

111TH CONGRESS  
1ST SESSION

# H. R. 2183

To improve public participation and overall decisionmaking at the Federal Communications Commission, and for other purposes.

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IN THE HOUSE OF REPRESENTATIVES

APRIL 30, 2009

Mr. BARTON of Texas (for himself and Mr. STEARNS) introduced the following bill; which was referred to the Committee on Energy and Commerce

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## A BILL

To improve public participation and overall decisionmaking at the Federal Communications Commission, 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. FCC REFORM.**

4 (a) IN GENERAL.—The Communications Act of 1934  
5 (47 U.S.C. 151 et seq.) is amended by inserting after sec-  
6 tion 5 the following new section:

7 **“SEC. 5A. PUBLIC PARTICIPATION AND COMMISSION DECI-**  
8 **SIONMAKING.**

9 “(a) REFORM MEASURES.—The Commission shall  
10 promulgate regulations in accordance with the following:

1           “(1) Except as provided in the third sentence of  
2 section 553(b) of title 5, United States Code, before  
3 adopting, modifying, or deleting a final regulation,  
4 the Commission—

5           “(A) shall publish the specific language of  
6 the proposed regulation, modification, or dele-  
7 tion;

8           “(B) shall provide at least 30 days for the  
9 submission of comments and an additional 30  
10 days for the submission of reply comments on  
11 such proposed regulation, modification, or dele-  
12 tion; and

13           “(C) shall provide at least 30 days fol-  
14 lowing the deadline for the submission of reply  
15 comments for agency consideration on the  
16 record on such proposed regulation, modifica-  
17 tion, or deletion.

18           “(2) The Commission shall ensure that mem-  
19 bers of the Commission have adequate time, prior to  
20 being required to decide an issue (including at a  
21 meeting held pursuant to section 5(d)), to review the  
22 proposed Commission decision document, including  
23 any specific language that is proposed to be adopted  
24 as, modified in, or deleted from a regulation.

1           “(3) The Commission shall establish deadlines  
2           for any Commission order, decision, report, or action  
3           for each of the various categories of petitions, appli-  
4           cations, complaints, and other filings seeking Com-  
5           mission action.

6           “(4) The Commission shall publish any order,  
7           decision, report, or action of the Commission within  
8           30 days after the date of the adoption of such order,  
9           decision, report, or action.

10           “(5) The Commission shall notify by letter the  
11           chairpersons and ranking members of the Committee  
12           on Energy and Commerce of the House of Rep-  
13           resentatives and the Committee on Commerce,  
14           Science, and Transportation of the Senate—

15           “(A) indicating that an order, decision, re-  
16           port, or action of the Commission was not pub-  
17           lished within 30 days after the date of the  
18           adoption of such order, decision, report, or ac-  
19           tion;

20           “(B) identifying such order, decision, re-  
21           port, or action; and

22           “(C) describing the reason for the delay.

23           The Commission shall update by letter such chair-  
24           persons and ranking members every 14 days until

1 the publication of such order, decision, report, or ac-  
2 tion.

3 “(6) For any year in which the Commission was  
4 required to provide a notice pursuant to paragraph  
5 (5), the Commission shall publish an annual report  
6 containing detailed statistics concerning the delay  
7 between the adoption and the publication of any  
8 such order, decision, report, or action.

9 “(7) The Commission shall publish on a weekly  
10 basis a summary list of documents containing pro-  
11 posed decisions pending review by the Commission.  
12 For all such decisions on such list for more than 60  
13 days, the Commission shall also name any Commis-  
14 sioners who have not cast a vote on such decision.

15 “(b) STATISTICAL REPORTS SCHEDULE.—

16 “(1) IN GENERAL.—The Commission shall cata-  
17 log, identify, and publish the anticipated release  
18 schedule for all statistical reports regularly or inter-  
19 mittently published by the Commission and shall  
20 thereafter publish such schedule at least annually.

21 “(2) NOTIFICATION OF DELAY.—The Commis-  
22 sion shall notify by letter the chairpersons and rank-  
23 ing members of the Committee on Energy and Com-  
24 merce of the House of Representatives and the Com-

1        mittee on Commerce, Science, and Transportation of  
2        the Senate—

3                “(A) indicating that a statistical report  
4                was not published within 60 days after the date  
5                specified in the anticipated release schedule  
6                published under paragraph (1);

7                “(B) identifying such report; and

8                “(C) describing the reason for such delay.

9        The Commission shall update by letter such chair-  
10       persons and ranking members every 30 days until  
11       the publication of such report.

12       “(c) DEFINITION.—For the purposes of this section,  
13       the term ‘regulation’ has the meaning given the term ‘rule’  
14       in section 551(4) of title 5, United States Code.”.

15       (b) EFFECTIVE DATES.—

16                (1) REFORM MEASURES.—The Federal Commu-  
17       nications Commission shall carry out section 5A(a)  
18       of the Communications Act of 1934 (as added by  
19       subsection (a)) within 6 months after the date of en-  
20       actment of this Act.

21                (2) STATISTICAL REPORTS SCHEDULE.—The  
22       Federal Communications Commission shall carry out  
23       section 5A(b) of the Communications Act of 1934  
24       (as added by subsection (a)) within 3 months after  
25       the date of enactment of this Act.

1           (3) EXCEPTION.—Notwithstanding paragraph  
2           (1), in promulgating rules to carry out section 5A(a)  
3           of the Communications Act of 1934 (as added by  
4           subsection (a)), the Federal Communications Com-  
5           mission shall comply with the requirements of para-  
6           graphs (1), (2), and (4) of section 5A(a) of the  
7           Communications Act of 1934 (as added by sub-  
8           section (a)).

9   **SEC. 2. EFFECT ON OTHER LAWS.**

10          Nothing in this Act, including the amendments made  
11         by this Act, shall absolve the Federal Communications  
12         Commission from any obligations under title 5, United  
13         States Code.

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