



U.S. HOUSE OF REPRESENTATIVES
COMMITTEE ON ENERGY AND COMMERCE

March 20, 2018

TO: Members, Subcommittee on Communications and Technology

FROM: Committee Majority Staff

RE: Hearing entitled “Legislative Hearing on Four Telecommunications Bills.”

I. INTRODUCTION

The Subcommittee on Communications and Technology will hold a hearing on Thursday, March 22, 2018, at 10:15 a.m. in 2322 Rayburn House Office Building. The hearing is entitled “Legislative Hearing on Four Telecommunications Bills.”

II. WITNESSES

- Tim Donovan, Senior Vice President, Legislative Affairs, Competitive Carriers Association;
- David Donovan, President and Executive Director, New York State Broadcasters Association, Inc.;
- Bob Gessner; President; MCTV;
- Dr. Christine Moutier; Chief Medical Officer; American Foundation for Suicide Prevention; and
- Sarah Morris; Director of Open Internet Policy; Open Technology Institute.

III. BACKGROUND AND SUMMARY OF LEGISLATION

On Thursday, the Subcommittee will review four bills: (1) H.R. 3787, which relaxes the regulatory burdens, costs, and procedural obligations of small entities before the Federal Communications Commission (FCC); (2) H.R. 2903, which directs the FCC to promulgate rules that establish a national standard for determining whether rural areas have reasonably comparable wireless and broadband services to urban areas; (3) H.R. 2345, which directs the FCC, in consultation with the Substance Abuse and Mental Health Services Administration (SAMHSA), to study and report on the feasibility of designating an N11 dialing code to be used for a national suicide prevention and mental health crisis hotline system; and (4) a discussion draft which would give the FCC more tools to combat illegal pirate operations and protect the public benefits provided by legitimately licensed broadcasters.

A. H.R. 2345, National Suicide Hotline Improvement Act of 2017

H.R. 2345 was introduced by Rep. Chris Stewart (UT) on May 3, 2017. The bill would direct the FCC, in consultation with SAMHSA, to study and report on the feasibility of designating an N11 dialing code to be used for a national suicide prevention and mental health crisis hotline system.

Abbreviated dialing codes allow users to connect to a location in the telephone network by dialing an “N11 code” instead of a 7- or 10-digit telephone number. An “N11 code” is a three-digit number, the first number of which is not “1” or “0” and the second two numbers are both “1,” that can be used to automatically route a call to an end-location on the network. Numerically, this leaves only 8 possible combinations; one of which is 9-1-1 and is used for emergency services. In 2000, the FCC issued a Report and Order on Reconsideration of the use of N11 codes and other abbreviated dialing arrangements.¹ Currently, the FCC has designated codes for 2-1-1, 3-1-1, 5-1-1, 7-1-1, 8-1-1, and 9-1-1, and the Commission has the authority to designate a new N11 code by rulemaking.

H.R. 2345 would require the FCC-SAMHSA study to analyze the effectiveness of the current National Suicide Prevention Lifeline. This study would further analyze the potential impact of a N11 dialing code designation on suicide prevention, crises services, the National Suicide Prevention Lifeline, and the Veterans Crisis Line. In conducting this study, the FCC would be directed to consider each of the current N11 designations, to consult with the North American Numbering Council (NANC), and consult with the Secretary of Veterans Affairs with respect to how well the current National Suicide Prevention Lifeline is working to address the needs of veterans.

S. 1015, the National Suicide Hotline Improvement Act, is the companion measure in the Senate. The Senate Commerce Committee reported that bill out of committee on October 31, 2017. The measure passed the Senate by unanimous consent on November 8, 2017.

B. H.R. 2903, Rural Reasonable and Comparable Wireless Access Act of 2017

H.R. 2903 was introduced by Rep. David B. McKinley (WV) on June 15, 2017. The bill would direct the FCC to promulgate rules that establish a national standard for determining whether rural areas have reasonably comparable wireless and broadband services to services provided in urban areas.

To determine whether rural areas have reasonably comparable coverage, H.R. 2903 directs the Commission to gather data on the average signal strengths and speeds of commercial mobile service and commercial mobile data service, and broadband Internet access services in the 20 most populous metropolitan statistical areas. The FCC would then test whether the

¹ *Use of N11 Codes and Other Abbreviated Dialing Arrangements*, Third Report and Order on Reconsideration, 15 FCC Rcd 16753 (2000), https://apps.fcc.gov/edocs_public/attachmatch/FCC-00-256A1.pdf;

service in rural areas meets or exceeds these averages as the basis of whether they are underserved.

C. H.R. 3787, Small Entity Regulatory Relief Opportunity (SERRO) Act

H.R. 3787 was introduced by Rep. Robert E. Latta (OH) on September 14, 2017. The bill would direct the FCC to complete a rulemaking to establish streamlined procedures for small entities regarding filing, consideration, and resolution of a petition before the Commission within 6 months.

Small entities represent an important group of telecommunications and advanced telecommunications service providers by bringing competition in the marketplace and service to rural America. One of the objectives of the Telecommunications Act of 1996 was to remove barriers to entry, develop competition, and expand universal service.² Small entities do not require the same level of regulatory oversight as large entities, and the cost of regulatory compliance can often outweigh the intended public benefits. The FCC can currently provide regulatory relief on a case-by-case basis, but the bill would direct the Commission to take a proactive approach in identifying regulations that disproportionately harm small entities.

H.R. 3787 would streamline the FCC's application process for small entities to seek deferment of regulations and the application of a new regulation that applies to small entities by one year to allow sufficient lead time for the entity to enter into compliance. The bill would further direct the Commission to review all its regulations to determine whether there is good cause to grant relief to some or all small entities.

D. H.R. ____, Preventing Illegal Radio Abuse Through Enforcement (PIRATE) Act

The discussion draft was authored by Rep. Leonard Lance (NJ). The bill would give the FCC authority to issue fines and seize the illegal pirate radio equipment on any person who willfully and knowingly broadcasts radio transmissions over AM or FM frequencies without a license from the FCC or without complying with unlicensed operations rules defined in the Commission's rules.

Illegal pirate operations are common across the country, and disrupt the public's access to news, public affairs, and emergency alerts provided by legitimately licensed broadcasters. Interference with the Emergency Alert System (EAS) can disrupt the signals received by listeners, and can reduce the public's ability to prepare for emergencies. Furthermore, interference from illegal pirate operations can affect frequencies assigned to the Federal Aviation Administration for airport communications.

The discussion draft would give the FCC additional tools to enforce penalties against pirate stations and protect the public services provided by legitimate, licensed broadcasters. The

² Telecommunications Act of 1996, Pub. LA. No. 104-104, 110 Stat. 56 (1996).

discussion draft would raise the fine for rule violations to \$100,000 dollars per day per violation, up to a maximum of \$2,000,000 dollars. Additionally, the discussion draft would streamline the FCC's enforcement process and empower state and local law enforcement.

IV. STAFF CONTACTS

If you have any questions regarding this hearing, please contact Lauren McCarty, Tim Kurth, Sean Farrell, or Robin Colwell of the Majority Committee staff at (202) 225-2927.