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

IN THE SENATE OF THE UNITED STATES

introduced the following bill; which was read twice and referred to the Committee on

A BILL

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

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 “FCC Reauthorization Act of 2016”.

SEC. 2. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—Section 6 of the Communications Act of 1934 (47 U.S.C. 156) is amended to read as follows:

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

“(a) In General.—There are authorized to be appropriated for the administration of this Act by the Commission, other than the activities described in subsection (b), $361,116,000 for fiscal year 2017 and $348,711,000 for fiscal year 2018, together with such sums as may be necessary for increases resulting from adjustments in salary, pay, retirement, other employee benefits required by law, and other nondiscretionary costs, for each such fiscal year.

“(b) Office of Inspector General.—Of the amounts appropriated under subsection (a), not less than $11,751,000 for fiscal year 2017 and not less than $11,904,000 for fiscal year 2018 shall be for salaries and expenses of the Office of Inspector General of the Commission.

“(c) New or Reconfigured Facility.—Of the amounts appropriated under subsection (a) for fiscal year 2017, such sums as may be necessary not to exceed $16,867,000 shall remain available until expended for necessary expenses of the Commission associated with moving to a new facility or reconfiguring the existing facility to significantly reduce space consumption.

“(d) Offsetting Collections.—Of the sum appropriated in any fiscal year under this section, a portion,
in an amount determined under section 9(b), shall be de-

rived from fees authorized by section 9.”.

(b) RETENTION OF REVENUES.—Section

309(j)(8)(B) of the Communications Act of 1934 (47

U.S.C. 309(j)(8)(B)) is amended to read as follows:

“(B) RETENTION OF REVENUES.—

“(i) IN GENERAL.—Notwithstanding

subparagraph (A) and subject to clause (ii)

of this subparagraph, the salaries and ex-

penses account of the Commission shall re-

tain as an offsetting collection such sums

as may be necessary from such proceeds

for the costs of developing and imple-

menting the program required by this sub-

section. Such offsetting collections shall be

available for obligation subject to the terms

and conditions of the receiving appropria-

tions account, and shall be deposited in

such accounts on a quarterly basis. Such

offsetting collections are authorized to re-

main available until expended. No sums

may be retained under this subparagraph
during any fiscal year beginning after Sep-

tember 30, 1998, if the annual report of

the Commission under section 4(k) for the
second preceding fiscal year fails to include
in the itemized statement required by
paragraph (3) of such section a statement
of each expenditure made for purposes of
conducting competitive bidding under this
subsection during such second preceding
fiscal year.

“(ii) CAP.—Proceeds from the use of
a competitive bidding system under this
subsection that may be retained and made
available for obligation under clause (i)
shall not exceed $124,000,000 for fiscal
year 2017 and $110,750,000 for fiscal
year 2018.”.

SEC. 3. TERMS OF OFFICE AND VACANCIES.

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

“(c)(1) A commissioner—

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

“(B) except as provided in subparagraph (C),
may continue to serve after the expiration of the
fixed term of office of the commissioner until a suc-
cessor is appointed and has been confirmed and
taken the oath of office; and
“(C) may not continue to serve after the expiration of the session of Congress that begins after the expiration of the fixed term of office of the commissioner.

“(2) Any person chosen to fill a vacancy in the Commission—

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

“(B) except as provided in subparagraph (C), may continue to serve after the expiration of the fixed term of office of the commissioner that the person succeeds until a successor is appointed and has been confirmed and taken the oath of office; and

“(C) may not continue to serve after the expiration of the session of Congress that begins after the expiration of the fixed term of office of the commissioner that the person succeeds.

“(3) No vacancy in the Commission shall impair the right of the remaining commissioners to exercise all the powers of the Commission.”.
Section 4 of the Communications Act of 1934 (47 U.S.C. 154) is amended by adding at the end the following:

“(p) BUDGET ESTIMATES AND REQUESTS; LEGISLATIVE RECOMMENDATIONS, TESTIMONY, AND COMMENTS ON LEGISLATION.—

“(1) BUDGET ESTIMATES AND REQUESTS.—If the Commission submits any budget estimate or request to the President or the Office of Management and Budget, the Commission shall concurrently transmit a copy of that estimate or request to Congress.

“(2) LEGISLATIVE RECOMMENDATIONS, TESTIMONY, AND COMMENTS ON LEGISLATION.—

“(A) IN GENERAL.—If the Commission submits any legislative recommendations, testimony, or comments on legislation to the President or the Office of Management and Budget, the Commission shall concurrently transmit a copy thereof to Congress.

“(B) PROHIBITION.—No officer or agency of the United States may require the Commission to submit legislative recommendations, testimony, or comments on legislation to any offi-
cer or agency of the United States for approval, comments, or review prior to the submission of the recommendations, testimony, or comments to Congress.”.

SEC. 5. GAO REPORT ON FCC REGULATORY FEE STRUCTURE.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives a report on the current regulatory fee assessments and adjustment process of the Federal Communications Commission.

(b) CONTENTS.—The Comptroller General shall include in the report submitted under subsection (a)—

(1) a determination as to whether the current regulatory fee structure correlates to the actual workload of the Federal Communications Commission;

(2) a determination as to whether the current regulatory fees are reasonably related to the benefits provided to the payor of the fees;
(3) a determination as to whether the current regulatory fee structure has a disparate impact on certain payors or technologies; and

(4) recommendations as to how the current regulatory fee structure should be adjusted.

SEC. 6. APPLICATION OF ANTIDEFICIENCY ACT TO UNIVERSAL SERVICE PROGRAM.

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

SEC. 7. DEPOSITS FOR SPECTRUM AUCTIONS.

Section 309(j)(8)(C) of the Communications Act of 1934 (47 U.S.C. 309(j)(8)(C)) is amended to read as follows:

“(C) Deposits.—Any deposits the Commission may require for the qualification of any person to bid in a system of competitive bidding pursuant to this subsection shall be deposited in the Treasury. Within 45 days following the conclusion of the competitive bidding—

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

“(ii) the deposits of unsuccessful bidders shall be returned to such bidders.”.

SEC. 8. JOINT BOARD RECOMMENDATION.

The Federal Communications Commission may not modify, amend, or change its rules or regulations for universal service support payments to implement the February 27, 2004 recommendations of the Federal-State Joint Board on Universal Service regarding single connection or primary line restrictions on universal service support payments.