

114TH CONGRESS
1ST SESSION

H. R. 734

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 HOUSE OF REPRESENTATIVES

FEBRUARY 4, 2015

Mr. SCALISE (for himself, Mr. WALDEN, and Ms. ESHOO) introduced the following bill; which was referred to the Committee on Energy and Commerce

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 2015”.

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
8 website 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, audio, and data services among
17 providers of telecommunications, providers of com-
18 mercial mobile service (as defined in section 332),
19 multichannel video programming distributors (as de-
20 fined in section 602), broadcast stations, providers
21 of satellite communications, Internet service pro-
22 viders, and other providers of communications serv-
23 ices;

24 “(2) assess the state of deployment of commu-
25 nications capabilities, including advanced tele-
26 communications capability (as defined in section 706

1 of the Telecommunications Act of 1996 (47 U.S.C.
2 1302)), regardless of the technology used for such
3 deployment, including whether advanced tele-
4 communications capability is being deployed to all
5 Americans in a reasonable and timely fashion;

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

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

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

1 “(c) EXTENSION.—If the President designates a
2 Commissioner as Chairman of the Commission during the
3 last quarter of an even-numbered year, the portion of the
4 report required by subsection (b)(4) may be published on
5 the website of the Commission and submitted to the Com-
6 mittee on Energy and Commerce of the House of Rep-
7 resentatives and the Committee on Commerce, Science,
8 and Transportation of the Senate as an addendum during
9 the first quarter of the following odd-numbered year.

10 “(d) SPECIAL REQUIREMENTS.—

11 “(1) ASSESSING COMPETITION.—In assessing
12 the state of competition under subsection (b)(1), the
13 Commission shall consider all forms of competition,
14 including the effect of intermodal competition, facili-
15 ties-based competition, and competition from new
16 and emergent communications services, including the
17 provision of content and communications using the
18 Internet.

19 “(2) ASSESSING DEPLOYMENT.—In assessing
20 the state of deployment under subsection (b)(2), the
21 Commission shall compile a list of geographical
22 areas that are not served by any provider of ad-
23 vanced telecommunications capability.

24 “(3) INTERNATIONAL COMPARISONS AND DEMO-
25 GRAPHIC INFORMATION.—The Commission may use

1 readily available data to draw appropriate compari-
2 sons between the United States communications
3 marketplace and the international communications
4 marketplace and to correlate its assessments with
5 demographic information.

6 “(4) CONSIDERING SMALL BUSINESSES.—In as-
7 sessing the state of competition under subsection
8 (b)(1) and regulatory barriers under subsection
9 (b)(3), the Commission shall consider market entry
10 barriers for entrepreneurs and other small busi-
11 nesses in the communications marketplace in accord-
12 ance with the national policy under section 257(b).

13 “(5) CONSIDERING CABLE RATES.—In assess-
14 ing the state of competition under subsection (b)(1),
15 the Commission shall include in each report required
16 by subsection (a) the aggregate average total
17 amount paid by cable systems in compensation
18 under section 325 during the period covered by such
19 report.”.

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);

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

16 (3) by transferring subsection (g) (as redesign-
17 ated) so that it appears after subsection (f).

18 (e) REPORT ON CABLE INDUSTRY PRICES.—

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

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

22 (B) by redesignating subsections (l)
23 through (o) as subsections (k) through (n), re-
24 spectively.

1 (2) CONFORMING AMENDMENT.—Section
2 613(a)(3) of the Communications Act of 1934 (47
3 U.S.C. 533(a)(3)) is amended by striking “623(l)”
4 and inserting “623(k)”.

5 (f) TRIENNIAL REPORT IDENTIFYING AND ELIMI-
6 NATING MARKET ENTRY BARRIERS FOR ENTRE-
7 PRENEURS AND OTHER SMALL BUSINESSES.—Section
8 257 of the Communications Act of 1934 (47 U.S.C. 257)
9 is amended by striking subsection (c).

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

13 (1) by amending subsection (b) to read as fol-
14 lows:

15 “(b) DETERMINATION.—If the Commission deter-
16 mines in its report under section 13 of the Communica-
17 tions Act of 1934, after considering the availability of ad-
18 vanced telecommunications capability to all Americans (in-
19 cluding, in particular, elementary and secondary schools
20 and classrooms), that advanced telecommunications capa-
21 bility is not being deployed to all Americans in a reason-
22 able and timely fashion, the Commission shall take imme-
23 diate action to accelerate deployment of such capability
24 by removing barriers to infrastructure investment and by

1 promoting competition in the telecommunications mar-
2 ket.”;

3 (2) by striking subsection (c);

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

6 (4) by redesignating subsection (d) as sub-
7 section (c).

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

13 (i) PREVIOUSLY ELIMINATED ANNUAL REPORT.—

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

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

17 (B) by redesignating subsections (l)
18 through (o) as subsections (k) through (n), re-
19 spectively.

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

22 (A) in section 9(i), by striking “In the
23 Commission’s annual report, the Commission
24 shall prepare an analysis of its progress in de-

1 veloping such systems and” and inserting “The
2 Commission”; and

3 (B) in section 309(j)(8)(B), by striking the
4 last sentence.

5 (j) ADDITIONAL OUTDATED REPORTS.—The Com-
6 munications Act of 1934 is further amended—

7 (1) in section 4—

8 (A) in subsection (b)(2)(B)(ii), by striking
9 “and shall furnish notice of such action” and
10 all that follows through “subject of the waiver”;
11 and

12 (B) in subsection (g), by striking para-
13 graph (2);

14 (2) in section 215—

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

16 (B) by redesignating subsection (c) as sub-
17 section (b);

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

19 (4) in section 309(j)—

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

21 (B) in paragraph (15)(C), by striking
22 clause (iv);

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

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

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

6 (7) in section 339(e), by striking paragraph (1);

7 (8) in section 396—

8 (A) by striking subsection (i);

9 (B) in subsection (k)—

10 (i) in paragraph (1), by striking sub-
11 paragraph (F); and

12 (ii) in paragraph (3)(B)(iii), by strik-
13 ing subclause (V);

14 (C) in subsection (l)(1)(B), by striking
15 “shall be included” and all that follows through
16 “The audit report”; and

17 (D) by striking subsection (m);

18 (9) in section 398(b)(4), by striking the third
19 sentence;

20 (10) in section 624A(b)(1)—

21 (A) by striking “REPORT; REGULATIONS”
22 and inserting “REGULATIONS”;

23 (B) by striking “Within 1 year after” and
24 all that follows through “on means of assuring”

1 and inserting “The Commission shall issue such
2 regulations as are necessary to assure”; and

3 (C) by striking “Within 180 days after”
4 and all that follows through “to assure such
5 compatibility.”; and

6 (11) in section 713, by striking subsection (a).

7 **SEC. 4. EFFECT ON AUTHORITY.**

8 Nothing in this Act or the amendments made by this
9 Act shall be construed to expand or contract the authority
10 of the Federal Communications Commission.

11 **SEC. 5. OTHER REPORTS.**

12 Nothing in this Act or the amendments made by this
13 Act shall be construed to prohibit or otherwise prevent the
14 Federal Communications Commission from producing any
15 additional reports otherwise within the authority of the
16 Commission.

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