

Suspend the Rules and Pass the Bill, H.R. 3310, With an Amendment

(The amendment strikes all after the enacting clause and inserts a new text)

112TH CONGRESS
1ST SESSION

H. R. 3310

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 HOUSE OF REPRESENTATIVES

NOVEMBER 2, 2011

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

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 2012”.

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. 14. 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 by 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, including whether advanced tele-
4 communications capability is being deployed to all
5 Americans in a reasonable and timely fashion;

6 “(3) assess whether laws, regulations, or regu-
7 latory practices (whether those of the Federal Gov-
8 ernment, States, political subdivisions of States, In-
9 dian tribes or tribal organizations (as such terms are
10 defined in section 4 of the Indian Self-Determination
11 and Education Assistance Act (25 U.S.C. 450b)), or
12 foreign governments) pose a barrier to competitive
13 entry into the communications marketplace or to the
14 competitive expansion of existing providers of com-
15 munications services;

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

21 “(5) describe the actions that the Commission
22 has taken in pursuit of the agenda described pursu-
23 ant to paragraph (4) in the previous report sub-
24 mitted under this section.

25 “(c) SPECIAL REQUIREMENTS.—

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

9 “(2) ASSESSING DEPLOYMENT.—In assessing
10 the state of deployment under subsection (b)(2), the
11 Commission shall compile a list of geographical
12 areas that are not served by any provider of ad-
13 vanced telecommunications capability.

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

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

1 nesses in the communications marketplace in accord-
2 ance with the national policy under section 257(b).”.

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

5 (a) ORBIT ACT REPORT.—Section 646 of the Com-
6 munications Satellite Act of 1962 (47 U.S.C. 765e; 114
7 Stat. 57) is repealed.

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

10 (c) INTERNATIONAL BROADBAND DATA REPORT.—
11 Section 103 of the Broadband Data Improvement Act (47
12 U.S.C. 1303) is amended—

13 (1) by striking subsection (b); and

14 (2) by redesignating subsections (e) through (e)
15 as subsections (b) through (d), respectively.

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

20 (1) by striking subsection (g);

21 (2) by redesignating subsection (j) as sub-
22 section (g); and

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

25 (e) REPORT ON CABLE INDUSTRY PRICES.—

1 (1) IN GENERAL.—Section 623 of the Commu-
2 nications Act of 1934 (47 U.S.C. 543) is amended—

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

4 (B) by redesignating subsections (l)
5 through (n) as subsections (k) through (m), re-
6 spectively.

7 (2) CONFORMING AMENDMENT.—Section
8 613(a)(3) of the Communications Act of 1934 (47
9 U.S.C. 533(a)(3)) is amended by striking “623(l)”
10 and inserting “623(k)”.

11 (f) TRIENNIAL REPORT IDENTIFYING AND ELIMI-
12 NATING MARKET ENTRY BARRIERS FOR ENTRE-
13 PRENEURS AND OTHER SMALL BUSINESSES.—Section
14 257 of the Communications Act of 1934 (47 U.S.C. 257)
15 is amended by striking subsection (c).

16 (g) SECTION 706 REPORT.—Section 706 of the Tele-
17 communications Act of 1996 (47 U.S.C. 1302) is amend-
18 ed—

19 (1) in subsection (b)—

20 (A) in the last sentence, by striking “If the
21 Commission’s determination is negative, it” and
22 inserting “If the Commission determines in its
23 report under section 14 of the Communications
24 Act of 1934 that advanced telecommunications
25 capability is not being deployed to all Ameri-

1 cans in a reasonable and timely fashion, the
2 Commission”; and

3 (B) by striking the first and second sen-
4 tences;

5 (2) by striking subsection (c);

6 (3) in subsection (d), by striking “this sub-
7 section” and inserting “this section”; and

8 (4) by redesignating subsection (d) as sub-
9 section (c).

10 (h) STATE OF COMPETITIVE MARKET CONDITIONS
11 WITH RESPECT TO COMMERCIAL MOBILE RADIO SERV-
12 ICES.—Section 332(c)(1)(C) of the Communications Act
13 of 1934 (47 U.S.C. 332(c)(1)(C)) is amended by striking
14 the first and second sentences.

15 (i) PREVIOUSLY ELIMINATED ANNUAL REPORT.—

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

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

19 (B) by redesignating subsections (l)
20 through (o) as subsections (k) through (n), re-
21 spectively.

22 (2) CONFORMING AMENDMENTS.—The Commu-
23 nications Act of 1934 is amended—

24 (A) in section 9(i), by striking “In the
25 Commission’s annual report, the Commission

1 shall prepare an analysis of its progress in de-
2 veloping such systems and” and inserting “The
3 Commission”; and

4 (B) in section 309(j)(8)(B), by striking the
5 last sentence.

6 (j) ADDITIONAL OUTDATED REPORTS.—The Com-
7 munications Act of 1934 is further amended—

8 (1) in section 4—

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

13 (B) in subsection (g), by striking para-
14 graph (2);

15 (2) in section 215—

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

17 (B) by redesignating subsection (c) as sub-
18 section (b);

19 (3) in section 227(e), by striking paragraph (4);

20 (4) in section 309(j)—

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

22 (B) in paragraph (15)(C), by striking
23 clause (iv);

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

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

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

6 (7) in section 339(e), by striking paragraph (1);

7 (8) in section 396—

8 (A) by striking subsection (i);

9 (B) in subsection (k)—

10 (i) in paragraph (1), by striking sub-
11 paragraph (F); and

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

14 (C) in subsection (l)(1)(B), by striking

15 “shall be included” and all that follows through

16 “The audit report”; and

17 (D) by striking subsection (m);

18 (9) in section 398(b)(4), by striking the third

19 sentence;

20 (10) in section 624A(b)(1)—

21 (A) by striking “REPORT; REGULATIONS”

22 and inserting “REGULATIONS”;

23 (B) by striking “Within 1 year after” and

24 all that follows through “on means of assuring”

1 and inserting “The Commission shall issue such
2 regulations as are necessary to assure”; and

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

6 (11) in section 713, by striking subsection (a).

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

8 Nothing in this Act or the amendments made by this
9 Act shall be construed to expand or contract the authority
10 of the Federal Communications Commission.