

114TH CONGRESS  
2D SESSION

**S.** \_\_\_\_\_

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

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IN THE SENATE OF THE UNITED STATES

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

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## **A BILL**

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

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “FCC Reauthorization  
5 Act of 2016”.

6 **SEC. 2. AUTHORIZATION OF APPROPRIATIONS.**

7 (a) IN GENERAL.—Section 6 of the Communications  
8 Act of 1934 (47 U.S.C. 156) is amended to read as fol-  
9 lows:

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

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

11       “(b) OFFICE OF INSPECTOR GENERAL.—Of the  
12 amounts appropriated under subsection (a), not less than  
13 \$11,751,000 for fiscal year 2017 and not less than  
14 \$11,904,000 for fiscal year 2018 shall be for salaries and  
15 expenses of the Office of Inspector General of the Commis-  
16 sion.

17       “(c) NEW OR RECONFIGURED FACILITY.—Of the  
18 amounts appropriated under subsection (a) for fiscal year  
19 2017, such sums as may be necessary not to exceed  
20 \$16,867,000 shall remain available until expended for nec-  
21 essary expenses of the Commission associated with moving  
22 to a new facility or reconfiguring the existing facility to  
23 significantly reduce space consumption.

24       “(d) OFFSETTING COLLECTIONS.—Of the sum ap-  
25 propriated in any fiscal year under this section, a portion,

1 in an amount determined under section 9(b), shall be de-  
2 rived from fees authorized by section 9.”.

3 (b) RETENTION OF REVENUES.—Section  
4 309(j)(8)(B) of the Communications Act of 1934 (47  
5 U.S.C. 309(j)(8)(B)) is amended to read as follows:

6 “(B) RETENTION OF REVENUES.—

7 “(i) IN GENERAL.—Notwithstanding  
8 subparagraph (A) and subject to clause (ii)  
9 of this subparagraph, the salaries and ex-  
10 penses account of the Commission shall re-  
11 tain as an offsetting collection such sums  
12 as may be necessary from such proceeds  
13 for the costs of developing and imple-  
14 menting the program required by this sub-  
15 section. Such offsetting collections shall be  
16 available for obligation subject to the terms  
17 and conditions of the receiving appropria-  
18 tions account, and shall be deposited in  
19 such accounts on a quarterly basis. Such  
20 offsetting collections are authorized to re-  
21 main available until expended. No sums  
22 may be retained under this subparagraph  
23 during any fiscal year beginning after Sep-  
24 tember 30, 1998, if the annual report of  
25 the Commission under section 4(k) for the

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

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

15 **SEC. 3. TERMS OF OFFICE AND VACANCIES.**

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

18 “(c)(1) A commissioner—

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

20 “(B) except as provided in subparagraph (C),  
21 may continue to serve after the expiration of the  
22 fixed term of office of the commissioner until a suc-  
23 cessor is appointed and has been confirmed and  
24 taken the oath of office; and

1           “(C) may not continue to serve after the expira-  
2           tion of the session of Congress that begins after the  
3           expiration of the fixed term of office of the commis-  
4           sioner.

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

7                   “(A) shall be appointed for the unexpired  
8                   term of the commissioner that the person suc-  
9                   ceeds;

10                   “(B) except as provided in subparagraph  
11                   (C), may continue to serve after the expiration  
12                   of the fixed term of office of the commissioner  
13                   that the person succeeds until a successor is ap-  
14                   pointed and has been confirmed and taken the  
15                   oath of office; and

16                   “(C) may not continue to serve after the  
17                   expiration of the session of Congress that be-  
18                   gins after the expiration of the fixed term of of-  
19                   fice of the commissioner that the person suc-  
20                   ceeds.

21           “(3) No vacancy in the Commission shall im-  
22           pair the right of the remaining commissioners to ex-  
23           ercise all the powers of the Commission.”.

1 **SEC. 4. SUBMISSION OF COPY OF CERTAIN DOCUMENTS TO**  
2 **CONGRESS.**

3 Section 4 of the Communications Act of 1934 (47  
4 U.S.C. 154) is amended by adding at the end the fol-  
5 lowing:

6 “(p) BUDGET ESTIMATES AND REQUESTS; LEGISLA-  
7 TIVE RECOMMENDATIONS, TESTIMONY, AND COMMENTS  
8 ON LEGISLATION.—

9 “(1) BUDGET ESTIMATES AND REQUESTS.—If  
10 the Commission submits any budget estimate or re-  
11 quest to the President or the Office of Management  
12 and Budget, the Commission shall concurrently  
13 transmit a copy of that estimate or request to Con-  
14 gress.

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

17 “(A) IN GENERAL.—If the Commission  
18 submits any legislative recommendations, testi-  
19 mony, or comments on legislation to the Presi-  
20 dent or the Office of Management and Budget,  
21 the Commission shall concurrently transmit a  
22 copy thereof to Congress.

23 “(B) PROHIBITION.—No officer or agency  
24 of the United States may require the Commis-  
25 sion to submit legislative recommendations, tes-  
26 timony, or comments on legislation to any offi-

1 cer or agency of the United States for approval,  
2 comments, or review prior to the submission of  
3 the recommendations, testimony, or comments  
4 to Congress.”.

5 **SEC. 5. GAO REPORT ON FCC REGULATORY FEE STRUC-**  
6 **TURE.**

7 (a) IN GENERAL.—Not later than 180 days after the  
8 date of enactment of this Act, the Comptroller General  
9 of the United States shall submit to the Committee on  
10 Commerce, Science, and Transportation of the Senate and  
11 the Committee on Energy and Commerce of the House  
12 of Representatives a report on the current regulatory fee  
13 assessments and adjustment process of the Federal Com-  
14 munications Commission.

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

17 (1) a determination as to whether the current  
18 regulatory fee structure correlates to the actual  
19 workload of the Federal Communications Commis-  
20 sion;

21 (2) a determination as to whether the current  
22 regulatory fees are reasonably related to the benefits  
23 provided to the payor of the fees;

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

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

6 **SEC. 6. APPLICATION OF ANTIDEFICIENCY ACT TO UNI-**  
7 **VERSAL SERVICE PROGRAM.**

8           Section 302 of the Universal Service Antideficiency  
9           Temporary Suspension Act (title III of Public Law 108–  
10          494; 118 Stat. 3998) is amended by striking “December  
11          31, 2017”, each place it appears and inserting “Sep-  
12          tember 30, 2018”.

13 **SEC. 7. DEPOSITS FOR SPECTRUM AUCTIONS.**

14          Section 309(j)(8)(C) of the Communications Act of  
15          1934 (47 U.S.C. 309(j)(8)(C)) is amended to read as fol-  
16          lows:

17                   “(C) DEPOSITS.—Any deposits the Com-  
18                   mission may require for the qualification of any  
19                   person to bid in a system of competitive bidding  
20                   pursuant to this subsection shall be deposited in  
21                   the Treasury. Within 45 days following the con-  
22                   clusion of the competitive bidding—

23                           “(i) the deposits of successful bidders  
24                           shall be credited to the deposit fund of the  
25                           Treasury, except as otherwise provided in



1                   subparagraphs (D)(ii), (E)(ii), (F), and  
2                   (G); and

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

5 **SEC. 8. JOINT BOARD RECOMMENDATION.**

6           The Federal Communications Commission may not  
7 modify, amend, or change its rules or regulations for uni-  
8 versal service support payments to implement the Feb-  
9 ruary 27, 2004 recommendations of the Federal-State  
10 Joint Board on Universal Service regarding single connec-  
11 tion or primary line restrictions on universal service sup-  
12 port payments.