designated, by striking “sub-
7 section (l)(4)(B)” and inserting
8 “subsection (k)(4)(B)”; and

9 (III) in paragraph (5), by strik-
10 ing “subsection (1)(3)(B)” and insert-
11 ing “subsection (k)(3)(B)”; and

12 (iv) in subsection (k), as redesign-
13 nated—

14 (I) in paragraph (1)(B), by strik-
15 ing “shall be included” and all that
16 follows through “The audit report”;
17 and

18 (II) in paragraph (4)—

19 (aa) in subparagraph (B),
20 by striking “subsection (k)(3)(A)
21 (ii)(II) or (iii)(II)” and inserting
22 “clause (ii)(II) or (iii)(II) of sub-
23 section (j)(3)(A)”;

24 (bb) in subparagraph (C),
25 by striking “subsection

1 (k)(3)(A)(iii)(III)” and inserting
 2 “subsection (j)(3)(A)(iii)(III)”;
 3 and
 4 (cc) in subparagraph (D), by
 5 striking “subsection (k)(3)(A)
 6 (ii)(III) or (iii)(II)” and inserting
 7 “clause (ii)(II) or (iii)(II) of sub-
 8 section (j)(3)(A)”;
 9 (K) in section 398(b)(4), by striking the
 10 third sentence;
 11 (L) in section 399B(c), by striking “sec-
 12 tion 396(k)” and inserting “section 396(j)”;
 13 (M) in section 615(l)(1)(A)(ii), by striking
 14 “section 396(k)(6)(B)” and inserting “section
 15 396(j)(6)(B)”;
 16 (N) in section 624A(b)(1)—
 17 (i) by striking “REPORT; REGULA-
 18 TIONS” and inserting “REGULATIONS”;
 19 (ii) by striking “Within 1 year after”
 20 and all that follows through “on means of
 21 assuring” and inserting “The Commission
 22 shall issue such regulations as are nec-
 23 essary to assure”; and

(iii) by striking “Within 180 days after” and all that follows through “to assure such compatibility.”; and

(O) in section 713—

(i) by striking subsection (a);

(ii) by redesignating subsections (b), (c), (d), (e), (f), (g), (h), and (j) as subsections (a), (b), (c), (d), (e), (f), (g), and (h), respectively;

(iii) in subsection (a), as redesignated—

(I) in the matter preceding paragraph (1), by striking “such date of enactment” and inserting “the date of enactment of the Telecommunications Act of 1996”; and

(II) by striking “subsection (d)” each place that term appears and inserting “subsection (c)”;

(iv) in subsection (b), as redesignated, by striking “subsection (b)” each place that term appears and inserting “subsection (a)”;

(v) in subsection (c), as redesignated, by striking “subsection (b)” and inserting “subsection (a)”;

(vi) in subsection (e)(2)(A), as redesignated, by striking “subsection (h)” and inserting “subsection (g)”;

(vii) in subsection (f), as redesignated, by striking “subsection (e)(2)” and inserting “subsection (d)(2)”.

(2) CONFORMING AMENDMENTS.—

(A) MIDDLE CLASS TAX RELIEF AND JOB CREATION ACT OF 2012.—Section 6401(b) of the Middle Class Tax Relief and Job Creation Act of 2012 (47 U.S.C. 1451(b)) is amended—

(i) in paragraph (1), by striking “(15)(A)” and inserting “(14)(A)”;

(ii) in paragraph (3), by striking “section 309(j)(16)(B) of the Communications Act of 1934 (47 U.S.C. 309(j)(16)(B))” and inserting “section 309(j)(15)(B) of the Communications Act of 1934 (47 U.S.C. 309(j)(15)(B))”.

(B) TITLE 17.—Chapter 1 of title 17, United States Code, is amended—

(i) in section 114(d)(1)(B)(iv), by striking “section 396(k) of the Communications Act of 1934 (47 U.S.C. 396(k))” and inserting “section 396(j) of the Communications Act of 1934 (47 U.S.C. 396(j))”; and

(ii) in section 119(a)—

(I) in paragraph (2)(B)(ii)—

(aa) in subclause (I), by striking “section 339(c)(3)” and inserting “section 339(c)(2)”;

(bb) in subclause (II), by striking “section 339(c)(4)” and inserting “section 339(c)(3)”;

and

(cc) in subclause (III), by striking “section 339(c)(3) of the Communications Act of 1934 (47 U.S.C. 339(c)(3))” and inserting “section 339(c)(2) of the Communications Act of 1934 (47 U.S.C. 339(c)(2))”;

(II) in paragraph (3)(E), by striking “section 339(c)(2)” and inserting “section 339(c)(1)”;

and

1 (III) in paragraph (13), by strik-
2 ing “section 339(c)(2)” and inserting
3 “section 339(c)(1)”.

4 **SEC. 4. EFFECT ON AUTHORITY.**

5 Nothing in this Act or the amendments made by this
6 Act shall be construed to expand or contract the authority
7 of the Federal Communications Commission.

8 **SEC. 5. OTHER REPORTS.**

9 Nothing in this Act or the amendments made by this
10 Act shall be construed to prohibit or otherwise prevent the
11 Federal Communications Commission from producing any
12 additional reports otherwise within the authority of the
13 Federal Communications Commission.

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