

112TH CONGRESS
1ST SESSION

S. 1780

To amend the Communications Act of 1934 to consolidate the reporting obligations of the Federal Communications Commission in order to improve congressional oversight and reduce reporting burdens.

IN THE SENATE OF THE UNITED STATES

NOVEMBER 2, 2011

Mr. HELLER introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To amend the Communications Act of 1934 to consolidate the reporting obligations of the Federal Communications Commission in order to improve congressional oversight and reduce reporting burdens.

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 Consolidated Reporting Act of 2011”.

1 **SEC. 2. COMMUNICATIONS MARKETPLACE REPORT.**

2 Title I of the Communications Act of 1934 (47
3 U.S.C. 151 et seq.) is amended by adding at the end the
4 following:

5 **“SEC. 13. COMMUNICATIONS MARKETPLACE REPORT.**

6 “(a) IN GENERAL.—In the last quarter of every even-
7 numbered year, the Commission shall publish on its Web
8 site and submit to the Committee on Energy and Com-
9 merce of the House of Representatives and the Committee
10 on Commerce, Science, and Transportation of the Senate
11 a report on the state of the communications marketplace.

12 “(b) CONTENTS.—Each report required by sub-
13 section (a) shall—

14 “(1) assess the state of competition in the com-
15 munications marketplace, including competition to
16 deliver voice, video, and data services among pro-
17 viders of telecommunications, providers of commer-
18 cial mobile service (as defined in section 332), multi-
19 channel video programming distributors (as defined
20 in section 602), broadcast stations, providers of sat-
21 ellite communications, Internet service providers,
22 and other providers of communications services;

23 “(2) assess the state of deployment of commu-
24 nications capabilities, including advanced tele-
25 communications capability (as defined in section 706
26 of the Telecommunications Act of 1996 (47 U.S.C.

1 1302)), regardless of the technology used for such
2 deployment, including whether advanced tele-
3 communications capability is being deployed to all
4 Americans in a reasonable and timely fashion;

5 “(3) assess whether laws, regulations, or regu-
6 latory practices (whether those of the Federal Gov-
7 ernment, States, political subdivisions of States, In-
8 dian tribes or tribal organizations (as such terms are
9 defined in section 4 of the Indian Self-Determination
10 and Education Assistance Act (25 U.S.C. 450b)), or
11 foreign governments) pose a barrier to competitive
12 entry into the communications marketplace or to the
13 competitive expansion of existing providers of com-
14 munications services;

15 “(4) describe the agenda of the Commission for
16 the next 2-year period for addressing the challenges
17 and opportunities in the communications market-
18 place that were identified through the assessments
19 under paragraphs (1) through (3); and

20 “(5) describe the actions that the Commission
21 has taken in pursuit of the agenda described pursu-
22 ant to paragraph (4) in the previous report sub-
23 mitted under this section.

24 “(c) SPECIAL REQUIREMENTS.—

1 “(1) ASSESSING COMPETITION.—In assessing
 2 the state of competition under subsection (b)(1), the
 3 Commission shall consider the effect of intermodal
 4 competition, facilities-based competition, and com-
 5 petition from new and emergent communications
 6 services, including the provision of content and com-
 7 munications using the Internet.

8 “(2) ASSESSING DEPLOYMENT.—In assessing
 9 the state of deployment under subsection (b)(2), the
 10 Commission shall compile a list of geographical
 11 areas that are not served by any provider of ad-
 12 vanced telecommunications capability.

13 “(3) INTERNATIONAL COMPARISONS AND DEMO-
 14 GRAPHIC INFORMATION.—The Commission may use
 15 readily available data to draw appropriate compari-
 16 sons between the United States communications
 17 marketplace and the international communications
 18 marketplace and to correlate its assessments with
 19 demographic information.”.

20 **SEC. 3. CONSOLIDATION OF REDUNDANT REPORTS; CON-**
 21 **FORMING AMENDMENTS.**

22 (a) ORBIT ACT REPORT.—Section 646 of the Com-
 23 munications Satellite Act of 1962 (47 U.S.C. 765e; 114
 24 Stat. 57) is repealed.

1 (b) SATELLITE COMPETITION REPORT.—Section 4 of
2 Public Law 109–34 (47 U.S.C. 703) is repealed.

3 (c) INTERNATIONAL BROADBAND DATA REPORT.—
4 Section 103 of the Broadband Data Improvement Act (47
5 U.S.C. 1303) is amended—

6 (1) by striking subsection (b); and

7 (2) by redesignating subsections (c) through (e)
8 as subsections (b) through (d), respectively.

9 (d) STATUS OF COMPETITION IN THE MARKET FOR
10 THE DELIVERY OF VIDEO PROGRAMMING REPORT.—Sec-
11 tion 628 of the Communications Act of 1934 (47 U.S.C.
12 548) is amended—

13 (1) by striking subsection (g); and

14 (2) by redesignating subsection (j) as sub-
15 section (g).

16 (e) REPORT ON CABLE INDUSTRY PRICES.—

17 (1) IN GENERAL.—Section 623 of the Commu-
18 nications Act of 1934 (47 U.S.C. 543) is amended—

19 (A) by striking subsection (k); and

20 (B) by redesignating subsections (l)
21 through (n) as subsections (k) through (m), re-
22 spectively.

23 (2) CONFORMING AMENDMENT.—Section
24 613(a)(3) of the Communications Act of 1934 (47

1 U.S.C. 533(a)(3)) is amended by striking “623(l)”
2 and inserting “623(k)”.

3 (f) TRIENNIAL REPORT IDENTIFYING AND ELIMI-
4 NATING MARKET ENTRY BARRIERS FOR ENTRE-
5 PRENEURS AND OTHER SMALL BUSINESSES.—Section
6 257 of the Communications Act of 1934 (47 U.S.C. 257)
7 is amended by striking subsection (c).

8 (g) SECTION 706 REPORT.—Section 706 of the Tele-
9 communications Act of 1996 (47 U.S.C. 1302) is amend-
10 ed—

11 (1) in subsection (b)—

12 (A) in the last sentence, by striking “If the
13 Commission’s determination is negative, it” and
14 inserting “If the Commission determines in its
15 report under section 13 of the Communications
16 Act of 1934 that advanced telecommunications
17 capability is not being deployed to all Ameri-
18 cans in a reasonable and timely fashion, the
19 Commission”; and

20 (B) by striking the first and second sen-
21 tences;

22 (2) by striking subsection (c);

23 (3) in subsection (d), by striking “this sub-
24 section” and inserting “this section”; and

1 (4) by redesignating subsection (d) as sub-
2 section (c).

3 (h) STATE OF COMPETITIVE MARKET CONDITIONS
4 WITH RESPECT TO COMMERCIAL MOBILE RADIO SERV-
5 ICES.—Section 332(c)(1)(C) of the Communications Act
6 of 1934 (47 U.S.C. 332(c)(1)(C)) is amended by striking
7 the first and second sentences.

8 (i) PREVIOUSLY ELIMINATED ANNUAL REPORT.—

9 (1) IN GENERAL.—Section 4 of the Commu-
10 nications Act of 1934 (47 U.S.C. 154) is amended—

11 (A) by striking subsection (k); and

12 (B) by redesignating subsections (l)
13 through (o) as subsections (k) through (n), re-
14 spectively.

15 (2) CONFORMING AMENDMENTS.—The Commu-
16 nications Act of 1934 is amended—

17 (A) in section 9(i), by striking “In the
18 Commission’s annual report, the Commission
19 shall prepare an analysis of its progress in de-
20 veloping such systems and” and inserting “The
21 Commission”; and

22 (B) in section 309(j)(8)(B), by striking the
23 last sentence.

24 (j) ADDITIONAL OUTDATED REPORTS.—The Com-
25 munications Act of 1934 is amended—

1 (1) in section 4—

2 (A) in subsection (b)(2)(B)—

3 (i) in clause (i), by striking “(i) The
4 Commission” and inserting “The Commis-
5 sion”; and

6 (ii) by striking clause (ii); and

7 (B) in subsection (g), by striking para-
8 graph (2);

9 (2) in section 215—

10 (A) by striking subsection (b); and

11 (B) by redesignating subsection (c) as sub-
12 section (b);

13 (3) in section 227(e), by striking paragraph (4);

14 (4) in section 309(j)—

15 (A) by striking paragraph (12); and

16 (B) in paragraph (15)(C), by striking
17 clause (iv);

18 (5) in section 331(b), by striking the last sen-
19 tence;

20 (6) in section 336(e), by amending paragraph
21 (4) to read as follows:

22 “(4) REPORT.—The Commission shall annually
23 advise the Congress on the amounts collected pursu-
24 ant to the program required by this subsection.”;

25 (7) in section 339(c), by striking paragraph (1);

- 1 (8) in section 396—
- 2 (A) by striking subsection (i);
- 3 (B) in subsection (k)—
- 4 (i) in paragraph (1), by striking sub-
- 5 paragraph (F); and
- 6 (ii) in paragraph (3)(B)(iii), by strik-
- 7 ing subclause (V);
- 8 (C) in subsection (l)(1)(B), by striking
- 9 “shall be included” and all that follows through
- 10 “The audit report”; and
- 11 (D) by striking subsection (m);
- 12 (9) in section 398(b)(4), by striking the third
- 13 sentence;
- 14 (10) in section 624A(b)(1)—
- 15 (A) by striking “REPORT; REGULATIONS”
- 16 and inserting “REGULATIONS”;
- 17 (B) by striking “Within 1 year after” and
- 18 all that follows through “on means of assuring”
- 19 and inserting “The Commission shall issue such
- 20 regulations as are necessary to assure”; and
- 21 (C) by striking “Within 180 days after”
- 22 and all that follows through “to assure such
- 23 compatibility.”; and
- 24 (11) in section 713, by striking subsection (a).

1 **SEC. 4. EFFECT ON AUTHORITY.**

2 Nothing in this Act or the amendments made by this
3 Act shall be construed to expand or contract the authority
4 of the Federal Communications Commission.

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