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 following:

2

3 SECTION 1. SHORT TITLE.

4 This Act may be cited as the “Federal Communications Commission Consolidated Reporting Act of 2015”.

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6 SEC. 2. COMMUNICATIONS MARKETPLACE REPORT.

7 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. 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 under 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;
“(3) assess whether laws, regulations, regulatory practices, or demonstrated marketplace practices pose a barrier to competitive entry into the communications marketplace or to the competitive expansion of existing providers of communications services; and

“(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).

“(c) EXTENSION.—If the Senate confirms the Chairman of the Commission during the third or fourth quarter of an even-numbered year, the report required under subsection (a) may be published on the website of the Commission and submitted to the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate by March 1 of the following odd-numbered year.

“(d) 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 include a list of geographical areas
 that are not served by any provider of advanced tele-
 communications capability.

 "(3) INTERNATIONAL COMPARISONS AND DEMO-
 GRAPHIC INFORMATION.—The Commission may use
 readily available data to draw appropriate compar-
 isons between the United States communications
 marketplace and the international communications
 marketplace and to correlate its assessments with
demographic information.

 "(4) CONSIDERING SMALL BUSINESSES.—In as-
 sessing the state of competition under subsection
 (b)(1) and 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).

 "(e) NOTIFICATION OF DELAY IN REPORT.—If the
 Commission fails to publish a report by the applicable
 deadline under subsection (a) or (e), the Commission shall,
not later than 7 days after the deadline and every 60 days thereafter until the publication of the report—

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

“(A) the Committee on Energy and Commerce of the House of Representatives; and

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

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

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

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

(1) in paragraph (1), by striking "annually publish" and inserting "publish with its report under section 13 of the Communications Act of 1934"; and

(2) in paragraph (2), in the heading, by striking "ANNUAL".

(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 (e).
(g) 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.

(h) 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 (47 U.S.C. 151 et seq.) 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.

(i) Additional Outdated Reports.—

(1) In General.—The Communications Act of 1934 (47 U.S.C. 151 et seq.) is amended—
(A) in section 4—

(i) 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

(ii) in subsection (g)—

(I) by striking paragraph (2);

and

(II) by redesignating paragraph (3) as paragraph (2);

(B) in section 215—

(i) by striking subsection (b); and

(ii) by redesignating subsection (e) as subsection (b);

(C) in section 227(е)—

(i) by striking paragraph (4); and

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

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

(E) in section 309(j)—

(i) by striking paragraph (12);
(ii) by redesignating paragraphs (13) through (17) as paragraphs (12) through (16), respectively; and

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

(I) by striking clause (iv); and

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

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

(G) in section 336(c), 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.”;

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

(I) in section 339(e)—

(i) by striking paragraph (1);

(ii) by redesignating paragraphs (2) through (5) as paragraphs (1) through (4), respectively;
(iii) in paragraph (3)(A), as redesignated, by striking "paragraph (2)" and inserting "paragraph (1)"; and

(iv) in paragraph (4), as redesignated, by striking "paragraphs (2) and (4)" and inserting "paragraphs (1) and (3)";

(J) in section 396—

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

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

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

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

(II) in paragraph (3)(B)(iii)—

(aa) by striking subclause (V);

(bb) by redesignating subclause (VI) as subclause (V); and

(ce) in subclause (V), as redesignated, by striking "subsection (l)(4)(B)" and inserting "subsection (k)(4)(B)"; and
(III) in paragraph (5), by striking “subsection (1)(3)(B)” and inserting “subsection (k)(3)(B)”; and
(iv) in subsection (k), as redesignated—
(I) in paragraph (1)(B), by striking “shall be included” and all that follows through “The audit report”; and
(II) in paragraph (4), by striking “subsection (k)” each place that term appears and inserting “subsection (j)”;
(K) in section 398(b)(4), by striking the third sentence;
(L) in section 399B(c), by striking “section 396(k)” and inserting “section 396(j)”;
(M) in section 615(l)(1)(A)(ii), by striking “section 396(k)(6)(B)” and inserting “section 396(j)(6)(B)”;
(N) in section 624A(b)(1)—
(i) by striking “REPORT; REGULATIONS” and inserting “REGULATIONS”;
(ii) 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

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

(O) in section 713—

(i) by striking subsection (a);

(ii) by redesignating subsections (b), (c), (d), (e), (f), (g), (h), and (j) as subsections (a), (b), (c), (d), (e), (f), (g), and (h), respectively;

(iii) in subsection (a), as redesignated, by striking “subsection (d)” each place that term appears and inserting “subsection (c)”;

(iv) in subsection (b), as redesignated, by striking “subsection (b)” each place that term appears and inserting “subsection (a)”;

(v) in subsection (c), as redesignated, by striking “subsection (b)” and inserting “subsection (a)”;
(vi) in subsection (c)(2)(A), as redesignated, by striking “subsection (h)” and inserting “subsection (g)”; and

(vii) in subsection (f), as redesignated, by striking “subsection (e)(2)” and inserting “subsection (d)(2)”.

(2) CONFORMING AMENDMENTS.—

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

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

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

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

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

(ii) in section 119(a)—

(I) in paragraph (2)(B)(ii)—

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

and

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

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

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

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.

SEC. 5. OTHER REPORTS.

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