

[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.

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

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 are unlikely to resolve within
25 a reasonable period of time the specific

1 market failure, actual consumer harm, bur-
2 den of existing regulation, or failure of
3 public institutions identified under clause
4 (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 “(4) COST-BENEFIT DETERMINATION NOT SUB-
2 JECT TO JUDICIAL REVIEW.—A determination under
3 paragraph (2)(C)(ii) shall not be subject to judicial
4 review.

5 “(b) ADEQUATE DELIBERATION BY COMMIS-
6 SIONERS.—The Commission shall by rule establish proce-
7 dures for—

8 “(1) informing all Commissioners of a reason-
9 able number of options available to the Commission
10 for resolving a petition, complaint, application, rule-
11 making, or other proceeding;

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

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

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

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

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

19 “(e) PUBLIC REVIEW OF CERTAIN REPORTS AND EX
20 PARTE COMMUNICATIONS.—

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

24 “(A) a statistical report or report to Con-
25 gress, unless the Commission has published and

1 made such report available for comment for not
2 less than a 30-day period prior to the adoption
3 of such order, decision, report, or action; or

4 “(B) an ex parte communication or any fil-
5 ing with the Commission, unless the public has
6 been afforded adequate notice of and oppor-
7 tunity to respond to such communication or fil-
8 ing, in accordance with procedures to be estab-
9 lished by the Commission by rule.

10 “(2) EXCEPTION.—Paragraph (1) does not
11 apply when the Commission for good cause finds
12 (and incorporates the finding and a brief statement
13 of reasons therefor in the order, decision, report, or
14 action) that publication or availability of a report
15 under subparagraph (A) of such paragraph or notice
16 of and opportunity to respond to an ex parte com-
17 munication under subparagraph (B) of such para-
18 graph are impracticable, unnecessary, or contrary to
19 the public interest.

20 “(f) PUBLICATION OF STATUS OF CERTAIN PRO-
21 CEEDINGS AND ITEMS.—The Commission shall by rule es-
22 tablish procedures for publishing the status of all open
23 rulemaking proceedings and all proposed orders, decisions,
24 reports, or actions on circulation for review by the Com-
25 missioners, including which Commissioners have not cast

1 a vote on an order, decision, report, or action that has
2 been on circulation for more than 60 days.

3 “(g) DEADLINES FOR ACTION.—The Commission
4 shall by rule establish deadlines for any Commission order,
5 decision, report, or action for each of the various cat-
6 egories of petitions, applications, complaints, and other fil-
7 ings seeking Commission action, including filings seeking
8 action through authority delegated under section 5(c)(1).

9 “(h) PROMPT RELEASE OF CERTAIN REPORTS AND
10 DECISION DOCUMENTS.—

11 “(1) STATISTICAL REPORTS AND REPORTS TO
12 CONGRESS.—

13 “(A) RELEASE SCHEDULE.—Not later
14 than January 15th of each year, the Commis-
15 sion shall identify, catalog, and publish an an-
16 ticipated release schedule for all statistical re-
17 ports and reports to Congress that are regularly
18 or intermittently released by the Commission
19 and will be released during such year.

20 “(B) PUBLICATION DEADLINES.—The
21 Commission shall publish each report identified
22 in a schedule published under subparagraph (A)
23 not later than the date indicated in such sched-
24 ule for the anticipated release of such report.

1 “(2) DECISION DOCUMENTS.—The Commission
2 shall publish each order, decision, report, or action
3 not later than 30 days after the date of the adoption
4 of such order, decision, report, or action.

5 “(3) EFFECT IF DEADLINES NOT MET.—

6 “(A) NOTIFICATION OF CONGRESS.—If the
7 Commission fails to publish an order, decision,
8 report, or action by a deadline described in
9 paragraph (1)(B) or (2), the Commission shall,
10 not later than 7 days after such deadline and
11 every 14 days thereafter until the publication of
12 the order, decision, report, or action, notify by
13 letter the chairpersons and ranking members of
14 the Committee on Energy and Commerce of the
15 House of Representatives and the Committee
16 on Commerce, Science, and Transportation of
17 the Senate. Such letter shall identify such
18 order, decision, report, or action, specify the
19 deadline, describe the reason for the delay, and
20 indicate when the Commission anticipates that
21 such order, decision, report, or action will be
22 published. The Commission shall publish such
23 letter.

24 “(B) NO IMPACT ON EFFECTIVENESS.—

25 The failure of the Commission to publish an

1 order, decision, report, or action by a deadline
2 described in paragraph (1)(B) or (2) shall not
3 render such order, decision, report, or action in-
4 effective when published.

5 “(i) BIENNIAL SCORECARD REPORTS.—

6 “(1) IN GENERAL.—For the 6-month period be-
7 ginning on January 1st of each year and the 6-
8 month period beginning on July 1st of each year,
9 the Commission shall prepare a report on the per-
10 formance of the Commission in conducting its pro-
11 ceedings and meeting the deadlines established
12 under subsections (g), (h)(1)(B), and (h)(2).

13 “(2) CONTENTS.—Each report required by
14 paragraph (1) shall contain detailed statistics on
15 such performance, including, with respect to each
16 Bureau of the Commission—

17 “(A) in the case of performance in meeting
18 the deadlines established under subsection (g),
19 with respect to each category established under
20 such subsection—

21 “(i) the number of petitions, applica-
22 tions, complaints, and other filings seeking
23 Commission action that were pending on
24 the last day of the period covered by such
25 report;

1 “(ii) the number of filings described
2 in clause (i) that were not resolved by the
3 deadlines established under such sub-
4 section and the average length of time
5 such filings have been pending; and

6 “(iii) for petitions, applications, com-
7 plaints, and other filings seeking Commis-
8 sion action that were resolved during such
9 period, the average time between initiation
10 and resolution and the percentage resolved
11 by the deadlines established under such
12 subsection;

13 “(B) in the case of proceedings before an
14 administrative law judge—

15 “(i) the number of such proceedings
16 completed during such period; and

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

19 “(C) the number of independent studies or
20 analyses published by the Commission during
21 such period.

22 “(3) PUBLICATION AND SUBMISSION.—The
23 Commission shall publish and submit to the Com-
24 mittee on Energy and Commerce of the House of
25 Representatives and the Committee on Commerce,

1 Science, and Transportation of the Senate each re-
2 port required by paragraph (1) not later than the
3 date that is 30 days after the last day of the period
4 covered by such report.

5 “(j) TRANSACTION REVIEW STANDARDS.—

6 “(1) IN GENERAL.—The Commission shall con-
7 dition its approval of a transfer of lines, a transfer
8 of licenses, or any other transaction under section
9 214, 309, or 310 or any other provision of this Act
10 only if—

11 “(A) the imposed condition is a remedy to
12 a harm that would likely arise as a direct result
13 of the specific transfer or specific transaction
14 that this Act empowers the Commission to re-
15 view;

16 “(B) the Commission could impose a simi-
17 lar requirement under the authority of a spe-
18 cific provision of law other than a provision em-
19 powering the Commission to review a transfer
20 of lines, a transfer of licenses, or other trans-
21 action; and

22 “(C) the likely harm described in subpara-
23 graph (A) is presented by the specific transfer
24 of lines, transfer of licenses, or other trans-
25 action, such that the harm is not presented by

1 persons not involved in the transfer or other
2 transaction.

3 “(2) EXCLUSIONS.—In reviewing a transfer of
4 lines, a transfer of licenses, or any other transaction
5 under section 214, 309, or 310 or any other provi-
6 sion of this Act, the Commission may not consider
7 a voluntary commitment of a party to such transfer
8 or transaction unless the Commission could adopt
9 that voluntary commitment as a condition under
10 paragraph (1).

11 “(k) 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.

24 “(l) FEDERAL REGISTER PUBLICATION.—

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

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

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

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

15 “(3) NO EFFECT ON DEADLINES FOR PUBLICA-
16 TION IN OTHER FORM.—In the case of a deadline
17 that does not specify that the form of publication is
18 publication in the Federal Register, the Commission
19 may comply with such deadline by publishing the
20 document in another form. Such other form of publi-
21 cation does not relieve the Commission of any Fed-
22 eral Register publication requirement applicable to
23 such document, including the requirement of para-
24 graph (1).

25 “(m) CONSUMER COMPLAINT DATABASE.—

1 “(1) IN GENERAL.—In evaluating and proc-
2 essing consumer complaints, the Commission shall
3 present information about such complaints in a pub-
4 licly available, searchable database on its website
5 that—

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

7 “(B) to the extent practicable, is sortable
8 and accessible by—

9 “(i) the date of the filing of the com-
10 plaint;

11 “(ii) the topic of the complaint;

12 “(iii) the party complained of; and

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

15 “(2) DUPLICATIVE COMPLAINTS.—In the case
16 of multiple complaints arising from the same alleged
17 misconduct, the Commission shall be required to in-
18 clude only information concerning one such com-
19 plaint in the database described in paragraph (1).

20 “(n) FORM OF PUBLICATION.—

21 “(1) IN GENERAL.—In complying with a re-
22 quirement of this section to publish a document, the
23 Commission shall publish such document on its
24 website, in addition to publishing such document in

1 any other form that the Commission is required to
2 use or is permitted to and chooses to use.

3 “(2) EXCEPTION.—The Commission shall by
4 rule establish procedures for redacting documents
5 required to be published by this section so that the
6 published versions of such documents do not con-
7 tain—

8 “(A) information the publication of which
9 would be detrimental to national security,
10 homeland security, law enforcement, or public
11 safety; or

12 “(B) information that is proprietary or
13 confidential.

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

21 “(1) Publishing on the Commission’s website
22 the Commission’s logs for tracking, responding to,
23 and managing requests submitted under such sec-
24 tion, including the Commission’s fee estimates, fee
25 categories, and fee request determinations.

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

7 “(3) Publishing on the Commission’s website
8 electronic copies of documents released under such
9 section.

10 “(4) Presenting information about the Commis-
11 sion’s handling of requests under such section in the
12 Commission’s annual budget estimates submitted to
13 Congress and the Commission’s annual performance
14 and financial reports. Such information shall include
15 the number of requests under such section the Com-
16 mission received in the most recent fiscal year, the
17 number of such requests granted and denied, a com-
18 parison of the Commission’s processing of such re-
19 quests over at least the previous 3 fiscal years, and
20 a comparison of the Commission’s results with the
21 most recent average for the United States Govern-
22 ment as published on www.foia.gov.

23 “(p) DEFINITIONS.—In this section:

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

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

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

9 “(B) includes, for each political party of
10 which any Commissioner is a member, at least
11 1 Commissioner who is a member of such polit-
12 ical party, and, if any Commissioner has no po-
13 litical party affiliation, at least 1 unaffiliated
14 Commissioner.

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

22 “(4) PERFORMANCE MEASURE.—The term ‘per-
23 formance measure’ means an objective and quantifi-
24 able outcome measure or output measure (as such

1 terms are defined in section 1115 of title 31, United
2 States Code).

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

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

14 (b) EFFECTIVE DATE AND IMPLEMENTING RULES.—

15 (1) EFFECTIVE DATE.—

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

21 (B) PRIOR NOTICES OF PROPOSED RULE-
22 MAKING.—If the Federal Communications Com-
23 mission identifies under paragraph (2)(B)(ii) of
24 subsection (a) of such section 13 a notice of

1 proposed rulemaking issued prior to the date of
2 the enactment of this Act—

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

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

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

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

21 (3) PROCEDURES FOR ADOPTING RULES.—Not-
22 withstanding paragraph (1)(A), in promulgating
23 rules to carry out such section, the Federal Commu-
24 nications Commission shall comply with the require-
25 ments of subsections (a) and (h)(2) of such section.

1 **SEC. 3. 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 Federal
5 Communications Commission may not categorize an in-
6 quiry or complaint with respect to section 227 of the Com-
7 munications Act of 1934 (47 U.S.C. 227) as being a
8 wireline inquiry or complaint or a wireless inquiry or com-
9 plaint unless the party whose conduct is the subject of
10 the inquiry or complaint is a wireline carrier or a wireless
11 carrier, respectively.

12 **SEC. 4. PROVISION OF EMERGENCY WEATHER INFORMA-**
13 **TION.**

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

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

22 Nothing in subsection (a) of section 13 of the Com-
23 munications Act of 1934, as added by section 2 of this
24 Act, shall be construed to impede the Federal Communica-
25 tions Commission from acting in times of emergency to

1 ensure the availability of efficient and effective commu-
2 nications systems for State and local first responders.

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

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