

Ms. MCCOLLUM. Mr. Speaker, I rise today in strong support of the Food and Drug Administration Reform Act of 2012 (H.R. 5651), which will strengthen Minnesota's health care system and economy.

The Food and Drug Administration Reform Act reauthorizes the FDA's drug and medical device user fee programs at a critical time. If these user fees are not reauthorized before the end of June, the FDA will not have the funding it needs to ensure life-saving drugs and medical devices are available to patients in a timely fashion. This bill also accelerates approval of treatments to address rare diseases, reauthorizes two successful pediatric programs, and helps to prevent drug shortages that are affecting families across the country. Overall, the reforms in H.R. 5651 bring the FDA into the 21st century by making the agency more responsive to changes in the U.S. health care system and better equipped to oversee a globalized market for medical products. This legislation will deliver safer treatments, faster innovation and better care for millions of American patients and families.

This legislation is especially important for America's medical device sector. The approval process for medical devices at the FDA slowed by as much as 60 percent since 2005, according to the General Accountability Office. While longer approval times do not contribute to patient safety, they have delayed or even denied life-saving treatments to patients and undermined the international competitiveness of the U.S. medical device industry. There is general agreement that the broken approval process for medical devices is doing real harm to patients and workers. This is especially concerning for Minnesota because our state is a hub of medical device innovation; the sector employs thousands of highly-skilled workers in our state. H.R. 5651 reforms and reauthorizes the medical device user fee program through fiscal year 2017, providing years of stability and increased regulatory certainty for companies that range from local small business startups to global Fortune 500 enterprises. Moreover, the bill will foster innovation in the sector by speeding market access for new and improved medical devices without compromising patient safety.

The Food and Drug Administration Reform Act is a rare bipartisan success story. This legislation comes to the House floor after months of close bipartisan collaboration. The Senate approved a bill very similar to H.R. 5651 by a vote of 96 to 1. The House Energy and Commerce Committee voted 46 to 0 to move H.R. 5651 to the floor. Both Democratic and Republican members of Congress understand that a high-quality health care system requires a strong and effective FDA. Today's bill is a major step forward for the FDA and a demonstration of legislative compromise for the good of the American people.

I urge all my colleagues to support H.R. 5651.

Mr. CHANDLER. Mr. Speaker, I rise today to address the significant bipartisan effort to reauthorize FDA user fee legislation. This reauthorization provides an opportunity to update the relevant FDA laws to reflect changes and challenges in the important area of prescription drugs and medical devices.

One critical area that Congress must continue to focus on is the safety and security of the pharmaceutical supply chain. Counterfeit drugs are a growing problem and put patient

safety and health at risk. Patients who rely on certain medications should not have to live in fear they are not receiving the treatment they need because their medicine has been compromised.

This is unacceptable, and we must work to find a national solution to this growing problem of counterfeit drugs. Because so much of the pharmaceutical supply chain relies on interstate commerce, I believe our federal government must ensure that properly licensed entities are involved in our national pharmaceutical supply chain, particularly third-party logistics providers (3PLs).

The way prescription drugs are moved from the manufacturer to the consumer has changed over the past several years with the emerging role of 3PLs. These providers are not in the business of manufacturing, buying, selling, or dispensing prescription drugs; they provide or coordinate warehousing, distribution, or other services on behalf of the manufacturer, wholesaler, or dispenser. We cannot realistically expect to have a thorough and comprehensive national supply chain track-and-trace system without providing for a clear and accurate definition of third party logistics providers. Our federal laws need to reflect this new reality.

I applaud the Chairman and Ranking Member of the Energy & Commerce Committee for their leadership and diligent work on this bill, and I encourage them to ensure that the final product from the House-Senate conference implements a uniform federal serialization policy covering all pharmaceutical supply chain participants.

Mr. PASCARELL. Mr. Speaker, I stand today to support H.R. 5651—Food and Drug Administration Reform Act of 2012, which reauthorizes the Federal Drug Administration's (FDA) prescription drug and medical device user fee programs through 2017. This legislation will provide the FDA the ability to collect user fees from drug and medical device companies to help fund its reviews of their products. These user fee programs provide the FDA the resources to enable the efficient review of applications and give patients access to therapies at the earliest possible time, and most importantly, help prevent drug shortages that threaten public health.

I am supportive of the legislation because it will authorize a new user fee program for generic drugs, resulting in decreased review times, and it authorizes user fee program for biosimilars, thus ensuring parity. Additionally, the legislation reauthorizes and makes permanent two complementary pediatric drug programs, which foster the development and safe use of prescription drugs for children.

Further, the legislation will assist in the modernization of the FDA's global drug supply chain authority, resulting in improved safety of our prescription drugs. The legislation will also provide new incentives for the development of antibiotics to address the public health threat of antibiotic resistance. Finally, the bill includes important provisions to help prevent and mitigate drug shortages, which have unfortunately now become an all-too-frequent occurrence.

Ultimately, the legislation will ensure that Americans have access to crucial medicines and medical devices, improves access to new and innovative medicines and devices, helps prevent and mitigate drug shortages and reduces drug costs for consumers by speeding the approval of lower-cost generic drugs.

Mr. PAULSEN. Mr. Speaker, I rise today in strong support of H.R. 5651, the Food and Drug Administration Reform Act.

The United States has led the global medical device industry for decades. This leadership has brought hundreds of thousands of high-paying jobs to our country and life-saving, life-improving devices to our nation's patients. U.S. medical device-related employment totals over 2 million jobs, and these are good, rewarding jobs.

This legislation will streamline and modernize the medical device approval process to make it more transparent, more consistent, and more predictable. This much needed reform will help companies bring their products to market quicker and cheaper, ultimately increasing patient access to life improving and life saving technologies.

I would like to highlight one portion of the bill that was taken from my legislation, the FDA REFORM Act. This provision would expand and clarify the FDA's ability to use accredited third party reviewers for low risk devices.

This will free up valuable resources and allow the FDA to function more effectively while still focusing on protecting patient safety.

I want to thank Chairman UPTON and his staff for their continued support and effort on this matter. I urge adoption of this crucial legislation that will help bring new products to market.

The SPEAKER pro tempore (Mr. SIMPSON). The question is on the motion offered by the gentleman from Michigan (Mr. UPTON) that the House suspend the rules and pass the bill, H.R. 5651, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. PITTS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

#### FEDERAL COMMUNICATIONS COMMISSION CONSOLIDATED REPORTING ACT OF 2012

Mr. SCALISE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3310) 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, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3310

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Federal Communications Commission Consolidated Reporting Act of 2012".

#### SEC. 2. COMMUNICATIONS MARKETPLACE REPORT.

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

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

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

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

“(1) assess the state of competition in the communications marketplace, including competition to deliver voice, video, audio, and data services among providers of telecommunications, providers of commercial mobile service (as defined in section 332), multichannel video programming distributors (as defined in section 602), broadcast stations, providers of satellite communications, Internet service providers, and other providers of communications services;

“(2) assess the state of deployment of communications capabilities, including advanced telecommunications capability (as defined in section 706 of the Telecommunications Act of 1996 (47 U.S.C. 1302)), regardless of the technology used for such deployment, including whether advanced telecommunications capability is being deployed to all Americans in a reasonable and timely fashion;

“(3) assess whether laws, regulations, or regulatory practices (whether those of the Federal Government, States, political subdivisions of States, Indian tribes or tribal organizations (as such terms are defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b)), or foreign governments) pose a barrier to competitive entry into the communications marketplace or to the competitive expansion of existing providers of communications services;

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

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

“(c) SPECIAL REQUIREMENTS.—

“(1) ASSESSING COMPETITION.—In assessing the state of competition under subsection (b)(1), the Commission shall consider all forms of competition, including the effect of intermodal competition, facilities-based competition, and competition from new and emergent communications services, including the provision of content and communications using the Internet.

“(2) ASSESSING DEPLOYMENT.—In assessing the state of deployment under subsection (b)(2), the Commission shall compile a list of geographical areas that are not served by any provider of advanced telecommunications capability.

“(3) INTERNATIONAL COMPARISONS AND DEMOGRAPHIC INFORMATION.—The Commission may use readily available data to draw appropriate comparisons between the United States communications marketplace and the international communications marketplace and to correlate its assessments with demographic information.

“(4) CONSIDERING SMALL BUSINESSES.—In assessing the state of competition under subsection (b)(1) and regulatory barriers under subsection (b)(3), the Commission shall consider market entry barriers for entrepreneurs and other small businesses in the communications marketplace in accordance with the national policy under section 257(b).”.

**SEC. 3. CONSOLIDATION OF REDUNDANT REPORTS; CONFORMING AMENDMENTS.**

(a) ORBIT ACT REPORT.—Section 646 of the Communications Satellite Act of 1962 (47 U.S.C. 765e; 114 Stat. 57) is repealed.

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

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

(1) by striking subsection (b); and

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

(d) STATUS OF COMPETITION IN THE MARKET FOR THE DELIVERY OF VIDEO PROGRAMMING REPORT.—Section 628 of the Communications Act of 1934 (47 U.S.C. 548) is amended—

(1) by striking subsection (g);

(2) by redesignating subsection (j) as subsection (g); and

(3) by transferring subsection (g) (as redesignated) so that it appears after subsection (f).

(e) REPORT ON CABLE INDUSTRY PRICES.—

(1) IN GENERAL.—Section 623 of the Communications Act of 1934 (47 U.S.C. 543) is amended—

(A) by striking subsection (k); and

(B) by redesignating subsections (l) through (n) as subsections (k) through (m), respectively.

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

(f) TRIENNIAL REPORT IDENTIFYING AND ELIMINATING MARKET ENTRY BARRIERS FOR ENTREPRENEURS AND OTHER SMALL BUSINESSES.—Section 257 of the Communications Act of 1934 (47 U.S.C. 257) is amended by striking subsection (c).

(g) SECTION 706 REPORT.—Section 706 of the Telecommunications Act of 1996 (47 U.S.C. 1302) is amended—

(1) in subsection (b)—

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

(B) by striking the first and second sentences;

(2) by striking subsection (c);

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

(4) by redesignating subsection (d) as subsection (c).

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

(i) PREVIOUSLY ELIMINATED ANNUAL REPORT.—

(1) IN GENERAL.—Section 4 of the Communications Act of 1934 (47 U.S.C. 154) is amended—

(A) by striking subsection (k); and

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

(2) CONFORMING AMENDMENTS.—The Communications Act of 1934 is amended—

(A) in section 9(i), by striking “In the Commission’s annual report, the Commission shall prepare an analysis of its progress in developing such systems and” and inserting “The Commission”; and

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

(j) ADDITIONAL OUTDATED REPORTS.—The Communications Act of 1934 is further amended—

(1) in section 4—

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

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

(2) in section 215—

(A) by striking subsection (b); and

(B) by redesignating subsection (c) as subsection (b);

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

(4) in section 309(j)—

(A) by striking paragraph (12); and

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

(5) in section 331(b), by striking the last sentence;

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

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

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

(8) in section 396—

(A) by striking subsection (i);

(B) in subsection (k)—

(i) in paragraph (1), by striking subparagraph (F); and

(ii) in paragraph (3)(B)(iii), by striking subclause (V);

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

(D) by striking subsection (m);

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

(10) in section 624A(b)(1)—

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

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

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

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

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

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

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Louisiana (Mr. SCALISE) and the gentlewoman from California (Ms. MATSUI) each will control 20 minutes.

The Chair recognizes the gentleman from Louisiana.

**GENERAL LEAVE**

Mr. SCALISE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and insert extraneous material into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. SCALISE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we’re bringing forward H.R. 3310, the FCC Consolidated Reporting Act. If you look throughout

the many different requirements that the FCC has, and the number of reports—this is just a small stack of the reports that FCC has been required to bring to Congress just in the last 2 years. Many of these reports not only place tremendous burden on the industry groups that have to provide this data, but many times, because of the way that they're structured, by the time the report is issued, the data is outdated and really doesn't look at any broad spectrum issues. They're mostly specific to an industry and a specific area of an industry instead of looking at the entire marketplace.

So what we're doing with the FCC Consolidated Reporting Act is actually bringing forward a measure that reduces the size of government and actually reins in the heavy hand of government and takes eight different annual reports and consolidates them into one consolidated biannual report. And so you're taking eight reports that in many cases are outdated by the time they're released; and, in some cases the FCC, even though they're required to produce this data annually, because the reports are so burdensome on industry and on the FCC, they're not even able to produce these reports annually. In many cases, we've had reports that are due annually that haven't been submitted to us since 2009. So we're actually making a much more commonsense approach to this reporting system.

In addition to that, we're actually repealing some of the requirements that are still on the books—laws that Congress has passed over the last few decades that are not even required anymore by FCC or other agencies yet are still on the law books. And so we're cleaning up a lot of those.

One of those I'll give as an example is we're still requiring a competitiveness report to be produced with the wireline telegraph industry. I don't know anybody since Samuel Morse invented that technology in the 1800s that is still using that technology on a broad scale. But surely Congress doesn't need to still have on the books a requirement that we have a report submitted by the FCC on competitiveness in the wireline telegraph industry.

So this bill is a bipartisan approach to remove so many unnecessary requirements on our job creators who have to have compliance departments to comply with all these requests from the FCC; and, in many cases, they're getting these requests, and they know that when they submit this data the reports that they're submitting the data for aren't even going to be produced annually. And when those reports come out, they're going to be outdated, yet you still have to have massive compliance departments to go and gather all this information.

I think it makes much more sense for us to tell our job creators that, instead of having these massive compliance departments to do unnecessary work, that dollar would be much better spent

going out and creating jobs and building out those wireless networks that people all across this country so desperately need.

Mr. Speaker, I reserve the balance of my time.

Ms. MATSUI. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 3310, the Federal Communications Commission Consolidated Reporting Act of 2012. This bill consolidates various technology-specific competition reports the Federal Communications Commission is required to make to Congress into a new, single communications marketplace report that will be submitted to Congress every 2 years.

The FCC is required to assess the state of competition, deployment, as well as regulatory barriers to market entry and competition in the communications marketplace, taking into special consideration Internet-based competition. I support efforts to streamline the FCC's reporting requirements, and I am pleased the committee majority, led by Communications and Technology Subcommittee Chairman WALDEN, worked with Democrats to improve the legislation throughout the markup process. These improvements include the adoption of an amendment offered by Ranking Member ESHOO that would ensure the FCC continues to have the ability to consider all forms of competition in producing the communications marketplace report.

H.R. 3310 seeks to reduce the reporting burdens Congress had previously imposed on the FCC while encouraging the agency to analyze competition in the communications marketplace in a much more comprehensive way.

Under Chairman Genachowski's leadership, the FCC has accomplished numerous reforms aimed at improving agency process. The FCC has improved the number of notices of proposed rulemakings that contain the full text of proposed rules from 38 percent to 85 percent. Additionally, the FCC has reduced average time between Commission vote and release of full text of the decision from 14 calendar days to 3 calendar days. In addition, the FCC voluntarily complied with President Obama's Executive order in conducting retrospective analysis of the Commission's existing rules. During the process, the FCC has eliminated over 200 obsolete regulations, including the Commission's elimination of 25 data collections as part of the Data Innovation Initiative.

Looking ahead, the FCC has a major task in implementing the public safety and spectrum provisions of the Middle Class Tax Relief and Job Creation Act. Specifically, the Commission will be undertaking arguably the most complex spectrum auction in history through an incentive auction of the broadcast spectrum. Congress must work closely with the FCC to ensure the auction's success.

As a cochair of the bipartisan Federal Spectrum Working Group, I'm

hopeful that we'll have the opportunity to work closely with the FCC and the NTIA and other relevant agencies in identifying underutilized Federal and commercial spectrum for repurposing.

Mr. Speaker, our Nation continues to face a spectrum crunch, particularly as more and more Americans opt for advanced technology and mobile devices and applications. We must ensure that we meet future demand.

Finally, I want to applaud the FCC's recent efforts ensuring that all Americans have access to the communication tools they need to be competitive in the 21st century economy.

□ 1720

Today, one-third of Americans have not adopted broadband, and these numbers are particularly high among lower-income Americans, seniors, rural Americans, residents of tribal lands, and people with disabilities.

The commission recently approved responsible reforms to parts of the Universal Service Fund, including the creation of pilot programs to promote broadband adoption. These pilot projects will help make broadband more affordable for lower-income Americans and address other challenges to broadband adoption, including digital literacy and the cost of devices.

I commend the FCC for these efforts, and I look forward to working with the commission when these pilot projects are announced.

I reserve the balance of my time.

Mr. SCALISE. Mr. Speaker, I am honored to yield 2 minutes to the gentlewoman from Tennessee (Mrs. BLACKBURN), a member of the committee and subcommittee.

Mrs. BLACKBURN. Mr. Speaker, I thank the gentleman, and I do rise to support the Federal Communications Commission Consolidated Reporting Act. It's a commonsense piece of legislation, much like Mr. WALDEN's process reform bill for the FCC that was passed in this House in March on a bipartisan vote.

The FCC Consolidated Reporting Act, as Mr. SCALISE said, will streamline eight annual and triennial FCC reports into one single biennial communications marketplace report. The effect is to ease some of the reporting obligations while providing the FCC a better platform to analyze the converged nature of today's competitive communications marketplace.

It's important to get the reporting in check because the FCC has control over one-sixth of our Nation's economy. This legislation would simply bring back some efficiency and transparency to an agency that is clearly lacking in both categories. We need to redirect the FCC away from its antiquated approach to regulatory policymaking. A streamlined and consolidated reporting system that better reflects today's competitive marketplace is necessary to help in this process, especially for those who understand that

we need wholesale change and deregulation at the Nation's leading communications governing agency.

I support the legislation to simplify the FCC's reporting measures. I encourage my colleagues to support the legislation.

Ms. MATSUI. I reserve the balance of my time.

Mr. SCALISE. Mr. Speaker, at this time I would like to yield 3 minutes to the gentleman from Oregon (Mr. WALDEN), the chairman of the Telecommunications Subcommittee.

Mr. WALDEN. Mr. Speaker, I want to thank Mr. SCALISE for his leadership on this issue, and I want to thank Ms. MATSUI for hers as well, and for the work that we are all doing on the subcommittee to improve the processes and procedures at the FCC, bring about efficiencies and accountability, and look for Federal spectrum that might be freed up to help grow jobs and spur innovation in America.

This particular piece of law, as we move it forward, H.R. 3310, gets about trying to reduce some waste. It really starts with Congress because this is all stuff that is in statute that we have to change. Believe it or not, the Communications Act still requires the Federal Communications Commission to assess the state of telegraph—telegraph—competition. This is not just unhelpful; it's a waste of taxpayer funds. The American public expects and deserves an efficient Federal Government that keeps pace with changes in the market, and this bill helps get us there.

Rationalizing the industry reports the FCC issues not only reduces some of the FCC'S administrative burdens but also helps make sure that the agency, the public, and stakeholders have a realistic picture of the marketplace upon which to make their policy judgments.

The communications and technology sector is very competitive. It's very innovative. It's creating jobs, and it's one of the most open sectors of our economy. From fiber optics to 4G wireless service, from the smartphone to the tablet to the connected TV, this sector has been creating new services, new devices, and the high-quality jobs that come with high-tech innovation and investment.

Despite even a lackluster economy, wireline, wireless, and cable providers invested \$66 billion of private capital in broadband infrastructure in 2011. The U.S. is leading in cutting-edge wireless technologies. Industry convergence has led to a boom in competition; voice, video, audio, and data providers are competing across different platforms. And the market is simply moving faster than the law. Despite the convergence of the industry, the FCC is still required by law to evaluate stove-piped industry segments each year. For example, they have to write two reports each year on the satellite industry and two reports on the cable industry, and yet it is one market and there should just be one report covering both.

The FCC Consolidated Reporting Act consolidates eight separate congressionally mandated reports on the communications industry into a single comprehensive report with a focus on competition among technology platforms, deploying communications to unserved communities, eliminating regulatory barriers, and empowering small businesses.

The marketplace report is synched to the congressional calendar. That'll improve our oversight abilities, and it'll help reduce costs. The bill also eliminates 12 additional outdated reports from the Communications Act, including reports repealed more than a decade ago. The bill is bipartisan, and it's supported by CTIA, NAB, NCTA, USTelecom, and the U.S. Chamber of Commerce, and I urge my colleagues to join in this bipartisan piece of work out of your Subcommittee on Communications and Technology and pass it into law.

Ms. MATSUI. I reserve the balance of my time.

Mr. SCALISE. Mr. Speaker, I would like to yield 2 minutes to the gentleman from Georgia (Mr. GINGREY).

Mr. GINGREY of Georgia. Mr. Speaker, I thank the gentleman.

I rise today in strong support of H.R. 3310, the FCC Consolidating Reporting Act of 2012. I commend the author of this legislation and fellow member of the Communications and Technology Subcommittee, STEVE SCALISE of Louisiana, for his work on this issue. And I also applaud the work of subcommittee chairman GREG WALDEN, who ensured that we moved this legislation through regular order.

H.R. 3310 consolidates eight congressionally mandated studies into a single report with a focus on intermodal competition, deploying communications to underserved and unserved communities, eliminating regulatory barriers, and empowering small businesses. This legislation will also make the FCC more efficient by eliminating a number of duplicative, repealed, or outdated reports that are still listed in statute. For example, in the 21st century, it is simply not necessary for the FCC to provide the report on competition between wire telephone and wire telegraph providers. Think Morse code.

Mr. Speaker, H.R. 3310 passed the full Energy and Commerce Committee by a voice vote on March 6, 2012. It will alleviate the unnecessary and antiquated reporting standards and replace them with an analysis of the 21st century marketplace and its demands on the telecommunications industry. This legislation represents solid policy. I urge my colleagues, support H.R. 3310.

Ms. MATSUI. I reserve the balance of my time.

Mr. SCALISE. Mr. Speaker, I yield 2 minutes to the gentleman from Florida (Mr. STEARNS), the chairman of the Oversight Subcommittee.

Mr. STEARNS. Mr. Speaker, I thank my colleague.

Mr. Speaker, I rise in strong support of this bill. It streamlines, as men-

tioned, eight separate congressionally mandated reports into one, a single comprehensive report.

As chairman of the Energy and Commerce Subcommittee on Oversight and Investigation, as Mr. SCALISE mentioned, I, along with Chairman WALDEN, have looked into the backlog and workload of the FCC. In a report we released in November, we found that annual reports to Congress, such as the Satellite Competition Report and Video Programming Report, have not been completed in years. This is just disconcerting, particularly since the Telecom Act of 1996 was designed with a deregulatory slant—requiring the FCC to conduct these competition reports to determine whether regulation was indeed necessary. How can the FCC appropriately make these decisions and regulate an industry it has not comprehensively analyzed in more than 4 years? This bill is aimed at reducing some reporting burdens on the FCC to ensure that these annual reports are just that—they are simply reported annually.

At the same time, this bill encourages the agency in today's age of convergence to analyze competition in the marketplace as a whole, rather than based on archaic technology-specific silos. We no longer need to consider the Internet, satellite, and cable industries in a vacuum, as they compete head to head in most markets across this country.

□ 1730

In 1992, when we passed the Cable Act, cable occupied about 96 percent of the market. The FCC's most recent data cable now only occupies about a third of this market, competing with FIOS, satellite, Netflix, and the Internet. The report that looks at the marketplace as a whole will inform both the FCC and Congress more sufficiently, and it's a long time due. Therefore, I hope my colleagues will join me in supporting this important legislation, and I appreciate its authors.

Ms. MATSUI. Mr. Speaker, in closing, H.R. 3310 is a step forward to further ensuring transparency by requiring consolidation of various telecommunication reports by the FCC.

As broadband continues to play a critical role in our economy, it is important that we fully understand any and all barriers to Internet services while continuing to allow the Internet economy to grow and innovate.

Again, I want to thank my colleagues on the Energy and Commerce Committee for working in a bipartisan manner on this bill. I urge my colleagues to support this legislation, and I yield back the balance of my time.

Mr. SCALISE. Mr. Speaker, I want to thank the gentlelady from California for the bipartisan work that she's done on this legislation. Especially, I want to thank Chairman UPTON and Chairman WALDEN for allowing us to bring

this bipartisan legislation forward that takes a commonsense approach to so many reports and requirements that are placed on industry and the FCC, frankly, that require a whole lot of work to produce reports that are outdated before they're even filed. The job of government and regulators should not be just to make companies go and do busy work, to file reports just for the sake of building up reams and reams of papers that nobody can read and nobody can really do anything with because the data is not useful.

So what we're doing with this legislation is taking eight reports—eight reports that all look at very specific sector areas, but don't really tell a picture of what's happening in the industry—and we consolidate those into one report rather than annual, a biannual, and reducing a lot of requirements on business that just have to have these compliance departments because when they're asked by the FCC to provide data, they've got to go provide it, even though they know this data is not going to be used, and in some cases the data is not going to be useful in the context of the report that's going to be filed.

In addition to that, we often hear about all of the laws that are passed in Congress. People say why don't you go and repeal laws that have been sitting on the books for decades that serve no purpose. So we actually do that too with this bill. We go and repeal 12 different reports that are no longer used. As the example has been given a number of times, the telegraph report that is still a law that's on the books, we repeal that as well.

So it's a commonsense approach that tells the people that are out there building this infrastructure, building these wireless networks that so many people, millions and millions of people, in our country use every single day to improve their lives, their quality of life—and frankly the effectiveness of the job creators and our small businesses out there—and it says you don't need to have massive compliance departments to comply with things that nobody reads. You can actually go out and use those resources to create more jobs, to build out that network so that we can do even more innovative things with the technology we have today and that we'll have in the future.

With that, I urge all of my colleagues to support H.R. 3310, and I yield back the balance of my time.

Mr. UPTON. Mr. Speaker, Americans have demanded a more efficient government that eliminates outdated and unnecessary bureaucracy; a government that takes a hard look at the market before deciding to regulate it—in short, a government that works. The FCC Consolidated Reporting Act accomplishes those goals, all at no cost to the taxpayer.

Today, the FCC is required to write eight separate reports on discrete components of the communications marketplace. Eight separate reports multiplies the number of hours the FCC spends writing reports, multiplies the number of employees working on such re-

ports, and multiplies the number of times industry has to respond to information requests from the Commission.

The FCC Consolidated Reporting Act takes a smarter approach. It consolidates these eight reports into a single, comprehensive report on the state of the communications marketplace, and eliminates twelve other reports from the Communications Act.

I want to thank Communications and Technology Subcommittee Chairman GREG WALDEN and Representative STEVE SCALISE for working on this important legislation. I support it, and I urge my colleagues to support it as well.

Mrs. CHRISTENSEN. Mr. Speaker, although, H.R. 3310 is intended to streamline the Federal Communication Commission's reporting requirements. There are concerns that FCC's statutory authority on data collection could be affected and certain pertinent reporting requirements could be eliminated.

H.R. 3310 would consolidate eight separate reports of the FCC into a single comprehensive report in order to reduce the reporting burdens on the FCC while encouraging the agency to analyze competition in the marketplace as a whole. I believe that this bill is not only unnecessary but harmful to the process especially since under Chairman Genachowski many reforms have been made to address the issues the Republicans have indicated they want to fix.

While the FCC has sufficient existing authority to collect data for statutorily required reports, the language contained in Sec. 4 could be construed as denying the Commission its ordinary data collection authority with respect to certain provisions of the bill.

While I support the general intent of the bill to streamline FCC reporting requirements, I did not support it at committee level in its present form and no significant changes were made to improve the bill before it was brought to the House floor.

I urge my colleagues not support this bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Louisiana (Mr. SCALISE) that the House suspend the rules and pass the bill, H.R. 3310, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

#### SERVICEMEMBER FAMILY PROTECTION ACT

Mr. STEARNS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4201) to amend the Servicemembers Civil Relief Act to provide for the protection of child custody arrangements for parents who are members of the Armed Forces.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4201

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Servicemember Family Protection Act".

#### SEC. 2. PROTECTION OF CHILD CUSTODY ARRANGEMENTS FOR PARENTS WHO ARE MEMBERS OF THE ARMED FORCES.

(a) CHILD CUSTODY PROTECTION.—Title II of the Servicemembers Civil Relief Act (50 U.S.C. App. 521 et seq.) is amended by adding at the end the following new section:

##### "SEC. 208. CHILD CUSTODY PROTECTION.

"(a) RESTRICTION ON TEMPORARY CUSTODY ORDER.—If a court renders a temporary order for custodial responsibility for a child based solely on a deployment or anticipated deployment of a parent who is a servicemember, then the court shall require that upon the return of the servicemember from deployment, the custody order that was in effect immediately preceding the temporary order shall be reinstated, unless the court finds that such a reinstatement is not in the best interest of the child, except that any such finding shall be subject to subsection (b).

"(b) EXCLUSION OF MILITARY SERVICE FROM DETERMINATION OF CHILD'S BEST INTEREST.—If a motion or a petition is filed seeking a permanent order to modify the custody of the child of a servicemember, no court may consider the absence of the servicemember by reason of deployment, or the possibility of deployment, in determining the best interest of the child.

"(c) NO FEDERAL RIGHT OF ACTION.—Nothing in this section shall create a Federal right of action.

"(d) PREEMPTION.—In any case where State law applicable to a child custody proceeding involving a temporary order as contemplated in this section provides a higher standard of protection to the rights of the parent who is a deploying servicemember than the rights provided under this section with respect to such temporary order, the appropriate court shall apply the higher State standard.

"(e) DEPLOYMENT DEFINED.—In this section, the term 'deployment' means the movement or mobilization of a servicemember for a period of longer than 60 days and not longer than 18 months pursuant to temporary or permanent official orders—

"(1) that are designated as unaccompanied;

"(2) for which dependent travel is not authorized; or

"(3) that otherwise do not permit the movement of family members to that location."

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of such Act is amended by adding at the end of the items relating to title II the following new item:

"208. Child custody protection."

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida (Mr. STEARNS) and the gentlewoman from Florida (Ms. BROWN) each will control 20 minutes.

The Chair recognizes the gentleman from Florida.

#### GENERAL LEAVE

Mr. STEARNS. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and include any extraneous material on H.R. 4201.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. STEARNS. Mr. Speaker, I yield myself such time as I may consume.

I rise today in strong support of the Servicemember Family Protection Act, H.R. 4201, a bill introduced by my good friend from Ohio (Mr. TURNER).