

112TH CONGRESS
2^D SESSION

H. R. 3310

IN THE SENATE OF THE UNITED STATES

JUNE 4, 2012

Received; read twice and referred to the Committee on Commerce, Science,
and Transportation

AN ACT

To amend the Communications Act of 1934 to consolidate the reporting obligations of the Federal Communications Commission in order to improve congressional oversight and reduce reporting burdens.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Federal Communica-
3 tions Commission Consolidated Reporting Act of 2012”.

4 **SEC. 2. COMMUNICATIONS MARKETPLACE REPORT.**

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

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

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

15 “(b) CONTENTS.—Each report required by sub-
16 section (a) shall—

17 “(1) assess the state of competition in the com-
18 munications marketplace, including competition to
19 deliver voice, video, audio, and data services among
20 providers of telecommunications, providers of com-
21 mercial mobile service (as defined in section 332),
22 multichannel video programming distributors (as de-
23 fined in section 602), broadcast stations, providers
24 of satellite communications, Internet service pro-
25 viders, and other providers of communications serv-
26 ices;

1 “(2) assess the state of deployment of commu-
2 nications capabilities, including advanced tele-
3 communications capability (as defined in section 706
4 of the Telecommunications Act of 1996 (47 U.S.C.
5 1302)), regardless of the technology used for such
6 deployment, including whether advanced tele-
7 communications capability is being deployed to all
8 Americans in a reasonable and timely fashion;

9 “(3) assess whether laws, regulations, or regu-
10 latory practices (whether those of the Federal Gov-
11 ernment, States, political subdivisions of States, In-
12 dian tribes or tribal organizations (as such terms are
13 defined in section 4 of the Indian Self-Determination
14 and Education Assistance Act (25 U.S.C. 450b)), or
15 foreign governments) pose a barrier to competitive
16 entry into the communications marketplace or to the
17 competitive expansion of existing providers of com-
18 munications services;

19 “(4) describe the agenda of the Commission for
20 the next 2-year period for addressing the challenges
21 and opportunities in the communications market-
22 place that were identified through the assessments
23 under paragraphs (1) through (3); and

24 “(5) describe the actions that the Commission
25 has taken in pursuit of the agenda described pursu-

1 ant to paragraph (4) in the previous report sub-
2 mitted under this section.

3 “(c) SPECIAL REQUIREMENTS.—

4 “(1) ASSESSING COMPETITION.—In assessing
5 the state of competition under subsection (b)(1), the
6 Commission shall consider all forms of competition,
7 including the effect of intermodal competition, facili-
8 ties-based competition, and competition from new
9 and emergent communications services, including the
10 provision of content and communications using the
11 Internet.

12 “(2) ASSESSING DEPLOYMENT.—In assessing
13 the state of deployment under subsection (b)(2), the
14 Commission shall compile a list of geographical
15 areas that are not served by any provider of ad-
16 vanced telecommunications capability.

17 “(3) INTERNATIONAL COMPARISONS AND DEMO-
18 GRAPHIC INFORMATION.—The Commission may use
19 readily available data to draw appropriate compari-
20 sons between the United States communications
21 marketplace and the international communications
22 marketplace and to correlate its assessments with
23 demographic information.

24 “(4) CONSIDERING SMALL BUSINESSES.—In as-
25 sessed the state of competition under subsection

1 (b)(1) and regulatory barriers under subsection
2 (b)(3), the Commission shall consider market entry
3 barriers for entrepreneurs and other small busi-
4 nesses in the communications marketplace in accord-
5 ance with the national policy under section 257(b).”.

6 **SEC. 3. CONSOLIDATION OF REDUNDANT REPORTS; CON-**
7 **FORMING AMENDMENTS.**

8 (a) ORBIT ACT REPORT.—Section 646 of the Com-
9 munications Satellite Act of 1962 (47 U.S.C. 765e; 114
10 Stat. 57) is repealed.

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

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

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

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

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

23 (1) by striking subsection (g);

24 (2) by redesignating subsection (j) as sub-
25 section (g); and

1 (3) by transferring subsection (g) (as redesignig-
2 nated) so that it appears after subsection (f).

3 (e) REPORT ON CABLE INDUSTRY PRICES.—

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

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

7 (B) by redesignating subsections (l)
8 through (n) as subsections (k) through (m), re-
9 spectively.

10 (2) CONFORMING AMENDMENT.—Section
11 613(a)(3) of the Communications Act of 1934 (47
12 U.S.C. 533(a)(3)) is amended by striking “623(l)”
13 and inserting “623(k)”.

14 (f) TRIENNIAL REPORT IDENTIFYING AND ELIMI-
15 NATING MARKET ENTRY BARRIERS FOR ENTRE-
16 PRENEURS AND OTHER SMALL BUSINESSES.—Section
17 257 of the Communications Act of 1934 (47 U.S.C. 257)
18 is amended by striking subsection (e).

19 (g) SECTION 706 REPORT.—Section 706 of the Tele-
20 communications Act of 1996 (47 U.S.C. 1302) is amend-
21 ed—

22 (1) in subsection (b)—

23 (A) in the last sentence, by striking “If the
24 Commission’s determination is negative, it” and
25 inserting “If the Commission determines in its

1 report under section 14 of the Communications
2 Act of 1934 that advanced telecommunications
3 capability is not being deployed to all Ameri-
4 cans in a reasonable and timely fashion, the
5 Commission”; and

6 (B) by striking the first and second sen-
7 tences;

8 (2) by striking subsection (c);

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

11 (4) by redesignating subsection (d) as sub-
12 section (c).

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

18 (i) PREVIOUSLY ELIMINATED ANNUAL REPORT.—

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

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

22 (B) by redesignating subsections (l)
23 through (o) as subsections (k) through (n), re-
24 spectively.

1 (2) CONFORMING AMENDMENTS.—The Commu-
2 nications Act of 1934 is amended—

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

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

10 (j) ADDITIONAL OUTDATED REPORTS.—The Com-
11 munications Act of 1934 is further amended—

12 (1) in section 4—

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

17 (B) in subsection (g), by striking para-
18 graph (2);

19 (2) in section 215—

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

21 (B) by redesignating subsection (c) as sub-
22 section (b);

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

24 (4) in section 309(j)—

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

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

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

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

7 “(4) REPORT.—The Commission shall annually
8 advise the Congress on the amounts collected pursu-
9 ant to the program required by this subsection.”;

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

11 (8) in section 396—

12 (A) by striking subsection (i);

13 (B) in subsection (k)—

14 (i) in paragraph (1), by striking sub-
15 paragraph (F); and

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

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

21 (D) by striking subsection (m);

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

24 (10) in section 624A(b)(1)—

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

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

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

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

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

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

Passed the House of Representatives May 30, 2012.

Attest: KAREN L. HAAS,
Clerk.