

**AMENDMENT TO THE AMENDMENT OFFERED BY
Ms. ESHOO AND MR. PALLONE
OFFERED BY _____**

At the end of the amendment, add the following new section:

**1 SEC. ____ . IDENTIFICATION AND DESCRIPTION OF ITEMS
2 TO BE DECIDED ON AUTHORITY DELEGATED
3 BY THE COMMISSION.**

4 (a) IN GENERAL.—Section 5(c) of the Communica-
5 tions Act of 1934 (47 U.S.C. 155(c)) is amended by add-
6 ing at the end the following:

7 “(10) Not later than 48 hours before the time when
8 an order, decision, report, or action is made or taken pur-
9 suant to delegation under paragraph (1), such order, deci-
10 sion, report, or action shall be identified and briefly de-
11 scribed on the Internet website of the Commission, unless
12 the authority to which the delegation is made for good
13 cause finds that such identification and description are
14 likely to lead to a result described in a paragraph of sec-
15 tion 552b(c) of title 5, United States Code. Identification
16 and description pursuant to this paragraph shall not con-
17 stitute ‘agency action’ as defined in section 551 of title

1 5, United States Code. This paragraph shall not apply
2 with respect to an order, decision, report, or action that—

3 “(A) does not receive a delegated authority
4 number pursuant to the procedures of the Commis-
5 sion;

6 “(B) is made or taken on authority delegated to
7 an administrative law judge; or

8 “(C) is made or taken to address an immediate
9 threat to health or safety that constitutes an emer-
10 gency requiring an expedited response from the
11 Commission.”.

12 (b) EFFECTIVE DATE.—The amendment made by
13 this section shall apply with respect to an order, decision,
14 report, or action made or taken after the date that is 90
15 days after the date of the enactment of this Act.

