

## S 2644

### FCC Reauthorization Act of 2016

**Congress:** 114 (2015–2017, Ended)

**Chamber:** Senate

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

**Introduced:** Mar 7, 2016

**Current Status:** Placed on Senate Legislative Calendar under General Orders. Calendar No. 637.

**Latest Action:** Placed on Senate Legislative Calendar under General Orders. Calendar No. 637. (Sep 20, 2016)

**Official Text:** <https://www.congress.gov/bill/114th-congress/senate-bill/2644>

### Sponsor

**Name:** Sen. Thune, John [R-SD]

**Party:** Republican • **State:** SD • **Chamber:** Senate

### Cosponsors (1 total)

Cosponsor	Party / State	Role	Date Joined
Sen. Nelson, Bill [D-FL]	D · FL		Apr 27, 2016

### Committee Activity

Committee	Chamber	Activity	Date
Commerce, Science, and Transportation Committee	Senate	Reported By	Sep 20, 2016

### Subjects & Policy Tags

#### Policy Area:

Science, Technology, Communications

## Related Bills

Bill	Relationship	Last Action
114 HR 2669	Related bill	<b>Nov 15, 2016:</b> Received in the Senate and Read twice and referred to the Committee on Commerce, Science, and Transportation.
114 HR 6165	Related bill	<b>Sep 26, 2016:</b> Referred to the House Committee on Energy and Commerce.
114 S 2319	Related bill	<b>Aug 30, 2016:</b> Placed on Senate Legislative Calendar under General Orders. Calendar No. 579.
114 HR 5572	Related bill	<b>Jun 23, 2016:</b> Referred to the House Committee on Energy and Commerce.
114 HR 4167	Related bill	<b>May 24, 2016:</b> Received in the Senate and Read twice and referred to the Committee on Commerce, Science, and Transportation.
114 S 2558	Related bill	<b>Feb 22, 2016:</b> Read twice and referred to the Committee on Commerce, Science, and Transportation. (Sponsor introductory remarks on measure: CR S912; text of measure as introduced: CR S912-913)
114 S 2553	Related bill	<b>Feb 11, 2016:</b> Read twice and referred to the Committee on Commerce, Science, and Transportation.
114 S 1759	Related bill	<b>Jul 14, 2015:</b> Read twice and referred to the Committee on Commerce, Science, and Transportation.

## **FCC Reauthorization Act of 2016**

(Sec. 4) This bill reauthorizes the Federal Communications Commission (FCC) for FY2017-FY2018.

The bill designates amounts for: (1) the FCC's office of inspector general, and (2) the FCC to move to a new facility or reconfigure its existing facility.

(Sec. 5) The bill allows a person chosen to fill a commissioner's vacancy on the FCC to continue to serve after the expiration of the fixed term of the commissioner that the person succeeds until a successor has taken office. But the person filling the vacancy may not continue to serve after the session of Congress that begins after the expiration of the fixed term of the commissioner that the person succeeds.

(Sec. 6) The FCC must submit concurrently to Congress a copy of any budget estimates, requests, or legislative recommendations that it submits to the President or the Office of Management and Budget. No U.S. officer or agency may require the FCC to obtain that officer's or agency's approval before the FCC submits legislative recommendations to Congress.

The FCC inspector general must concurrently submit its semiannual reports on the FCC's activities to both the FCC and Congress.

(Sec. 7) The Government Accountability Office (GAO) must recommend adjustments to the FCC's regulatory fee structure in a report that considers: (1) the FCC's workload, (2) benefits to payors, and (3) whether the current fee structure has a disparate impact on certain technologies or small-sized payors.

(Sec. 8) The Universal Service Antideficiency Temporary Suspension Act is amended to extend through FY2018 provisions rendering the Antideficiency Act inapplicable to: (1) amounts collected or received as universal service contributions, or (2) expenditures or obligations of such contributions.

(Sec. 9) Any deposits that the FCC may require for the qualification of bidders in a system of competitive bidding for spectrum licenses must be deposited directly in the Treasury instead of in an interest bearing account at a financial institution. The bill removes a provision that requires the interest accrued to such a financial institution account to be dedicated for the sole purpose of deficit reduction. The deposits of successful bidders must be credited to the deposit fund of the Treasury, unless existing exceptions apply.

(Sec. 10) The FCC is prohibited from changing its 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.

(Sec. 11) The Communications Act of 1934 is amended to expand the prohibition against knowingly transmitting misleading or inaccurate caller identification information to apply to: (1) persons outside the United States if the recipient of the call is within the United States, and (2) text messages.

Existing caller identification requirements that apply to calls made using a telecommunications service or IP-enabled voice service are revised to apply to: (1) voice communications using resources from the North American Numbering Plan; and (2) transmissions from a telephone facsimile machine, computer, or other device to a telephone facsimile machine.

The FCC must collaborate with the Federal Trade Commission (FTC) to regularly update education materials that help consumers identify: (1) scams and fraudulent activity that rely upon misleading or inaccurate caller identification information, and (2) existing technologies that consumers can use to protect against such fraud.

The GAO must report on: (1) actions taken, or actions that could be taken, by the FCC or the FTC to combat the fraudulent provision of misleading or inaccurate caller identification information; and (2) any recommendations to combat the fraudulent provision of such information.

#### *Kari's Law Act of 2016*

(Sec. 12) This section prohibits businesses from manufacturing or importing for use in the United States, or selling or leasing in the United States, a multi-line telephone system unless it can be installed to allow 9-1-1 calls to be transmitted to the appropriate public safety answering point: (1) without requiring the user to dial any additional digit, code, prefix, or post-fix (including any trunk-access code such as the digit "9"); and (2) regardless of what a user is required to dial for other calls.

Businesses are prohibited from installing multi-line telephone systems unless upon installation they allow 9-1-1 calls to be initiated without dialing such additional codes.

Installers must configure such systems to provide on-site notifications (if possible without improvement to the hardware) so that when a person at the facility where the system is installed initiates a 9-1-1 call, the system notifies: (1) a central location at the facility, or (2) a person or organization with responsibility for safety or security for the location.

(Sec. 13) The FCC must complete a rulemaking proceeding relating to the placing of unauthorized charges on a consumer's telephone bill (commonly referred to as "cramming") to consider measures to block the placement of third-party charges on a consumer's wireline, wireless, or bundled services telephone bill under the criteria it relied upon when it entered into a consent decree relating to cramming with mobile voice and data service providers.

(Sec. 14) The FCC must release a notice of inquiry to gather information and seek public comment on how to promote broadband Internet access service for veterans, in particular those with low-incomes or who reside in rural areas.

(Sec. 15) The FCC must implement metrics to measure the impact of universal service support on the deployment and adoption of broadband on tribal lands by: (1) residents, (2) schools and libraries, and (3) health care facilities and rural health care providers.

The FCC must report biennially on ways to overcome barriers to the adoption of broadband on tribal lands. It must also examine ways to measure impacts on: (1) tribe members who do not live on tribal land; and (2) schools, libraries, and health providers that are not located on tribal land but that serve large numbers of tribal land residents.

(Sec. 16) The FCC must ensure that its chief information officer is authorized to participate in budget planning decisions related to information technology.

The FCC must obtain the chief information officer's approval for the allocation of amounts appropriated to the FCC that are available for information technology.

(Sec. 17) The FCC must include in press releases regarding its issuance of a notice of apparent liability for a forfeiture penalty a disclaimer informing consumers that: (1) the notice should be treated only as allegations, (2) any proposed forfeiture penalty represents the maximum penalty that the FCC may impose for the violations alleged in the notice.

(Sec. 18) Every other year, the GAO must report on the annual opportunity cost of each federal spectrum band assigned or allocated for federal entities between 150 megahertz and 6000 megahertz. "Opportunity cost" is defined as the dollar value of the spectrum if it were to be reallocated to the highest commercial alternative use that currently does not have access to that spectrum. The FCC must also consider: (1) national security, (2) the ability of federal entities to move to new bands or share existing bands, (3) relocation costs, (4) market valuations from spectrum auctions and secondary spectrum trading, and (5) spectrum value on an exclusive or shared basis.

Within two years after the bill's enactment and then every five years, the GAO must determine whether federal entities operating on federal spectrum allocations are using the most spectrum-efficient technologies available. If the technologies are not the most spectrum-efficient, the GAO must determine: (1) the upgrade costs and benefits, and (2) whether there are potential problems with upgrading.

(Sec. 19) The GAO must recommend how to consolidate redundant filing requirements for telecommunications carriers that receive universal service support under the Universal Service Fund program.

(Sec. 20) The FCC must report on the feasibility of conducting mobile broadband coverage drive testing in rural areas (to determine the scope of existing mobile broadband coverage) using U.S. Postal Service delivery systems and commercial entities.

(Sec. 21) The GAO must report on the transition of telecommunications services in the United States from legacy telephone services to Internet Protocol-based services. The report must examine how the federal government: (1) is working with public and private sector stakeholders, and (2) can facilitate the transition in rural and low-income communities.

(Sec. 22) The FCC must submit reports on the broadcast spectrum incentive auction required under the Middle Class Tax Relief and Job Creation Act of 2012. The FCC must address: (1) reimbursements requested by broadcast television licensees, how many television stations will be required to relocate to a new channel assignment, and bilateral spectrum coordination with Canada and Mexico; and (2) the construction schedule for the relocation of television stations to new channel assignments, whether viewers will face service interruptions, impacts on rural areas and translator services, and steps to expedite successful auction bidders' use of spectrum.

(Sec. 23) The FCC must report on the Universal Service Rural Health Care Program and issue a notice of inquiry to evaluate whether the program is meeting its statutory goals. The report must include data on: (1) funding distributed to health care providers in each state since funding year 2013, (2) the types of providers and advanced telecommunications and information services funded, and (3) whether the Telecommunications Program (a program that provides discounts for telecommunications services for eligible health care providers) should be transitioned into the Healthcare Connect Fund.

(Sec. 24) The GAO must report on the FCC's E-rate universal service support program for broadband Internet connections and Wi-Fi at schools and libraries. The report must review: (1) whether the Second E-rate Modernization Order adopted on December 11, 2014, has resulted in overbuilding and duplication, (2) gaps that still exist in Internet connectivity, and (3) recommendations to improve the program.

(Sec. 25) The GAO must report on how public availability of the National Telecommunications and Information Administration's broadband inventory map helps the FCC ensure that the broadband data it collects is accurate, complete, and reliable. The report must evaluate the extent to which federal agencies or other entities authorized to distribute federal grants or loans for broadband projects rely on the map to: (1) award grants and loans for broadband

projects, or (2) determine whether federal funds will be used to deploy broadband in areas already served by private broadband providers.

The GAO must address challenges to the map's accuracy, the FCC's plans concerning the map's limitations for policy or funding decisions, and whether the FCC should collect data from additional or alternative commercial sources.

(Sec. 26) The FCC must submit annual spectrum auction reports regarding: (1) each expenditure for competitive bidding during the preceding (currently, second preceding) fiscal year, (2) an estimate of what systems of competitive bidding may be initiated during the next year and the bands of frequencies it expects to include in the auctions, and (3) a justification for the use of auction proceeds retained by the FCC to develop and implement auctions.

(Sec. 27) The FCC must report, and seek public comment, on its broadband deployment and subscription data collection practices and how data collection can be improved for fixed and mobile broadband.

## **Actions Timeline**

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- **Sep 20, 2016:** Committee on Commerce, Science, and Transportation. Reported by Senator Thune with an amendment in the nature of a substitute. With written report No. 114-355.
- **Sep 20, 2016:** Placed on Senate Legislative Calendar under General Orders. Calendar No. 637.
- **Apr 27, 2016:** Committee on Commerce, Science, and Transportation. Ordered to be reported with an amendment in the nature of a substitute favorably.
- **Mar 7, 2016:** Introduced in Senate
- **Mar 7, 2016:** Read twice and referred to the Committee on Commerce, Science, and Transportation.