

(c) TECHNICAL CORRECTIONS.—

(1) Section 321(6)(B) of the Energy Policy and Conservation Act (42 U.S.C. 6291(6)(B)) is amended by striking “(19)” and inserting “(20)”.

(2) Section 324 of the Energy Policy and Conservation Act (42 U.S.C. 6294) is amended by striking “(19)” each place it appears in each of subsections (a)(3), (b)(1)(B), (b)(3), and (b)(5) and inserting “(20)”.

(3) Section 325(1) of the Energy Policy and Conservation Act (42 U.S.C. 6295(1)) is amended by striking “paragraph (19)” each place it appears and inserting “paragraph (20)”.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. UPTON) and the gentlewoman from Colorado (Ms. DEGETTE) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan.

GENERAL LEAVE

Mr. UPTON. 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 materials in the RECORD on the bill.

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

There was no objection.

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

Mr. Speaker, I rise certainly in support of H.R. 518.

Regulations are based on the state of technology at the time that they are developed and may have the unintended consequences of hindering new advances in products. Such has been the case with the Department of Energy's efficiency standards for external power suppliers, EPS. As the regs on the books now stand, it is not legally possible to make certain types of light-emitting diode—LED—devices, as well as some kinds of ceiling fans.

So this bill, H.R. 518, the EPS Improvement Act, provides a carefully tailored solution to the problem. And I want to thank two Members, Republican and Democrat, Mr. GUTHRIE and Ms. DEGETTE, for their good work on behalf of both the manufacturers, as well as the users, of these products.

The bill carves out an exception for these devices while giving DOE the option of setting separate efficiency standards that are more suited to them.

This bill has been thoroughly vetted—yes, it has. It was included in last year's energy package. And although that bill didn't make it to the finish line for unrelated reasons, language virtually identical to that in H.R. 518 enjoyed very strong bipartisan and certain bicameral support.

□ 1600

In addition, the bill passed the House on suspension last year as well, but failed to make it on the Senate calendar.

For the sake of the manufacturing jobs that are associated with these products as well as the consumers and small businesses that rely on them, I

would urge all of my colleagues to support and vote for H.R. 518.

I reserve the balance of my time.

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

I rise today to urge the passage of H.R. 518, the EPS Improvement Act.

Last session of Congress, I cosponsored this bill with our former colleague Congresswoman Ellmers, and this year, Representatives GUTHRIE, MATSUI, and DENT are joining me in this effort to strengthen the standards used to keep LED lighting safe and efficient.

By ensuring that our country's energy conservation standards are up to date with the latest developments in high-tech lighting, we can remove obstacles to innovation without sacrificing safety. And as we heard from the chairman, if there has ever been a bill in Congress that was vetted, it was this one.

We have been working on this bill for some years now, and, frankly, what it is doing is it is truly addressing unintended consequences that happened due to the Energy Policy Act of 2005. That act defined external power supplies in a way that just simply did not anticipate the rapid growth and use of LED and OLED light sources during the decade that followed.

Now, these lights are really energy efficient. They are up to 80 percent more efficient than traditional lights like fluorescent and incandescent lights, and 90 percent of the energy in LEDs is committed to illumination, while only 5 percent is heat; so it is no wonder they have become so popular in the last 10 years. Unfortunately, in the 2005 act, the standards did not allow for these types of lighting as their use continues to constitute an ever-growing share of our energy consumption.

What this bill does is it clarifies the definition of “external power supplies” and it amends the conditions under which the Energy Department can undertake a rulemaking process in the future. The bill will facilitate the continued growth of LED lighting, and it will help lower energy prices for businesses and households both in my home State of Colorado and across America.

Clean energy truly is the future. It can be safe, efficient, and affordable for all when it is properly regulated, and that is exactly what this legislation does.

I urge everybody to support this act, and I hope that the Senate will pass it this year. We are getting a good, early start.

Mr. Speaker, I have no one else to speak on this bill, so I yield back the balance of my time.

Mr. UPTON. Mr. Speaker, I have no further speakers on this side of the aisle either.

I would urge my colleagues on both sides to again vote for this bill. Let's hope that the Senate can get it on their plate and get it to the President for him to sign into law.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. 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., 518.

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

A motion to reconsider was laid on the table.

FEDERAL COMMUNICATIONS COMMISSION PROCESS REFORM ACT OF 2017

Mrs. BLACKBURN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 290) to amend the Communications Act of 1934 to provide for greater transparency and efficiency in the procedures followed by the Federal Communications Commission, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 290

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 Process Reform Act of 2017”.

SEC. 2. FEDERAL COMMUNICATIONS COMMISSION PROCESS REFORM.

(a) IN GENERAL.—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. 13. TRANSPARENCY AND EFFICIENCY.

“(a) INITIAL RULEMAKING AND INQUIRY.—

“(1) RULEMAKING.—Not later than 1 year after the date of the enactment of this section, the Commission shall complete a rulemaking proceeding and adopt procedural changes to its rules to maximize opportunities for public participation and efficient decisionmaking.

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

“(A) set minimum comment periods for comment and reply comment, subject to a determination by the Commission that good cause exists for departing from such minimum comment periods, for—

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

“(ii) all other rulemaking proceedings;

“(B) establish policies concerning the submission of extensive new comments, data, or reports towards the end of the comment period;

“(C) establish policies regarding treatment of comments, ex parte communications, and data or reports (including statistical reports and reports to Congress) submitted after the comment period to ensure that the public has adequate notice of and opportunity to respond to such submissions before the Commission relies on such submissions in any order, decision, report, or action;

“(D) establish procedures for, not later than 14 days after the end of each quarter of a calendar year (or more frequently, as the Commission considers appropriate), publishing on the Internet website of the Commission and submitting to Congress a report that contains—

“(i) the status of open rulemaking proceedings and proposed orders, decisions, reports, or actions on circulation for review by the Commissioners, including which Commissioners have not cast a vote on an order,

decision, report, or action that has been on circulation for more than 60 days;

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

“(I) the number of such requests, broken down by the bureau primarily responsible for action and, for each bureau, the type of request (such as a petition, application, or complaint); and

“(II) information regarding the amount of time for which such requests have been pending, broken down as described in subclause (I); and

“(iii) a list of the congressional investigations of the Commission that were pending on the last day of such quarter (or more frequent period, as the case may be) and the cost of such investigations, individually and in the aggregate;

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

“(i) in the case of a petition for a declaratory ruling under section 1.2 of title 47, Code of Federal Regulations, issuing a public notice of such petition;

“(ii) in the case of a petition for rulemaking under section 1.401 of such title, issuing a public notice of such petition; and

“(iii) in the case of a petition for reconsideration under section 1.106 or 1.429 of such title or an application for review under section 1.115 of such title, issuing a public notice of a decision on the petition or application by the Commission or under delegated authority (as the case may be);

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

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

“(H) require notices of proposed rulemaking and orders adopting a rule or amending an existing rule that—

“(i) create (or propose to create) a program activity to contain performance measures for evaluating the effectiveness of the program activity; and

“(ii) substantially change (or propose to substantially change) a program activity to contain—

“(I) performance measures for evaluating the effectiveness of the program activity as changed (or proposed to be changed); or

“(II) a finding that existing performance measures will effectively evaluate the program activity as changed (or proposed to be changed).

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

“(A) establish procedures for allowing a bipartisan majority of Commissioners to place an order, decision, report, or action on the agenda of an open meeting;

“(B) establish procedures for informing all Commissioners of a reasonable number of options available to the Commission for resolving a petition, complaint, application, rulemaking, or other proceeding;

“(C) establish procedures for ensuring that all Commissioners have adequate time, prior to being required to decide a petition, complaint, application, rulemaking, or other proceeding (including at a meeting held pursuant to section 5(d)), to review the proposed Commission decision document, including the specific language of any proposed rule or any proposed amendment of an existing rule;

“(D) establish procedures for publishing the text of agenda items to be voted on at an open meeting in advance of such meeting so

that the public has the opportunity to read the text before a vote is taken;

“(E) establish deadlines (relative to the date of filing) for disposition of applications for a license under section 1.913 of title 47, Code of Federal Regulations;

“(F) assign resources needed in order to meet the deadlines described in subparagraph (E), including whether the Commission's ability to meet such deadlines would be enhanced by assessing a fee from applicants for such a license; and

“(G) except as otherwise provided in section 4(p), publish each order, decision, report, or action not later than 30 days after the date of the adoption of such order, decision, report, or action.

“(4) DATA FOR PERFORMANCE MEASURES.—The Commission shall develop a performance measure or proposed performance measure required by this subsection to rely, where possible, on data already collected by the Commission.

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

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

“(c) NONPUBLIC COLLABORATIVE DISCUSSIONS.—

“(1) IN GENERAL.—Notwithstanding section 552b of title 5, United States Code, a bipartisan majority of Commissioners may hold a meeting that is closed to the public to discuss official business if—

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

“(B) each person present at such meeting is a Commissioner, an employee of the Commission, a member of a joint board or conference established under section 410, or a person on the staff of such a joint board or conference or of a member of such a joint board or conference; and

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

“(2) DISCLOSURE OF NONPUBLIC COLLABORATIVE DISCUSSIONS.—Not later than 2 business days after the conclusion of a meeting held under paragraph (1), the Commission shall publish a disclosure of such meeting, including—

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

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

“(3) PRESERVATION OF OPEN MEETINGS REQUIREMENTS FOR AGENCY ACTION.—Nothing in this subsection shall limit the applicability of section 552b of title 5, United States Code, with respect to a meeting of Commissioners other than that described in paragraph (1).

“(d) ACCESS TO CERTAIN INFORMATION ON COMMISSION'S WEBSITE.—The Commission shall provide direct access from the homepage of its website to—

“(1) detailed information regarding—

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

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

“(C) the total number of full-time equivalent employees of the Commission; and

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

“(e) INTERNET PUBLICATION OF CERTAIN FCC POLICIES AND PROCEDURES.—The chairman of the Commission shall—

“(1) publish on the Internet website of the Commission any policies or procedures of the Commission that—

“(A) are established by the chairman; and

“(B) relate to the functioning of the Commission or the handling of the agenda of the Commission; and

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

“(f) FEDERAL REGISTER PUBLICATION.—

“(1) IN GENERAL.—In the case of any document adopted by the Commission that the Commission is required, under any provision of law, to publish in the Federal Register, the Commission shall, not later than the date described in paragraph (2), complete all Commission actions necessary for such document to be so published.

“(2) DATE DESCRIBED.—The date described in this paragraph is the earlier of—

“(A) the day that is 45 days after the date of the release of the document; or

“(B) the day by which such actions must be completed to comply with any deadline under any other provision of law.

“(3) NO EFFECT ON DEADLINES FOR PUBLICATION IN OTHER FORM.—In the case of a deadline that does not specify that the form of publication is publication in the Federal Register, the Commission may comply with such deadline by publishing the document in another form. Such other form of publication does not relieve the Commission of any Federal Register publication requirement applicable to such document, including the requirement of paragraph (1).

“(g) CONSUMER COMPLAINT DATABASE.—

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

“(A) facilitates easy use by consumers; and

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

“(i) the date of the filing of the complaint;

“(ii) the topic of the complaint;

“(iii) the party complained of; and

“(iv) other elements that the Commission considers in the public interest.

“(2) DUPLICATIVE COMPLAINTS.—In the case of multiple complaints arising from the same alleged misconduct, the Commission shall be required to include only information concerning one such complaint in the database described in paragraph (1).

“(h) FORM OF PUBLICATION.—

“(1) IN GENERAL.—In complying with a requirement of this section to publish a document, the Commission shall publish such document on its website, in addition to publishing such document in any other form that the Commission is required to use or is permitted to and chooses to use.

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

“(A) information the publication of which would be detrimental to national security, homeland security, law enforcement, or public safety; or

“(B) information that is proprietary or confidential.

“(i) TRANSPARENCY RELATING TO PERFORMANCE IN MEETING FOIA REQUIREMENTS.—The Commission shall take additional steps to inform the public about its performance and efficiency in meeting the disclosure and

other requirements of section 552 of title 5, United States Code (commonly referred to as the Freedom of Information Act), including by doing the following:

“(1) Publishing on the Commission’s website the Commission’s logs for tracking, responding to, and managing requests submitted under such section, including the Commission’s fee estimates, fee categories, and fee request determinations.

“(2) Releasing to the public all decisions made by the Commission (including decisions made by the Commission’s Bureaus and Offices) granting or denying requests filed under such section, including any such decisions pertaining to the estimate and application of fees assessed under such section.

“(3) Publishing on the Commission’s website electronic copies of documents released under such section.

“(4) Presenting information about the Commission’s handling of requests under such section in the Commission’s annual budget estimates submitted to Congress and the Commission’s annual performance and financial reports. Such information shall include the number of requests under such section the Commission received in the most recent fiscal year, the number of such requests granted and denied, a comparison of the Commission’s processing of such requests over at least the previous 3 fiscal years, and a comparison of the Commission’s results with the most recent average for the United States Government as published on www.foia.gov.

“(j) PROMPT RELEASE OF STATISTICAL REPORTS AND REPORTS TO CONGRESS.—Not later than January 15th of each year, the Commission shall identify, catalog, and publish an anticipated release schedule for all statistical reports and reports to Congress that are regularly or intermittently released by the Commission and will be released during such year.

“(k) ANNUAL SCORECARD REPORTS.—

“(1) IN GENERAL.—For the 1-year period beginning on January 1st of each year, the Commission shall prepare a report on the performance of the Commission in conducting its proceedings and meeting the deadlines established under subsection (a)(2)(E) and the guidelines established under subsection (a)(2)(F).

“(2) CONTENTS.—Each report required by paragraph (1) shall contain detailed statistics on such performance, including, with respect to each Bureau of the Commission—

“(A) with respect to each type of filing specified in subsection (a)(2)(E) or (a)(2)(F)—

“(i) the number of filings that were pending on the last day of the period covered by such report;

“(ii) the number of filings described in clause (i) for which each applicable deadline or guideline established under such subsection was not met and the average length of time such filings have been pending; and

“(iii) for filings that were resolved during such period, the average time between initiation and resolution and the percentage for which each applicable deadline or guideline established under such subsection was met;

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

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

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

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

“(3) PUBLICATION AND SUBMISSION.—The Commission shall publish 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 each report required by para-

graph (1) not later than the date that is 30 days after the last day of the period covered by such report.

“(1) DEFINITIONS.—In this section:

“(1) AMENDMENT.—The term ‘amendment’ includes, when used with respect to an existing rule, the deletion of such rule.

“(2) BIPARTISAN MAJORITY.—The term ‘bipartisan majority’ means, when used with respect to a group of Commissioners, that such group—

“(A) is a group of three or more Commissioners; and

“(B) includes, for each political party of which any Commissioner is a member, at least one Commissioner who is a member of such political party, and, if any Commissioner has no political party affiliation, at least one unaffiliated Commissioner.

“(3) PERFORMANCE MEASURE.—The term ‘performance measure’ means an objective and quantifiable outcome measure or output measure (as such terms are defined in section 1115 of title 31, United States Code).

“(4) PROGRAM ACTIVITY.—The term ‘program activity’ has the meaning given such term in section 1115 of title 31, United States Code, except that such term also includes any annual collection or distribution or related series of collections or distributions by the Commission of an amount that is greater than or equal to \$100,000,000.

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

(b) EFFECTIVE DATES AND IMPLEMENTING RULES.—

(1) EFFECTIVE DATES.—

(A) NONPUBLIC COLLABORATIVE DISCUSSIONS.—Subsection (c) of section 13 of the Communications Act of 1934, as added by subsection (a), shall apply beginning on the first date on which all of the procedural changes to the rules of the Federal Communications Commission required by subsection (a)(1) of such section have taken effect.

(B) REPORT RELEASE SCHEDULES.—Subsection (j) of such section 13 shall apply with respect to 2018 and any year thereafter.

(C) ANNUAL SCORECARD REPORTS.—Subsection (k) of such section 13 shall apply with respect to 2017 and any year thereafter.

(D) INTERNET PUBLICATION OF CERTAIN FCC POLICIES AND PROCEDURES.—Subsection (e) of such section 13 shall apply beginning on the date that is 30 days after the date of the enactment of this Act.

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

SEC. 3. CATEGORIZATION OF TCPA INQUIRIES AND COMPLAINTS IN QUARTERLY REPORT.

In compiling its quarterly report with respect to informal consumer inquiries and complaints, the Federal Communications Commission may not categorize an inquiry or complaint with respect to section 227 of the Communications Act of 1934 (47 U.S.C. 227) as being a wireline inquiry or complaint or a wireless inquiry or complaint unless the party whose conduct is the subject of the inquiry or complaint is a wireline carrier or a wireless carrier, respectively.

SEC. 4. EFFECT ON OTHER LAWS.

Nothing in this Act or the amendments made by this Act shall relieve the Federal Communications Commission from any obligations under title 5, United States Code, except where otherwise expressly provided.

SEC. 5. APPLICATION OF ANTIDEFICIENCY ACT TO UNIVERSAL SERVICE PROGRAM.

Section 302 of Public Law 108-494 (118 Stat. 3998) is amended by striking “December 31,

2017” each place it appears and inserting “December 31, 2021”.

SEC. 6. REPORT ON IMPROVING SMALL BUSINESS PARTICIPATION IN FCC PROCEEDINGS.

Not later than 1 year after the date of the enactment of this Act, the Federal Communications Commission, in consultation with the Administrator of the Small Business Administration, shall submit to Congress a report on—

(1) actions that the Commission will take to improve the participation of small businesses in the proceedings of the Commission; and

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

SEC. 7. TIMELY AVAILABILITY OF ITEMS ADOPTED BY VOTE OF THE COMMISSION.

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

“(p) In the case of any item that is adopted by vote of the Commission, the Commission shall publish on the Internet website of the Commission the text of such item not later than 24 hours after the Secretary of the Commission has received dissenting statements from all Commissioners wishing to submit such a statement with respect to such item.”

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

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Tennessee (Mrs. BLACKBURN) and the gentleman from Pennsylvania (Mr. MICHAEL F. DOYLE) each will control 20 minutes.

The Chair recognizes the gentlewoman from Tennessee.

GENERAL LEAVE

Mrs. BLACKBURN. 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 materials into the RECORD on the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Tennessee?

There was no objection.

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

I am pleased to support H.R. 290, a bill to reform the FCC, sponsored by the chair of the full Committee on Energy and Commerce.

Mr. Speaker, this bill has a unique history. It has been passed out of the House not once or twice, but four times already in the last three Congresses. The last three times this bill has come to the floor, it has passed on suspension with full bipartisan support. That support speaks to the deep necessity for fundamental reform of the Federal Communications Commission.

As Members of Congress, we hear from constituents whose applications at the FCC are left to languish unresolved while consumers and businesses let opportunities slip by because they haven’t received approval yet from a Federal Government agency. It is even worse when the FCC, under its public interest mandate, decides to put its

thumb on the scale in favor of one technology sector or another, often without providing reasonable evidence that its intervention is necessary and appropriate.

While I have faith that Chairman Pai will bring about real reform at the FCC, without legislative changes, I am afraid that this type of jury-rigged rulemaking will return under a future administration. That is why I have supported this bill each time it has made its way through our committee and each time it has come to the House floor. I believe that strong process can restore the agency's integrity and rein it back in the interest of the stakeholders and the society that it should serve.

The bill requires the FCC to conduct a notice and comment rulemaking in order to adopt clear rules to guide its own process. By giving the FCC flexibility when setting procedures and deadlines, we are not hamstringing the agency; rather, we are providing them with goals to meet and allowing them to determine the best way to meet those goals.

We are asking the FCC to consider and adopt rules for itself that would provide clear deadlines on starting and stopping comments, clear deadlines for resolving petitions filed by the public, clear notice of status to those affected by petitions and rules, and clear schedules of statistical reports.

The bill also requires the FCC to consider publication of Commission documents to be considered at an open meeting and to consider whether cost-benefit analysis just might improve their rulemakings. This legislation also changes the existing Sunshine Act to allow for greater collaboration between Commissioners.

There was fine bipartisan work that went into these bills, and I thank my Democratic colleagues for working with us to improve the agency.

This country is blessed with the most creative and competitive technology industry in the world. The agency charged with overseeing this robust and dynamic sector should be open and transparent and foster continued growth, and I believe this bill will help in achieving that goal.

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

Mr. MICHAEL F. DOYLE of Pennsylvania. Mr. Speaker, I rise in support of H.R. 290, and I yield myself as much time as I may consume.

Mr. Speaker, this bill was the same bill that passed the House last Congress and is the result of lengthy negotiations in the Subcommittee on Communications and Technology to come to a bipartisan agreement that all can support. This agreement requires the FCC to make certain procedural rule changes and requires an inquiry into other process changes.

The bill includes the FCC Collaboration Act, a bill that allows for more than two FCC Commissioners to discuss official business as long as certain

safeguards are in place. This bill should help the Commissioners reach consensus more quickly.

The bill also includes important provisions offered by Democrats last Congress, such as Representative CLARKE's provision to require that the FCC provide quarterly reports on pending decisions to ensure accountability and timely responses, Representative MATSUT's provision that required the FCC to coordinate with the Small Business Administration to improve small business participation in FCC proceedings, and Representative LOEBSACK's provision that requires the FCC Chairman to publicly post the agency's internal policies and procedures for greater transparency. The addition of these Democratic ideas make this a better bill.

The bill also requires the FCC to post, in its entirety, any item adopted by the Commission within 24 hours of filing of final dissenting statements, a compromise that was reached by Congressman MCNERNEY and Congresswoman Ellmers last Congress.

FCC process reform has been an issue in our subcommittee going back several years. I hope this compromise bill is something all Members can support.

Mr. Speaker, I see no other speakers on my side of the aisle, so I yield back the balance of my time.

Mrs. BLACKBURN. Mr. Speaker, at this time I yield such time as he may consume to the gentleman from Oregon (Mr. WALDEN), the author of the legislation and the chairman of the Energy and Commerce Committee.

Mr. WALDEN. Mr. Speaker, I thank my colleagues on both sides of the aisle on the Energy and Commerce Committee and our new chair of the Subcommittee on Communications and Technology, Mrs. BLACKBURN, and the new ranking member on the committee, Mr. DOYLE.

I believe by the end of today, Mr. Speaker, the House Energy and Commerce Committee will have produced close to 20 pieces of legislation already this Congress for consideration by the House, and I think all of them have been bipartisan. That is the kind of work this great committee is known for and we hope to continue to do. I thank my colleagues on both sides of the aisle.

I think we agreed that the FCC was in need of process reform. This is the people's business that they are conducting. It needs to be done in an open and transparent and predictable way so that all of those involved in the public's business can see what is happening.

The Federal Communications Commission regulates an incredibly dynamic and innovative sector of the American economy. The communications technology sector directly impacts the lives of consumers in meaningful ways. Consumers are able to map their ways to new places, find information and enriching content, and reach their loved ones who might live

in the most remote places, literally, of the globe.

Communications technology also enables other industries to reach their audiences in new and life-changing ways: health care, finance, manufacturing, agriculture. All of these industries are leveraging communications technologies in ways to better serve the American consumer.

It is essential that we do as much as we can to protect and promote innovation in this sector of the economy. We can't afford to allow this fundamental sector of the economy to languish or fail under outdated regulations or faulty regulatory processes. That is why Committee on Energy and Commerce has focused on improving the processes at the FCC, so that it operates in an effective and transparent manner.

This bill represents the fourth time, as you have heard, that we have brought a measure to this House floor that seeks to improve the way the FCC conducts its business. Last Congress, as chairman of the Subcommittee on Communications and Technology, process reform was a priority and it still is. I am committed to continuing the reform effort by supporting this legislation once again.

Over the years, we have worked closely across the aisle to formulate a bipartisan compromise piece of legislation that addresses many of the concerns that we all share. Whether it is creating certainty for regulated industries by requiring shot clocks and deadlines, protecting consumers by prohibiting data dumps at the eleventh hour, or empowering all Commissioners by creating a tool for bipartisan majority to bring an item up for a vote at the FCC, this legislation is intended to improve the way the FCC does its business all across the board.

One of the concerns we heard from some on the committee during the consideration of this legislation was that an overly proscriptive piece of legislation could hamstring the agency. Well, I think we have structured this legislation to fully address that legitimate concern by allowing the agency, itself, to determine the specifics of the overarching principles that we set forth. We give them that flexibility. We just want them to do the job.

For example, the bill requires that all Commissioners have adequate time to review decision documents before having to vote. However, we allow the agency to determine what the adequate amount of time is through a rulemaking process that will generate input from the industries, the consumers, the stakeholders; and, ultimately, that should result in a Commission decision that reflects the way that the agency can best function.

□ 1615

I think it is important to note that we are still extremely committed to these important reforms, even though we have seen a change in administrations and will see a new chairman.

Process reform is not about political ideology or partisan rancor, rather, it is about ensuring that government continues to work for the people. I am hopeful that this legislation will reach the President's desk and result in a better, more efficient, more transparent Federal Communications Commission, the kind of regulator that the most innovative and dynamic sector in the world deserves.

Mrs. BLACKBURN. Mr. Speaker, I have no further speakers.

I yield back the balance of my time.
Ms. ESHOO. Mr. Speaker, I rise today to discuss H.R. 290, the FCC Process Reform Act of 2017.

I'm particularly proud of a bipartisan provision I first authored in the 112th Congress that I'm pleased is included in this legislation today. This provision would modify current FCC rules to allow three or more Commissioners to hold non-public collaborative discussions, as long as no agency action is taken.

Today, under the FCC's "Sunshine Rule," three Commissioners or more are prohibited from talking to each other outside of an official public meeting. The FCC oversees industries representing approximately one-sixth of the American economy. It must be able to collaborate freely and deliberate on our nation's most pressing communications issues, from enhancing universal service and public safety, to making more spectrum available for mobile broadband.

As Congress looks at ways to help modernize the FCC, this bipartisan, commonsense provision will help to promote greater discussion among the five FCC Commissioners and ensure they can benefit from each other's expertise and experience. Through greater collaboration, the FCC will be better positioned to respond to a fast-paced and rapidly growing telecommunications industry in the 21st century.

I thank Chairman WALDEN for including this provision in the bill the House has passed today.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Tennessee (Mrs. BLACKBURN) that the House suspend the rules and pass the bill, H.R. 290.

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

A motion to reconsider was laid on the table.

ANTI-SPOOFING ACT OF 2017

Mrs. BLACKBURN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 423) to amend the Communications Act of 1934 to expand and clarify the prohibition on provision of misleading or inaccurate caller identification information, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 423

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 "Anti-Spoofing Act of 2017".

SEC. 2. 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 service or a text message sent using a text messaging service"; and

(C) by striking subparagraph (C) and inserting the following:

"(C) TEXT MESSAGE.—The term 'text message'—

"(i) means a message consisting of text, images, sounds, or other information that is transmitted to or from a device that is identified as the receiving or transmitting device by means of a 10-digit telephone number or N11 service code;

"(ii) includes a short message service (commonly referred to as 'SMS') message and a multimedia message service (commonly referred to as 'MMS') message; and

"(iii) does not include—

"(I) a real-time, two way voice or video communication; or

"(II) a message sent over an IP-enabled messaging service to another user of the same messaging service, except a message described in clause (ii).

"(D) TEXT MESSAGING SERVICE.—The term 'text messaging service' means a service that enables 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 than 6 months after the date of enactment of the Truth in Caller ID Act of 2009, the Commission" and inserting "The Commission".

(B) DEADLINE.—The Commission shall prescribe regulations to implement the amendments made by this subsection not later than 18 months after the date of enactment of this Act.

(5) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on the date that is 6 months after the date on

which the Commission prescribes regulations under paragraph (4).

(b) CONSUMER EDUCATION MATERIALS ON HOW TO AVOID SCAMS THAT RELY UPON MISLEADING OR INACCURATE CALLER IDENTIFICATION INFORMATION.—

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

(A) ways for consumers to identify scams and other fraudulent activity that rely upon the use of misleading or inaccurate caller identification information; and

(B) existing technologies, if any, that a consumer can use to protect against such scams and other fraudulent activity.

(2) CONTENTS.—In developing the consumer education materials under paragraph (1), the Commission shall—

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

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

(ii) details on how consumers can access and use the technologies; and

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

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

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

(c) GAO REPORT ON COMBATING THE FRAUDULENT PROVISION OF MISLEADING OR INACCURATE CALLER IDENTIFICATION INFORMATION.—

(1) IN GENERAL.—The Comptroller General of the United States shall conduct a study of the actions the Commission and the Federal Trade Commission have taken to combat the fraudulent provision of misleading or inaccurate caller identification information, and the additional measures that could be taken to combat such activity.

(2) REQUIRED CONSIDERATIONS.—In conducting the study under paragraph (1), the Comptroller General shall examine—

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

(B) previous and current enforcement actions by the Commission and the Federal Trade Commission to combat the practices prohibited by section 227(e)(1) of the Communications Act of 1934 (47 U.S.C. 227(e)(1));

(C) current efforts by industry groups and other entities to develop technical standards to deter or prevent the fraudulent provision of misleading or inaccurate caller identification information, and how such standards may help combat the current and future provision of misleading or inaccurate caller identification information; and

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

(3) REPORT.—Not later than 18 months after the date of enactment of this Act, the Comptroller General shall 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 findings of the