

# ***In the House of Representatives, U. S.,***

*September 27, 2016.*

*Resolved*, That the bill from the Senate (S. 253) entitled “An Act 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.”, do pass with the following

## **AMENDMENTS:**

Strike out all after the enacting clause and insert:

**1    *SECTION 1. SHORT TITLE; TABLE OF CONTENTS.***

**2            (a) *SHORT TITLE.*—*This Act may be cited as the***  
**3    *“Communications Act Update Act of 2016”.***

**4            (b) *TABLE OF CONTENTS.*—*The table of contents for***  
**5    *this Act is as follows:***

*Sec. 1. Short title; table of contents.*

*Sec. 2. Commission defined.*

### ***TITLE I—FEDERAL COMMUNICATIONS COMMISSION PROCESS REFORM***

*Sec. 101. Federal Communications Commission process reform.*

*Sec. 102. Categorization of TCPA inquiries and complaints in quarterly report.*

*Sec. 103. Effect on other laws.*

*Sec. 104. Application of Antideficiency Act to Universal Service Program.*

*Sec. 105. Report on improving small business participation in FCC proceedings.*

*Sec. 106. Timely availability of items adopted by vote of the Commission.*

### ***TITLE II—FEDERAL COMMUNICATIONS COMMISSION CONSOLIDATED REPORTING***

*Sec. 201. Communications marketplace report.*

*Sec. 202. Consolidation of redundant reports; conforming amendments.*

*Sec. 203. Effect on authority.*

*Sec. 204. Other reports.*

*TITLE III—SMALL BUSINESS BROADBAND DEPLOYMENT*

*Sec. 301. Exception to enhancement to transparency requirements for small businesses.*

*TITLE IV—KARF'S LAW*

*Sec. 401. Short title.*

*Sec. 402. Configuration of multi-line telephone systems for direct dialing of 9-1-1.*

*TITLE V—SECURING ACCESS TO NETWORKS IN DISASTERS*

*Sec. 501. Study on network resiliency.*

*Sec. 502. Access to essential service providers during federally declared emergencies.*

*Sec. 503. Definitions.*

*TITLE VI—SPOOFING PREVENTION*

*Sec. 601. Spoofing prevention.*

*TITLE VII—AMATEUR RADIO PARITY*

*Sec. 701. Findings.*

*Sec. 702. Application of private land use restrictions to amateur stations.*

*Sec. 703. Affirmation of limited preemption of State and local land use regulation.*

*Sec. 704. Definitions.*

*TITLE VIII—IMPROVING RURAL CALL QUALITY AND RELIABILITY*

*Sec. 801. Ensuring the integrity of voice communications.*

**1 SEC. 2. COMMISSION DEFINED.**

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

**4 TITLE I—FEDERAL COMMUNICA-**  
**5       TIONS COMMISSION PROCESS**  
**6       REFORM**

**7 SEC. 101. FEDERAL COMMUNICATIONS COMMISSION PROC-**  
**8       ESS REFORM.**

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

1 **“SEC. 13. TRANSPARENCY AND EFFICIENCY.**

2 “(a) *INITIAL RULEMAKING AND INQUIRY.*—

3 “(1) *RULEMAKING.*—Not later than 1 year after  
4 the date of the enactment of this section, the Commis-  
5 sion shall complete a rulemaking proceeding and  
6 adopt procedural changes to its rules to maximize op-  
7 portunities for public participation and efficient deci-  
8 sionmaking.

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

11 “(A) set minimum comment periods for  
12 comment and reply comment, subject to a deter-  
13 mination by the Commission that good cause ex-  
14 ists for departing from such minimum comment  
15 periods, for—

16 “(i) significant regulatory actions, as  
17 defined in Executive Order No. 12866; and

18 “(ii) all other rulemaking proceedings;

19 “(B) establish policies concerning the sub-  
20 mission of extensive new comments, data, or re-  
21 ports towards the end of the comment period;

22 “(C) establish policies regarding treatment  
23 of comments, ex parte communications, and data  
24 or reports (including statistical reports and re-  
25 ports to Congress) submitted after the comment  
26 period to ensure that the public has adequate no-

1        *tice of and opportunity to respond to such sub-*  
 2        *missions before the Commission relies on such*  
 3        *submissions in any order, decision, report, or ac-*  
 4        *tion;*

5                *“(D) establish procedures for, not later than*  
 6        *14 days after the end of each quarter of a cal-*  
 7        *endar year (or more frequently, as the Commis-*  
 8        *sion considers appropriate), publishing on the*  
 9        *Internet website of the Commission and submit-*  
 10        *ting to Congress a report that contains—*

11                *“(i) the status of open rulemaking pro-*  
 12        *ceedings and proposed orders, decisions, re-*  
 13        *ports, or actions on circulation for review*  
 14        *by the Commissioners, including which*  
 15        *Commissioners have not cast a vote on an*  
 16        *order, decision, report, or action that has*  
 17        *been on circulation for more than 60 days;*

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

24                *“(I) the number of such requests,*  
 25        *broken down by the bureau primarily*

1                    *responsible for action and, for each bu-*  
 2                    *reau, the type of request (such as a pe-*  
 3                    *tition, application, or complaint); and*

4                    *“(II) information regarding the*  
 5                    *amount of time for which such requests*  
 6                    *have been pending, broken down as de-*  
 7                    *scribed in subclause (I); and*

8                    *“(iii) a list of the congressional inves-*  
 9                    *tigations of the Commission that were pend-*  
 10                    *ing on the last day of such quarter (or more*  
 11                    *frequent period, as the case may be) and the*  
 12                    *cost of such investigations, individually and*  
 13                    *in the aggregate;*

14                    *“(E) establish deadlines (relative to the date*  
 15                    *of filing) for—*

16                    *“(i) in the case of a petition for a de-*  
 17                    *claratory ruling under section 1.2 of title*  
 18                    *47, Code of Federal Regulations, issuing a*  
 19                    *public notice of such petition;*

20                    *“(ii) in the case of a petition for rule-*  
 21                    *making under section 1.401 of such title,*  
 22                    *issuing a public notice of such petition; and*

23                    *“(iii) in the case of a petition for re-*  
 24                    *consideration under section 1.106 or 1.429*  
 25                    *of such title or an application for review*

1           *under section 1.115 of such title, issuing a*  
 2           *public notice of a decision on the petition or*  
 3           *application by the Commission or under*  
 4           *delegated authority (as the case may be);*

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

8           “(G) *establish procedures for the inclusion*  
 9           *of the specific language of the proposed rule or*  
 10          *the proposed amendment of an existing rule in*  
 11          *a notice of proposed rulemaking; and*

12          “(H) *require notices of proposed rulemaking*  
 13          *and orders adopting a rule or amending an ex-*  
 14          *isting rule that—*

15               “(i) *create (or propose to create) a pro-*  
 16               *gram activity to contain performance meas-*  
 17               *ures for evaluating the effectiveness of the*  
 18               *program activity; and*

19               “(ii) *substantially change (or propose*  
 20               *to substantially change) a program activity*  
 21               *to contain—*

22                       “(I) *performance measures for*  
 23                       *evaluating the effectiveness of the pro-*  
 24                       *gram activity as changed (or proposed*  
 25                       *to be changed); or*

1                   “(II) a finding that existing per-  
 2                   formance measures will effectively  
 3                   evaluate the program activity as  
 4                   changed (or proposed to be changed).

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

9                   “(A) establish procedures for allowing a bi-  
 10                  partisan majority of Commissioners to place an  
 11                  order, decision, report, or action on the agenda  
 12                  of an open meeting;

13                  “(B) establish procedures for informing all  
 14                  Commissioners of a reasonable number of options  
 15                  available to the Commission for resolving a peti-  
 16                  tion, complaint, application, rulemaking, or  
 17                  other proceeding;

18                  “(C) establish procedures for ensuring that  
 19                  all Commissioners have adequate time, prior to  
 20                  being required to decide a petition, complaint,  
 21                  application, rulemaking, or other proceeding (in-  
 22                  cluding at a meeting held pursuant to section  
 23                  5(d)), to review the proposed Commission deci-  
 24                  sion document, including the specific language of

1        *any proposed rule or any proposed amendment*  
 2        *of an existing rule;*

3                *“(D) establish procedures for publishing the*  
 4        *text of agenda items to be voted on at an open*  
 5        *meeting in advance of such meeting so that the*  
 6        *public has the opportunity to read the text before*  
 7        *a vote is taken;*

8                *“(E) establish deadlines (relative to the date*  
 9        *of filing) for disposition of applications for a li-*  
 10        *cence under section 1.913 of title 47, Code of*  
 11        *Federal Regulations;*

12                *“(F) assign resources needed in order to*  
 13        *meet the deadlines described in subparagraph*  
 14        *(E), including whether the Commission’s ability*  
 15        *to meet such deadlines would be enhanced by as-*  
 16        *sessing a fee from applicants for such a license;*  
 17        *and*

18                *“(G) except as otherwise provided in section*  
 19        *4(p), publish each order, decision, report, or ac-*  
 20        *tion not later than 30 days after the date of the*  
 21        *adoption of such order, decision, report, or ac-*  
 22        *tion.*

23                *“(4) DATA FOR PERFORMANCE MEASURES.—The*  
 24        *Commission shall develop a performance measure or*  
 25        *proposed performance measure required by this sub-*



1        *section to rely, where possible, on data already col-*  
 2        *lected by the Commission.*

3                *“(5) GAO AUDIT.—Not less frequently than every*  
 4        *6 months, the Comptroller General of the United*  
 5        *States shall audit the cost estimates provided by the*  
 6        *Commission under paragraph (2)(D)(iii) during the*  
 7        *preceding 6-month period.*

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

15               *“(c) NONPUBLIC COLLABORATIVE DISCUSSIONS.—*

16               *“(1) IN GENERAL.—Notwithstanding section*  
 17        *552b of title 5, United States Code, a bipartisan ma-*  
 18        *jority of Commissioners may hold a meeting that is*  
 19        *closed to the public to discuss official business if—*

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

22               *“(B) each person present at such meeting is*  
 23        *a Commissioner, an employee of the Commission,*  
 24        *a member of a joint board or conference estab-*  
 25        *lished under section 410, or a person on the staff*

1           *of such a joint board or conference or of a mem-*  
 2           *ber of such a joint board or conference; and*

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

6           “(2) *DISCLOSURE OF NONPUBLIC COLLABO-*  
 7           *RATIVE DISCUSSIONS.—Not later than 2 business days*  
 8           *after the conclusion of a meeting held under para-*  
 9           *graph (1), the Commission shall publish a disclosure*  
 10          *of such meeting, including—*

11           “(A) *a list of the persons who attended such*  
 12          *meeting; and*

13           “(B) *a summary of the matters discussed at*  
 14          *such meeting, except for such matters as the*  
 15          *Commission determines may be withheld under*  
 16          *section 552b(c) of title 5, United States Code.*

17           “(3) *PRESERVATION OF OPEN MEETINGS RE-*  
 18          *QUIREMENTS FOR AGENCY ACTION.—Nothing in this*  
 19          *subsection shall limit the applicability of section 552b*  
 20          *of title 5, United States Code, with respect to a meet-*  
 21          *ing of Commissioners other than that described in*  
 22          *paragraph (1).*

23           “(d) *ACCESS TO CERTAIN INFORMATION ON COMMIS-*  
 24          *SION’S WEBSITE.—The Commission shall provide direct ac-*  
 25          *cess from the homepage of its website to—*

1           “(1) *detailed information regarding—*

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

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

6                   “(C) *the total number of full-time equiva-*  
7           *lent employees of the Commission; and*

8           “(2) *the performance plan most recently made*  
9           *available by the Commission under section 1115(b) of*  
10          *title 31, United States Code.*

11          “(e) *INTERNET PUBLICATION OF CERTAIN FCC POLI-*  
12          *CIES AND PROCEDURES.—The chairman of the Commission*  
13          *shall—*

14                   “(1) *publish on the Internet website of the Com-*  
15          *mission any policies or procedures of the Commission*  
16          *that—*

17                           “(A) *are established by the chairman; and*

18                           “(B) *relate to the functioning of the Com-*  
19          *mission or the handling of the agenda of the*  
20          *Commission; and*

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

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

1           “(1) *IN GENERAL.*—*In the case of any document*  
 2           *adopted by the Commission that the Commission is*  
 3           *required, under any provision of law, to publish in*  
 4           *the Federal Register, the Commission shall, not later*  
 5           *than the date described in paragraph (2), complete all*  
 6           *Commission actions necessary for such document to be*  
 7           *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 be*  
 13                   *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 that*  
 17           *does not specify that the form of publication is publi-*  
 18           *cation in the Federal Register, the Commission may*  
 19           *comply with such deadline by publishing the docu-*  
 20           *ment in another form. Such other form of publication*  
 21           *does not relieve the Commission of any Federal Reg-*  
 22           *ister publication requirement applicable to such docu-*  
 23           *ment, including the requirement of paragraph (1).*

24           “(g) *CONSUMER COMPLAINT DATABASE.*—

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

5                     “(A) *facilitates easy use by consumers; and*

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

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

10                            “(ii) *the topic of the complaint;*

11                            “(iii) *the party complained of; and*

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

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

19           “(h) *FORM OF PUBLICATION.*—

20                     “(1) *IN GENERAL.*—*In complying with a re-*  
 21                     *quirement of this section to publish a document, the*  
 22                     *Commission shall publish such document on its*  
 23                     *website, in addition to publishing such document in*  
 24                     *any other form that the Commission is required to use*  
 25                     *or is permitted to and chooses to use.*

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

5                     “(A) *information the publication of which*  
 6                     *would be detrimental to national security, home-*  
 7                     *land security, law enforcement, or public safety;*  
 8                     *or*

9                     “(B) *information that is proprietary or*  
 10                    *confidential.*

11           “(i) *TRANSPARENCY RELATING TO PERFORMANCE IN*  
 12           *MEETING FOIA REQUIREMENTS.—The Commission shall*  
 13           *take additional steps to inform the public about its perform-*  
 14           *ance and efficiency in meeting the disclosure and other re-*  
 15           *quirements of section 552 of title 5, United States Code*  
 16           *(commonly referred to as the Freedom of Information Act),*  
 17           *including by doing the following:*

18                    “(1) *Publishing on the Commission’s website the*  
 19                    *Commission’s logs for tracking, responding to, and*  
 20                    *managing requests submitted under such section, in-*  
 21                    *cluding the Commission’s fee estimates, fee categories,*  
 22                    *and fee request determinations.*

23                    “(2) *Releasing to the public all decisions made*  
 24                    *by the Commission (including decisions made by the*  
 25                    *Commission’s Bureaus and Offices) granting or deny-*

1        *ing requests filed under such section, including any*  
2        *such decisions pertaining to the estimate and applica-*  
3        *tion of fees assessed under such section.*

4                *“(3) Publishing on the Commission’s website*  
5        *electronic copies of documents released under such sec-*  
6        *tion.*

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

20                *“(j) PROMPT RELEASE OF STATISTICAL REPORTS AND*  
21       *REPORTS TO CONGRESS.—Not later than January 15th of*  
22       *each year, the Commission shall identify, catalog, and pub-*  
23       *lish an anticipated release schedule for all statistical reports*  
24       *and reports to Congress that are regularly or intermittently*

1 *released by the Commission and will be released during such*  
 2 *year.*

3 “(k) *ANNUAL SCORECARD REPORTS.*—

4 “(1) *IN GENERAL.*—*For the 1-year period begin-*  
 5 *ning on January 1st of each year, the Commission*  
 6 *shall prepare a report on the performance of the Com-*  
 7 *mission in conducting its proceedings and meeting*  
 8 *the deadlines established under subsection (a)(2)(E)*  
 9 *and the guidelines established under subsection*  
 10 *(a)(2)(F).*

11 “(2) *CONTENTS.*—*Each report required by para-*  
 12 *graph (1) shall contain detailed statistics on such*  
 13 *performance, including, with respect to each Bureau*  
 14 *of the Commission—*

15 “(A) *with respect to each type of filing spec-*  
 16 *ified in subsection (a)(2)(E) or (a)(2)(F)—*

17 “(i) *the number of filings that were*  
 18 *pending on the last day of the period cov-*  
 19 *ered by such report;*

20 “(ii) *the number of filings described in*  
 21 *clause (i) for which each applicable deadline*  
 22 *or guideline established under such sub-*  
 23 *section was not met and the average length*  
 24 *of time such filings have been pending; and*



1                   “(iii) for filings that were resolved dur-  
 2                   ing such period, the average time between  
 3                   initiation and resolution and the percentage  
 4                   for which each applicable deadline or guide-  
 5                   line established under such subsection was  
 6                   met;

7                   “(B) with respect to proceedings before an  
 8                   administrative law judge—

9                   “(i) the number of such proceedings  
 10                  completed during such period; and

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

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

16                  “(3) *PUBLICATION AND SUBMISSION.*—The Com-  
 17                  mission shall publish and submit to the Committee on  
 18                  Energy and Commerce of the House of Representa-  
 19                  tives and the Committee on Commerce, Science, and  
 20                  Transportation of the Senate each report required by  
 21                  paragraph (1) not later than the date that is 30 days  
 22                  after the last day of the period covered by such report.

23                  “(l) *DEFINITIONS.*—In this section:

1           “(1) *AMENDMENT*.—The term ‘amendment’ in-  
 2           cludes, when used with respect to an existing rule, the  
 3           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 three or more Commis-  
 8                   sioners; and

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

15           “(3) *PERFORMANCE MEASURE*.—The term ‘per-  
 16           formance measure’ means an objective and quantifi-  
 17           able outcome measure or output measure (as such  
 18           terms are defined in section 1115 of title 31, United  
 19           States Code).

20           “(4) *PROGRAM ACTIVITY*.—The term ‘program  
 21           activity’ has the meaning given such term in section  
 22           1115 of title 31, United States Code, except that such  
 23           term also includes any annual collection or distribu-  
 24           tion or related series of collections or distributions by

1        *the Commission of an amount that is greater than or*  
 2        *equal to \$100,000,000.*

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

7        *(b) EFFECTIVE DATES AND IMPLEMENTING RULES.*—

8            *(1) EFFECTIVE DATES.*—

9            *(A) NONPUBLIC COLLABORATIVE DISCUS-*  
 10        *SIONS.*—*Subsection (c) of section 13 of the Com-*  
 11        *munications Act of 1934, as added by subsection*  
 12        *(a), shall apply beginning on the first date on*  
 13        *which all of the procedural changes to the rules*  
 14        *of the Commission required by subsection (a)(1)*  
 15        *of such section have taken effect.*

16        *(B) REPORT RELEASE SCHEDULES.*—*Sub-*  
 17        *section (j) of such section 13 shall apply with re-*  
 18        *spect to 2017 and any year thereafter.*

19        *(C) ANNUAL SCORECARD REPORTS.*—*Sub-*  
 20        *section (k) of such section 13 shall apply with re-*  
 21        *spect to 2016 and any year thereafter.*

22        *(D) INTERNET PUBLICATION OF CERTAIN*  
 23        *FCC POLICIES AND PROCEDURES.*—*Subsection (e)*  
 24        *of such section 13 shall apply beginning on the*

1           *date that is 30 days after the date of the enact-*  
 2           *ment of this Act.*

3           (2) *RULES.—Except as otherwise provided in*  
 4           *such section 13, the Commission shall promulgate any*  
 5           *rules necessary to carry out such section not later*  
 6           *than 1 year after the date of the enactment of this*  
 7           *Act.*

8   **SEC. 102. CATEGORIZATION OF TCPA INQUIRIES AND COM-**  
 9           **PLAINTS IN QUARTERLY REPORT.**

10       *In compiling its quarterly report with respect to infor-*  
 11       *mal consumer inquiries and complaints, the Commission*  
 12       *may not categorize an inquiry or complaint with respect*  
 13       *to section 227 of the Communications Act of 1934 (47*  
 14       *U.S.C. 227) as being a wireline inquiry or complaint or*  
 15       *a wireless inquiry or complaint unless the party whose con-*  
 16       *duct is the subject of the inquiry or complaint is a wireline*  
 17       *carrier or a wireless carrier, respectively.*

18   **SEC. 103. EFFECT ON OTHER LAWS.**

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

1 **SEC. 104. APPLICATION OF ANTIDEFICIENCY ACT TO UNI-**  
 2 **VERSAL SERVICE PROGRAM.**

3 *Section 302 of Public Law 108–494 (118 Stat. 3998)*  
 4 *is amended by striking “December 31, 2017” each place it*  
 5 *appears and inserting “December 31, 2020”.*

6 **SEC. 105. REPORT ON IMPROVING SMALL BUSINESS PAR-**  
 7 **TICIPATION IN FCC PROCEEDINGS.**

8 *Not later than 1 year after the date of the enactment*  
 9 *of this Act, the Commission, in consultation with the Ad-*  
 10 *ministrator of the Small Business Administration, shall*  
 11 *submit to Congress a report on—*

12 *(1) actions that the Commission will take to im-*  
 13 *prove the participation of small businesses in the pro-*  
 14 *ceedings of the Commission; and*

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

18 **SEC. 106. TIMELY AVAILABILITY OF ITEMS ADOPTED BY**  
 19 **VOTE OF THE COMMISSION.**

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

23 *“(p) In the case of any item that is adopted by vote*  
 24 *of the Commission, the Commission shall publish on the*  
 25 *Internet website of the Commission the text of such item*  
 26 *not later than 24 hours after the Secretary of the Commis-*

1 sion has received dissenting statements from all Commis-  
 2 sioners wishing to submit such a statement with respect to  
 3 such item.”.

4 (b) *EFFECTIVE DATE.*—The amendment made by this  
 5 section shall apply with respect to an item that is adopted  
 6 after the date that is 30 days after the date of the enactment  
 7 of this Act.

8 ***TITLE II—FEDERAL COMMUNICA-***  
 9 ***TIONS COMMISSION CONSOLI-***  
 10 ***DATED REPORTING***

11 ***SEC. 201. COMMUNICATIONS MARKETPLACE REPORT.***

12 Title I of the Communications Act of 1934 (47 U.S.C.  
 13 151 et seq.), as amended by section 101(a), is further  
 14 amended by adding at the end the following:

15 ***“SEC. 14. COMMUNICATIONS MARKETPLACE REPORT.***

16 “(a) *IN GENERAL.*—In the last quarter of every even-  
 17 numbered year, the Commission shall publish on its website  
 18 and submit to the Committee on Energy and Commerce of  
 19 the House of Representatives and the Committee on Com-  
 20 merce, Science, and Transportation of the Senate a report  
 21 on the state of the communications marketplace.

22 “(b) *CONTENTS.*—Each report required by subsection  
 23 (a) shall—

24 “(1) assess the state of competition in the com-  
 25 munications marketplace, including competition to

1     *deliver voice, video, audio, and data services among*  
2     *providers of telecommunications, providers of com-*  
3     *mercial mobile service (as defined in section 332),*  
4     *multichannel video programming distributors (as de-*  
5     *defined in section 602), broadcast stations, providers of*  
6     *satellite communications, Internet service providers,*  
7     *and other providers of communications services;*

8             *“(2) assess the state of deployment of commu-*  
9     *nications capabilities, including advanced tele-*  
10    *communications capability (as defined in section 706*  
11    *of the Telecommunications Act of 1996 (47 U.S.C.*  
12    *1302)), regardless of the technology used for such de-*  
13    *ployment, including whether advanced telecommuni-*  
14    *cations capability is being deployed to all Americans*  
15    *in a reasonable and timely fashion;*

16            *“(3) assess whether laws, regulations, or regu-*  
17    *latory practices (whether those of the Federal Govern-*  
18    *ment, States, political subdivisions of States, Indian*  
19    *tribes or tribal organizations (as such terms are de-*  
20    *defined in section 4 of the Indian Self-Determination*  
21    *and Education Assistance Act (25 U.S.C. 5304)), or*  
22    *foreign governments) pose a barrier to competitive*  
23    *entry into the communications marketplace or to the*  
24    *competitive expansion of existing providers of commu-*  
25    *nications services;*

1           “(4) describe the agenda of the Commission for  
 2           the next 2-year period for addressing the challenges  
 3           and opportunities in the communications marketplace  
 4           that were identified through the assessments under  
 5           paragraphs (1) through (3); and

6           “(5) describe the actions that the Commission  
 7           has taken in pursuit of the agenda described pursuant  
 8           to paragraph (4) in the previous report submitted  
 9           under this section.

10          “(c) *EXTENSION*.—If the President designates a Com-  
 11          missioner as Chairman of the Commission during the last  
 12          quarter of an even-numbered year, the portion of the report  
 13          required by subsection (b)(4) may be published on the  
 14          website of the Commission and submitted to the Committee  
 15          on Energy and Commerce of the House of Representatives  
 16          and the Committee on Commerce, Science, and Transpor-  
 17          tation of the Senate as an addendum during the first quar-  
 18          ter of the following odd-numbered year.

19          “(d) *SPECIAL REQUIREMENTS*.—

20               “(1) *ASSESSING COMPETITION*.—In assessing the  
 21               state of competition under subsection (b)(1), the Com-  
 22               mission shall consider all forms of competition, in-  
 23               cluding the effect of intermodal competition, facilities-  
 24               based competition, and competition from new and  
 25               emergent communications services, including the pro-



1     *vision of content and communications using the*  
 2     *Internet.*

3             “(2) *ASSESSING DEPLOYMENT.*—*In assessing the*  
 4     *state of deployment under subsection (b)(2), the Com-*  
 5     *mission shall compile a list of geographical areas that*  
 6     *are not served by any provider of advanced tele-*  
 7     *communications capability.*

8             “(3) *INTERNATIONAL COMPARISONS AND DEMO-*  
 9     *GRAPHIC INFORMATION.*—*The Commission may use*  
 10    *readily available data to draw appropriate compari-*  
 11    *sons between the United States communications mar-*  
 12    *ketplace and the international communications mar-*  
 13    *ketplace and to correlate its assessments with demo-*  
 14    *graphic information.*

15            “(4) *CONSIDERING SMALL BUSINESSES.*—*In as-*  
 16    *sessing the state of competition under subsection*  
 17    *(b)(1) and regulatory barriers under subsection*  
 18    *(b)(3), the Commission shall consider market entry*  
 19    *barriers for entrepreneurs and other small businesses*  
 20    *in the communications marketplace in accordance*  
 21    *with the national policy under section 257(b).*

22            “(5) *CONSIDERING CABLE RATES.*—*In assessing*  
 23    *the state of competition under subsection (b)(1), the*  
 24    *Commission shall include in each report required by*  
 25    *subsection (a) the aggregate average total amount*

1       *paid by cable systems in compensation under section*  
 2       *325 during the period covered by such report.”.*

3   **SEC. 202. CONSOLIDATION OF REDUNDANT REPORTS; CON-**  
 4       **FORMING AMENDMENTS.**

5       *(a) ORBIT ACT REPORT.—Section 646 of the Commu-*  
 6       *nications Satellite Act of 1962 (47 U.S.C. 765e; 114 Stat.*  
 7       *57) is repealed.*

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

10       *(c) INTERNATIONAL BROADBAND DATA REPORT.—Sec-*  
 11       *tion 103 of the Broadband Data Improvement Act (47*  
 12       *U.S.C. 1303) is amended—*

13               *(1) by striking subsection (b); and*

14               *(2) by redesignating subsections (c) through (e)*  
 15       *as subsections (b) through (d), respectively.*

16       *(d) STATUS OF COMPETITION IN THE MARKET FOR*  
 17       *THE DELIVERY OF VIDEO PROGRAMMING REPORT.—Sec-*  
 18       *tion 628 of the Communications Act of 1934 (47 U.S.C.*  
 19       *548) is amended—*

20               *(1) by striking subsection (g);*

21               *(2) by redesignating subsection (j) as subsection*  
 22       *(g); and*

23               *(3) by transferring subsection (g) (as redesign-*  
 24       *ated) so that it appears after subsection (f).*

25       *(e) REPORT ON CABLE INDUSTRY PRICES.—*

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

3                     (A) *by striking subsection (k); and*

4                     (B) *by redesignating subsections (l) through*  
 5                     *(o) as subsections (k) through (n), respectively.*

6           (2)       *CONFORMING        AMENDMENT.*—Section  
 7           613(a)(3) of the Communications Act of 1934 (47  
 8           U.S.C. 533(a)(3)) is amended by striking “623(l)”  
 9           and inserting “623(k)”.

10          (f) *TRIENNIAL REPORT IDENTIFYING AND ELIMI-*  
 11 *NATING MARKET ENTRY BARRIERS FOR ENTREPRENEURS*  
 12 *AND OTHER SMALL BUSINESSES.*—Section 257 of the Com-  
 13 *munications Act of 1934 (47 U.S.C. 257) is amended by*  
 14 *striking subsection (c).*

15          (g) *SECTION 706 REPORT.*—Section 706 of the Tele-  
 16 *communications Act of 1996 (47 U.S.C. 1302) is amend-*  
 17 *ed—*

18                     (1) *by amending subsection (b) to read as fol-*  
 19                     *lows:*

20           “(b) *DETERMINATION.*—If the Commission determines  
 21 *in its report under section 14 of the Communications Act*  
 22 *of 1934, after considering the availability of advanced tele-*  
 23 *communications capability to all Americans (including, in*  
 24 *particular, elementary and secondary schools and class-*  
 25 *rooms), that advanced telecommunications capability is not*

1 *being deployed to all Americans in a reasonable and timely*  
 2 *fashion, the Commission shall take immediate action to ac-*  
 3 *celerate deployment of such capability by removing barriers*  
 4 *to infrastructure investment and by promoting competition*  
 5 *in the telecommunications market.”;*

6 (2) *by striking subsection (c);*

7 (3) *in subsection (d), by striking “this sub-*  
 8 *section” and inserting “this section”; and*

9 (4) *by redesignating subsection (d) as subsection*  
 10 *(c).*

11 (h) *STATE OF COMPETITIVE MARKET CONDITIONS*  
 12 *WITH RESPECT TO COMMERCIAL MOBILE RADIO SERV-*  
 13 *ICES.—Section 332(c)(1)(C) of the Communications Act of*  
 14 *1934 (47 U.S.C. 332(c)(1)(C)) is amended by striking the*  
 15 *first and second sentences.*

16 (i) *PREVIOUSLY ELIMINATED ANNUAL REPORT.—*

17 (1) *IN GENERAL.—Section 4 of the Communica-*  
 18 *tions Act of 1934 (47 U.S.C. 154), as amended by sec-*  
 19 *tion 106(a), is further amended—*

20 (A) *by striking subsection (k); and*

21 (B) *by redesignating subsections (l) through*  
 22 *(p) as subsections (k) through (o), respectively.*

23 (2) *CONFORMING AMENDMENTS.—The Commu-*  
 24 *nications Act of 1934 (47 U.S.C. 151 et seq.) is*  
 25 *amended—*

1           (A) in section 9(i), by striking “In the  
2           Commission’s annual report, the Commission  
3           shall prepare an analysis of its progress in devel-  
4           oping such systems and” and inserting “The  
5           Commission”; and

6           (B) in section 309(j)(8)(B), by striking the  
7           last sentence.

8           (j) *ADDITIONAL OUTDATED REPORTS.*—*The Commu-*  
9           *nications Act of 1934 is further amended—*

10           (1) in section 4—

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

14           (B) in subsection (g), by striking paragraph  
15           (2);

16           (2) in section 215—

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

18           (B) by redesignating subsection (c) as sub-  
19           section (b);

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

21           (4) in section 309(j)—

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

23           (B) in paragraph (15)(C), by striking  
24           clause (iv);

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

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

5           “(4) *REPORT*.—The Commission shall annually  
6       advise the Congress on the amounts collected pursuant  
7       to the program required by this subsection.”;

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

9           (8) in section 396—

10           (A) by striking subsection (i);

11           (B) in subsection (k)—

12           (i) in paragraph (1), by striking sub-  
13       paragraph (F); and

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

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

19           (D) by striking subsection (m);

20           (9) in section 398(b)(4), by striking the third  
21       sentence;

22           (10) in section 624A(b)(1)—

23           (A) by striking “*REPORT*; *REGULATIONS*”  
24       and inserting “*REGULATIONS*”;

1           (B) by striking “Within 1 year after” and  
 2           all that follows through “on means of assuring”  
 3           and inserting “The Commission shall issue such  
 4           regulations as are necessary to assure”; and

5           (C) by striking “Within 180 days after”  
 6           and all that follows through “to assure such com-  
 7           patibility.”; and

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

9   **SEC. 203. EFFECT ON AUTHORITY.**

10       Nothing in this title or the amendments made by this  
 11       title shall be construed to expand or contract the authority  
 12       of the Commission.

13   **SEC. 204. OTHER REPORTS.**

14       Nothing in this title or the amendments made by this  
 15       title shall be construed to prohibit or otherwise prevent the  
 16       Commission from producing any additional reports other-  
 17       wise within the authority of the Commission.

18       **TITLE III—SMALL BUSINESS**  
 19       **BROADBAND DEPLOYMENT**

20   **SEC. 301. EXCEPTION TO ENHANCEMENT TO TRANS-**  
 21       **PARENCY REQUIREMENTS FOR SMALL BUSI-**  
 22       **NESSES.**

23       (a) *IN GENERAL.*—The enhancements to the trans-  
 24       parency rule of the Commission under section 8.3 of title  
 25       47, Code of Federal Regulations, as described in paragraphs

1 162 through 184 of the Report and Order on Remand, De-  
 2 claratory Ruling, and Order of the Commission with regard  
 3 to protecting and promoting the open Internet (adopted  
 4 February 26, 2015) (FCC 15–24), shall not apply to any  
 5 small business.

6 (b) *SUNSET*.—Subsection (a) shall not have any force  
 7 or effect after the date that is 5 years after the date of the  
 8 enactment of this Act.

9 (c) *REPORT BY FCC*.—Not later than 180 days after  
 10 the date of the enactment of this Act, the Commission shall  
 11 submit to the Committee on Energy and Commerce of the  
 12 House of Representatives and the Committee on Commerce,  
 13 Science, and Transportation of the Senate a report that  
 14 contains the recommendations of the Commission (and data  
 15 supporting such recommendations) regarding—

16 (1) whether the exception provided by subsection  
 17 (a) should be made permanent; and

18 (2) whether the definition of the term “small  
 19 business” for purposes of such exception should be  
 20 modified from the definition in subsection (d)(2).

21 (d) *DEFINITIONS*.—In this section:

22 (1) *BROADBAND INTERNET ACCESS SERVICE*.—  
 23 The term “broadband Internet access service” has the  
 24 meaning given such term in section 8.2 of title 47,  
 25 Code of Federal Regulations.



1           (2) *SMALL BUSINESS.*—*The term “small busi-*  
 2           *ness” means any provider of broadband Internet ac-*  
 3           *cess service that has not more than 250,000 sub-*  
 4           *scribers.*

## 5                   ***TITLE IV—KARI’S LAW***

### 6   ***SEC. 401. SHORT TITLE.***

7           *This title may be cited as the “Kari’s Law Act of*  
 8           *2016”.*

### 9   ***SEC. 402. CONFIGURATION OF MULTI-LINE TELEPHONE*** 10                   ***SYSTEMS FOR DIRECT DIALING OF 9–1–1.***

11           *(a) IN GENERAL.*—*Title VII of the Communications*  
 12           *Act of 1934 (47 U.S.C. 601 et seq.) is amended by adding*  
 13           *at the end the following:*

### 14   ***“SEC. 721. CONFIGURATION OF MULTI-LINE TELEPHONE*** 15                   ***SYSTEMS FOR DIRECT DIALING OF 9–1–1.***

16           *“(a) SYSTEM MANUFACTURE, IMPORTATION, SALE,*  
 17           *AND LEASE.*—*A person engaged in the business of manufac-*  
 18           *turing, importing, selling, or leasing multi-line telephone*  
 19           *systems may not manufacture or import for use in the*  
 20           *United States, or sell or lease or offer to sell or lease in*  
 21           *the United States, a multi-line telephone system, unless*  
 22           *such system is pre-configured such that, when properly in-*  
 23           *stalled in accordance with subsection (b), a user may di-*  
 24           *rectly initiate a call to 9–1–1 from any station equipped*  
 25           *with dialing facilities, without dialing any additional*

1 *digit, code, prefix, or post-fix, including any trunk-access*  
 2 *code such as the digit ‘9’, regardless of whether the user is*  
 3 *required to dial such a digit, code, prefix, or post-fix for*  
 4 *other calls.*

5       “(b) *SYSTEM INSTALLATION, MANAGEMENT, AND OP-*  
 6 *ERATION.*—*A person engaged in the business of installing,*  
 7 *managing, or operating multi-line telephone systems may*  
 8 *not install, manage, or operate for use in the United States*  
 9 *such a system, unless such system is configured such that*  
 10 *a user may directly initiate a call to 9–1–1 from any sta-*  
 11 *tion equipped with dialing facilities, without dialing any*  
 12 *additional digit, code, prefix, or post-fix, including any*  
 13 *trunk-access code such as the digit ‘9’, regardless of whether*  
 14 *the user is required to dial such a digit, code, prefix, or*  
 15 *post-fix for other calls.*

16       “(c) *ON-SITE NOTIFICATION.*—*A person engaged in the*  
 17 *business of installing, managing, or operating multi-line*  
 18 *telephone systems shall, in installing, managing, or oper-*  
 19 *ating such a system for use in the United States, configure*  
 20 *the system to provide a notification to a central location*  
 21 *at the facility where the system is installed or to another*  
 22 *person or organization regardless of location, if the system*  
 23 *is able to be configured to provide the notification without*  
 24 *an improvement to the hardware or software of the system.*

1       “(d) *EFFECT ON STATE LAW.*—*Nothing in this section*  
 2 *is intended to alter the authority of State commissions or*  
 3 *other State or local agencies with jurisdiction over emer-*  
 4 *gency communications, if the exercise of such authority is*  
 5 *not inconsistent with this Act.*

6       “(e) *ENFORCEMENT.*—*This section shall be enforced*  
 7 *under title V, except that section 501 applies only to the*  
 8 *extent that such section provides for the punishment of a*  
 9 *fine.*

10       “(f) *MULTI-LINE TELEPHONE SYSTEM DEFINED.*—*In*  
 11 *this section, the term ‘multi-line telephone system’ has the*  
 12 *meaning given such term in section 6502 of the Middle*  
 13 *Class Tax Relief and Job Creation Act of 2012 (47 U.S.C.*  
 14 *1471).’.*

15       (b) *EFFECTIVE DATE.*—

16               (1) *IN GENERAL.*—*Except as provided in para-*  
 17 *graph (2), section 721 of the Communications Act of*  
 18 *1934, as added by subsection (a) of this section, shall*  
 19 *apply beginning on the date that is 2 years after the*  
 20 *date of the enactment of this Act.*

21               (2) *EXCEPTION.*—*Subsection (b) or (c) of such*  
 22 *section 721 shall not apply to a multi-line telephone*  
 23 *system that was installed before the date that is 2*  
 24 *years after the date of the enactment of this Act if*  
 25 *such system is not able to be configured to meet the*

1        *requirement of such subsection (b) or (c), respectively,*  
 2        *without an improvement to the hardware or software*  
 3        *of the system.*

4        ***TITLE V—SECURING ACCESS TO***  
 5        ***NETWORKS IN DISASTERS***

6        ***SEC. 501. STUDY ON NETWORK RESILIENCY.***

7        *Not later than 36 months after the date of enactment*  
 8        *of this Act, the Commission shall submit to Congress, and*  
 9        *make publically available on the Commission’s website, a*  
 10       *study on the public safety benefits and technical feasibility*  
 11       *and cost of—*

12                *(1) making telecommunications service provider-*  
 13                *owned WiFi access points, and other communications*  
 14                *technologies operating on unlicensed spectrum, avail-*  
 15                *able to the general public for access to 9–1–1 services,*  
 16                *without requiring any login credentials, during times*  
 17                *of emergency when mobile service is unavailable;*

18                *(2) the provision by non-telecommunications*  
 19                *service provider-owned WiFi access points of public*  
 20                *access to 9–1–1 services during times of emergency*  
 21                *when mobile service is unavailable; and*

22                *(3) other alternative means of providing the pub-*  
 23                *lic with access to 9–1–1 services during times of emer-*  
 24                *gency when mobile service is unavailable.*

1 **SEC. 502. ACCESS TO ESSENTIAL SERVICE PROVIDERS DUR-**  
 2 **ING FEDERALLY DECLARED EMERGENCIES.**

3 *Section 427(a)(1)(A) of the Robert T. Stafford Disaster*  
 4 *Relief and Emergency Assistance Act (42 U.S.C.*  
 5 *5189e(a)(1)(A)) is amended by striking “telecommuni-*  
 6 *cations service” and inserting “wireline or mobile telephone*  
 7 *service, Internet access service, radio or television broad-*  
 8 *casting, cable service, or direct broadcast satellite service”.*

9 **SEC. 503. DEFINITIONS.**

10 *As used in this title—*

11 *(1) the term “mobile service” means commercial*  
 12 *mobile service (as defined in section 332 of the Com-*  
 13 *munications Act of 1934 (47 U.S.C. 332)) or commer-*  
 14 *cial mobile data service (as defined in section 6001 of*  
 15 *the Middle Class Tax Relief and Job Creation Act of*  
 16 *2012 (47 U.S.C. 1401));*

17 *(2) the term “WiFi access point” means wireless*  
 18 *Internet access using the standard designated as*  
 19 *802.11 or any variant thereof; and*

20 *(3) the term “times of emergency” means either*  
 21 *an emergency as defined in section 102 of the Robert*  
 22 *T. Stafford Disaster Relief and Emergency Assistance*  
 23 *Act (42 U.S.C. 5122), or an emergency as declared by*  
 24 *the governor of a State or territory of the United*  
 25 *States.*

# TITLE VI—SPOOFING PREVENTION

## SEC. 601. SPOOFING PREVENTION.

(a) *EXPANDING AND CLARIFYING PROHIBITION ON MISLEADING OR INACCURATE CALLER IDENTIFICATION INFORMATION.*—

(1) *COMMUNICATIONS FROM OUTSIDE THE UNITED STATES.*—Section 227(e)(1) of the Communications Act of 1934 (47 U.S.C. 227(e)(1)) is amended by striking “in connection with any telecommunications service or IP-enabled voice service” and inserting “or any person outside the United States if the recipient is within the United States, in connection with any voice service or text messaging service”.

(2) *COVERAGE OF TEXT MESSAGES AND VOICE SERVICES.*—Section 227(e)(8) of the Communications Act of 1934 (47 U.S.C. 227(e)(8)) is amended—

(A) in subparagraph (A), by striking “telecommunications service or IP-enabled voice service” and inserting “voice service or a text message sent using a text messaging service”;

(B) in the first sentence of subparagraph (B), by striking “telecommunications service or IP-enabled voice service” and inserting “voice

1       *service or a text message sent using a text mes-*  
 2       *saging service”; and*

3               *(C) by striking subparagraph (C) and in-*  
 4       *serting the following:*

5               “(C) *TEXT MESSAGE*.—*The term ‘text mes-*  
 6       *sage’—*

7                       “(i) *means a message consisting of*  
 8                       *text, images, sounds, or other information*  
 9                       *that is transmitted to or from a device that*  
 10                      *is identified as the receiving or transmit-*  
 11                      *ting device by means of a 10-digit telephone*  
 12                      *number or N11 service code;*

13                     “(ii) *includes a short message service*  
 14                     *(commonly referred to as ‘SMS’) message*  
 15                     *and a multimedia message service (com-*  
 16                     *monly referred to as ‘MMS’) message; and*

17                     “(iii) *does not include—*

18                               “(I) *a real-time, 2-way voice or*  
 19                               *video communication; or*

20                               “(II) *a message sent over an IP-*  
 21                               *enabled messaging service to another*  
 22                               *user of the same messaging service, ex-*  
 23                               *cept a message described in clause (ii).*

24               “(D) *TEXT MESSAGING SERVICE*.—*The term*  
 25       *‘text messaging service’ means a service that en-*

ables the transmission or receipt of a text message, including a service provided as part of or in connection with a voice service.

“(E) VOICE SERVICE.—The term ‘voice service’—

“(i) means any service that is interconnected with the public switched telephone network and that furnishes voice communications to an end user using resources from the North American Numbering Plan or any successor to the North American Numbering Plan adopted by the Commission under section 251(e)(1); and

“(ii) includes transmissions from a telephone facsimile machine, computer, or other device to a telephone facsimile machine.”.

(3) TECHNICAL AMENDMENT.—Section 227(e) of the Communications Act of 1934 (47 U.S.C. 227(e)) is amended in the heading by inserting “MISLEADING OR” before “INACCURATE”.

(4) REGULATIONS.—

(A) IN GENERAL.—Section 227(e)(3)(A) of the Communications Act of 1934 (47 U.S.C. 227(e)(3)(A)) is amended by striking “Not later



1           *than 6 months after the date of enactment of the*  
 2           *Truth in Caller ID Act of 2009, the Commis-*  
 3           *sion” and inserting “The Commission”.*

4           *(B) DEADLINE.—The Commission shall pre-*  
 5           *scribe regulations to implement the amendments*  
 6           *made by this subsection not later than 18 months*  
 7           *after the date of enactment of this Act.*

8           *(5) EFFECTIVE DATE.—The amendments made*  
 9           *by this subsection shall take effect on the date that is*  
 10          *6 months after the date on which the Commission pre-*  
 11          *scribes regulations under paragraph (4).*

12          *(b) CONSUMER EDUCATION MATERIALS ON HOW TO*  
 13          *AVOID SCAMS THAT RELY UPON MISLEADING OR INAC-*  
 14          *CURATE CALLER IDENTIFICATION INFORMATION.—*

15               *(1) DEVELOPMENT OF MATERIALS.—Not later*  
 16               *than 1 year after the date of enactment of this Act,*  
 17               *the Commission, in coordination with the Federal*  
 18               *Trade Commission, shall develop consumer education*  
 19               *materials that provide information about—*

20                       *(A) ways for consumers to identify scams*  
 21                       *and other fraudulent activity that rely upon the*  
 22                       *use of misleading or inaccurate caller identifica-*  
 23                       *tion information; and*

1           (B) existing technologies, if any, that a con-  
 2           sumer can use to protect against such scams and  
 3           other fraudulent activity.

4           (2) CONTENTS.—In developing the consumer  
 5           education materials under paragraph (1), the Com-  
 6           mission shall—

7           (A) identify existing technologies, if any,  
 8           that can help consumers guard themselves  
 9           against scams and other fraudulent activity that  
 10          rely upon the use of misleading or inaccurate  
 11          caller identification information, including—

12           (i) descriptions of how a consumer can  
 13           use the technologies to protect against such  
 14           scams and other fraudulent activity; and

15           (ii) details on how consumers can ac-  
 16           cess and use the technologies; and

17          (B) provide other information that may  
 18          help consumers identify and avoid scams and  
 19          other fraudulent activity that rely upon the use  
 20          of misleading or inaccurate caller identification  
 21          information.

22          (3) UPDATES.—The Commission shall ensure  
 23          that the consumer education materials required under  
 24          paragraph (1) are updated on a regular basis.

1           (4) *WEBSITE.*—*The Commission shall include*  
 2           *the consumer education materials developed under*  
 3           *paragraph (1) on its website.*

4           (c) *GAO REPORT ON COMBATING THE FRAUDULENT*  
 5           *PROVISION OF MISLEADING OR INACCURATE CALLER IDEN-*  
 6           *TIFICATION INFORMATION.*—

7           (1) *IN GENERAL.*—*The Comptroller General of*  
 8           *the United States shall conduct a study of the actions*  
 9           *the Commission and the Federal Trade Commission*  
 10          *have taken to combat the fraudulent provision of mis-*  
 11          *leading or inaccurate caller identification informa-*  
 12          *tion, and the additional measures that could be taken*  
 13          *to combat such activity.*

14          (2) *REQUIRED CONSIDERATIONS.*—*In conducting*  
 15          *the study under paragraph (1), the Comptroller Gen-*  
 16          *eral shall examine—*

17                (A) *trends in the types of scams that rely*  
 18                *on misleading or inaccurate caller identification*  
 19                *information;*

20                (B) *previous and current enforcement ac-*  
 21                *tions by the Commission and the Federal Trade*  
 22                *Commission to combat the practices prohibited*  
 23                *by section 227(e)(1) of the Communications Act*  
 24                *of 1934 (47 U.S.C. 227(e)(1));*

1           (C) *current efforts by industry groups and*  
 2           *other entities to develop technical standards to*  
 3           *deter or prevent the fraudulent provision of mis-*  
 4           *leading or inaccurate caller identification infor-*  
 5           *mation, and how such standards may help com-*  
 6           *bat the current and future provision of mis-*  
 7           *leading or inaccurate caller identification infor-*  
 8           *mation; and*

9           (D) *whether there are additional actions the*  
 10          *Commission, the Federal Trade Commission, and*  
 11          *Congress should take to combat the fraudulent*  
 12          *provision of misleading or inaccurate caller*  
 13          *identification information.*

14          (3) *REPORT.*—*Not later than 18 months after the*  
 15          *date of enactment of this Act, the Comptroller General*  
 16          *shall submit to the Committee on Energy and Com-*  
 17          *merce of the House of Representatives and the Com-*  
 18          *mittee on Commerce, Science, and Transportation of*  
 19          *the Senate a report on the findings of the study under*  
 20          *paragraph (1), including any recommendations re-*  
 21          *garding combating the fraudulent provision of mis-*  
 22          *leading or inaccurate caller identification informa-*  
 23          *tion.*

24          (d) *RULE OF CONSTRUCTION.*—*Nothing in this sec-*  
 25          *tion, or the amendments made by this section, shall be con-*

1 *strued to modify, limit, or otherwise affect any rule or order*  
 2 *adopted by the Commission in connection with—*

3 *(1) the Telephone Consumer Protection Act of*  
 4 *1991 (Public Law 102–243; 105 Stat. 2394) or the*  
 5 *amendments made by that Act; or*

6 *(2) the CAN–SPAM Act of 2003 (15 U.S.C. 7701*  
 7 *et seq.).*

8 ***TITLE VII—AMATEUR RADIO***  
 9 ***PARITY***

10 ***SEC. 701. FINDINGS.***

11 *Congress finds the following:*

12 *(1) More than 730,000 radio amateurs in the*  
 13 *United States are licensed by the Commission in the*  
 14 *amateur radio services.*

15 *(2) Amateur radio, at no cost to taxpayers, pro-*  
 16 *vides a fertile ground for technical self-training in*  
 17 *modern telecommunications, electronics technology,*  
 18 *and emergency communications techniques and proto-*  
 19 *cols.*

20 *(3) There is a strong Federal interest in the ef-*  
 21 *fective performance of amateur stations established at*  
 22 *the residences of licensees. Such stations have been*  
 23 *shown to be frequently and increasingly precluded by*  
 24 *unreasonable private land use restrictions, including*  
 25 *restrictive covenants.*

1           (4) *Commission regulations have for three dec-*  
2           *ades prohibited the application to stations in the*  
3           *amateur service of State and local regulations that*  
4           *preclude or fail to reasonably accommodate amateur*  
5           *service communications, or that do not constitute the*  
6           *minimum practicable regulation to accomplish a le-*  
7           *gitimate State or local purpose. Commission policy*  
8           *has been and is to require States and localities to per-*  
9           *mit erection of a station antenna structure at heights*  
10          *and dimensions sufficient to accommodate amateur*  
11          *service communications.*

12          (5) *The Commission has sought guidance and di-*  
13          *rection from Congress with respect to the application*  
14          *of the Commission's limited preemption policy re-*  
15          *garding amateur service communications to private*  
16          *land use restrictions, including restrictive covenants.*

17          (6) *There are aesthetic and common property*  
18          *considerations that are uniquely applicable to private*  
19          *land use regulations and the community associations*  
20          *obligated to enforce covenants, conditions, and restric-*  
21          *tions in deed-restricted communities. These consider-*  
22          *ations are dissimilar to those applicable to State law*  
23          *and local ordinances regulating the same residential*  
24          *amateur radio facilities.*

1           (7) *In recognition of these considerations, a sepa-*  
 2           *rate Federal policy than exists at section 97.15(b) of*  
 3           *title 47, Code of Federal Regulations, is warranted*  
 4           *concerning amateur service communications in deed-*  
 5           *restricted communities.*

6           (8) *Community associations should fairly ad-*  
 7           *minister private land use regulations in the interest*  
 8           *of their communities, while nevertheless permitting*  
 9           *the installation and maintenance of effective outdoor*  
 10          *amateur radio antennas. There exist antenna designs*  
 11          *and installations that can be consistent with the aes-*  
 12          *thetics and physical characteristics of land and struc-*  
 13          *tures in community associations while accommo-*  
 14          *dating communications in the amateur radio services.*

15   **SEC. 702. APPLICATION OF PRIVATE LAND USE RESTRIC-**  
 16                           **TIONS TO AMATEUR STATIONS.**

17          (a) *AMENDMENT OF FCC RULES.*—*Not later than 120*  
 18          *days after the date of the enactment of this Act, the Commis-*  
 19          *sion shall amend section 97.15 of title 47, Code of Federal*  
 20          *Regulations, by adding a new paragraph that prohibits the*  
 21          *application to amateur stations of any private land use re-*  
 22          *striction, including a restrictive covenant, that—*

23               (1) *on its face or as applied, precludes commu-*  
 24               *nications in an amateur radio service;*

1           (2) *fails to permit a licensee in an amateur*  
 2           *radio service to install and maintain an effective out-*  
 3           *door antenna on property under the exclusive use or*  
 4           *control of the licensee; or*

5           (3) *does not constitute the minimum practicable*  
 6           *restriction on such communications to accomplish the*  
 7           *lawful purposes of a community association seeking*  
 8           *to enforce such restriction.*

9           (b) *ADDITIONAL REQUIREMENTS.—In amending its*  
 10          *rules as required by subsection (a), the Commission shall—*

11           (1) *require any licensee in an amateur radio*  
 12           *service to notify and obtain prior approval from a*  
 13           *community association concerning installation of an*  
 14           *outdoor antenna;*

15           (2) *permit a community association to prohibit*  
 16           *installation of any antenna or antenna support struc-*  
 17           *ture by a licensee in an amateur radio service on*  
 18           *common property not under the exclusive use or con-*  
 19           *trol of the licensee; and*

20           (3) *subject to the standards specified in para-*  
 21           *graphs (1) and (2) of subsection (a), permit a com-*  
 22           *munity association to establish reasonable written*  
 23           *rules concerning height, location, size, and aesthetic*  
 24           *impact of, and installation requirements for, outdoor*  
 25           *antennas and support structures for the purpose of*



1       *conducting communications in the amateur radio*  
 2       *services.*

3   **SEC. 703. AFFIRMATION OF LIMITED PREEMPTION OF**  
 4       **STATE AND LOCAL LAND USE REGULATION.**

5       *The Commission may not change section 97.15(b) of*  
 6   *title 47, Code of Federal Regulations, which shall remain*  
 7   *applicable to State and local land use regulation of amateur*  
 8   *service communications.*

9   **SEC. 704. DEFINITIONS.**

10      *In this title:*

11           (1) *COMMUNITY ASSOCIATION.*—*The term “com-*  
 12       *munity association” means any non-profit manda-*  
 13       *tory membership organization composed of owners of*  
 14       *real estate described in a declaration of covenants or*  
 15       *created pursuant to a covenant or other applicable*  
 16       *law with respect to which a person, by virtue of the*  
 17       *person’s ownership of or interest in a unit or parcel,*  
 18       *is obligated to pay for a share of real estate taxes, in-*  
 19       *surance premiums, maintenance, improvement, serv-*  
 20       *ices, or other expenses related to common elements,*  
 21       *other units, or any other real estate other than the*  
 22       *unit or parcel described in the declaration.*

23           (2) *TERMS DEFINED IN REGULATIONS.*—*The*  
 24       *terms “amateur radio services”, “amateur service”,*  
 25       *and “amateur station” have the meanings given such*

1        *terms in section 97.3 of title 47, Code of Federal Reg-*  
 2        *ulations.*

3        ***TITLE VIII—IMPROVING RURAL***  
 4        ***CALL QUALITY AND RELIABILITY***

5        ***SEC. 801. ENSURING THE INTEGRITY OF VOICE COMMU-***  
 6        ***NICATIONS.***

7        *Part II of title II of the Communications Act of 1934*  
 8        *(47 U.S.C. 251 et seq.) is amended by adding at the end*  
 9        *the following:*

10       ***“SEC. 262. ENSURING THE INTEGRITY OF VOICE COMMU-***  
 11       ***NICATIONS.***

12       *“(a) REGISTRATION AND COMPLIANCE BY INTER-*  
 13       *MEDIATE PROVIDERS.—An intermediate provider that of-*  
 14       *fers or holds itself out as offering the capability to transmit*  
 15       *covered voice communications from one destination to an-*  
 16       *other and that charges any rate to any other entity (includ-*  
 17       *ing an affiliated entity) for the transmission shall—*

18                *“(1) register with the Commission; and*

19                *“(2) comply with the service quality standards*  
 20       *for such transmission to be established by the Com-*  
 21       *mission under subsection (c)(1)(B).*

22       *“(b) REQUIRED USE OF REGISTERED INTERMEDIATE*  
 23       *PROVIDERS.—A covered provider may not use an inter-*  
 24       *mediate provider to transmit covered voice communications*

1 *unless such intermediate provider is registered under sub-*  
 2 *section (a)(1).*

3 “(c) *COMMISSION RULES.*—

4 “(1) *IN GENERAL.*—

5 “(A) *REGISTRY.*—*Not later than 180 days*  
 6 *after the date of enactment of this section, the*  
 7 *Commission shall promulgate rules to establish a*  
 8 *registry to record registrations under subsection*  
 9 *(a)(1).*

10 “(B) *SERVICE QUALITY STANDARDS.*—*Not*  
 11 *later than 1 year after the date of enactment of*  
 12 *this section, the Commission shall promulgate*  
 13 *rules to establish service quality standards for*  
 14 *the transmission of covered voice communica-*  
 15 *tions by intermediate providers.*

16 “(2) *REQUIREMENTS.*—*In promulgating the*  
 17 *rules required by paragraph (1), the Commission*  
 18 *shall—*

19 “(A) *ensure the integrity of the trans-*  
 20 *mission of covered voice communications to all*  
 21 *customers in the United States; and*

22 “(B) *prevent unjust or unreasonable dis-*  
 23 *crimination among areas of the United States in*  
 24 *the delivery of covered voice communications.*

1       “(d) *PUBLIC AVAILABILITY OF REGISTRY.*—The Com-  
 2       mission shall make the registry established under subsection  
 3       (c)(1)(A) publicly available on the website of the Commis-  
 4       sion.

5       “(e) *SCOPE OF APPLICATION.*—The requirements of  
 6       this section shall apply regardless of the format by which  
 7       any communication or service is provided, the protocol or  
 8       format by which the transmission of such communication  
 9       or service is achieved, or the regulatory classification of  
 10      such communication or service.

11      “(f) *RULE OF CONSTRUCTION.*—Nothing in this sec-  
 12      tion shall be construed to affect the regulatory classification  
 13      of any communication or service.

14      “(g) *EFFECT ON OTHER LAWS.*—Nothing in this sec-  
 15      tion shall be construed to preempt or expand the authority  
 16      of a State public utility commission or other relevant State  
 17      agency to collect data, or investigate and enforce State law  
 18      and regulations, regarding the completion of intrastate  
 19      voice communications, regardless of the format by which  
 20      any communication or service is provided, the protocol or  
 21      format by which the transmission of such communication  
 22      or service is achieved, or the regulatory classification of  
 23      such communication or service.

24      “(h) *EXCEPTION.*—The requirement under subsection  
 25      (a)(2) to comply with the service quality standards estab-

1 *lished under subsection (c)(1)(B) shall not apply to a cov-*  
 2 *ered provider that—*

3           “(1) *on or before the date that is 1 year after the*  
 4 *date of enactment of this section, has certified as a*  
 5 *Safe Harbor provider under section 64.2107(a) of title*  
 6 *47, Code of Federal Regulations, or any successor reg-*  
 7 *ulation; and*

8           “(2) *continues to meet the requirements under*  
 9 *such section 64.2107(a).*

10       “(i) *DEFINITIONS.—In this section:*

11           “(1) *COVERED PROVIDER.—The term ‘covered*  
 12 *provider’ has the meaning given the term in section*  
 13 *64.2101 of title 47, Code of Federal Regulations, or*  
 14 *any successor thereto.*

15           “(2) *COVERED VOICE COMMUNICATION.—The*  
 16 *term ‘covered voice communication’ means a voice*  
 17 *communication (including any related signaling in-*  
 18 *formation) that is generated—*

19               “(A) *from the placement of a call from a*  
 20 *connection using a North American Numbering*  
 21 *Plan resource or a call placed to a connection*  
 22 *using such a numbering resource; and*

23               “(B) *through any service provided by a cov-*  
 24 *ered provider.*

1           “(3) *INTERMEDIATE PROVIDER.*—*The term ‘in-*  
2           *termediate provider’ means any entity that—*

3                   “(A) *enters into a business arrangement*  
4                   *with a covered provider or other intermediate*  
5                   *provider for the specific purpose of carrying,*  
6                   *routing, or transmitting voice traffic that is gen-*  
7                   *erated from the placement of a call placed—*

8                           “(i) *from an end user connection using*  
9                           *a North American Numbering Plan re-*  
10                           *source; or*

11                           “(ii) *to an end user connection using*  
12                           *such a numbering resource; and*

13                   “(B) *does not itself, either directly or in*  
14                   *conjunction with an affiliate, serve as a covered*  
15                   *provider in the context of originating or termi-*  
16                   *nating a given call.”.*

Amend the title so as to read: “An Act to amend the Communications Act of 1934 to provide for greater transparency and efficiency in the procedures followed by the Federal Communications Commission, to consolidate certain reporting obligations of the Commission, and to update certain other provisions of such Act, and for other purposes.”.

Attest:

*Clerk.*

114<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

**S. 253**

---

## AMENDMENTS