

[DISCUSSION DRAFT]

115TH CONGRESS
1ST SESSION

H. R. _____

To amend the Communications Act of 1934 to reauthorize appropriations for the Federal Communications Commission, to provide for certain procedural changes to the rules of the Commission to maximize opportunities for public participation and efficient decisionmaking, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

M. _____ introduced the following bill; which was referred to the Committee on _____

A BILL

To amend the Communications Act of 1934 to reauthorize appropriations for the Federal Communications Commission, to provide for certain procedural changes to the rules of the Commission to maximize opportunities for public participation and efficient decisionmaking, and for other purposes.

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; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 **["_____ Act of 2017"]**.

1 (b) TABLE OF CONTENTS.—The table of contents for
2 this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Commission defined.

TITLE I—FCC REAUTHORIZATION

- Sec. 101. Authorization of appropriations.
- Sec. 102. Application and regulatory fees.
- Sec. 103. Effective date.

TITLE II—FCC PROCESS REFORM

- Sec. 201. FCC process reform.
- Sec. 202. Categorization of TCPA inquiries and complaints in quarterly report.
- Sec. 203. Effect on other laws.
- Sec. 204. Application of Antideficiency Act to Universal Service Program.
- Sec. 205. Report on improving small business participation in FCC proceedings.
- Sec. 206. Publication of items on circulation.
- Sec. 207. Publication of items in advance of FCC voting.
- Sec. 208. Timely availability of items adopted by vote of the Commission.
- Sec. 209. Cost-benefit analysis.
- Sec. 210. Identification and description of items to be decided on authority delegated by the Commission.

TITLE III—ADDITIONAL PROVISIONS

- Sec. 301. Independent Inspector General for FCC.
- Sec. 302. Authority of Chief Information Officer.
- Sec. 303. Elimination of daily newspaper cross-ownership rule.
- Sec. 304. Office of Economics and Data.

3 **SEC. 2. COMMISSION DEFINED.**

4 In this Act, the term “Commission” means the Fed-
5 eral Communications Commission.

6 **TITLE I—FCC**
7 **REAUTHORIZATION**

8 **SEC. 101. AUTHORIZATION OF APPROPRIATIONS.**

9 (a) IN GENERAL.—Section 6 of the Communications
10 Act of 1934 (47 U.S.C. 156) is amended to read as fol-
11 lows:

1 **“SEC. 6. AUTHORIZATION OF APPROPRIATIONS.**

2 “(a) AUTHORIZATION.—There are authorized to be
3 appropriated to the Commission to carry out the functions
4 of the Commission \$322,035,000 for each of the fiscal
5 years 2018 through 2022.

6 “(b) OFFSETTING COLLECTIONS.—

7 “(1) IN GENERAL.—The sum appropriated in
8 any fiscal year to carry out the activities described
9 in subsection (a), to the extent and in the amounts
10 provided for in advance in Appropriations Acts, shall
11 be derived from fees authorized by section 9.

12 “(2) DEPOSIT OF COLLECTIONS.—Amounts re-
13 ceived from fees authorized by section 9 shall be de-
14 posited as an offsetting collection in, and credited to,
15 the account through which funds are made available
16 to carry out the activities described in subsection
17 (a).

18 “(3) DEPOSIT OF EXCESS COLLECTIONS.—Any
19 fees collected in excess of the total amount of fees
20 provided for in Appropriations Acts for a fiscal year
21 shall be deposited in the general fund of the Treas-
22 ury of the United States for the sole purpose of def-
23 icit reduction.”.

24 (b) DEPOSITS OF BIDDERS TO BE DEPOSITED IN
25 TREASURY.—Section 309(j)(8)(C) of the Communications
26 Act of 1934 (47 U.S.C. 309(j)(8)(C)) is amended—

1 (1) in the first sentence, by striking “an inter-
2 est bearing account” and all that follows and insert-
3 ing “the Treasury.”;

4 (2) in clause (i)—

5 (A) by striking “paid to the Treasury” and
6 inserting “deposited in the general fund of the
7 Treasury (where such deposits shall be used for
8 the sole purpose of deficit reduction)”; and

9 (B) by striking the semicolon and inserting
10 “; and”;

11 (3) in clause (ii), by striking “; and” and in-
12 serting “, and payments representing the return of
13 such deposits shall not be subject to administrative
14 offset under section 3716(c) of title 31, United
15 States Code.”; and

16 (4) by striking clause (iii).

17 (c) ELIMINATION OF DUPLICATIVE AUTHORIZATION
18 OF APPROPRIATIONS.—

19 (1) IN GENERAL.—Section 710 of the Tele-
20 communications Act of 1996 (Public Law 104–104)
21 is repealed.

22 (2) CONFORMING AMENDMENT.—The table of
23 contents in section 2 of such Act is amended by
24 striking the item relating to section 710.

1 (d) TRANSFER OF FUNDS.—On the effective date de-
2 scribed in section 103, any amounts in the account pro-
3 viding appropriations to carry out the functions of the
4 Commission that were collected in excess of the amounts
5 provided for in Appropriations Acts in any fiscal year prior
6 to such date shall be transferred to the general fund of
7 the Treasury of the United States for the sole purpose
8 of deficit reduction.

9 **SEC. 102. APPLICATION AND REGULATORY FEES.**

10 (a) IN GENERAL.—Section 9 of the Communications
11 Act of 1934 (47 U.S.C. 159) is amended to read as fol-
12 lows:

13 **“SEC. 9. APPLICATION AND REGULATORY FEES.**

14 “(a) GENERAL AUTHORITY.—The Commission shall
15 assess and collect application fees and regulatory fees to
16 recover the costs of carrying out the activities described
17 in section 6(a) only to the extent and in the amounts pro-
18 vided for in advance in Appropriations Acts.

19 “(b) APPLICATION FEES.—

20 “(1) IN GENERAL.—The Commission shall as-
21 sess and collect application fees at such rates as the
22 Commission shall establish in a schedule of applica-
23 tion fees to recover the costs of the Commission to
24 process applications.

25 “(2) ADJUSTMENT OF SCHEDULE.—

1 “(A) IN GENERAL.—In every even-num-
2 bered year, the Commission shall review the
3 schedule of application fees established under
4 this subsection and, except as provided in sub-
5 paragraph (B), set a new amount for each fee
6 in the schedule that is equal to the amount of
7 the fee on the date when the fee was established
8 or the date when the fee was last amended
9 under paragraph (3), whichever is later—

10 “(i) increased or decreased by the per-
11 centage change in the Consumer Price
12 Index during the period beginning on such
13 date and ending on the date of the review;
14 and

15 “(ii) rounded to the nearest \$5 incre-
16 ment.

17 “(B) THRESHOLD FOR ADJUSTMENT.—
18 The Commission may not adjust a fee under
19 subparagraph (A) if—

20 “(i) in the case of a fee the current
21 amount of which is less than \$200, the ad-
22 justment would result in a change in the
23 current amount of less than \$10; or

24 “(ii) in the case of a fee the current
25 amount of which is \$200 or more, the ad-

1 justment would result in a change in the
2 current amount of less than 5 percent.

3 “(C) CURRENT AMOUNT DEFINED.—In
4 subparagraph (B), the term ‘current amount’
5 means, with respect to a fee, the amount of the
6 fee on the date when the fee was established,
7 the date when the fee was last adjusted under
8 subparagraph (A), or the date when the fee was
9 last amended under paragraph (3), whichever is
10 latest.

11 “(3) AMENDMENTS.—In addition to the adjust-
12 ments required by paragraph (2), the Commission
13 shall by rule amend the schedule of application fees
14 established under this subsection if the Commission
15 determines that the schedule requires amendment so
16 that such fees reflect increases or decreases in the
17 costs of processing applications at the Commission
18 and the consolidation or addition of new categories
19 of applications.

20 “(c) REGULATORY FEES.—

21 “(1) IN GENERAL.—The Commission shall as-
22 sess and collect regulatory fees at such rates as the
23 Commission shall establish in a schedule of regu-
24 latory fees that will result in the collection, in each

1 fiscal year, of an amount that can reasonably be ex-
2 pected to equal the difference between—

3 “(A) the amounts described in subsection
4 (a) with respect to such fiscal year; and

5 “(B) the amount of application fees rea-
6 sonably expected to be collected in such fiscal
7 year.

8 “(2) ADJUSTMENT OF SCHEDULE.—

9 “(A) IN GENERAL.—For each fiscal year,
10 the Commission shall by rule adjust the sched-
11 ule of regulatory fees established under this
12 subsection to—

13 “(i) reflect unexpected increases or
14 decreases in the number of units subject to
15 the payment of such fees; and

16 “(ii) result in the collection of the
17 amount required by paragraph (1).

18 “(B) ROUNDING.—In making adjustments
19 under this paragraph, the Commission may
20 round fees to the nearest \$5 increment.

21 “(3) AMENDMENTS.—In addition to the adjust-
22 ments required by paragraph (2), the Commission
23 shall by rule amend the schedule of regulatory fees
24 established under this subsection if the Commission
25 determines that the schedule requires amendment so

1 that such fees reflect the full-time equivalent number
2 of employees within the bureaus and offices of the
3 Commission, adjusted to take into account factors
4 that are reasonably related to the benefits provided
5 to the payor of the fee by the Commission's activi-
6 ties. In making an amendment under this para-
7 graph, the Commission may not change the total
8 amount of regulatory fees required by paragraph (1)
9 to be collected in a fiscal year.

10 “(d) JUDICIAL REVIEW PROHIBITED.—An adjust-
11 ment or amendment to a schedule of fees under subsection
12 (b) or (c) is not subject to judicial review.

13 “(e) NOTICE TO CONGRESS.—The Commission shall
14 transmit to Congress notification—

15 “(1) of any adjustment under subsection (b)(2)
16 or (c)(2) immediately upon the adoption of such ad-
17 justment; and

18 “(2) of any amendment under subsection (b)(3)
19 or (c)(3) not later than 90 days before the effective
20 date of such amendment.

21 “(f) ENFORCEMENT.—

22 “(1) PENALTIES FOR LATE PAYMENT.—The
23 Commission shall by rule prescribe a penalty for late
24 payment of fees under this section. Such penalty

1 shall be 25 percent of the amount of the fee that
2 was not paid in a timely manner.

3 “(2) INTEREST ON UNPAID FEES AND PEN-
4 ALTIES.—The Commission shall charge interest, at a
5 rate determined under section 3717 of title 31,
6 United States Code, on a fee or penalty under this
7 section that is not paid in a timely manner. Such
8 section 3717 shall not otherwise apply with respect
9 to a fee or penalty under this section.

10 “(3) DISMISSAL OF APPLICATIONS OR FIL-
11 INGS.—The Commission may dismiss any applica-
12 tion or other filing for failure to pay in a timely
13 manner any fee, interest, or penalty under this sec-
14 tion.

15 “(4) REVOCATIONS.—

16 “(A) IN GENERAL.—In addition to or in
17 lieu of the penalties and dismissals authorized
18 by paragraphs (1) and (3), the Commission
19 may revoke any instrument of authorization
20 held by any licensee that has not paid in a
21 timely manner a regulatory fee assessed under
22 this section or any related interest or penalty.

23 “(B) NOTICE.—Revocation action may be
24 taken by the Commission under this paragraph
25 after notice of the Commission’s intent to take

1 such action is sent to the licensee by registered
2 mail, return receipt requested, at the licensee's
3 last known address. The notice shall provide the
4 licensee at least 30 days to either pay the fee,
5 interest, and any penalty or show cause why the
6 fee, interest, or penalty does not apply to the li-
7 censee or should otherwise be waived or pay-
8 ment deferred.

9 “(C) HEARING.—

10 “(i) GENERALLY NOT REQUIRED.—A
11 hearing is not required under this para-
12 graph unless the licensee's response pre-
13 sents a substantial and material question
14 of fact.

15 “(ii) EVIDENCE AND BURDENS.—In
16 any case where a hearing is conducted
17 under this paragraph, the hearing shall be
18 based on written evidence only, and the
19 burden of proceeding with the introduction
20 of evidence and the burden of proof shall
21 be on the licensee.

22 “(iii) COSTS.—Unless the licensee
23 substantially prevails in the hearing, the
24 Commission may assess the licensee for the
25 costs of such hearing.

1 “(D) OPPORTUNITY TO PAY PRIOR TO
2 REVOCATION.—Any Commission order adopted
3 under this paragraph shall determine the
4 amount due, if any, and provide the licensee
5 with at least 30 days to pay that amount or
6 have its authorization revoked.

7 “(E) FINALITY.—No order of revocation
8 under this paragraph shall become final until
9 the licensee has exhausted its right to judicial
10 review of such order under section 402(b)(5).

11 “(g) WAIVER, REDUCTION, AND DEFERMENT.—The
12 Commission may waive, reduce, or defer payment of a fee,
13 interest charge, or penalty in any specific instance for
14 good cause shown, if such action would promote the public
15 interest.

16 “(h) PAYMENT RULES.—The Commission shall by
17 rule permit payment—

18 “(1) in the case of fees in large amounts, by in-
19 stallments; and

20 “(2) in the case of fees in small amounts, in ad-
21 vance for a number of years not to exceed the term
22 of the license held by the payor.

23 “(i) EXCEPTIONS.—

24 “(1) PARTIES TO WHICH FEES ARE NOT APPLI-
25 CABLE.—

1 “(A) APPLICATION FEES.—The application
2 fees established under this section shall not be
3 applicable to—

4 “(i) a governmental entity; or

5 “(ii) a nonprofit entity licensed in the
6 Local Government, Police, Fire, Highway
7 Maintenance, Forestry-Conservation, Pub-
8 lic Safety, or Special Emergency Radio
9 service.

10 “(B) REGULATORY FEES.—The regulatory
11 fees established under this section shall not be
12 applicable to—

13 “(i) a governmental entity or non-
14 profit entity; or

15 “(ii) an amateur radio operator li-
16 censee under part 97 of the Commission’s
17 rules (47 C.F.R. part 97).

18 “(2) COST OF COLLECTION.—

19 “(A) APPLICATION FEES.—If, in the judg-
20 ment of the Commission, the cost of collecting
21 an application fee established under this section
22 would exceed the amount collected, the Commis-
23 sion may by rule eliminate such fee.

24 “(B) REGULATORY FEES.—If, in the judg-
25 ment of the Commission, the cost of collecting

1 a regulatory fee established under this section
2 from a party would exceed the amount collected
3 from such party, the Commission may exempt
4 such party from paying such fee.

5 “(j) ACCOUNTING SYSTEM.—The Commission shall
6 develop accounting systems necessary to make the amend-
7 ments authorized by subsections (b)(3) and (c)(3).”.

8 (b) CONFORMING AMENDMENTS.—The Communica-
9 tions Act of 1934 (47 U.S.C. 151 et seq.) is amended—

10 (1) by repealing section 8; and

11 (2) in section 309(j)(6)(H), by striking
12 “charges imposed pursuant to section 8 of this Act”
13 and inserting “application fees assessed under sec-
14 tion 9”.

15 (c) TRANSITIONAL RULES.—

16 (1) APPLICATION FEES.—An application fee es-
17 tablished under section 8 of the Communications Act
18 of 1934, as such section is in effect on the day be-
19 fore the effective date described in section 103 of
20 this Act, shall remain in effect under subsection (b)
21 of section 9 of the Communications Act of 1934, as
22 amended by subsection (a) of this section, until such
23 time as the Commission adjusts or amends such fee
24 under subsection (b)(2) or (b)(3) of such section 9,
25 as so amended.

1 (2) REGULATORY FEES.—A regulatory fee es-
2 tablished under section 9 of the Communications Act
3 of 1934, as such section is in effect on the day be-
4 fore the effective date described in section 103 of
5 this Act, shall remain in effect under subsection (c)
6 of section 9 of the Communications Act of 1934, as
7 amended by subsection (a) of this section, until such
8 time as the Commission adjusts or amends such fee
9 under subsection (c)(2) or (c)(3) of such section 9,
10 as so amended.

11 (d) RULEMAKING TO AMEND SCHEDULE OF REGU-
12 LATORY FEES.—

13 (1) IN GENERAL.—Not later than 1 year after
14 the effective date described in section 103, the Com-
15 mission shall complete a rulemaking proceeding
16 under subsection (c)(3) of section 9 of the Commu-
17 nications Act of 1934, as amended by subsection (a)
18 of this section.

19 (2) REPORT TO CONGRESS.—If the Commission
20 has not completed the rulemaking proceeding re-
21 quired by paragraph (1) by the date that is 6
22 months after the effective date described in section
23 103, the Commission shall submit to Congress a re-
24 port on the progress of such rulemaking proceeding.

1 **SEC. 103. EFFECTIVE DATE.**

2 This title and the amendments made by this title
3 shall take effect on October 1, 2017.

4 **TITLE II—FCC PROCESS**
5 **REFORM**

6 **SEC. 201. FCC PROCESS REFORM.**

7 (a) IN GENERAL.—Title I of the Communications Act
8 of 1934 (47 U.S.C. 151 et seq.) is amended by adding
9 at the end the following:

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

11 “(a) INITIAL RULEMAKING AND INQUIRY.—

12 “(1) RULEMAKING.—Not later than 1 year
13 after the date of the enactment of this section, the
14 Commission shall complete a rulemaking proceeding
15 and adopt procedural changes to its rules to maxi-
16 mize opportunities for public participation and effi-
17 cient decisionmaking.

18 “(2) REQUIREMENTS FOR RULEMAKING.—The
19 rules adopted under paragraph (1) shall—

20 “(A) set minimum comment periods for
21 comment and reply comment, subject to a de-
22 termination by the Commission that good cause
23 exists for departing from such minimum com-
24 ment periods, for—

25 “(i) significant regulatory actions, as
26 defined in Executive Order No. 12866; and

1 “(ii) all other rulemaking proceedings;

2 “(B) establish policies concerning the sub-
3 mission of extensive new comments, data, or re-
4 ports towards the end of the comment period;

5 “(C) establish policies regarding treatment
6 of comments, ex parte communications, and
7 data or reports (including statistical reports
8 and reports to Congress) submitted after the
9 comment period to ensure that the public has
10 adequate notice of and opportunity to respond
11 to such submissions before the Commission re-
12 lies on such submissions in any order, decision,
13 report, or action;

14 “(D) establish procedures for, not later
15 than 14 days after the end of each quarter of
16 a calendar year (or more frequently, as the
17 Commission considers appropriate), publishing
18 on the Internet website of the Commission and
19 submitting to Congress a report that contains—

20 “(i) the status of open rulemaking
21 proceedings and proposed orders, decisions,
22 reports, or actions on circulation for review
23 by the Commissioners, including which
24 Commissioners have not cast a vote on an

1 order, decision, report, or action that has
2 been on circulation for more than 60 days;

3 “(ii) for the petitions, applications,
4 complaints, and other requests for action
5 by the Commission that were pending at
6 the Commission on the last day of such
7 quarter (or more frequent period, as the
8 case may be)—

9 “(I) the number of such requests,
10 broken down by the bureau primarily
11 responsible for action and, for each
12 bureau, the type of request (such as a
13 petition, application, or complaint);
14 and

15 “(II) information regarding the
16 amount of time for which such re-
17 quests have been pending, broken
18 down as described in subclause (I);
19 and

20 “(iii) a list of the congressional inves-
21 tigations of the Commission that were
22 pending on the last day of such quarter (or
23 more frequent period, as the case may be)
24 and the cost of such investigations, individ-
25 ually and in the aggregate;

1 “(E) establish deadlines (relative to the
2 date of filing) for—

3 “(i) in the case of a petition for a de-
4 claratory ruling under section 1.2 of title
5 47, Code of Federal Regulations, issuing a
6 public notice of such petition;

7 “(ii) in the case of a petition for rule-
8 making under section 1.401 of such title,
9 issuing a public notice of such petition;
10 and

11 “(iii) in the case of a petition for re-
12 consideration under section 1.106 or 1.429
13 of such title or an application for review
14 under section 1.115 of such title, issuing a
15 public notice of a decision on the petition
16 or application by the Commission or under
17 delegated authority (as the case may be);

18 “(F) establish guidelines (relative to the
19 date of filing) for the disposition of petitions
20 filed under section 1.2 of such title;

21 “(G) establish procedures for the inclusion
22 of the specific language of the proposed rule or
23 the proposed amendment of an existing rule in
24 a notice of proposed rulemaking; and

1 “(H) require notices of proposed rule-
2 making and orders adopting a rule or amending
3 an existing rule that—

4 “(i) create (or propose to create) a
5 program activity to contain performance
6 measures for evaluating the effectiveness of
7 the program activity; and

8 “(ii) substantially change (or propose
9 to substantially change) a program activity
10 to contain—

11 “(I) performance measures for
12 evaluating the effectiveness of the pro-
13 gram activity as changed (or proposed
14 to be changed); or

15 “(II) a finding that existing per-
16 formance measures will effectively
17 evaluate the program activity as
18 changed (or proposed to be changed).

19 “(3) INQUIRY.—Not later than 1 year after the
20 date of the enactment of this section, the Commis-
21 sion shall complete an inquiry to seek public com-
22 ment on whether and how the Commission should—

23 “(A) establish procedures for allowing a bi-
24 partisan majority of Commissioners to place an

1 order, decision, report, or action on the agenda
2 of an open meeting;

3 “(B) establish procedures for informing all
4 Commissioners of a reasonable number of op-
5 tions available to the Commission for resolving
6 a petition, complaint, application, rulemaking,
7 or other proceeding;

8 “(C) establish procedures for ensuring that
9 all Commissioners have adequate time, prior to
10 being required to decide a petition, complaint,
11 application, rulemaking, or other proceeding
12 (including at a meeting held pursuant to section
13 5(d)), to review the proposed Commission deci-
14 sion document, including the specific language
15 of any proposed rule or any proposed amend-
16 ment of an existing rule;

17 “(D) establish deadlines (relative to the
18 date of filing) for disposition of applications for
19 a license under section 1.913 of title 47, Code
20 of Federal Regulations;

21 “(E) assign resources needed in order to
22 meet the deadlines described in subparagraph
23 (D), including whether the Commission’s ability
24 to meet such deadlines would be enhanced by

1 assessing a fee from applicants for such a li-
2 cense; and

3 “(F) except as otherwise provided in sec-
4 tion 4(r), publish each order, decision, report,
5 or action not later than 30 days after the date
6 of the adoption of such order, decision, report,
7 or action.

8 “(4) DATA FOR PERFORMANCE MEASURES.—
9 The Commission shall develop a performance meas-
10 ure or proposed performance measure required by
11 this subsection to rely, where possible, on data al-
12 ready collected by the Commission.

13 “(5) GAO AUDIT.—Not less frequently than
14 every 6 months, the Comptroller General of the
15 United States shall audit the cost estimates provided
16 by the Commission under paragraph (2)(D)(iii) dur-
17 ing the preceding 6-month period.

18 “(b) PERIODIC REVIEW.—On the date that is 5 years
19 after the completion of the rulemaking proceeding under
20 subsection (a)(1), and every 5 years thereafter, the Com-
21 mission shall initiate a new rulemaking proceeding to con-
22 tinue to consider such procedural changes to its rules as
23 may be in the public interest to maximize opportunities
24 for public participation and efficient decisionmaking.

25 “(c) NONPUBLIC COLLABORATIVE DISCUSSIONS.—

1 “(1) IN GENERAL.—Notwithstanding section
2 552b of title 5, United States Code, a bipartisan
3 majority of Commissioners may hold a meeting that
4 is closed to the public to discuss official business
5 if—

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

8 “(B) each person present at such meeting
9 is a Commissioner, an employee of the Commis-
10 sion, a member of a joint board or conference
11 established under section 410, or a person on
12 the staff of such a joint board or conference or
13 of a member of such a joint board or con-
14 ference; and

15 “(C) an attorney from the Office of Gen-
16 eral Counsel of the Commission is present at
17 such meeting.

18 “(2) DISCLOSURE OF NONPUBLIC COLLABO-
19 RATIVE DISCUSSIONS.—Not later than 2 business
20 days after the conclusion of a meeting held under
21 paragraph (1), the Commission shall publish a dis-
22 closure of such meeting, including—

23 “(A) a list of the persons who attended
24 such meeting; and

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

5 “(3) PRESERVATION OF OPEN MEETINGS RE-
6 QUIREMENTS FOR AGENCY ACTION.—Nothing in this
7 subsection shall limit the applicability of section
8 552b of title 5, United States Code, with respect to
9 a meeting of Commissioners other than that de-
10 scribed in paragraph (1).

11 “(d) ACCESS TO CERTAIN INFORMATION ON COMMIS-
12 SION’S WEBSITE.—The Commission shall provide direct
13 access from the homepage of its website to—

14 “(1) detailed information regarding—

15 “(A) the budget of the Commission for the
16 current fiscal year;

17 “(B) the appropriations for the Commis-
18 sion for such fiscal year; and

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

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

1 “(e) INTERNET PUBLICATION OF CERTAIN FCC
2 POLICIES AND PROCEDURES.—The chairman of the Com-
3 mission shall—

4 “(1) publish on the Internet website of the
5 Commission any policies or procedures of the Com-
6 mission that—

7 “(A) are established by the chairman; and

8 “(B) relate to the functioning of the Com-
9 mission or the handling of the agenda of the
10 Commission; and

11 “(2) update such publication not later than 48
12 hours after the chairman makes changes to any such
13 policies or procedures.

14 “(f) FEDERAL REGISTER PUBLICATION.—

15 “(1) IN GENERAL.—In the case of any docu-
16 ment adopted by the Commission that the Commis-
17 sion is required, under any provision of law, to pub-
18 lish in the Federal Register, the Commission shall,
19 not later than the date described in paragraph (2),
20 complete all Commission actions necessary for such
21 document to be so published.

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

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

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

4 “(3) NO EFFECT ON DEADLINES FOR PUBLICA-
5 TION IN OTHER FORM.—In the case of a deadline
6 that does not specify that the form of publication is
7 publication in the Federal Register, the Commission
8 may comply with such deadline by publishing the
9 document in another form. Such other form of publi-
10 cation does not relieve the Commission of any Fed-
11 eral Register publication requirement applicable to
12 such document, including the requirement of para-
13 graph (1).

14 “(g) CONSUMER COMPLAINT DATABASE.—

15 “(1) IN GENERAL.—In evaluating and proc-
16 essing consumer complaints, the Commission shall
17 present information about such complaints in a pub-
18 licly available, searchable database on its website
19 that—

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

21 “(B) to the extent practicable, is sortable
22 and accessible by—

23 “(i) the date of the filing of the com-
24 plaint;

25 “(ii) the topic of the complaint;

1 “(iii) the party complained of; and

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

4 “(2) DUPLICATIVE COMPLAINTS.—In the case
5 of multiple complaints arising from the same alleged
6 misconduct, the Commission shall be required to in-
7 clude only information concerning one such com-
8 plaint in the database described in paragraph (1).

9 “(h) FORM OF PUBLICATION.—

10 “(1) IN GENERAL.—In complying with a re-
11 quirement of this section to publish a document, the
12 Commission shall publish such document on its
13 website, in addition to publishing such document in
14 any other form that the Commission is required to
15 use or is permitted to and chooses to use.

16 “(2) EXCEPTION.—The Commission shall by
17 rule establish procedures for redacting documents
18 required to be published by this section so that the
19 published versions of such documents do not con-
20 tain—

21 “(A) information the publication of which
22 would be detrimental to national security,
23 homeland security, law enforcement, or public
24 safety; or

1 “(B) information that is proprietary or
2 confidential.

3 “(i) TRANSPARENCY RELATING TO PERFORMANCE IN
4 MEETING FOIA REQUIREMENTS.—The Commission shall
5 take additional steps to inform the public about its per-
6 formance and efficiency in meeting the disclosure and
7 other requirements of section 552 of title 5, United States
8 Code (commonly referred to as the Freedom of Informa-
9 tion Act), including by doing the following:

10 “(1) Publishing on the Commission’s website
11 the Commission’s logs for tracking, responding to,
12 and managing requests submitted under such sec-
13 tion, including the Commission’s fee estimates, fee
14 categories, and fee request determinations.

15 “(2) Releasing to the public all decisions made
16 by the Commission (including decisions made by the
17 Commission’s Bureaus and Offices) granting or de-
18 nying requests filed under such section, including
19 any such decisions pertaining to the estimate and
20 application of fees assessed under such section.

21 “(3) Publishing on the Commission’s website
22 electronic copies of documents released under such
23 section.

24 “(4) Presenting information about the Commis-
25 sion’s handling of requests under such section in the

1 Commission's annual budget estimates submitted to
2 Congress and the Commission's annual performance
3 and financial reports. Such information shall include
4 the number of requests under such section the Com-
5 mission received in the most recent fiscal year, the
6 number of such requests granted and denied, a com-
7 parison of the Commission's processing of such re-
8 quests over at least the previous 3 fiscal years, and
9 a comparison of the Commission's results with the
10 most recent average for the United States Govern-
11 ment as published on www.foia.gov.

12 “(j) PROMPT RELEASE OF STATISTICAL REPORTS
13 AND REPORTS TO CONGRESS.—Not later than January
14 15th of each year, the Commission shall identify, catalog,
15 and publish an anticipated release schedule for all statis-
16 tical reports and reports to Congress that are regularly
17 or intermittently released by the Commission and will be
18 released during such year.

19 “(k) ANNUAL SCORECARD REPORTS.—

20 “(1) IN GENERAL.—For the 1-year period be-
21 ginning on January 1st of each year, the Commis-
22 sion shall prepare a report on the performance of
23 the Commission in conducting its proceedings and
24 meeting the deadlines established under subsection

1 (a)(2)(E) and the guidelines established under sub-
2 section (a)(2)(F).

3 “(2) CONTENTS.—Each report required by
4 paragraph (1) shall contain detailed statistics on
5 such performance, including, with respect to each
6 Bureau of the Commission—

7 “(A) with respect to each type of filing
8 specified in subsection (a)(2)(E) or (a)(2)(F)—

9 “(i) the number of filings that were
10 pending on the last day of the period cov-
11 ered by such report;

12 “(ii) the number of filings described
13 in clause (i) for which each applicable
14 deadline or guideline established under
15 such subsection was not met and the aver-
16 age length of time such filings have been
17 pending; and

18 “(iii) for filings that were resolved
19 during such period, the average time be-
20 tween initiation and resolution and the
21 percentage for which each applicable dead-
22 line or guideline established under such
23 subsection was met;

24 “(B) with respect to proceedings before an
25 administrative law judge—

1 “(i) the number of such proceedings
2 completed during such period; and

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

5 “(C) the number of independent studies or
6 analyses published by the Commission during
7 such period.

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

16 “(1) DEFINITIONS.—In this section:

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

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

23 “(A) is a group of three or more Commis-
24 sioners; and

1 “(B) includes, for each political party of
2 which any Commissioner is a member, at least
3 one Commissioner who is a member of such po-
4 litical party, and, if any Commissioner has no
5 political party affiliation, at least one unaffili-
6 ated Commissioner.

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

12 “(4) PROGRAM ACTIVITY.—The term ‘program
13 activity’ has the meaning given such term in section
14 1115 of title 31, United States Code, except that
15 such term also includes any annual collection or dis-
16 tribution or related series of collections or distribu-
17 tions by the Commission of an amount that is great-
18 er than or equal to \$100,000,000.

19 “(5) OTHER DEFINITIONS.—The terms ‘agency
20 action’, ‘ex parte communication’, and ‘rule’ have
21 the meanings given such terms in section 551 of title
22 5, United States Code.”.

23 (b) EFFECTIVE DATES AND IMPLEMENTING
24 RULES.—

25 (1) EFFECTIVE DATES.—

1 (A) NONPUBLIC COLLABORATIVE DISCUS-
2 SIONS.—Subsection (c) of section 13 of the
3 Communications Act of 1934, as added by sub-
4 section (a), shall apply beginning on the first
5 date on which all of the procedural changes to
6 the rules of the Commission required by sub-
7 section (a)(1) of such section have taken effect.

8 (B) REPORT RELEASE SCHEDULES.—Sub-
9 section (j) of such section 13 shall apply with
10 respect to 2018 and any year thereafter.

11 (C) ANNUAL SCORECARD REPORTS.—Sub-
12 section (k) of such section 13 shall apply with
13 respect to 2017 and any year thereafter.

14 (D) INTERNET PUBLICATION OF CERTAIN
15 FCC POLICIES AND PROCEDURES.—Subsection
16 (e) of such section 13 shall apply beginning on
17 the date that is 30 days after the date of the
18 enactment of this Act.

19 (2) RULES.—Except as otherwise provided in
20 such section 13, the Commission shall promulgate
21 any rules necessary to carry out such section not
22 later than 1 year after the date of the enactment of
23 this Act.

1 **SEC. 202. CATEGORIZATION OF TCPA INQUIRIES AND COM-**
2 **PLAINTS IN QUARTERLY REPORT.**

3 In compiling its quarterly report with respect to in-
4 formal consumer inquiries and complaints, the Commis-
5 sion may not categorize an inquiry or complaint with re-
6 spect to section 227 of the Communications Act of 1934
7 (47 U.S.C. 227) as being a wireline inquiry or complaint
8 or a wireless inquiry or complaint unless the party whose
9 conduct is the subject of the inquiry or complaint is a
10 wireline carrier or a wireless carrier, respectively.

11 **SEC. 203. EFFECT ON OTHER LAWS.**

12 Nothing in this title or the amendments made by this
13 title shall relieve the Commission from any obligations
14 under title 5, United States Code, except where otherwise
15 expressly provided.

16 **SEC. 204. APPLICATION OF ANTIDEFICIENCY ACT TO UNI-**
17 **VERSAL SERVICE PROGRAM.**

18 Section 302 of Public Law 108–494 (118 Stat. 3998)
19 is amended by striking “December 31, 2018” each place
20 it appears and inserting “December 31, 2021”.

21 **SEC. 205. REPORT ON IMPROVING SMALL BUSINESS PAR-**
22 **TICIPATION IN FCC PROCEEDINGS.**

23 Not later than 1 year after the date of the enactment
24 of this Act, the Commission, in consultation with the Ad-
25 ministrator of the Small Business Administration, shall
26 submit to Congress a report on—

1 (1) actions that the Commission will take to im-
2 prove the participation of small businesses in the
3 proceedings of the Commission; and

4 (2) recommendations for any legislation that
5 the Commission considers appropriate to improve
6 such participation.

7 **SEC. 206. PUBLICATION OF ITEMS ON CIRCULATION.**

8 (a) AMENDMENT.—Section 4 of the Communications
9 Act of 1934 (47 U.S.C. 154) is amended by adding at
10 the end the following:

11 “(p) Not later than 24 hours after an order, decision,
12 report, or action is placed on circulation for review by the
13 Commissioners, the Commission shall publish on the
14 Internet website of the Commission the text of such order,
15 decision, report, or action.”.

16 (b) EFFECTIVE DATE.—The amendment made by
17 this section shall apply with respect to an order, decision,
18 report, or action that is placed on circulation after the
19 date of the enactment of this Act.

20 **SEC. 207. PUBLICATION OF ITEMS IN ADVANCE OF FCC**
21 **VOTING.**

22 (a) AMENDMENT.—Section 4 of the Communications
23 Act of 1934, as amended by section 206, is further amend-
24 ed by adding at the end the following:

1 “(q) The Commission may not adopt any order, deci-
2 sion, report, or action by vote of the Commission, unless
3 the Chairman causes the Commission to publish on the
4 Internet website of the Commission the text of such order,
5 decision, report, or action not later than 21 days before
6 the date on which the vote is to occur.”.

7 (b) EFFECTIVE DATE.—The amendment made by
8 this section shall apply with respect to an order, decision,
9 report, or action that is placed on circulation after the
10 date of the enactment of this Act.

11 **SEC. 208. TIMELY AVAILABILITY OF ITEMS ADOPTED BY**
12 **VOTE OF THE COMMISSION.**

13 (a) AMENDMENT.—Section 4 of the Communications
14 Act of 1934, as amended by sections 206 and 207, is fur-
15 ther amended by adding at the end the following:

16 “(r) In the case of any order, decision, report, or ac-
17 tion that is adopted by vote of the Commission, the Com-
18 mission shall publish on the Internet website of the Com-
19 mission the text of such order, decision, report, or action
20 not later than 24 hours after the Secretary of the Commis-
21 sion has received dissenting statements from all Commis-
22 sioners wishing to submit such a statement with respect
23 to such order, decision, report, or action.”.

24 (b) EFFECTIVE DATE.—The amendment made by
25 this section shall apply with respect to an order, decision,

1 report, or action that is adopted after the date that is 30
2 days after the date of the enactment of this Act.

3 **SEC. 209. COST-BENEFIT ANALYSIS.**

4 (a) AMENDMENT.—Section 4 of the Communications
5 Act of 1934, as amended by sections 206, 207, and 208,
6 is further amended by adding at the end the following:

7 “(s) The Commission shall include in each notice of
8 proposed rulemaking proposing the adoption of a rule or
9 the amendment of an existing rule (including the deletion
10 of an existing rule) that may have an economically signifi-
11 cant impact, and in each order adopting a rule or an
12 amendment to an existing rule (including the deletion of
13 an existing rule) that may have an economically significant
14 impact—

15 “(1) an identification and analysis of the spe-
16 cific market failure, actual consumer harm, burden
17 of existing regulation, or failure of public institu-
18 tions that warrants the adoption or amendment; and

19 “(2) a reasoned determination that the benefits
20 of the adoption or amendment justify the costs (rec-
21 ognizing that some benefits and costs are difficult to
22 quantify), taking into account alternative forms of
23 regulation and the need to tailor regulation to im-
24 pose the least burden on society, consistent with ob-
25 taining regulatory objectives.”.

1 (b) EFFECTIVE DATE.—The amendment made by
2 this section shall apply with respect to a notice of proposed
3 rulemaking or order that is adopted after the date that
4 is 90 days after the date of the enactment of this Act.

5 **SEC. 210. IDENTIFICATION AND DESCRIPTION OF ITEMS TO**
6 **BE DECIDED ON AUTHORITY DELEGATED BY**
7 **THE COMMISSION.**

8 (a) AMENDMENT.—Section 5(c) of the Communica-
9 tions Act of 1934 (47 U.S.C. 155(c)) is amended by add-
10 ing at the end the following:

11 “(10) Not later than 48 hours before the time when
12 an order, decision, report, or action is made or taken pur-
13 suant to delegation under paragraph (1), such order, deci-
14 sion, report, or action shall be identified and briefly de-
15 scribed on the Internet website of the Commission, unless
16 the authority to which the delegation is made for good
17 cause finds that such identification and description are
18 likely to lead to a result described in a paragraph of sec-
19 tion 552b(c) of title 5, United States Code. This para-
20 graph shall not apply with respect to an order, decision,
21 report, or action that—

22 “(A) does not receive a delegated authority
23 number pursuant to the procedures of the Commis-
24 sion;

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

3 “(C) is made or taken to address an immediate
4 threat to health or safety that constitutes an emer-
5 gency requiring an expedited response from the
6 Commission.”.

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

11 **TITLE III—ADDITIONAL**
12 **PROVISIONS**

13 **SEC. 301. INDEPENDENT INSPECTOR GENERAL FOR FCC.**

14 (a) AMENDMENTS.—The Inspector General Act of
15 1978 (5 U.S.C. App.) is amended—

16 (1) in section 8G(a)(2), by striking “the Fed-
17 eral Communications Commission,”; and

18 (2) in section 12—

19 (A) in paragraph (1), by inserting “, the
20 Federal Communications Commission,” after
21 “the Chairman of the Nuclear Regulatory Com-
22 mission”; and

23 (B) in paragraph (2), by inserting “the
24 Federal Communications Commission,” after
25 “the Environmental Protection Agency,”.

1 (b) TRANSITION RULE.—An individual serving as In-
2 spector General of the Commission on the date of the en-
3 actment of this Act pursuant to an appointment made
4 under section 8G of the Inspector General Act of 1978
5 (5 U.S.C. App.)—

6 (1) may continue so serving until the President
7 makes an appointment under section 3(a) of such
8 Act with respect to the Commission consistent with
9 the amendments made by subsection (a); and

10 (2) shall, while serving under paragraph (1), re-
11 main subject to the provisions of section 8G of such
12 Act which, immediately before the date of the enact-
13 ment of this Act, applied with respect to the Inspec-
14 tor General of the Commission and suffer no reduc-
15 tion in pay.

16 **SEC. 302. AUTHORITY OF CHIEF INFORMATION OFFICER.**

17 (a) IN GENERAL.—The Commission shall ensure that
18 the Chief Information Officer of the Commission has a
19 significant role in—

20 (1) the decision-making process for annual and
21 multi-year planning, programming, budgeting, and
22 execution decisions, related reporting requirements,
23 and reports related to information technology;

24 (2) the management, governance, and oversight
25 processes related to information technology; and

1 (3) the hiring of personnel with information
2 technology responsibilities.

3 (b) CIO APPROVAL.—The Chief Information Officer
4 of the Commission, in consultation with the Chief Finan-
5 cial Officer of the Commission and budget officials, shall
6 specify and approve the allocation of amounts appro-
7 priated to the Commission for information technology,
8 consistent with the provisions of appropriations Acts,
9 budget guidelines, and recommendations from the Direc-
10 tor of the Office of Management and Budget.

11 **SEC. 303. ELIMINATION OF DAILY NEWSPAPER CROSS-OWN-**
12 **ERSHIP RULE.**

13 (a) NO FORCE OR EFFECT.—Paragraph (d) of sec-
14 tion 73.3555 of title 47, Code of Federal Regulations,
15 shall have no force or effect after the date of the enact-
16 ment of this Act.

17 (b) REMOVAL FROM RULES.—Not later than 1 year
18 after the date of the enactment of this Act, the Commis-
19 sion shall complete all actions necessary to remove such
20 paragraph from its rules.

21 **SEC. 304. OFFICE OF ECONOMICS AND DATA.**

22 (a) IN GENERAL.—Section 5 of the Communications
23 Act of 1934 (47 U.S.C. 155) is amended by adding at
24 the end the following:

1 “(f)(1) The Commission shall establish within the
2 Commission an Office of Economics and Data (in this sub-
3 section referred to as the ‘Office’).

4 “(2) The Office shall—

5 “(A) provide economic analysis for rulemaking
6 proceedings, consideration of applications under sub-
7 sections (a), (b), and (c) of section 214 and applica-
8 tions under section 310(d), and the design and con-
9 duct of systems of competitive bidding under section
10 309(j);

11 “(B) advise the Commission on the manage-
12 ment of the data resources of the Commission; and

13 “(C) conduct long-term research on ways to im-
14 prove the policies of the Commission.”.

15 (b) DEADLINE.—The Commission shall establish the
16 Office of Economics and Data required by subsection (f)
17 of section 5 of the Communications Act of 1934, as added
18 by subsection (a) of this section, not later than 1 year
19 after the date of the enactment of this Act.