

115TH CONGRESS
1ST SESSION

S. 174

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

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,*

3 **SECTION 1. SHORT TITLE.**

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

1 **SEC. 2. COMMUNICATIONS MARKETPLACE REPORT.**

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

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

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

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

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

24 “(2) assess the state of deployment of commu-
25 nications capabilities, including advanced tele-
26 communications capability (as defined in section 706

1 of the Telecommunications Act of 1996 (47 U.S.C.
2 1302)), regardless of the technology used for such
3 deployment;

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

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

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

23 “(d) SPECIAL REQUIREMENTS.—

24 “(1) ASSESSING COMPETITION.—In assessing
25 the state of competition under subsection (b)(1), the

1 Commission shall consider all forms of competition,
2 including the effect of intermodal competition, facili-
3 ties-based competition, and competition from new
4 and emergent communications services, including the
5 provision of content and communications using the
6 Internet.

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

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

19 “(e) NOTIFICATION OF DELAY IN REPORT.—If the
20 Commission fails to publish a report by the applicable
21 deadline under subsection (a) or (c), the Commission shall,
22 not later than 7 days after the deadline and every 60 days
23 thereafter until the publication of the report—

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

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

3 “(B) the Committee on Commerce,
4 Science, and Transportation of the Senate;

5 “(2) indicate in the letter the date on which the
6 Commission anticipates the report will be published;
7 and

8 “(3) publish the letter on the website of the
9 Commission.”.

10 **SEC. 3. CONSOLIDATION OF REDUNDANT REPORTS; CON-**
11 **FORMING AMENDMENTS.**

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

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.—
18 Section 103(b)(1) of the Broadband Data Improvement
19 Act (47 U.S.C. 1303(b)(1)) is amended by striking “the
20 assessment and report” and all that follows through “the
21 Federal Communications Commission” and inserting “its
22 report under section 13 of the Communications Act of
23 1934, the Federal Communications Commission”.

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

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

3 (1) by striking subsection (g);

4 (2) by redesignating subsection (j) as sub-
5 section (g); and

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

8 (e) REPORT ON CABLE INDUSTRY PRICES.—Section
9 623(k) of the Communications Act of 1934 (47 U.S.C.
10 543(k)) is amended—

11 (1) in paragraph (1), by striking “annually
12 publish” and inserting “publish with its report
13 under section 13 of the Communications Act of
14 1934”; and

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

17 (f) TRIENNIAL REPORT IDENTIFYING AND ELIMI-
18 NATING MARKET ENTRY BARRIERS FOR ENTRE-
19 PRENEURS AND OTHER SMALL BUSINESSES.—Section
20 257 of the Communications Act of 1934 (47 U.S.C. 257)
21 is amended by striking subsection (c).

22 (g) STATE OF COMPETITIVE MARKET CONDITIONS
23 WITH RESPECT TO COMMERCIAL MOBILE RADIO SERV-
24 ICES.—Section 332(c)(1)(C) of the Communications Act

1 of 1934 (47 U.S.C. 332(c)(1)(C)) is amended by striking
2 the first and second sentences.

3 (h) PREVIOUSLY ELIMINATED ANNUAL REPORT.—

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

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

7 (B) by redesignating subsections (l)
8 through (o) as subsections (k) through (n), re-
9 spectively.

10 (2) CONFORMING AMENDMENTS.—The Commu-
11 nications Act of 1934 (47 U.S.C. 151 et seq.) is
12 amended—

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

18 (B) in section 309(j)(8)(B), by striking the
19 last sentence.

20 (i) ADDITIONAL OUTDATED REPORTS.—

21 (1) IN GENERAL.—The Communications Act of
22 1934 (47 U.S.C. 151 et seq.) is amended—

23 (A) in section 4—

24 (i) in subsection (b)(2)(B)(ii), by
25 striking “and shall furnish notice of such

- 1 action” and all that follows through “sub-
2 ject of the waiver”; and
- 3 (ii) in subsection (g)—
- 4 (I) by striking paragraph (2);
5 and
- 6 (II) by redesignating paragraph
7 (3) as paragraph (2);
- 8 (B) in section 215—
- 9 (i) by striking subsection (b); and
10 (ii) by redesignating subsection (c) as
11 subsection (b);
- 12 (C) in section 227(e)—
- 13 (i) by striking paragraph (4); and
14 (ii) by redesignating paragraphs (5)
15 through (9) as paragraphs (4) through (8),
16 respectively;
- 17 (D) in section 303(u)(1)(B), by striking
18 “section 713(f)” and inserting “section
19 713(e)”;
- 20 (E) in section 309(j)—
- 21 (i) by striking paragraph (12);
22 (ii) by redesignating paragraphs (13)
23 through (17) as paragraphs (12) through
24 (16), respectively; and

1 (iii) in paragraph (14)(C), as redesignig-
2 nated—

3 (I) by striking clause (iv);

4 (II) by redesignating clauses (v)
5 and (vi) as clauses (iv) and (v), re-
6 spectively; and

7 (III) in clause (v), as redesignig-
8 nated, in the matter preceding sub-
9 clause (I)—

10 (aa) by striking “clause (v)”
11 and inserting “clause (iv)”; and

12 (bb) by striking “paragraph
13 (14)” and inserting “paragraph
14 (13)”;

15 (F) in section 331(b), by striking the last
16 sentence;

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

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

22 (H) in section 338(k)(6)(B), by striking
23 “section 396(k)(6)(B)” and inserting “section
24 396(j)(6)(B)”;

25 (I) in section 339(c)—

- 1 (i) by striking paragraph (1);
- 2 (ii) by redesignating paragraphs (2)
- 3 through (5) as paragraphs (1) through (4),
- 4 respectively;
- 5 (iii) in paragraph (3)(A), as redesign-
- 6 nated, by striking “paragraph (2)” and in-
- 7 serting “paragraph (1)”; and
- 8 (iv) in paragraph (4), as redesignated,
- 9 by striking “paragraphs (2) and (4)” and
- 10 inserting “paragraphs (1) and (3)”;
- 11 (J) in section 396—
- 12 (i) by striking subsections (i) and (m);
- 13 (ii) by redesignating subsections (j)
- 14 through (l) as subsections (i) through (k),
- 15 respectively;
- 16 (iii) in subsection (j), as redesign-
- 17 nated—
- 18 (I) in paragraph (1), by striking
- 19 subparagraph (F);
- 20 (II) in paragraph (3)(B)(iii)—
- 21 (aa) by striking subclause
- 22 (V);
- 23 (bb) by redesignating sub-
- 24 clause (VI) as subclause (V); and

1 (cc) in subclause (V), as re-
2 designated, by striking “sub-
3 section (l)(4)(B)” and inserting
4 “subsection (k)(4)(B)”; and

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

8 (iv) in subsection (k), as redesign-
9 nated—

10 (I) in paragraph (1)(B), by strik-
11 ing “shall be included” and all that
12 follows through “The audit report”;
13 and

14 (II) in paragraph (4)—

15 (aa) in subparagraph (B),
16 by striking “subsection (k)(3)(A)
17 (ii)(II) or (iii)(II)” and inserting
18 “clause (ii)(II) or (iii)(II) of sub-
19 section (j)(3)(A)”;

20 (bb) in subparagraph (C),
21 by striking “subsection
22 (k)(3)(A)(iii)(III)” and inserting
23 “subsection (j)(3)(A)(iii)(III)”;
24 and

1 (cc) in subparagraph (D), by
2 striking “subsection (k)(3)(A)
3 (ii)(III) or (iii)(II)” and inserting
4 “clause (ii)(II) or (iii)(II) of sub-
5 section (j)(3)(A)”;

6 (K) in section 398(b)(4), by striking the
7 third sentence;

8 (L) in section 399B(c), by striking “sec-
9 tion 396(k)” and inserting “section 396(j)”;

10 (M) in section 615(l)(1)(A)(ii), by striking
11 “section 396(k)(6)(B)” and inserting “section
12 396(j)(6)(B)”;

13 (N) in section 624A(b)(1)—

14 (i) by striking “REPORT; REGULA-
15 TIONS” and inserting “REGULATIONS”;

16 (ii) by striking “Within 1 year after”
17 and all that follows through “on means of
18 assuring” and inserting “The Commission
19 shall issue such regulations as are nec-
20 essary to assure”; and

21 (iii) by striking “Within 180 days
22 after” and all that follows through “to as-
23 sure such compatibility.”; and

24 (O) in section 713—

25 (i) by striking subsection (a);

1 (ii) by redesignating subsections (b),
2 (c), (d), (e), (f), (g), (h), and (j) as sub-
3 sections (a), (b), (c), (d), (e), (f), (g), and
4 (h), respectively;

5 (iii) in subsection (a), as redesign-
6 nated—

7 (I) in the matter preceding para-
8 graph (1), by striking “such date of
9 enactment” and inserting “the date of
10 enactment of the Telecommunications
11 Act of 1996”; and

12 (II) by striking “subsection (d)”
13 each place that term appears and in-
14 serting “subsection (c)”;

15 (iv) in subsection (b), as redesignated,
16 by striking “subsection (b)” each place
17 that term appears and inserting “sub-
18 section (a)”;

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

22 (vi) in subsection (e)(2)(A), as redesi-
23 gnated, by striking “subsection (h)” and
24 inserting “subsection (g)”;

1 (vii) in subsection (f), as redesignated,
2 by striking “subsection (e)(2)” and insert-
3 ing “subsection (d)(2)”.

4 (2) CONFORMING AMENDMENTS.—

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

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

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

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

19 (i) in section 114(d)(1)(B)(iv), by
20 striking “section 396(k) of the Commu-
21 nications Act of 1934 (47 U.S.C. 396(k))”
22 and inserting “section 396(j) of the Com-
23 munications Act of 1934 (47 U.S.C.
24 396(j))”; and

25 (ii) in section 119(a)—

1 (I) in paragraph (2)(B)(ii)—

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

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

9 (cc) in subclause (III), by
10 striking “section 339(c)(3) of the
11 Communications Act of 1934 (47
12 U.S.C. 339(c)(3))” and inserting
13 “section 339(c)(2) of the Com-
14 munications Act of 1934 (47
15 U.S.C. 339(c)(2))”;

16 (II) in paragraph (3)(E), by
17 striking “section 339(c)(2)” and in-
18 serting “section 339(c)(1)”;

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

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

23 Nothing in this Act or the amendments made by this
24 Act shall be construed to expand or contract the authority
25 of the Federal Communications Commission.

1 **SEC. 5. OTHER REPORTS.**

2 Nothing in this Act or the amendments made by this
3 Act shall be construed to prohibit or otherwise prevent the
4 Federal Communications Commission from producing any
5 additional reports otherwise within the authority of the
6 Federal Communications Commission.

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