

[~112H3309EH]

**[DISCUSSION DRAFT]**113TH CONGRESS  
1ST SESSION**H. R.** \_\_\_\_\_

To amend the Communications Act of 1934 to provide for greater transparency and efficiency in the procedures followed by the Federal Communications Commission.

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**IN THE HOUSE OF REPRESENTATIVES**

Mr. WALDEN (for himself and Mr. KINZINGER of Illinois) introduced the following bill; which was referred to the Committee on

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**A BILL**

To amend the Communications Act of 1934 to provide for greater transparency and efficiency in the procedures followed by the Federal Communications Commission.

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 Process Reform Act of 2013”.

1 **SEC. 2. FCC PROCESS REFORM.**

2 (a) IN GENERAL.—Title I of the Communications Act  
3 of 1934 (47 U.S.C. 151 et seq.) is amended by inserting  
4 after section 12 the following new section:

5 **“SEC. 13. TRANSPARENCY AND EFFICIENCY.**

6 “(a) RULEMAKING REQUIREMENTS.—

7 “(1) REQUIREMENTS FOR NOTICES OF PRO-  
8 POSED RULEMAKING.—The Commission may not  
9 issue a notice of proposed rulemaking unless the  
10 Commission provides for a period of not less than 30  
11 days for the submission of comments and an addi-  
12 tional period of not less than 30 days for the sub-  
13 mission of reply comments on such notice and the  
14 Commission includes in such notice the following:

15 “(A) Either—

16 “(i) an identification of—

17 “(I) a notice of inquiry, a prior  
18 notice of proposed rulemaking, or a  
19 notice on a petition for rulemaking  
20 issued by the Commission during the  
21 3-year period preceding the issuance  
22 of the notice of proposed rulemaking  
23 concerned and of which such notice is  
24 a logical outgrowth; or

25 “(II) an order of a court review-  
26 ing action by the Commission or oth-

1           erwise directing the Commission to  
2           act that was issued by the court dur-  
3           ing the 3-year period preceding the  
4           issuance of the notice of proposed  
5           rulemaking concerned and in response  
6           to which such notice is being issued;  
7           or

8           “(ii) a finding (together with a brief  
9           statement of reasons therefor)—

10                   “(I) that the proposed rule or the  
11                   proposed amendment of an existing  
12                   rule will not impose additional bur-  
13                   dens on industry or consumers; or

14                   “(II) for good cause, that a no-  
15                   tice of inquiry is impracticable, unnec-  
16                   essary, or contrary to the public inter-  
17                   est.

18           “(B) The specific language of the proposed  
19           rule or the proposed amendment of an existing  
20           rule.

21           “(C) In the case of a proposal to create a  
22           program activity, proposed performance meas-  
23           ures for evaluating the effectiveness of the pro-  
24           gram activity.

1 “(D) In the case of a proposal to substan-  
2 tially change a program activity—

3 “(i) proposed performance measures  
4 for evaluating the effectiveness of the pro-  
5 gram activity as proposed to be changed;  
6 or

7 “(ii) a proposed finding that existing  
8 performance measures will effectively  
9 evaluate the program activity as proposed  
10 to be changed.

11 “(2) REQUIREMENTS FOR RULES.—Except as  
12 provided in the 3rd sentence of section 553(b) of  
13 title 5, United States Code, the Commission may not  
14 adopt or amend a rule unless—

15 “(A) the specific language of the adopted  
16 rule or the amendment of an existing rule is a  
17 logical outgrowth of the specific language of a  
18 proposed rule or a proposed amendment of an  
19 existing rule included in a notice of proposed  
20 rulemaking, as described in subparagraph (B)  
21 of paragraph (1);

22 “(B) such notice of proposed rulemaking—

23 “(i) was issued in compliance with  
24 such paragraph and during the 3-year pe-

1                   riod preceding the adoption of the rule or  
2                   the amendment of an existing rule; and

3                   “(ii) is identified in the order making  
4                   the adoption or amendment;

5                   “(C) in the case of the adoption of a rule  
6                   or the amendment of an existing rule that may  
7                   have an economically significant impact, the  
8                   order contains—

9                   “(i) an identification and analysis of  
10                  the specific market failure, actual con-  
11                  sumer harm, burden of existing regulation,  
12                  or failure of public institutions that war-  
13                  rants the adoption or amendment;

14                  “(ii) a reasoned determination that  
15                  the benefits of the adopted rule or the  
16                  amendment of an existing rule justify its  
17                  costs (recognizing that some benefits and  
18                  costs are difficult to quantify), taking into  
19                  account alternative forms of regulation and  
20                  the need to tailor regulation to impose the  
21                  least burden on society, consistent with ob-  
22                  taining regulatory objectives; and

23                  “(iii) a reasoned determination that  
24                  market forces or changes in technology are  
25                  unlikely to resolve within a reasonable pe-

1                   riod of time the specific market failure, ac-  
2                   tual consumer harm, burden of existing  
3                   regulation, or failure of public institutions  
4                   identified under clause (i);

5                   “(D) in the case of the adoption of a rule  
6                   or the amendment of an existing rule that cre-  
7                   ates a program activity, the order contains per-  
8                   formance measures for evaluating the effective-  
9                   ness of the program activity; and

10                  “(E) in the case of the adoption of a rule  
11                  or the amendment of an existing rule that sub-  
12                  stantially changes a program activity, the order  
13                  contains—

14                         “(i) performance measures for evalu-  
15                         ating the effectiveness of the program ac-  
16                         tivity as changed; or

17                         “(ii) a finding that existing perform-  
18                         ance measures will effectively evaluate the  
19                         program activity as changed.

20                  “(3) DATA FOR PERFORMANCE MEASURES.—

21                  The Commission shall develop a performance meas-  
22                  ure or proposed performance measure required by  
23                  this subsection to rely, where possible, on data al-  
24                  ready collected by the Commission.

1       “(b) ADEQUATE DELIBERATION BY COMMIS-  
2 SIONERS.—The Commission shall by rule establish proce-  
3 dures for—

4           “(1) informing all Commissioners of a reason-  
5 able number of options available to the Commission  
6 for resolving a petition, complaint, application, rule-  
7 making, or other proceeding;

8           “(2) ensuring that all Commissioners have ade-  
9 quate time, prior to being required to decide a peti-  
10 tion, complaint, application, rulemaking, or other  
11 proceeding (including at a meeting held pursuant to  
12 section 5(d)), to review the proposed Commission de-  
13 cision document, including the specific language of  
14 any proposed rule or any proposed amendment of an  
15 existing rule; and

16           “(3) publishing the text of agenda items to be  
17 voted on at an open meeting in advance of such  
18 meeting so that the public has the opportunity to  
19 read the text before a vote is taken.

20       “(c) NONPUBLIC COLLABORATIVE DISCUSSIONS.—

21           “(1) IN GENERAL.—Notwithstanding section  
22 552b of title 5, United States Code, a bipartisan  
23 majority of Commissioners may hold a meeting that  
24 is closed to the public to discuss official business  
25 if—

1           “(A) a vote or any other agency action is  
2           not taken at such meeting;

3           “(B) each person present at such meeting  
4           is a Commissioner, an employee of the Commis-  
5           sion, a member of a joint board established  
6           under section 410, or a person on the staff of  
7           such a joint board; and

8           “(C) an attorney from the Office of Gen-  
9           eral Counsel of the Commission is present at  
10          such meeting.

11          “(2) DISCLOSURE OF NONPUBLIC COLLABO-  
12          RATIVE DISCUSSIONS.—Not later than 2 business  
13          days after the conclusion of a meeting held under  
14          paragraph (1), the Commission shall publish a dis-  
15          closure of such meeting, including—

16               “(A) a list of the persons who attended  
17               such meeting; and

18               “(B) a summary of the matters discussed  
19               at such meeting, except for such matters as the  
20               Commission determines may be withheld under  
21               section 552b(c) of title 5, United States Code.

22          “(3) PRESERVATION OF OPEN MEETINGS RE-  
23          QUIREMENTS FOR AGENCY ACTION.—Nothing in this  
24          subsection shall limit the applicability of section  
25          552b of title 5, United States Code, with respect to

1 a meeting of Commissioners other than that de-  
2 scribed in paragraph (1).

3 “(d) INITIATION OF ITEMS BY BIPARTISAN MAJOR-  
4 ITY.—The Commission shall by rule establish procedures  
5 for allowing a bipartisan majority of Commissioners to—

6 “(1) direct Commission staff to draft an order,  
7 decision, report, or action for review by the Commis-  
8 sion; and

9 “(2) place an order, decision, report, or action  
10 on the agenda of an open meeting.

11 “(e) COMMISSION REVIEW OF EXERCISE OF DELE-  
12 GATED FUNCTIONS.—The Commission shall by rule estab-  
13 lish procedures under which—

14 “(1) not later than 4 business days before an  
15 order, decision, report, or action is made or taken  
16 pursuant to a delegation of functions under section  
17 5(c)(1), a draft of such order, decision, report, or  
18 action is provided to each Commissioner; and

19 “(2) notwithstanding the 2nd sentence of para-  
20 graph (1) of section 5(c) and paragraph (3) of such  
21 section, 2 or more Commissioners may prevent an  
22 order, decision, report, or action made or taken pur-  
23 suant to any such delegation from having any force  
24 or effect without the approval of the Commission.

1       “(f) PUBLIC REVIEW OF CERTAIN REPORTS AND EX  
2 PARTE COMMUNICATIONS.—

3               “(1) IN GENERAL.—Except as provided in para-  
4 graph (2), the Commission may not rely, in any  
5 order, decision, report, or action, on—

6               “(A) a statistical report or report to Con-  
7 gress, unless the Commission has published and  
8 made such report available for comment for not  
9 less than a 30-day period prior to the adoption  
10 of such order, decision, report, or action; or

11              “(B) an ex parte communication or any fil-  
12 ing with the Commission, unless the public has  
13 been afforded adequate notice of and oppor-  
14 tunity to respond to such communication or fil-  
15 ing, in accordance with procedures to be estab-  
16 lished by the Commission by rule.

17              “(2) EXCEPTION.—Paragraph (1) does not  
18 apply when the Commission for good cause finds  
19 (and incorporates the finding and a brief statement  
20 of reasons therefor in the order, decision, report, or  
21 action) that publication or availability of a report  
22 under subparagraph (A) of such paragraph or notice  
23 of and opportunity to respond to an ex parte com-  
24 munication under subparagraph (B) of such para-

1 graph are impracticable, unnecessary, or contrary to  
2 the public interest.

3 “(g) PUBLICATION OF STATUS OF CERTAIN PRO-  
4 CEEDINGS AND ITEMS.—The Commission shall by rule es-  
5 tablish procedures for publishing the status of all open  
6 rulemaking proceedings and all proposed orders, decisions,  
7 reports, or actions on circulation for review by the Com-  
8 missioners, including which Commissioners have not cast  
9 a vote on an order, decision, report, or action that has  
10 been on circulation for more than 60 days.

11 “(h) DEADLINES FOR ACTION.—The Commission  
12 shall by rule establish deadlines for any Commission order,  
13 decision, report, or action for each of the various cat-  
14 egories of petitions, applications, complaints, and other fil-  
15 ings seeking Commission action, including filings seeking  
16 action through authority delegated under section 5(c)(1).

17 “(i) PROMPT RELEASE OF CERTAIN REPORTS AND  
18 DECISION DOCUMENTS.—

19 “(1) STATISTICAL REPORTS AND REPORTS TO  
20 CONGRESS.—

21 “(A) RELEASE SCHEDULE.—Not later  
22 than January 15th of each year, the Commis-  
23 sion shall identify, catalog, and publish an an-  
24 ticipated release schedule for all statistical re-  
25 ports and reports to Congress that are regularly

1 or intermittently released by the Commission  
2 and will be released during such year.

3 “(B) PUBLICATION DEADLINES.—The  
4 Commission shall publish each report identified  
5 in a schedule published under subparagraph (A)  
6 not later than the date indicated in such sched-  
7 ule for the anticipated release of such report.

8 “(2) DECISION DOCUMENTS.—The Commission  
9 shall publish each order, decision, report, or action  
10 not later than 7 days after the date of the adoption  
11 of such order, decision, report, or action.

12 “(3) EFFECT IF DEADLINES NOT MET.—

13 “(A) NOTIFICATION OF CONGRESS.—If the  
14 Commission fails to publish an order, decision,  
15 report, or action by a deadline described in  
16 paragraph (1)(B) or (2), the Commission shall,  
17 not later than 7 days after such deadline and  
18 every 14 days thereafter until the publication of  
19 the order, decision, report, or action, notify by  
20 letter the chairpersons and ranking members of  
21 the Committee on Energy and Commerce of the  
22 House of Representatives and the Committee  
23 on Commerce, Science, and Transportation of  
24 the Senate. Such letter shall identify such  
25 order, decision, report, or action, specify the

1 deadline, describe the reason for the delay, and  
2 indicate when the Commission anticipates that  
3 such order, decision, report, or action will be  
4 published. The Commission shall publish such  
5 letter.

6 “(B) NO IMPACT ON EFFECTIVENESS.—  
7 The failure of the Commission to publish an  
8 order, decision, report, or action by a deadline  
9 described in paragraph (1)(B) or (2) shall not  
10 render such order, decision, report, or action in-  
11 effective when published.

12 “(j) BIENNIAL SCORECARD REPORTS.—

13 “(1) IN GENERAL.—For the 6-month period be-  
14 ginning on January 1st of each year and the 6-  
15 month period beginning on July 1st of each year,  
16 the Commission shall prepare a report on the per-  
17 formance of the Commission in conducting its pro-  
18 ceedings and meeting the deadlines established  
19 under subsections (h), (i)(1)(B), and (i)(2).

20 “(2) CONTENTS.—Each report required by  
21 paragraph (1) shall contain detailed statistics on  
22 such performance, including, with respect to each  
23 Bureau of the Commission—

24 “(A) in the case of performance in meeting  
25 the deadlines established under subsection (h),

1 with respect to each category established under  
2 such subsection—

3 “(i) the number of petitions, applica-  
4 tions, complaints, and other filings seeking  
5 Commission action that were pending on  
6 the last day of the period covered by such  
7 report;

8 “(ii) the number of filings described  
9 in clause (i) that were not resolved by the  
10 deadlines established under such sub-  
11 section and the average length of time  
12 such filings have been pending; and

13 “(iii) for petitions, applications, com-  
14 plaints, and other filings seeking Commis-  
15 sion action that were resolved during such  
16 period, the average time between initiation  
17 and resolution and the percentage resolved  
18 by the deadlines established under such  
19 subsection;

20 “(B) in the case of proceedings before an  
21 administrative law judge—

22 “(i) the number of such proceedings  
23 completed during such period; and

24 “(ii) the number of such proceedings  
25 pending on the last day of such period; and

1           “(C) the number of independent studies or  
2           analyses published by the Commission during  
3           such period.

4           “(3) PUBLICATION AND SUBMISSION.—The  
5           Commission shall publish and submit to the Com-  
6           mittee on Energy and Commerce of the House of  
7           Representatives and the Committee on Commerce,  
8           Science, and Transportation of the Senate each re-  
9           port required by paragraph (1) not later than the  
10          date that is 30 days after the last day of the period  
11          covered by such report.

12          “(k) TRANSACTION REVIEW STANDARDS.—

13                 “(1) IN GENERAL.—The Commission shall con-  
14                 dition its approval of a transfer of lines, a transfer  
15                 of licenses, or any other transaction under section  
16                 214, 309, or 310 or any other provision of this Act  
17                 only if—

18                         “(A) the imposed condition is narrowly tai-  
19                         lored to remedy a harm that would likely arise  
20                         as a direct result of the specific transfer or spe-  
21                         cific transaction that this Act empowers the  
22                         Commission to review;

23                         “(B) the Commission could impose a simi-  
24                         lar requirement under the authority of a spe-  
25                         cific provision of law other than a provision em-

1           powering the Commission to review a transfer  
2           of lines, a transfer of licenses, or other trans-  
3           action; and

4                   “(C) the likely harm described in subpara-  
5           graph (A) is uniquely presented by the specific  
6           transfer of lines, transfer of licenses, or other  
7           transaction, such that the harm is not pre-  
8           sented by persons not involved in the transfer  
9           or other transaction.

10           “(2) EXCLUSIONS.—In reviewing a transfer of  
11          lines, a transfer of licenses, or any other transaction  
12          under section 214, 309, or 310 or any other provi-  
13          sion of this Act, the Commission may not consider  
14          a voluntary commitment of a party to such transfer  
15          or transaction unless the Commission could adopt  
16          that voluntary commitment as a condition under  
17          paragraph (1).

18           “(1) ACCESS TO CERTAIN INFORMATION ON COMMIS-  
19          SION’S WEBSITE.—The Commission shall provide direct  
20          access from the homepage of its website to—

21                   “(1) detailed information regarding—

22                           “(A) the budget of the Commission for the  
23                           current fiscal year;

24                           “(B) the appropriations for the Commis-  
25                           sion for such fiscal year; and

1           “(C) the total number of full-time equiva-  
2           lent employees of the Commission; and

3           “(2) the performance plan most recently made  
4           available by the Commission under section 1115(b)  
5           of title 31, United States Code.

6           “(m) FEDERAL REGISTER PUBLICATION.—

7           “(1) IN GENERAL.—In the case of any docu-  
8           ment adopted by the Commission that the Commis-  
9           sion is required, under any provision of law, to pub-  
10          lish in the Federal Register, the Commission shall,  
11          not later than the date described in paragraph (2),  
12          complete all Commission actions necessary for such  
13          document to be so published.

14          “(2) DATE DESCRIBED.—The date described in  
15          this paragraph is the earlier of—

16               “(A) the day that is 45 days after the date  
17               of the release of the document; or

18               “(B) the day by which such actions must  
19               be completed to comply with any deadline under  
20               any other provision of law.

21          “(3) NO EFFECT ON DEADLINES FOR PUBLICA-  
22          TION IN OTHER FORM.—In the case of a deadline  
23          that does not specify that the form of publication is  
24          publication in the Federal Register, the Commission  
25          may comply with such deadline by publishing the

1 document in another form. Such other form of publi-  
2 cation does not relieve the Commission of any Fed-  
3 eral Register publication requirement applicable to  
4 such document, including the requirement of para-  
5 graph (1).

6 “(n) CONSUMER COMPLAINT DATABASE.—

7 “(1) IN GENERAL.—In evaluating and proc-  
8 essing consumer complaints, the Commission shall  
9 present information about such complaints in a pub-  
10 licly available, searchable database on its website  
11 that—

12 “(A) facilitates easy use by consumers; and

13 “(B) to the extent practicable, is sortable  
14 and accessible by—

15 “(i) the date of the filing of the com-  
16 plaint;

17 “(ii) the topic of the complaint;

18 “(iii) the party complained of; and

19 “(iv) other elements that the Commis-  
20 sion considers in the public interest.

21 “(2) DUPLICATIVE COMPLAINTS.—In the case  
22 of multiple complaints arising from the same alleged  
23 misconduct, the Commission shall be required to in-  
24 clude only information concerning one such com-  
25 plaint in the database described in paragraph (1).

1 “(o) FORM OF PUBLICATION.—

2 “(1) IN GENERAL.—In complying with a re-  
3 quirement of this section to publish a document, the  
4 Commission shall publish such document on its  
5 website, in addition to publishing such document in  
6 any other form that the Commission is required to  
7 use or is permitted to and chooses to use.

8 “(2) EXCEPTION.—The Commission shall by  
9 rule establish procedures for redacting documents  
10 required to be published by this section so that the  
11 published versions of such documents do not con-  
12 tain—

13 “(A) information the publication of which  
14 would be detrimental to national security,  
15 homeland security, law enforcement, or public  
16 safety; or

17 “(B) information that is proprietary or  
18 confidential.

19 “(p) TRANSPARENCY RELATING TO PERFORMANCE  
20 IN MEETING FOIA REQUIREMENTS.—The Commission  
21 shall take additional steps to inform the public about its  
22 performance and efficiency in meeting the disclosure and  
23 other requirements of section 552 of title 5, United States  
24 Code (commonly referred to as the Freedom of Informa-  
25 tion Act), including by doing the following:

1           “(1) Publishing on the Commission’s website  
2           the Commission’s logs for tracking, responding to,  
3           and managing requests submitted under such sec-  
4           tion, including the Commission’s fee estimates, fee  
5           categories, and fee request determinations.

6           “(2) Releasing to the public all decisions made  
7           by the Commission (including decisions made by the  
8           Commission’s Bureaus and Offices) granting or de-  
9           nying requests filed under such section, including  
10          any such decisions pertaining to the estimate and  
11          application of fees assessed under such section.

12          “(3) Publishing on the Commission’s website  
13          electronic copies of documents released under such  
14          section.

15          “(4) Presenting information about the Commis-  
16          sion’s handling of requests under such section in the  
17          Commission’s annual budget estimates submitted to  
18          Congress and the Commission’s annual performance  
19          and financial reports. Such information shall include  
20          the number of requests under such section the Com-  
21          mission received in the most recent fiscal year, the  
22          number of such requests granted and denied, a com-  
23          parison of the Commission’s processing of such re-  
24          quests over at least the previous 3 fiscal years, and  
25          a comparison of the Commission’s results with the

1 most recent average for the United States Govern-  
2 ment as published on www.foia.gov.

3 “(q) DEFINITIONS.—In this section:

4 “(1) AMENDMENT.—The term ‘amendment’ in-  
5 cludes, when used with respect to an existing rule,  
6 the deletion of such rule.

7 “(2) BIPARTISAN MAJORITY.—The term ‘bipar-  
8 tisan majority’ means, when used with respect to a  
9 group of Commissioners, that such group—

10 “(A) is a group of 3 or more Commis-  
11 sioners; and

12 “(B) includes, for each political party of  
13 which any Commissioner is a member, at least  
14 1 Commissioner who is a member of such polit-  
15 ical party, and, if any Commissioner has no po-  
16 litical party affiliation, at least 1 unaffiliated  
17 Commissioner.

18 “(3) ECONOMICALLY SIGNIFICANT IMPACT.—  
19 The term ‘economically significant impact’ means an  
20 effect on the economy of \$100,000,000 or more an-  
21 nually or a material adverse effect on the economy,  
22 a sector of the economy, productivity, competition,  
23 jobs, the environment, public health or safety, or  
24 State, local, or tribal governments or communities.

1           “(4) PERFORMANCE MEASURE.—The term ‘per-  
2           formance measure’ means an objective and quantifi-  
3           able outcome measure or output measure (as such  
4           terms are defined in section 1115 of title 31, United  
5           States Code).

6           “(5) PROGRAM ACTIVITY.—The term ‘program  
7           activity’ has the meaning given such term in section  
8           1115 of title 31, United States Code, except that  
9           such term also includes any annual collection or dis-  
10          tribution or related series of collections or distribu-  
11          tions by the Commission of an amount that is great-  
12          er than or equal to \$100,000,000.

13          “(6) OTHER DEFINITIONS.—The terms ‘agency  
14          action’, ‘ex parte communication’, and ‘rule’ have  
15          the meanings given such terms in section 551 of title  
16          5, United States Code.”.

17          (b) EFFECTIVE DATE AND IMPLEMENTING RULES.—

18                 (1) EFFECTIVE DATE.—

19                         (A) IN GENERAL.—The requirements of  
20                         section 13 of the Communications Act of 1934,  
21                         as added by subsection (a), shall apply begin-  
22                         ning on the date that is 6 months after the date  
23                         of the enactment of this Act.

24                         (B) PRIOR NOTICES OF PROPOSED RULE-  
25                         MAKING.—If the Federal Communications Com-

1 mission identifies under paragraph (2)(B)(ii) of  
2 subsection (a) of such section 13 a notice of  
3 proposed rulemaking issued prior to the date of  
4 the enactment of this Act—

5 (i) such notice shall be deemed to  
6 have complied with paragraph (1) of such  
7 subsection; and

8 (ii) if such notice did not contain the  
9 specific language of a proposed rule or a  
10 proposed amendment of an existing rule,  
11 paragraph (2)(A) of such subsection shall  
12 be satisfied if the adopted rule or the  
13 amendment of an existing rule is a logical  
14 outgrowth of such notice.

15 (C) SCHEDULES AND REPORTS.—Notwith-  
16 standing subparagraph (A), subsections (i)(1)  
17 and (j) of such section shall apply with respect  
18 to 2014 and any year thereafter.

19 (2) RULES.—The Federal Communications  
20 Commission shall promulgate the rules necessary to  
21 carry out such section not later than 1 year after  
22 the date of the enactment of this Act.

23 (3) PROCEDURES FOR ADOPTING RULES.—Not-  
24 withstanding paragraph (1)(A), in promulgating  
25 rules to carry out such section, the Federal Commu-

1       nications Commission shall comply with the require-  
2       ments of subsections (a) and (i)(2) of such section.

3       **SEC. 3. CATEGORIZATION OF TCPA INQUIRIES AND COM-**  
4       **PLAINTS IN QUARTERLY REPORT.**

5       In compiling its quarterly report with respect to in-  
6       formal consumer inquiries and complaints, the Federal  
7       Communications Commission may not categorize an in-  
8       quiry or complaint with respect to section 227 of the Com-  
9       munications Act of 1934 (47 U.S.C. 227) as being a  
10      wireline inquiry or complaint or a wireless inquiry or com-  
11      plaint unless the party whose conduct is the subject of  
12      the inquiry or complaint is a wireline carrier or a wireless  
13      carrier, respectively.

14      **SEC. 4. PROVISION OF EMERGENCY WEATHER INFORMA-**  
15      **TION.**

16      Nothing in subsection (a) of section 13 of the Com-  
17      munications Act of 1934, as added by section 2 of this  
18      Act, shall be construed to impede the Federal Communica-  
19      tions Commission from acting in times of emergency to  
20      ensure the availability of efficient and effective commu-  
21      nications systems to alert the public to imminent dan-  
22      gerous weather conditions.

23      **SEC. 5. COMMUNICATIONS OF FIRST RESPONDERS.**

24      Nothing in subsection (a) of section 13 of the Com-  
25      munications Act of 1934, as added by section 2 of this

1 Act, shall be construed to impede the Federal Communica-  
2 tions Commission from acting in times of emergency to  
3 ensure the availability of efficient and effective commu-  
4 nications systems for State and local first responders.

5 **SEC. 6. EFFECT ON OTHER LAWS.**

6 Nothing in this Act or the amendment made by this  
7 Act shall relieve the Federal Communications Commission  
8 from any obligations under title 5, United States Code,  
9 except where otherwise expressly provided.