

## HR 3309

### Federal Communications Commission Process Reform Act of 2012

**Congress:** 112 (2011–2013, Ended)

**Chamber:** House

**Policy Area:** Science, Technology, Communications

**Introduced:** Nov 2, 2011

**Current Status:** Received in the Senate and Read twice and referred to the Committee on Commerce, Science, and Transportation

**Latest Action:** Received in the Senate and Read twice and referred to the Committee on Commerce, Science, and Transportation. (Mar 28, 2012)

**Official Text:** <https://www.congress.gov/bill/112th-congress/house-bill/3309>

## Sponsor

**Name:** Rep. Walden, Greg [R-OR-2]

**Party:** Republican • **State:** OR • **Chamber:** House

## Cosponsors (9 total)

Cosponsor	Party / State	Role	Date Joined
Rep. Kinzinger, Adam [R-IL-11]	R · IL		Nov 2, 2011
Rep. Barton, Joe [R-TX-6]	R · TX		Nov 29, 2011
Rep. Bass, Charles F. [R-NH-2]	R · NH		Nov 29, 2011
Rep. Blackburn, Marsha [R-TN-7]	R · TN		Nov 29, 2011
Rep. Scalise, Steve [R-LA-1]	R · LA		Nov 29, 2011
Rep. Terry, Lee [R-NE-2]	R · NE		Nov 29, 2011
Rep. Kline, John [R-MN-2]	R · MN		Jan 10, 2012
Rep. Latta, Robert E. [R-OH-5]	R · OH		Jan 10, 2012
Rep. Stearns, Cliff [R-FL-6]	R · FL		Jan 10, 2012

## Committee Activity

Committee	Chamber	Activity	Date
Commerce, Science, and Transportation Committee	Senate	Referred To	Mar 28, 2012
Energy and Commerce Committee	House	Reported by	Nov 9, 2011

## Subjects & Policy Tags

### Policy Area:

Science, Technology, Communications

## Related Bills

Bill	Relationship	Last Action
112 HRES 595	Procedurally related	<b>Mar 27, 2012:</b> Motion to reconsider laid on the table Agreed to without objection.
112 S 1817	Related bill	<b>Nov 8, 2011:</b> Read twice and referred to the Committee on Commerce, Science, and Transportation.
112 S 1784	Identical bill	<b>Nov 2, 2011:</b> Read twice and referred to the Committee on Commerce, Science, and Transportation.

Federal Communications Commission Process Reform Act of 2012 - (Sec. 2) Amends the Communications Act of 1934 to prohibit the Federal Communications Commission (FCC) from issuing a notice of proposed rulemaking unless it provides at least 30 days for comments and an additional period of at least 30 days for replies. Requires such notice to include: (1) an identification of a notice of inquiry, a prior notice of proposed rulemaking, or a notice on a petition for rulemaking issued by the FCC during the preceding three-year period of which such notice is a logical outgrowth or an identification of a court order during the preceding three-year period in response to which such notice is being issued; or (2) a finding that the proposed rule or amendment will not impose additional burdens on industry or consumers or that good cause exists that a notice of inquiry is impracticable, unnecessary, or contrary to the public interest.

Requires further that such a notice include: (1) the specific language of the proposed rule or amendment, and (2) proposed performance measures in the case of proposals to create or substantially change a program activity.

Defines "program activity" as a specific activity or project as listed in the program and financing schedules of the U.S. annual budget, including any annual collection or distribution or related series of collections or distributions by the FCC of at least \$100 million.

Prohibits the FCC, subject to exceptions, from adopting or amending a rule unless the specific language is a logical outgrowth of the language included in a notice of proposed rulemaking and such notice was issued during the three-year period preceding the adoption or amendment.

Requires the FCC, before adopting or amending a rule that may have an economically significant impact, to: (1) analyze the specified market failure, actual consumer harm, burden of existing regulation, or failure of public institutions that warrants the rule or amendment; and (2) determine that the benefits justify its costs.

Defines "economically significant impact" as an effect on the economy of at least \$100 million annually or a material adverse effect on the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or state, local, or tribal governments or communities.

Prohibits the adoption or amendment of rules that create or substantially change a program activity unless the order contains appropriate performance measures.

Directs the FCC to establish rules for: (1) FCC Commissioners' deliberations including procedures for initiating agenda items and approving orders; and (2) the publication of the status of open rulemakings and all proposed orders, decisions, reports, or actions on circulation for review.

Establishes procedures and disclosure requirements for any closed meeting held by a bipartisan majority of Commissioners.

Requires the FCC to establish deadlines for any FCC order, decision, report, or action.

Prohibits the FCC, without providing an opportunity for public review, from relying on unpublished reports to Congress or ex parte FCC communications or filings under specified circumstances. Sets forth a good cause exception when publication or notice is impracticable, unnecessary, or contrary to the public interest.

Directs the FCC to publish on its website and in other required formats: (1) each order, decision, report, or action within seven days of its adoption; and (2) an anticipated release schedule for all statistical reports and reports to Congress.

Requires the FCC to notify Congress at specified time intervals when it fails to meet publication deadlines.

Requires biannual reports to Congress on the FCC's performance in conducting its proceedings and meeting the deadlines established by this Act.

Sets forth standards that restrict the FCC's authority to conditionally approve line and license transfers and other transactions. Requires any such conditional approval to be: (1) narrowly tailored to remedy a harm arising as a direct result of the specific transfer or transaction, and (2) within the FCC's jurisdiction apart from its authority to review the transaction. Prohibits the FCC from considering a voluntary commitment of a party to such transfer or transaction unless the FCC could adopt that commitment as a condition under such standards.

Directs the FCC to provide on its website: (1) information regarding the FCC's budget, appropriations, and total number of full-time equivalent employees; and (2) the FCC's annual performance plan.

Directs the FCC to complete actions necessary for the publication of required documents in the Federal Register within specified timeframes.

Directs the FCC to present information about consumer complaints in a publicly available, searchable database on its website.

Requires the FCC to inform the public about its performance and efficiency in meeting disclosure and other requirements under the Freedom of Information Act (FOIA), including by: (1) publishing on the FCC website its logs for managing FOIA requests and associated fees, (2) releasing decisions to grant or deny requests, and (3) presenting information about the number of FOIA requests received and granted or denied by the FCC in its annual budget estimates and annual performance and financial reports.

(Sec. 3) Prohibits the FCC, in compiling its quarterly report with respect to informal consumer inquiries and complaints, from categorizing an inquiry or complaint under the Telephone Consumer Protection Act of 1991 (places restrictions on telephone solicitations and automatic dialing systems) as a wireline or wireless inquiry or complaint unless a wireline or wireless carrier was the subject of the inquiry or complaint.

(Sec. 4) Prohibits this Act from being construed to impede the FCC from acting in emergencies to ensure the availability of communications systems for state and local first responders and to alert the public to imminent dangerous weather conditions.

## Actions Timeline

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- **Mar 28, 2012:** Received in the Senate and Read twice and referred to the Committee on Commerce, Science, and Transportation.
- **Mar 27, 2012:** Rule H. Res. 595 passed House.
- **Mar 27, 2012:** Considered under the provisions of rule H. Res. 595. (consideration: CR H1609-2624, H1624-1629)
- **Mar 27, 2012:** Rule provides for consideration of H.R. 3309 with 1 hour of general debate. Previous question shall be considered as ordered without intervening motions except motion to recommit with or without instructions. Measure will be considered read. Specified amendments are in order. The resolution waives all points of order against the bill. The resolution waives all points of order against amendment printed in the report.
- **Mar 27, 2012:** House resolved itself into the Committee of the Whole House on the state of the Union pursuant to H. Res. 595 and Rule XVIII.
- **Mar 27, 2012:** The Speaker designated the Honorable Adam Kinzinger to act as Chairman of the Committee.
- **Mar 27, 2012:** GENERAL DEBATE - The Committee of the Whole proceeded with one hour of general debate on H.R. 3309.
- **Mar 27, 2012:** DEBATE - Pursuant to the provisions of H. Res. 595, the Committee of the Whole proceeded with 10 minutes of debate on the Crowley amendment No. 1.
- **Mar 27, 2012:** POSTPONED PROCEEDINGS - At the conclusion of debate on the Crowley amendment, the Chair put the question on adoption of the amendment and by voice vote announced that the noes had prevailed. Mr. Crowley demanded a recorded vote and the Chair postponed further proceedings on the question of adoption of the amendment until later in the legislative day.
- **Mar 27, 2012:** DEBATE - Pursuant to the provisions of H. Res. 595, the Committee of the Whole proceeded with 10 minutes of debate on the Eshoo amendment No. 5.
- **Mar 27, 2012:** POSTPONED PROCEEDINGS - At the conclusion of debate on the Eshoo amendment, the Chair put the question on adoption of the amendment and by voice vote announced that the noes had prevailed. Ms. Eshoo demanded a recorded vote and the Chair postponed further proceedings on the question of adoption of the amendment until later in the legislative day.
- **Mar 27, 2012:** DEBATE - Pursuant to the provisions of H. Res. 595, the Committee of the Whole proceeded with 10 minutes of debate on the Walden amendment No. 6.
- **Mar 27, 2012:** DEBATE - Pursuant to the provisions of H. Res. 595, the Committee of the Whole proceeded with 10 minutes of debate on the Owens amendment No. 7.
- **Mar 27, 2012:** POSTPONED PROCEEDINGS - At the conclusion of debate on the Owens amendment, the Chair put the question on adoption of the amendment and by voice vote announced that the noes had prevailed. Mr. Owens demanded a recorded vote and the Chair postponed further proceedings on the question of adoption of the amendment until later in the legislative day.
- **Mar 27, 2012:** DEBATE - Pursuant to the provisions of H. Res. 595, the Committee of the Whole proceeded with 10 minutes of debate on the Green, Al (TX) amendment No. 8.
- **Mar 27, 2012:** DEBATE - Pursuant to the provisions of H. Res. 595, the Committee of the Whole proceeded with 10 minutes of debate on the Speier amendment No. 9.
- **Mar 27, 2012:** DEBATE - Pursuant to the provisions of H. Res. 595, the Committee of the Whole proceeded with 10 minutes of debate on the Eshoo amendment No. 10, as modified.
- **Mar 27, 2012:** UNFINISHED BUSINESS - The Chair announced that the unfinished business was the question on adoption of amendments which had been debated earlier and on which further proceedings had been postponed.
- **Mar 27, 2012:** The House rose from the Committee of the Whole House on the state of the Union to report H.R. 3309.
- **Mar 27, 2012:** The previous question was ordered pursuant to the rule. (consideration: CR H1626)
- **Mar 27, 2012:** The House adopted the amendment in the nature of a substitute as agreed to by the Committee of the Whole House on the state of the Union. (text of amendment in the nature of a substitute: CR H16217-1619)
- **Mar 27, 2012:** Mr. Perlmutter moved to recommit with instructions to Energy and Commerce. (consideration: CR H1626-1628; text: CR H1626-1627)
- **Mar 27, 2012:** Floor summary: DEBATE - The House proceeded with 10 minutes of debate on the Perlmutter motion to recommit with instructions. The instructions contained in the motion seek to report the same back to the House forthwith with an amendment to prohibit the underlying bill from limiting the ability of the FCC to adopt a rule or amend an existing rule to protect online privacy including requirements that prohibit licensees or regulated entities from mandating that job applicants or employees disclose confidential passwords to social networking sites.
- **Mar 27, 2012:** The previous question on the motion to recommit with instructions was ordered without objection.

(consideration: CR H1627)

- **Mar 27, 2012:** On motion to recommit with instructions Failed by recorded vote: 184 - 236 (Roll no. 137).
- **Mar 27, 2012:** Passed/agreed to in House: On passage Passed by recorded vote: 247 - 174 (Roll no. 138).
- **Mar 27, 2012:** On passage Passed by recorded vote: 247 - 174 (Roll no. 138).
- **Mar 27, 2012:** Motion to reconsider laid on the table Agreed to without objection.
- **Mar 26, 2012:** Rules Committee Resolution H. Res. 595 Reported to House. Rule provides for consideration of H.R. 3309 with 1 hour of general debate. Previous question shall be considered as ordered without intervening motions except motion to recommit with or without instructions. Measure will be considered read. Specified amendments are in order. The resolution waives all points of order against the bill. The resolution waives all points of order against amendment printed in the report.
- **Mar 19, 2012:** Reported (Amended) by the Committee on Energy and Commerce. H. Rept. 112-414.
- **Mar 19, 2012:** Placed on the Union Calendar, Calendar No. 286.
- **Mar 6, 2012:** Committee Consideration and Mark-up Session Held.
- **Mar 6, 2012:** Ordered to be Reported (Amended) by the Yeas and Nays: 31 - 16.
- **Mar 5, 2012:** Committee Consideration and Mark-up Session Held.
- **Nov 9, 2011:** Subcommittee Consideration and Mark-up Session Held.
- **Nov 9, 2011:** Forwarded by Subcommittee to Full Committee (Amended) by the Yeas and Nays: 14 - 9 .
- **Nov 4, 2011:** Referred to the Subcommittee on Communications and Technology.
- **Nov 2, 2011:** Introduced in House
- **Nov 2, 2011:** Referred to the House Committee on Energy and Commerce.