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.

Be it enacted by the Senate and House of Representa-
tives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) Short Title.—This Act may be cited as the

[“Act of 2017”].
(b) **TABLE OF CONTENTS.**—The table of contents for this Act is as follows:

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**SEC. 2. COMMISSION DEFINED.**

In this Act, the term “Commission” means the Federal Communications Commission.

**TITLE I—FCC REAUTHORIZATION**

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

(a) **IN GENERAL.**—Section 6 of the Communications Act of 1934 (47 U.S.C. 156) is amended to read as follows:
“SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

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

“(b) Offsetting Collections.—

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

“(2) Deposit of collections.—Amounts received from fees authorized by section 9 shall be deposited as an offsetting collection in, and credited to, the account through which funds are made available to carry out the activities described in subsection (a).

“(3) Deposit of excess collections.—Any fees collected in excess of the total amount of fees provided for in Appropriations Acts for a fiscal year shall be deposited in the general fund of the Treasury of the United States for the sole purpose of deficit reduction.”.

(b) Deposits of Bidders to Be Deposited in Treasury.—Section 309(j)(8)(C) of the Communications Act of 1934 (47 U.S.C. 309(j)(8)(C)) is amended—
(1) in the first sentence, by striking “an interest bearing account” and all that follows and inserting “the Treasury.”;

(2) in clause (i)—

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

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

(3) in clause (ii), by striking “; and” and inserting “, and payments representing the return of such deposits shall not be subject to administrative offset under section 3716(e) of title 31, United States Code.”;

(4) by striking clause (iii).

(c) ELIMINATION OF DUPLICATIVE AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—Section 710 of the Telecommunications Act of 1996 (Public Law 104–104) is repealed.

(2) CONFORMING AMENDMENT.—The table of contents in section 2 of such Act is amended by striking the item relating to section 710.
(d) TRANSFER OF FUNDS.—On the effective date described in section 103, any amounts in the account providing appropriations to carry out the functions of the Commission that were collected in excess of the amounts provided for in Appropriations Acts in any fiscal year prior to such date shall be transferred to the general fund of the Treasury of the United States for the sole purpose of deficit reduction.

SEC. 102. APPLICATION AND REGULATORY FEES.

(a) IN GENERAL.—Section 9 of the Communications Act of 1934 (47 U.S.C. 159) is amended to read as follows:

“SEC. 9. APPLICATION AND REGULATORY FEES.

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

“(b) APPLICATION FEES.—

“(1) IN GENERAL.—The Commission shall assess and collect application fees at such rates as the Commission shall establish in a schedule of application fees to recover the costs of the Commission to process applications.

“(2) ADJUSTMENT OF SCHEDULE.—
“(A) IN GENERAL.—In every even-numbered year, the Commission shall review the schedule of application fees established under this subsection and, except as provided in subparagraph (B), set a new amount for each fee in the schedule that is equal to the amount of the fee on the date when the fee was established or the date when the fee was last amended under paragraph (3), whichever is later—

“(i) increased or decreased by the percentage change in the Consumer Price Index during the period beginning on such date and ending on the date of the review; and

“(ii) rounded to the nearest $5 increment.

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

“(i) in the case of a fee the current amount of which is less than $200, the adjustment would result in a change in the current amount of less than $10; or

“(ii) in the case of a fee the current amount of which is $200 or more, the ad-
justment would result in a change in the current amount of less than 5 percent.

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

“(3) AMENDMENTS.—In addition to the adjustments required by paragraph (2), the Commission shall by rule amend the schedule of application fees established under this subsection if the Commission determines that the schedule requires amendment so that such fees reflect increases or decreases in the costs of processing applications at the Commission and the consolidation or addition of new categories of applications.

“(c) REGULATORY FEES.—

“(1) IN GENERAL.—The Commission shall assess and collect regulatory fees at such rates as the Commission shall establish in a schedule of regulatory fees that will result in the collection, in each
fiscal year, of an amount that can reasonably be ex-
pected to equal the difference between—

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

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

“(2) ADJUSTMENT OF SCHEDULE.—

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

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

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

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

“(3) AMENDMENTS.—In addition to the adjust-
ments required by paragraph (2), the Commission
shall by rule amend the schedule of regulatory fees
established under this subsection if the Commission
determines that the schedule requires amendment so
that such fees reflect the full-time equivalent number
of employees within the bureaus and offices of the
Commission, adjusted to take into account factors
that are reasonably related to the benefits provided
to the payor of the fee by the Commission’s activi-
ties. In making an amendment under this para-
graph, the Commission may not change the total
amount of regulatory fees required by paragraph (1)
to be collected in a fiscal year.

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

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

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

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

“(f) ENFORCEMENT.—

“(1) PENALTIES FOR LATE PAYMENT.—The
Commission shall by rule prescribe a penalty for late
payment of fees under this section. Such penalty
shall be 25 percent of the amount of the fee that
was not paid in a timely manner.

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

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

“(4) REVOCATIONS.—

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

“(B) NOTICE.—Revocation action may be
taken by the Commission under this paragraph
after notice of the Commission’s intent to take
such action is sent to the licensee by registered mail, return receipt requested, at the licensee’s last known address. The notice shall provide the licensee at least 30 days to either pay the fee, interest, and any penalty or show cause why the fee, interest, or penalty does not apply to the licensee or should otherwise be waived or payment deferred.

“(C) HEARING.—

“(i) GENERALLY NOT REQUIRED.—A hearing is not required under this paragraph unless the licensee’s response presents a substantial and material question of fact.

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

“(iii) COSTS.—Unless the licensee substantially prevails in the hearing, the Commission may assess the licensee for the costs of such hearing.
“(D) Opportunity to Pay Prior to Revocation.—Any Commission order adopted under this paragraph shall determine the amount due, if any, and provide the licensee with at least 30 days to pay that amount or have its authorization revoked.

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

“(g) Waiver, Reduction, and Deferment.—The Commission may waive, reduce, or defer payment of a fee, interest charge, or penalty in any specific instance for good cause shown, if such action would promote the public interest.

“(h) Payment Rules.—The Commission shall by rule permit payment—

“(1) in the case of fees in large amounts, by instalments; and

“(2) in the case of fees in small amounts, in advance for a number of years not to exceed the term of the license held by the payor.

“(i) Exceptions.—

“(1) Parties to which Fees are Not Applicable.—
“(A) APPLICATION FEES.—The application fees established under this section shall not be applicable to—

“(i) a governmental entity; or

“(ii) a nonprofit entity licensed in the Local Government, Police, Fire, Highway Maintenance, Forestry-Conservation, Public Safety, or Special Emergency Radio service.

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

“(i) a governmental entity or nonprofit entity; or

“(ii) an amateur radio operator licensee under part 97 of the Commission’s rules (47 C.F.R. part 97).

“(2) COST OF COLLECTION.—

“(A) APPLICATION FEES.—If, in the judgment of the Commission, the cost of collecting an application fee established under this section would exceed the amount collected, the Commission may by rule eliminate such fee.

“(B) REGULATORY FEES.—If, in the judgment of the Commission, the cost of collecting
a regulatory fee established under this section from a party would exceed the amount collected from such party, the Commission may exempt such party from paying such fee.

“(j) ACCOUNTING SYSTEM.—The Commission shall develop accounting systems necessary to make the amendments authorized by subsections (b)(3) and (c)(3).”.

(b) CONFORMING AMENDMENTS.—The Communications Act of 1934 (47 U.S.C. 151 et seq.) is amended—

(1) by repealing section 8; and

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

(c) TRANSITIONAL RULES.—

(1) APPLICATION FEES.—An application fee established under section 8 of the Communications Act of 1934, as such section is in effect on the day before the effective date described in section 103 of this Act, shall remain in effect under subsection (b) of section 9 of the Communications Act of 1934, as amended by subsection (a) of this section, until such time as the Commission adjusts or amends such fee under subsection (b)(2) or (b)(3) of such section 9, as so amended.
(2) REGULATORY FEES.—A regulatory fee established under section 9 of the Communications Act of 1934, as such section is in effect on the day before the effective date described in section 103 of this Act, shall remain in effect under subsection (c) of section 9 of the Communications Act of 1934, as amended by subsection (a) of this section, until such time as the Commission adjusts or amends such fee under subsection (e)(2) or (e)(3) of such section 9, as so amended.

(d) RULEMAKING TO AMEND SCHEDULE OF REGULATORY FEES.—

(1) IN GENERAL.—Not later than 1 year after the effective date described in section 103, the Commission shall complete a rulemaking proceeding under subsection (c)(3) of section 9 of the Communications Act of 1934, as amended by subsection (a) of this section.

(2) REPORT TO CONGRESS.—If the Commission has not completed the rulemaking proceeding required by paragraph (1) by the date that is 6 months after the effective date described in section 103, the Commission shall submit to Congress a report on the progress of such rulemaking proceeding.
SEC. 103. EFFECTIVE DATE.

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

TITLE II—FCC PROCESS REFORM

SEC. 201. FCC PROCESS REFORM.

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

“SEC. 13. TRANSPARENCY AND EFFICIENCY.

“(a) INITIAL RULEMAKING AND INQUIRY.—

“(1) RULEMAKING.—Not later than 1 year after the date of the enactment of this section, the Commission shall complete a rulemaking proceeding and adopt procedural changes to its rules to maximize opportunities for public participation and efficient decisionmaking.

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

“(A) set minimum comment periods for comment and reply comment, subject to a determination by the Commission that good cause exists for departing from such minimum comment periods, for—

“(i) significant regulatory actions, as defined in Executive Order No. 12866; and
“(ii) all other rulemaking proceedings;

“(B) establish policies concerning the submission of extensive new comments, data, or reports towards the end of the comment period;

“(C) establish policies regarding treatment of comments, ex parte communications, and data or reports (including statistical reports and reports to Congress) submitted after the comment period to ensure that the public has adequate notice of and opportunity to respond to such submissions before the Commission relies on such submissions in any order, decision, report, or action;

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

“(i) the status of open rulemaking proceedings and proposed orders, decisions, reports, or actions on circulation for review by the Commissioners, including which Commissioners have not cast a vote on an
order, decision, report, or action that has
been on circulation for more than 60 days;

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

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

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

“(iii) a list of the congressional inves-
tigations of the Commission that were
pending on the last day of such quarter (or
more frequent period, as the case may be)
and the cost of such investigations, individ-
ually and in the aggregate;
“(E) establish deadlines (relative to the date of filing) for—

“(i) in the case of a petition for a declaratory ruling under section 1.2 of title 47, Code of Federal Regulations, issuing a public notice of such petition;

“(ii) in the case of a petition for rulemaking under section 1.401 of such title, issuing a public notice of such petition; and

“(iii) in the case of a petition for reconsideration under section 1.106 or 1.429 of such title or an application for review under section 1.115 of such title, issuing a public notice of a decision on the petition or application by the Commission or under delegated authority (as the case may be);

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

“(G) establish procedures for the inclusion of the specific language of the proposed rule or the proposed amendment of an existing rule in a notice of proposed rulemaking; and
“(H) require notices of proposed rule-making and orders adopting a rule or amending an existing rule that—

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

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

“(I) performance measures for evaluating the effectiveness of the program activity as changed (or proposed to be changed); or

“(II) a finding that existing performance measures will effectively evaluate the program activity as changed (or proposed to be changed).

“(3) INQUIRY.—Not later than 1 year after the date of the enactment of this section, the Commission shall complete an inquiry to seek public comment on whether and how the Commission should—

“(A) establish procedures for allowing a bipartisan majority of Commissioners to place an
order, decision, report, or action on the agenda of an open meeting;

“(B) establish procedures for informing all Commissioners of a reasonable number of options available to the Commission for resolving a petition, complaint, application, rulemaking, or other proceeding;

“(C) establish procedures for ensuring that all Commissioners have adequate time, prior to being required to decide a petition, complaint, application, rulemaking, or other proceeding (including at a meeting held pursuant to section 5(d)), to review the proposed Commission decision document, including the specific language of any proposed rule or any proposed amendment of an existing rule;

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

“(E) assign resources needed in order to meet the deadlines described in subparagraph (D), including whether the Commission’s ability to meet such deadlines would be enhanced by
assessing a fee from applicants for such a license; and

“(F) except as otherwise provided in section 4(r), publish each order, decision, report, or action not later than 30 days after the date of the adoption of such order, decision, report, or action.

“(4) **DATA FOR PERFORMANCE MEASURES.**—The Commission shall develop a performance measure or proposed performance measure required by this subsection to rely, where possible, on data already collected by the Commission.

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

“(b) **PERIODIC REVIEW.**—On the date that is 5 years after the completion of the rulemaking proceeding under subsection (a)(1), and every 5 years thereafter, the Commission shall initiate a new rulemaking proceeding to continue to consider such procedural changes to its rules as may be in the public interest to maximize opportunities for public participation and efficient decisionmaking.

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

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

“(B) each person present at such meeting is a Commissioner, an employee of the Commission, a member of a joint board or conference established under section 410, or a person on the staff of such a joint board or conference or of a member of such a joint board or conference; and

“(C) an attorney from the Office of General Counsel of the Commission is present at such meeting.

“(2) DISCLOSURE OF NONPUBLIC COLLABORATIVE DISCUSSIONS.—Not later than 2 business days after the conclusion of a meeting held under paragraph (1), the Commission shall publish a disclosure of such meeting, including—

“(A) a list of the persons who attended such meeting; and
“(B) a summary of the matters discussed at such meeting, except for such matters as the Commission determines may be withheld under section 552b(c) of title 5, United States Code.

“(3) PRESERVATION OF OPEN MEETINGS REQUIREMENTS FOR AGENCY ACTION.—Nothing in this subsection shall limit the applicability of section 552b of title 5, United States Code, with respect to a meeting of Commissioners other than that described in paragraph (1).

“(d) ACCESS TO CERTAIN INFORMATION ON COMMISSION’S WEBSITE.—The Commission shall provide direct access from the homepage of its website to—

“(1) detailed information regarding—

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

“(B) the appropriations for the Commission for such fiscal year; and

“(C) the total number of full-time equivalent employees of the Commission; and

“(2) the performance plan most recently made available by the Commission under section 1115(b) of title 31, United States Code.
“(e) **INTERNET PUBLICATION OF CERTAIN FCC POLICIES AND PROCEDURES.**—The chairman of the Commission shall—

“(1) publish on the Internet website of the Commission any policies or procedures of the Commission that—

“(A) are established by the chairman; and

“(B) relate to the functioning of the Commission or the handling of the agenda of the Commission; and

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

“(f) **FEDERAL REGISTER PUBLICATION.**—

“(1) **IN GENERAL.**—In the case of any document adopted by the Commission that the Commission is required, under any provision of law, to publish in the Federal Register, the Commission shall, not later than the date described in paragraph (2), complete all Commission actions necessary for such document to be so published.

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

“(A) the day that is 45 days after the date of the release of the document; or
“(B) the day by which such actions must be completed to comply with any deadline under any other provision of law.

“(3) No effect on deadlines for publication in other form.—In the case of a deadline that does not specify that the form of publication is publication in the Federal Register, the Commission may comply with such deadline by publishing the document in another form. Such other form of publication does not relieve the Commission of any Federal Register publication requirement applicable to such document, including the requirement of paragraph (1).

“(g) Consumer complaint database.—

“(1) In general.—In evaluating and processing consumer complaints, the Commission shall present information about such complaints in a publicly available, searchable database on its website that—

“(A) facilitates easy use by consumers; and

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

“(i) the date of the filing of the complaint;

“(ii) the topic of the complaint;
“(iii) the party complained of; and
“(iv) other elements that the Commission considers in the public interest.

“(2) DUPLICATIVE COMPLAINTS.—In the case of multiple complaints arising from the same alleged misconduct, the Commission shall be required to include only information concerning one such complaint in the database described in paragraph (1).

“(h) FORM OF PUBLICATION.—

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

“(2) EXCEPTION.—The Commission shall by rule establish procedures for redacting documents required to be published by this section so that the published versions of such documents do not contain—

“(A) information the publication of which would be detrimental to national security, homeland security, law enforcement, or public safety; or
“(B) information that is proprietary or confidential.

“(i) Transparency Relating to Performance in Meeting FOIA Requirements.—The Commission shall take additional steps to inform the public about its performance and efficiency in meeting the disclosure and other requirements of section 552 of title 5, United States Code (commonly referred to as the Freedom of Information Act), including by doing the following:

“(1) Publishing on the Commission’s website the Commission’s logs for tracking, responding to, and managing requests submitted under such section, including the Commission’s fee estimates, fee categories, and fee request determinations.

“(2) Releasing to the public all decisions made by the Commission (including decisions made by the Commission’s Bureaus and Offices) granting or denying requests filed under such section, including any such decisions pertaining to the estimate and application of fees assessed under such section.

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

“(4) Presenting information about the Commission’s handling of requests under such section in the
Commission’s annual budget estimates submitted to Congress and the Commission’s annual performance and financial reports. Such information shall include the number of requests under such section the Commission received in the most recent fiscal year, the number of such requests granted and denied, a comparison of the Commission’s processing of such requests over at least the previous 3 fiscal years, and a comparison of the Commission’s results with the most recent average for the United States Government as published on www.foia.gov.

“(j) Prompt Release of Statistical Reports and Reports to Congress.—Not later than January 15th of each year, the Commission shall identify, catalog, and publish an anticipated release schedule for all statistical reports and reports to Congress that are regularly or intermittently released by the Commission and will be released during such year.

“(k) Annual Scorecard Reports.—

“(1) In general.—For the 1-year period beginning on January 1st of each year, the Commission shall prepare a report on the performance of the Commission in conducting its proceedings and meeting the deadlines established under subsection
(a)(2)(E) and the guidelines established under subsection (a)(2)(F).

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

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

“(i) the number of filings that were pending on the last day of the period covered by such report;

“(ii) the number of filings described in clause (i) for which each applicable deadline or guideline established under such subsection was not met and the average length of time such filings have been pending; and

“(iii) for filings that were resolved during such period, the average time between initiation and resolution and the percentage for which each applicable deadline or guideline established under such subsection was met;

“(B) with respect to proceedings before an administrative law judge—
“(i) the number of such proceedings completed during such period; and

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

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

“(3) Publication and Submission.—The Commission shall publish and submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate each report required by paragraph (1) not later than the date that is 30 days after the last day of the period covered by such report.

“(1) Definitions.—In this section:

“(1) Amendment.—The term ‘amendment’ includes, when used with respect to an existing rule, the deletion of such rule.

“(2) Bipartisan majority.—The term ‘bipartisan majority’ means, when used with respect to a group of Commissioners, that such group—

“(A) is a group of three or more Commissioners; and
“(B) includes, for each political party of which any Commissioner is a member, at least one Commissioner who is a member of such political party, and, if any Commissioner has no political party affiliation, at least one unaffiliated Commissioner.

“(3) PERFORMANCE MEASURE.—The term ‘performance measure’ means an objective and quantifiable outcome measure or output measure (as such terms are defined in section 1115 of title 31, United States Code).

“(4) PROGRAM ACTIVITY.—The term ‘program activity’ has the meaning given such term in section 1115 of title 31, United States Code, except that such term also includes any annual collection or distribution or related series of collections or distributions by the Commission of an amount that is greater than or equal to $100,000,000.

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

(b) EFFECTIVE DATES AND IMPLEMENTING RULES.—

(1) EFFECTIVE DATES.—
(A) Nonpublic Collaborative Discussions.—Subsection (e) of section 13 of the Communications Act of 1934, as added by subsection (a), shall apply beginning on the first date on which all of the procedural changes to the rules of the Commission required by subsection (a)(1) of such section have taken effect.

(B) Report Release Schedules.—Subsection (j) of such section 13 shall apply with respect to 2018 and any year thereafter.

(C) Annual Scorecard Reports.—Subsection (k) of such section 13 shall apply with respect to 2017 and any year thereafter.

(D) Internet Publication of Certain FCC Policies and Procedures.—Subsection (e) of such section 13 shall apply beginning on the date that is 30 days after the date of the enactment of this Act.

(2) Rules.—Except as otherwise provided in such section 13, the Commission shall promulgate any rules necessary to carry out such section not later than 1 year after the date of the enactment of this Act.
SEC. 202. CATEGORIZATION OF TCPA INQUIRIES AND COMPLAINTS IN QUARTERLY REPORT.

In compiling its quarterly report with respect to informal consumer inquiries and complaints, the Commission may not categorize an inquiry or complaint with respect to section 227 of the Communications Act of 1934 (47 U.S.C. 227) as being a wireline inquiry or complaint or a wireless inquiry or complaint unless the party whose conduct is the subject of the inquiry or complaint is a wireline carrier or a wireless carrier, respectively.

SEC. 203. EFFECT ON OTHER LAWS.

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

SEC. 204. APPLICATION OF ANTIDEFICIENCY ACT TO UNIVERSAL SERVICE PROGRAM.

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

SEC. 205. REPORT ON IMPROVING SMALL BUSINESS PARTICIPATION IN FCC PROCEEDINGS.

Not later than 1 year after the date of the enactment of this Act, the Commission, in consultation with the Administrator of the Small Business Administration, shall submit to Congress a report on—
(1) actions that the Commission will take to improve the participation of small businesses in the proceedings of the Commission; and

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

SEC. 206. PUBLICATION OF ITEMS ON CIRCULATION.

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

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

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

SEC. 207. PUBLICATION OF ITEMS IN ADVANCE OF FCC VOTING.

(a) AMENDMENT.—Section 4 of the Communications Act of 1934, as amended by section 206, is further amended by adding at the end the following:
“(q) The Commission may not adopt any order, decision, report, or action by vote of the Commission, unless the Chairman causes the Commission to publish on the Internet website of the Commission the text of such order, decision, report, or action not later than 21 days before the date on which the vote is to occur.”.

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

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

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

“(r) In the case of any order, decision, report, or action that is adopted by vote of the Commission, the Commission shall publish on the Internet website of the Commission the text of such order, decision, report, or action not later than 24 hours after the Secretary of the Commission has received dissenting statements from all Commissioners wishing to submit such a statement with respect to such order, decision, report, or action.”.

(b) Effective Date.—The amendment made by this section shall apply with respect to an order, decision,
report, or action that is adopted after the date that is 30
days after the date of the enactment of this Act.

SEC. 209. COST-BENEFIT ANALYSIS.

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

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

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

“(2) a reasoned determination that the benefits
of the adoption or amendment justify the costs (rec-
ognizing that some benefits and costs are difficult to
quantify), taking into account alternative forms of
regulation and the need to tailor regulation to im-
pose the least burden on society, consistent with ob-
taining regulatory objectives.”.
(b) EFFECTIVE DATE.—The amendment made by this section shall apply with respect to a notice of proposed rulemaking or order that is adopted after the date that is 90 days after the date of the enactment of this Act.

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

(a) AMENDMENT.—Section 5(c) of the Communications Act of 1934 (47 U.S.C. 155(c)) is amended by adding at the end the following:

“(10) Not later than 48 hours before the time when an order, decision, report, or action is made or taken pursuant to delegation under paragraph (1), such order, decision, report, or action shall be identified and briefly described on the Internet website of the Commission, unless the authority to which the delegation is made for good cause finds that such identification and description are likely to lead to a result described in a paragraph of section 552b(c) of title 5, United States Code. This paragraph shall not apply with respect to an order, decision, report, or action that—

“(A) does not receive a delegated authority number pursuant to the procedures of the Commission;
“(B) is made or taken on authority delegated to
an administrative law judge; or

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

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

TITLE III—ADDITIONAL
PROVISIONS

SEC. 301. INDEPENDENT INSPECTOR GENERAL FOR FCC.

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

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

(2) in section 12—

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

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

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(b) TRANSITION RULE.—An individual serving as Inspector General of the Commission on the date of the enactment of this Act pursuant to an appointment made under section 8G of the Inspector General Act of 1978 (5 U.S.C. App.)—

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

(2) shall, while serving under paragraph (1), remain subject to the provisions of section 8G of such Act which, immediately before the date of the enactment of this Act, applied with respect to the Inspector General of the Commission and suffer no reduction in pay.

SEC. 302. AUTHORITY OF CHIEF INFORMATION OFFICER.

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

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

(2) the management, governance, and oversight processes related to information technology; and
(3) the hiring of personnel with information technology responsibilities.

(b) CIO APPROVAL.—The Chief Information Officer of the Commission, in consultation with the Chief Financial Officer of the Commission and budget officials, shall specify and approve the allocation of amounts appropriated to the Commission for information technology, consistent with the provisions of appropriations Acts, budget guidelines, and recommendations from the Director of the Office of Management and Budget.

SEC. 303. ELIMINATION OF DAILY NEWSPAPER CROSS-OWNERSHIP RULE.

(a) NO FORCE OR EFFECT.—Paragraph (d) of section 73.3555 of title 47, Code of Federal Regulations, shall have no force or effect after the date of the enactment of this Act.

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

SEC. 304. OFFICE OF ECONOMICS AND DATA.

(a) IN GENERAL.—Section 5 of the Communications Act of 1934 (47 U.S.C. 155) is amended by adding at the end the following:
“(f)(1) The Commission shall establish within the Commission an Office of Economics and Data (in this subsection referred to as the ‘Office’).

“(2) The Office shall—

“(A) provide economic analysis for rulemaking proceedings, consideration of applications under subsections (a), (b), and (c) of section 214 and applications under section 310(d), and the design and conduct of systems of competitive bidding under section 309(j);

“(B) advise the Commission on the management of the data resources of the Commission; and

“(C) conduct long-term research on ways to improve the policies of the Commission.”.

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