

## S 421

### Federal Communications Commission Process Reform Act of 2015

**Congress:** 114 (2015–2017, Ended)

**Chamber:** Senate

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

**Introduced:** Feb 10, 2015

**Current Status:** By Senator Thune from Committee on Commerce, Science, and Transportation filed written report under

**Latest Action:** By Senator Thune from Committee on Commerce, Science, and Transportation filed written report under authority of the order of the Senate of 12/10/2016. Report No. 114-425. Minority views filed. (Dec 20, 2016)

**Official Text:** <https://www.congress.gov/bill/114th-congress/senate-bill/421>

### Sponsor

**Name:** Sen. Heller, Dean [R-NV]

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

### Cosponsors (1 total)

Cosponsor	Party / State	Role	Date Joined
Sen. Daines, Steve [R-MT]	R · MT		Feb 25, 2015

### Committee Activity

Committee	Chamber	Activity	Date
Commerce, Science, and Transportation Committee	Senate	Reported By	Dec 6, 2016

### Subjects & Policy Tags

#### Policy Area:

Science, Technology, Communications

### Related Bills

Bill	Relationship	Last Action
114 S 253	Related bill	Sep 28, 2016: Message on House action received in Senate and at desk: House amendments to Senate bill.
114 HR 2583	Related bill	Nov 17, 2015: Received in the Senate and Read twice and referred to the Committee on Commerce, Science, and Transportation.

## **Federal Communications Commission Process Reform Act of 2015**

(Sec. 2) This bill amends the Communications Act of 1934 to require the Federal Communications Commission (FCC) to complete a rulemaking proceeding to adopt rules establishing:

- minimum comment and reply periods for rulemakings;
- policies to ensure that the public has notice and an opportunity to respond to comments, ex parte communications, or materials submitted toward the end of, or after, the comment period;
- procedures for publishing the status of open rulemakings and items circulated for commissioners' review; and
- guidelines for public notice of certain petitions and review applications.

Petitions must be disposed of pursuant to an order of dismissal.

The language of proposed rules or amendments must be: (1) included in proposed rulemaking notices, and (2) published for at least 21 days before a vote. The rules must establish publication procedures to identify changes made to an adopted item after its adoption.

The FCC must adopt rules requiring performance measures to be included in each new notice of proposed rulemaking or order adopting a rule or amending an existing rule that creates or proposes a program activity listed in the program and financing schedules of the U.S. annual budget, including any annual collections or distributions by the FCC of \$100 million or more. Rulemaking notices regarding a substantial change to a program activity must contain performance measures for evaluating the activity as changed or a finding that existing performance measures are sufficient.

Notices of proposed rulemakings must include: (1) an identification of related FCC notices or court orders issued during the preceding three-year period; or (2) a finding that the proposal will not impose additional burdens and that a notice of inquiry is impracticable, unnecessary, or contrary to the public interest.

Notices about rules that may have an economically significant impact must contain: (1) an identification and analysis of the specific market failure, actual consumer harm, burden of existing regulation, or failure of public institutions that warrants the adoption or amendment; and (2) a determination that the benefits justify the costs. An "economically significant impact" is 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.

The FCC must establish procedures authorizing a commissioner to require the entire commission to vote on whether to review a particular FCC office's actions.

The FCC must seek public comment regarding whether the FCC should: (1) establish deadlines for the disposition of certain license applications; (2) assess fees from applicants to enhance the FCC's resources to meet those deadlines; and (3) publish orders, decisions, reports, and actions within 30 days after adoption.

The FCC must initiate a new rulemaking proceeding every five years to continue its consideration of procedural rule changes.

A bipartisan majority of commissioners may hold a nonpublic meeting if: (1) no votes or actions are taken, and (2) an attorney from the FCC's Office of General Counsel is present. Closed meetings must be disclosed within two business

days after the meeting, along with a list of persons in attendance and a summary of discussed matters.

The FCC must 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.

The FCC must complete actions necessary for the required publication of documents in the Federal Register within specified time frames.

The FCC must 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.

By January 15 of each year, the FCC must publish an anticipated release schedule for all statistical reports and reports to Congress. The FCC must report annually on its performance in conducting proceedings and meeting its public notice guidelines.

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

(Sec. 5) Nothing in this bill shall be construed to impede the FCC from acting in emergencies to ensure that communications are available: (1) to alert the public to imminent dangerous weather conditions, or (2) for state and local first responders.

## **Actions Timeline**

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- **Dec 20, 2016:** By Senator Thune from Committee on Commerce, Science, and Transportation filed written report under authority of the order of the Senate of 12/10/2016. Report No. 114-425. Minority views filed.
- **Dec 6, 2016:** Committee on Commerce, Science, and Transportation. Reported by Senator Thune with an amendment in the nature of a substitute. Without written report.
- **Dec 6, 2016:** Placed on Senate Legislative Calendar under General Orders. Calendar No. 699.
- **Apr 27, 2016:** Committee on Commerce, Science, and Transportation. Ordered to be reported with an amendment in the nature of a substitute favorably.
- **Feb 10, 2015:** Introduced in Senate
- **Feb 10, 2015:** Read twice and referred to the Committee on Commerce, Science, and Transportation.