

S.L.C.


AMENDMENT NO. _____ Calendar No. _____

Purpose: In the nature of a substitute.

IN THE SENATE OF THE UNITED STATES—114th Cong., 1st Sess.

S. 253

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.

Referred to the Committee on _____ and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended to be proposed by Mr. HELLER

Viz:

1 Strike all after the enacting clause and insert the fol-
2 lowing:

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Federal Communica-
5 tions Commission Consolidated Reporting Act of 2015”.

6 **SEC. 2. COMMUNICATIONS MARKETPLACE REPORT.**

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

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

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

8 “(b) CONTENTS.—Each report required under sub-
9 section (a) shall—

10 “(1) assess the state of competition in the com-
11 munications marketplace, including competition to
12 deliver voice, video, audio, and data services among
13 providers of telecommunications, providers of com-
14 mercial mobile service (as defined in section 332),
15 multichannel video programming distributors (as de-
16 fined in section 602), broadcast stations, providers
17 of satellite communications, Internet service pro-
18 viders, and other providers of communications serv-
19 ices;

20 “(2) assess the state of deployment of commu-
21 nications capabilities, including advanced tele-
22 communications capability (as defined in section 706
23 of the Telecommunications Act of 1996 (47 U.S.C.
24 1302)), regardless of the technology used for such
25 deployment;

1 “(3) assess whether laws, regulations, regu-
2 latory practices, or demonstrated marketplace prac-
3 tices pose a barrier to competitive entry into the
4 communications marketplace or to the competitive
5 expansion of existing providers of communications
6 services; and

7 “(4) describe the agenda of the Commission for
8 the next 2-year period for addressing the challenges
9 and opportunities in the communications market-
10 place that were identified through the assessments
11 under paragraphs (1) through (3).

12 “(c) EXTENSION.—If the Senate confirms the Chair-
13 man of the Commission during the third or fourth quarter
14 of an even-numbered year, the report required under sub-
15 section (a) may be published on the website of the Com-
16 mission and submitted to the Committee on Energy and
17 Commerce of the House of Representatives and the Com-
18 mittee on Commerce, Science, and Transportation of the
19 Senate by March 1 of the following odd-numbered year.

20 “(d) SPECIAL REQUIREMENTS.—

21 “(1) ASSESSING COMPETITION.—In assessing
22 the state of competition under subsection (b)(1), the
23 Commission shall consider all forms of competition,
24 including the effect of intermodal competition, facili-
25 ties-based competition, and competition from new

1 and emergent communications services, including the
2 provision of content and communications using the
3 Internet.

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

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

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

23 “(e) NOTIFICATION OF DELAY IN REPORT.—If the
24 Commission fails to publish a report by the applicable
25 deadline under subsection (a) or (c), the Commission shall,

1 not later than 7 days after the deadline and every 60 days
2 thereafter until the publication of the report—

3 “(1) provide notification of the delay by letter
4 to the chairperson and ranking member of—

5 “(A) the Committee on Energy and Com-
6 merce of the House of Representatives; and

7 “(B) the Committee on Commerce,
8 Science, and Transportation of the Senate;

9 “(2) indicate in the letter the date on which the
10 Commission anticipates the report will be published;
11 and

12 “(3) publish the letter on the website of the
13 Commission.”.

14 **SEC. 3. CONSOLIDATION OF REDUNDANT REPORTS; CON-**
15 **FORMING AMENDMENTS.**

16 (a) ORBIT ACT REPORT.—Section 646 of the Com-
17 munications Satellite Act of 1962 (47 U.S.C. 765e) is re-
18 pealed.

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

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

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

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

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

7 (1) by striking subsection (g);

8 (2) by redesignating subsection (j) as sub-
9 section (g); and

10 (3) by transferring subsection (g) (as redesign-
11 nated) so that it appears after subsection (f).

12 (e) REPORT ON CABLE INDUSTRY PRICES.—Section
13 623(k) of the Communications Act of 1934 (47 U.S.C.
14 543(k)) is amended—

15 (1) in paragraph (1), by striking “annually
16 publish” and inserting “publish with its report
17 under section 13 of the Communications Act of
18 1934”; and

19 (2) in paragraph (2), in the heading, by strik-
20 ing “ANNUAL”.

21 (f) TRIENNIAL REPORT IDENTIFYING AND ELIMI-
22 NATING MARKET ENTRY BARRIERS FOR ENTRE-
23 PRENEURS AND OTHER SMALL BUSINESSES.—Section
24 257 of the Communications Act of 1934 (47 U.S.C. 257)
25 is amended by striking subsection (c).

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

6 (h) PREVIOUSLY ELIMINATED ANNUAL REPORT.—

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

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

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

13 (2) CONFORMING AMENDMENTS.—The Commu-
14 nications Act of 1934 (47 U.S.C. 151 et seq.) is
15 amended—

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

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

23 (i) ADDITIONAL OUTDATED REPORTS.—

24 (1) IN GENERAL.—The Communications Act of
25 1934 (47 U.S.C. 151 et seq.) is amended—

1 (A) in section 4—

2 (i) in subsection (b)(2)(B)(ii), by
3 striking “and shall furnish notice of such
4 action” and all that follows through “sub-
5 ject of the waiver”; and

6 (ii) in subsection (g)—

7 (I) by striking paragraph (2);

8 and

9 (II) by redesignating paragraph

10 (3) as paragraph (2);

11 (B) in section 215—

12 (i) by striking subsection (b); and

13 (ii) by redesignating subsection (c) as
14 subsection (b);

15 (C) in section 227(e)—

16 (i) by striking paragraph (4); and

17 (ii) by redesignating paragraphs (5)
18 through (9) as paragraphs (4) through (8),
19 respectively;

20 (D) in section 303(u)(1)(B), by striking
21 “section 713(f)” and inserting “section
22 713(e)”;

23 (E) in section 309(j)—

24 (i) by striking paragraph (12);

1 (ii) by redesignating paragraphs (13)
2 through (17) as paragraphs (12) through
3 (16), respectively; and

4 (iii) in paragraph (14)(C), as redesignated—
5

6 (I) by striking clause (iv); and

7 (II) by redesignating clauses (v)
8 and (vi) as clauses (iv) and (v), respectively;
9

10 (F) in section 331(b), by striking the last
11 sentence;

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

14 “(4) REPORT.—The Commission shall annually
15 advise the Congress on the amounts collected pursuant to the program required by this subsection.”;
16

17 (H) in section 338(k)(6), by striking “section
18 396(k)(6)(B)” and inserting “section
19 396(j)(6)(B)”;

20 (I) in section 339(c)—

21 (i) by striking paragraph (1);

22 (ii) by redesignating paragraphs (2)
23 through (5) as paragraphs (1) through (4),
24 respectively;

10

1 (iii) in paragraph (3)(A), as redesignated,
2 nated, by striking “paragraph (2)” and in-
3 serting “paragraph (1)”; and

4 (iv) in paragraph (4), as redesignated,
5 by striking “paragraphs (2) and (4)” and
6 inserting “paragraphs (1) and (3)”;
7

(J) in section 396—

8 (i) by striking subsections (i) and (m);

9 (ii) by redesignating subsections (j)
10 through (l) as subsections (i) through (k),
11 respectively;

12 (iii) in subsection (j), as redesignated—
13

14 (I) in paragraph (1), by striking
15 subparagraph (F);

16 (II) in paragraph (3)(B)(iii)—

17 (aa) by striking subclause
18 (V);

19 (bb) by redesignating sub-
20 clause (VI) as subclause (V); and

21 (cc) in subclause (V), as re-
22 designated, by striking “sub-
23 section (l)(4)(B)” and inserting
24 “subsection (k)(4)(B)”; and

1 (III) in paragraph (5), by strik-
2 ing “subsection (1)(3)(B)” and insert-
3 ing “subsection (k)(3)(B)”; and
4 (iv) in subsection (k), as redesign-
5 nated—

6 (I) in paragraph (1)(B), by strik-
7 ing “shall be included” and all that
8 follows through “The audit report”;
9 and

10 (II) in paragraph (4), by striking
11 “subsection (k)” each place that term
12 appears and inserting “subsection
13 (j)”;

14 (K) in section 398(b)(4), by striking the
15 third sentence;

16 (L) in section 399B(e), by striking “sec-
17 tion 396(k)” and inserting “section 396(j)”;

18 (M) in section 615(l)(1)(A)(ii), by striking
19 “section 396(k)(6)(B)” and inserting “section
20 396(j)(6)(B)”;

21 (N) in section 624A(b)(1)—

22 (i) by striking “REPORT; REGULA-
23 TIONS” and inserting “REGULATIONS”;

24 (ii) by striking “Within 1 year after”
25 and all that follows through “on means of

1 assuring” and inserting “The Commission
2 shall issue such regulations as are nec-
3 essary to assure”; and

4 (iii) by striking “Within 180 days
5 after” and all that follows through “to as-
6 sure such compatibility.”; and

7 (O) in section 713—

8 (i) by striking subsection (a);

9 (ii) by redesignating subsections (b),
10 (e), (d), (e), (f), (g), (h), and (j) as sub-
11 sections (a), (b), (c), (d), (e), (f), (g), and
12 (h), respectively;

13 (iii) in subsection (a), as redesignated,
14 by striking “subsection (d)” each place
15 that term appears and inserting “sub-
16 section (e)”;

17 (iv) in subsection (b), as redesignated,
18 by striking “subsection (b)” each place
19 that term appears and inserting “sub-
20 section (a)”;

21 (v) in subsection (c), as redesignated,
22 by striking “subsection (b)” and inserting
23 “subsection (a)”;

1 (vi) in subsection (e)(2)(A), as rededesignated,
2 by striking “subsection (h)” and
3 inserting “subsection (g)”; and

4 (vii) in subsection (f), as redesignated,
5 by striking “subsection (e)(2)” and insert-
6 ing “subsection (d)(2)”.

7 (2) CONFORMING AMENDMENTS.—

8 (A) MIDDLE CLASS TAX RELIEF AND JOB
9 CREATION ACT OF 2012.—Section 6401(b) of
10 the Middle Class Tax Relief and Job Creation
11 Act of 2012 (47 U.S.C. 1451(b)) is amended—

12 (i) in paragraph (1), by striking
13 “(15)(A)” and inserting “(14)(A)”; and

14 (ii) in paragraph (3), by striking
15 “(16)(B)” and inserting “(15)(B)”.

16 (B) TITLE 17.—Title 17, United States
17 Code, is amended—

18 (i) in section 114(d)(1)(B)(iv), by
19 striking “section 396(k)” and inserting
20 “section 396(j)”; and

21 (ii) in section 119(a)—

22 (I) in paragraph (2)(B)(ii)—

23 (aa) in subclause (I), by
24 striking “section 339(c)(3)” and
25 inserting “section 339(c)(2)”;

1 (bb) in subclause (II), by
2 striking “section 339(e)(4)” and
3 inserting “section 339(e)(3)”;
4 and

5 (cc) in subclause (III), by
6 striking “section 339(e)(3)” and
7 inserting “section 339(e)(2)”;

8 (II) in paragraph (3)(E), by
9 striking “section 339(e)(2)” and in-
10 sserting “section 339(e)(1)”;

11 (III) in paragraph (13), by strik-
12 ing “section 339(e)(2)” and inserting
13 “section 339(e)(1)”.

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

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

18 **SEC. 5. OTHER REPORTS.**

19 Nothing in this Act or the amendments made by this
20 Act shall be construed to prohibit or otherwise prevent the
21 Federal Communications Commission from producing any
22 additional reports otherwise within the authority of the
23 Federal Communications Commission.