



AMENDMENT NO. _____ Calendar No. _____

Purpose: In the nature of a substitute.

IN THE SENATE OF THE UNITED STATES—114th Cong., 2d Sess.

S. 2644

To reauthorize the Federal Communications Commission for
fiscal years 2017 and 2018, and for other purposes.

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. THUNE

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 “FCC Reauthorization
- 5 Act of 2016”.
- 6 **SEC. 2. TABLE OF CONTENTS.**
- 7 The table of contents for this Act is as follows:

- Sec. 1. Short title.
- Sec. 2. Table of contents.
- Sec. 3. Definitions.
- Sec. 4. Authorization of appropriations.
- Sec. 5. Terms of office and vacancies.
- Sec. 6. Submission of copy of certain documents to Congress.
- Sec. 7. GAO report on FCC regulatory fee structure.
- Sec. 8. Application of Antideficiency Act to universal service program.
- Sec. 9. Deposits for spectrum auctions.
- Sec. 10. Joint board recommendation.

Sec. 11. Spoofing prevention.
Sec. 12. Kari's Law.

1 **SEC. 3. DEFINITIONS.**

2 In this Act:

3 (1) **APPROPRIATE CONGRESSIONAL COMMIT-**
4 **TEES.**—The term “appropriate congressional com-
5 mittees” means—

6 (A) the Committee on Commerce, Science,
7 and Transportation of the Senate; and

8 (B) the Committee on Energy and Com-
9 merce of the House of Representatives.

10 (2) **COMMISSION.**—The term “Commission”
11 means the Federal Communications Commission.

12 (3) **VOICE SERVICE.**—The term “voice serv-
13 ice”—

14 (A) means any service that furnishes voice
15 communications to an end user using resources
16 from the North American Numbering Plan or
17 any successor to the North American Num-
18 bering Plan adopted by the Commission under
19 section 251(e)(1) of the Communications Act of
20 1934 (47 U.S.C. 251(e)(1)); and

21 (B) includes transmissions from a tele-
22 phone facsimile machine, computer, or other de-
23 vice to a telephone facsimile machine, as that

1 term is defined in section 227(a) of the Com-
2 munications Act of 1934 (47 U.S.C. 227(a)).

3 **SEC. 4. AUTHORIZATION OF APPROPRIATIONS.**

4 Section 6 of the Communications Act of 1934 (47
5 U.S.C. 156) is amended to read as follows:

6 **“SEC. 6. AUTHORIZATION OF APPROPRIATIONS.**

7 “(a) IN GENERAL.—There are authorized to be ap-
8 propriated for the administration of this Act by the Com-
9 mission, other than the activities described in subsection
10 (b), \$361,116,000 for fiscal year 2017 and \$348,711,000
11 for fiscal year 2018, together with such sums as may be
12 necessary for increases resulting from adjustments in sal-
13 ary, pay, retirement, other employee benefits required by
14 law, and other nondiscretionary costs, for each such fiscal
15 year.

16 “(b) OFFICE OF INSPECTOR GENERAL.—Of the
17 amounts appropriated under subsection (a), not less than
18 \$11,751,000 for fiscal year 2017 and not less than
19 \$11,904,000 for fiscal year 2018 shall be for salaries and
20 expenses of the Office of Inspector General of the Commis-
21 sion.

22 “(c) NEW OR RECONFIGURED FACILITY.—Of the
23 amounts appropriated under subsection (a) for fiscal year
24 2017, such sums as may be necessary not to exceed
25 \$16,867,000 shall remain available until expended for nec-

1 essary expenses of the Commission associated with moving
2 to a new facility or reconfiguring the existing facility to
3 significantly reduce space consumption.

4 “(d) OFFSETTING COLLECTIONS.—Of the sum ap-
5 propriated in any fiscal year under this section, a portion,
6 in an amount determined under section 9(b), shall be de-
7 rived from fees authorized by section 9.”.

8 **SEC. 5. TERMS OF OFFICE AND VACANCIES.**

9 Section 4(e) of the Communications Act of 1934 (47
10 U.S.C. 154(e)) is amended to read as follows:

11 “(e)(1) A commissioner—

12 “(A) shall be appointed for a term of 5 years;

13 “(B) except as provided in subparagraph (C),
14 may continue to serve after the expiration of the
15 fixed term of office of the commissioner until a suc-
16 cessor is appointed and has been confirmed and
17 taken the oath of office; and

18 “(C) may not continue to serve after the expira-
19 tion of the session of Congress that begins after the
20 expiration of the fixed term of office of the commis-
21 sioner.

22 “(2) Any person chosen to fill a vacancy in the Com-
23 mission—

24 “(A) shall be appointed for the unexpired term
25 of the commissioner that the person succeeds;

1 transmit a copy of that estimate or request to Con-
2 gress.

3 “(2) LEGISLATIVE RECOMMENDATIONS, TESTI-
4 MONY, AND COMMENTS ON LEGISLATION.—

5 “(A) IN GENERAL.—If the Commission
6 submits any legislative recommendations, testi-
7 mony, or comments on legislation to the Presi-
8 dent or the Office of Management and Budget,
9 the Commission shall concurrently transmit a
10 copy thereof to Congress.

11 “(B) PROHIBITION.—No officer or agency
12 of the United States may require the Commis-
13 sion to submit legislative recommendations, tes-
14 timony, or comments on legislation to any offi-
15 cer or agency of the United States for approval,
16 comments, or review prior to the submission of
17 the recommendations, testimony, or comments
18 to Congress.”.

19 **SEC. 7. GAO REPORT ON FCC REGULATORY FEE STRUC-**
20 **TURE.**

21 (a) IN GENERAL.—Not later than 180 days after the
22 date of enactment of this Act, the Comptroller General
23 of the United States shall submit to the appropriate con-
24 gressional committees a report on the current regulatory

1 fee assessments and adjustment process of the Commis-
2 sion.

3 (b) CONTENTS.—The Comptroller General shall in-
4 clude in the report submitted under subsection (a)—

5 (1) a determination as to whether the current
6 regulatory fee structure correlates to the actual
7 workload of the Commission;

8 (2) a determination as to whether the current
9 regulatory fees are reasonably related to the benefits
10 provided to the payor of the fees;

11 (3) a determination as to whether the current
12 regulatory fee structure has a disparate impact on
13 certain payors or technologies; and

14 (4) recommendations as to how the current reg-
15 ulatory fee structure should be adjusted.

16 **SEC. 8. APPLICATION OF ANTIDEFICIENCY ACT TO UNI-**
17 **VERSAL SERVICE PROGRAM.**

18 Section 302 of the Universal Service Antideficiency
19 Temporary Suspension Act (title III of Public Law 108–
20 494; 118 Stat. 3998) is amended by striking “December
21 31, 2017”, each place it appears and inserting “Sep-
22 tember 30, 2018”.

1 **SEC. 9. DEPOSITS FOR SPECTRUM AUCTIONS.**

2 Section 309(j)(8)(C) of the Communications Act of
3 1934 (47 U.S.C. 309(j)(8)(C)) is amended to read as fol-
4 lows:

5 “(C) DEPOSITS.—Any deposits the Com-
6 mission may require for the qualification of any
7 person to bid in a system of competitive bidding
8 pursuant to this subsection shall be deposited in
9 the Treasury. Within 45 days following the con-
10 clusion of the competitive bidding—

11 “(i) the deposits of successful bidders
12 shall be credited to the deposit fund of the
13 Treasury, except as otherwise provided in
14 subparagraphs (D)(ii), (E)(ii), (F), and
15 (G); and

16 “(ii) the deposits of unsuccessful bid-
17 ders shall be returned to such bidders.”.

18 **SEC. 10. JOINT BOARD RECOMMENDATION.**

19 The Commission may not modify, amend, or change
20 its rules or regulations for universal service support pay-
21 ments to implement the February 27, 2004, recommenda-
22 tions of the Federal-State Joint Board on Universal Serv-
23 ice regarding single connection or primary line restrictions
24 on universal service support payments.

1 **SEC. 11. SPOOFING PREVENTION.**

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

5 (1) **COMMUNICATIONS FROM OUTSIDE THE**
6 **UNITED STATES.—**Section 227(e)(1) of the Commu-
7 nications Act of 1934 (47 U.S.C. 227(e)(1)) is
8 amended by striking “in connection with any tele-
9 communications service or IP-enabled voice service”
10 and inserting “or any person outside the United
11 States if the recipient of the call is within the
12 United States, in connection with any voice service
13 or text messaging service”.

14 (2) **COVERAGE OF TEXT MESSAGES AND VOICE**
15 **SERVICES.—**Section 227(e)(8) of the Communica-
16 tions Act of 1934 (47 U.S.C. 227(e)(8)) is amend-
17 ed—

18 (A) in subparagraph (A), by striking “tele-
19 communications service or IP-enabled voice
20 service” and inserting “voice service or a text
21 message sent using a text messaging service”;

22 (B) in the first sentence of subparagraph
23 (B), by striking “telecommunications service or
24 IP-enabled voice service” and inserting “voice
25 service or a text message sent using a text mes-
26 saging service”; and

1 (C) by striking subparagraph (C) and in-
2 serting the following:

3 “(C) TEXT MESSAGE.—The term ‘text
4 message’—

5 “(i) means a message consisting of
6 text, images, sounds, or other information
7 that is transmitted from or received by a
8 device that is identified as the transmitting
9 or receiving device by means of a 10-digit
10 telephone number;

11 “(ii) includes a short message service
12 (commonly referred to as ‘SMS’) message,
13 an enhanced message service (commonly
14 referred to as ‘EMS’) message, and a
15 multimedia message service (commonly re-
16 ferred to as ‘MMS’) message; and

17 “(iii) does not include a real-time, 2-
18 way voice or video communication.

19 “(D) TEXT MESSAGING SERVICE.—The
20 term ‘text messaging service’ means a service
21 that permits the transmission or receipt of a
22 text message, including a service provided as
23 part of or in connection with a voice service.

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

1 “(i) means any service that furnishes
2 voice communications to an end user using
3 resources from the North American Num-
4 bering Plan or any successor to the North
5 American Numbering Plan adopted by the
6 Commission under section 251(e)(1); and

7 “(ii) includes transmissions from a
8 telephone facsimile machine, computer, or
9 other device to a telephone facsimile ma-
10 chine.”.

11 (3) TECHNICAL AMENDMENT.—Section 227(e)
12 of the Communications Act of 1934 (47 U.S.C.
13 227(e)) is amended in the heading by inserting
14 “MISLEADING OR” before “INACCURATE”.

15 (4) REGULATIONS.—

16 (A) IN GENERAL.—Section 227(e)(3)(A) of
17 the Communications Act of 1934 (47 U.S.C.
18 227(e)(3)(A)) is amended by striking “Not
19 later than 6 months after the date of enactment
20 of the Truth in Caller ID Act of 2009, the
21 Commission” and inserting “The Commission”.

22 (B) DEADLINE.—The Commission shall
23 prescribe regulations to implement the amend-
24 ments made by this subsection not later than

1 18 months after the date of enactment of this
2 Act.

3 (5) EFFECTIVE DATE.—The amendments made
4 by this subsection shall take effect on the date that
5 is 6 months after the date on which the Commission
6 prescribes regulations under paragraph (4).

7 (b) CONSUMER EDUCATION MATERIALS ON HOW TO
8 AVOID SCAMS THAT RELY UPON MISLEADING OR INAC-
9 CURATE CALLER IDENTIFICATION INFORMATION.—

10 (1) DEVELOPMENT OF MATERIALS.—Not later
11 than 1 year after the date of enactment of this Act,
12 the Commission, in collaboration with the Federal
13 Trade Commission, shall develop consumer edu-
14 cation materials that provide information about—

15 (A) ways for consumers to identify scams
16 and other fraudulent activity that rely upon the
17 use of misleading or inaccurate caller identifica-
18 tion information; and

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

22 (2) CONTENTS.—In developing the consumer
23 education materials under paragraph (1), the Com-
24 mission shall—

1 (A) identify existing technologies, if any,
2 that can help consumers guard themselves
3 against scams and other fraudulent activity
4 that rely upon the use of misleading or inac-
5 curate caller identification information, includ-
6 ing—

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

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

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

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

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

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

4 (1) IN GENERAL.—The Comptroller General of
5 the United States shall conduct a study of the ac-
6 tions the Commission and the Federal Trade Com-
7 mission have taken to combat the fraudulent provi-
8 sion of misleading or inaccurate caller identification
9 information, and the additional measures that could
10 be taken to combat such activity.

11 (2) REQUIRED CONSIDERATIONS.—In con-
12 ducting the study under paragraph (1), the Comp-
13 troller General shall examine—

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

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

22 (C) current efforts by industry groups and
23 other entities to develop technical standards to
24 deter or prevent the fraudulent provision of
25 misleading or inaccurate caller identification in-

1 formation, and how such standards may help
2 combat the current and future provision of mis-
3 leading or inaccurate caller identification infor-
4 mation; and

5 (D) whether there are additional actions
6 the Commission, the Federal Trade Commis-
7 sion, and Congress should take to combat the
8 fraudulent provision of misleading or inaccurate
9 caller identification information.

10 (3) REPORT.—Not later than 18 months after
11 the date of enactment of this Act, the Comptroller
12 General shall submit to the appropriate congress-
13 sional committees a report on the findings of the
14 study under paragraph (1), including any rec-
15 ommendations regarding combating the fraudulent
16 provision of misleading or inaccurate caller identi-
17 fication information.

18 (d) RULE OF CONSTRUCTION.—Nothing in this sec-
19 tion, or the amendments made by this section, shall be
20 construed to modify, limit, or otherwise affect any rule or
21 order adopted by the Commission in connection with—

22 (1) the Telephone Consumer Protection Act of
23 1991 (Public Law 102–243; 105 Stat. 2394) or the
24 amendments made by that Act; or

1 (2) the CAN-SPAM Act of 2003 (15 U.S.C.
2 7701 et seq.).

3 **SEC. 12. KARI'S LAW.**

4 (a) **SHORT TITLE.**—This section may be cited as the
5 “Kari’s Law Act of 2016”.

6 (b) **DEFAULT CONFIGURATION OF MULTI-LINE**
7 **TELEPHONE SYSTEMS FOR DIRECT DIALING OF 9-1-1.**—

8 (1) **IN GENERAL.**—Title VII of the Communica-
9 tions Act of 1934 (47 U.S.C. 601 et seq.) is amend-
10 ed by adding at the end the following:

11 **“SEC. 721. DEFAULT CONFIGURATION OF MULTI-LINE**
12 **TELEPHONE SYSTEMS FOR DIRECT DIALING**
13 **OF 9-1-1.**

14 “(a) **DEFINITIONS.**—In this section—

15 “(1) the term ‘multi-line telephone system’ has
16 the meaning given the term in section 6502 of the
17 Middle Class Tax Relief and Job Creation Act of
18 2012 (47 U.S.C. 1471); and

19 “(2) the term ‘public safety answering point’
20 has the meaning given the term in section 222(h) of
21 this Act.

22 “(b) **PRECONFIGURATION FOR DIRECT INITIATION**
23 **OF CALLS TO 9-1-1.**—A person engaged in the business
24 of manufacturing, importing, selling, or leasing multi-line
25 telephone systems may not manufacture or import for use

1 in the United States or sell or lease or offer to sell or
2 lease in the United States a multi-line telephone system
3 unless the system is preconfigured with technology that
4 would support the system initiating a call process when
5 a user dials 9-1-1 from any station equipped with dialing
6 facilities—

7 “(1) without requiring the user to dial any ad-
8 ditional digit, code, prefix, or post-fix, including any
9 trunk-access code (such as the digit ‘9’); and

10 “(2) regardless of whether the user is required
11 to dial such a digit, code, prefix, or post-fix for other
12 calls.

13 “(c) CONFIGURATION FOR DIRECT INITIATION OF
14 CALLS TO 9-1-1.—A person engaged in the business of
15 installing a multi-line telephone system serving locations
16 in the United States may not install such a system in the
17 United States unless the configuration of the system al-
18 lows a call that is initiated when a user dials 9-1-1 from
19 any station equipped with dialing facilities to be trans-
20 mitted to the appropriate public safety answering point—

21 “(1) without requiring the user to dial any ad-
22 ditional digit, code, prefix, or post-fix, including any
23 trunk-access code (such as the digit ‘9’); and

1 “(2) regardless of whether the user is required
2 to dial such a digit, code, prefix, or post-fix for other
3 calls.

4 “(d) OTHER 9-1-1 EMERGENCY DIALING PAT-
5 TERNS.—Nothing in this section shall prohibit the
6 preconfiguration or configuration of a multi-line telephone
7 system so that other 9-1-1 emergency dialing patterns
8 will also initiate a call to a public safety answering point,
9 provided that the dialing pattern 9-1-1 remains available
10 to users.

11 “(e) ON-SITE NOTIFICATION.—

12 “(1) IN GENERAL.—A person engaged in the
13 business of installing multi-line telephone systems, in
14 installing a system described in paragraph (2), shall
15 configure the system so that when a person at the
16 facility where the system is installed initiates a call
17 to 9-1-1 using the system, the system provides a
18 notification to—

19 “(A) a central location at the facility; or

20 “(B) a person or organization with respon-
21 sibility for safety or security at the location as
22 designated by the manager or operator of the
23 system.

24 “(2) CONFIGURATION.—A system described in
25 this paragraph is a multi-line telephone system that

1 is able to be configured to provide the notification
2 described in paragraph (1) without an improvement
3 to the hardware of the system.

4 “(f) REGULATIONS.—

5 “(1) AUTHORITY.—The Commission may pre-
6 scribe regulations to carry out this section.

7 “(2) TECHNOLOGICALLY NEUTRAL.—Regula-
8 tions prescribed under paragraph (1) shall, to the
9 extent practicable, promote the purposes of this sec-
10 tion in a technologically neutral manner.

11 “(g) ENFORCEMENT.—This section shall be enforced
12 under title V, except that section 501 applies only to the
13 extent that the section provides for the imposition of a
14 fine.

15 “(h) EFFECT ON STATE LAW.—Nothing in this sec-
16 tion or in regulations prescribed under this section shall
17 be construed to prevent any State from enforcing any
18 State law that is not inconsistent with this section.”.

19 (2) EFFECTIVE DATE.—The amendment made
20 by paragraph (1) shall apply with respect to a multi-
21 line telephone system that is manufactured, im-
22 ported, offered for first sale or lease, first sold or
23 leased, or installed after the date that is 2 years
24 after the date of the enactment of this Act.