

104TH CONGRESS
2D SESSION

H. R. 3957

To amend the Communications Act of 1934 to require the Federal Communications Commission to streamline its management, to eliminate unnecessarily burdensome regulatory provisions, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

AUGUST 2, 1996

Mr. FIELDS of Texas (for himself and Mr. DINGELL) introduced the following bill; which was referred to the Committee on Commerce

A BILL

To amend the Communications Act of 1934 to require the Federal Communications Commission to streamline its management, to eliminate unnecessarily burdensome regulatory provisions, 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; REFERENCES.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “FCC Modernization Act of 1996”.

6 (b) REFERENCES.—Except as otherwise expressly
7 provided, whenever in this Act an amendment or repeal
8 is expressed in terms of an amendment to, or repeal of,

1 a section or other provision, the reference shall be consid-
2 ered to be made to a section or other provision of the Com-
3 munications Act of 1934 (47 U.S.C. 151 et seq.).

4 **SEC. 2. PURPOSES; PLAN FOR AGENCY MODERNIZATION.**

5 (a) PURPOSES.—The purposes of this Act are—

6 (1) to require the Federal Communications
7 Commission to streamline its management and pre-
8 pare an agency plan for accomplishing its mission
9 with reduced resources;

10 (2) to reduce regulatory burdens and agency
11 functions as competition renders those burdens and
12 functions unnecessary; and

13 (3) to repeal outdated and unnecessary provi-
14 sions of the Communications Act of 1934.

15 (b) PLAN FOR AGENCY MODERNIZATION.—

16 (1) PLAN REQUIRED.—Within 6 months after
17 the date of enactment of this Act, the Commission
18 shall prepare a plan—

19 (A) to adjust the allocation of agency per-
20 sonnel to reflect the open-entry and pro-com-
21 petitive policies adopted by the United States;

22 (B) to propose the automation or privatiza-
23 tion of routine agency functions, including the
24 use of advisory committees for coordinating fre-

1 quency assignments and automating frequency
2 assignment databases;

3 (C) to propose the termination of agency
4 functions that are no longer necessary to the
5 protection of the public interest;

6 (D) to reduce the levels of agency's ex-
7 penses for management and overhead; and

8 (E) to prepare the agency for rapid re-
9 sponse to changes in technologies and markets.

10 (2) CONTENTS REQUIRED.—The plan required
11 by this subsection shall include—

12 (A) detailed projections of agency financial
13 and personnel requirements over the 5 succeed-
14 ing fiscal years;

15 (B) the savings expected from automating
16 and privatizing routine agency functions and
17 from terminating unnecessary agency functions,
18 and deadlines by which such automation, pri-
19 vatization, and termination will be attained;

20 (C) the appropriate level of funding for
21 agency management and overhead expenses;
22 and

23 (D) any additional authority or statutory
24 changes required to achieve the plan or carry
25 out the purposes of this section.

1 (3) SUBMISSION OF PLAN.—The Commission
2 shall submit a copy of the plan required by this sub-
3 section to the President and to the Committee on
4 Commerce of the House of Representatives and the
5 Committee on Commerce, Science, and Transpor-
6 tation of the Senate.

7 **SEC. 3. AUTHORITY TO DELEGATE.**

8 Section 5 (47 U.S.C. 155) is amended by adding at
9 the end the following new subsection:

10 “(f) DELEGATION TO ADVISORY COORDINATING
11 COMMITTEES.—

12 “(1) IN GENERAL.—When necessary to the
13 prompt and orderly conduct of its business, the
14 Commission may, by published rule or order, dele-
15 gate its authority to grant licenses and permits (and
16 modifications and renewals thereof) for stations in
17 the private mobile services to advisory coordinating
18 committees qualified pursuant to section 332(b).
19 Any order, decision, report, or action made or taken
20 pursuant to any such delegation, unless reviewed as
21 provided in paragraph (2), shall have the same force
22 and effect, and shall be made, evidenced, and en-
23 forced in the same manner, as orders, decisions, re-
24 ports, or other actions of the Commission.

- 1 (1) by striking subsections (a) through (e);
2 (2) in subsection (f), by striking “such carrier”
3 and inserting “any carrier subject to this Act”; and
4 (3) by redesignating subsections (f) and (g) as
5 subsections (a) and (b), respectively.

6 **SEC. 7. ELIMINATION OF COMMISSION AUTHORITY OVER**
7 **NEW LINES; CONTROL OF ABANDONMENT TO**
8 **PROTECT UNIVERSAL SERVICE.**

9 (a) AMENDMENTS.—Section 214 (47 U.S.C. 214) is
10 amended—

- 11 (1) by amending subsection (a) to read as fol-
12 lows:

13 “(a) CARRIER AUTHORITY TO DISCONTINUE, RE-
14 DUCE, OR IMPAIR SERVICE.—No carrier shall discontinue,
15 reduce, or impair service to a community, or part of a
16 community, unless and until there shall first have been
17 obtained from the Commission a certificate that the public
18 convenience and necessity will not be adversely affected
19 thereby; except that the Commission may, upon appro-
20 priate request being made, authorize temporary or emer-
21 gency discontinuance, reduction, or impairment of service,
22 or partial discontinuance, reduction, or impairment of
23 service, without regard to the provisions of this section.
24 As used in this section the term ‘line’ means any channel
25 of communication established by the use of appropriate

1 equipment, other than a channel of communication estab-
2 lished by the interconnection of two or more existing chan-
3 nels.”;

4 (2) in subsection (b)—

5 (A) by inserting “NOTICE.—” after the
6 subsection designation; and

7 (B) by striking “in which such line is pro-
8 posed to be constructed, extended, acquired, or
9 operated, or”;

10 (3) in subsection (c)—

11 (A) by inserting “ISSUANCE AND EFFECT
12 OF CERTIFICATE.—” after the subsection
13 designation;

14 (B) by striking “or extension thereof”;

15 (C) by striking “construction, extension,
16 acquisition, operation, or”; and

17 (D) by striking “Any construction, exten-
18 sion, acquisition, operation, discontinuance”
19 and inserting “Any discontinuance”; and

20 (4) in subsection (d), by inserting “MANDA-
21 TORY EXTENSIONS OF SERVICE.—” after the sub-
22 section designation.

23 (b) EXPEDITIOUS CONSIDERATION OF WAIVER RE-
24 QUESTS IN CONNECTION WITH ACQUISITIONS.—A com-
25 mon carrier’s application for a waiver of part 36, 61, or

1 69 of the Commission's rules (47 C.F.R. parts 36, 61,
2 and 69) in connection with an acquisition of the lines of
3 another common carrier shall be deemed approved 6
4 months after the date on which the application is filed
5 with the Commission unless the Commission, prior to the
6 expiration of such 6-month period, finds that the applica-
7 tion is not in the public interest.

8 (c) DELAYED EFFECTIVE DATE FOR INTER-
9 NATIONAL EXTENSIONS.—The amendments made by sub-
10 section (a) of this section are effective upon enactment,
11 except that such amendments shall not apply with respect
12 to the construction, extension, or acquisition of any line
13 for foreign communication until such date as the Commis-
14 sion prescribes by rule consistent with the public interest.

15 **SEC. 8. TRANSACTIONS RELATING TO SERVICES AND**
16 **EQUIPMENT.**

17 Section 215 (47 U.S.C. 215), relating to transactions
18 relating to services and equipment, is repealed.

19 **SEC. 9. INQUIRIES INTO MANAGEMENT.**

20 Section 218 (47 U.S.C. 218), relating to inquiries
21 into management, is amended—

22 (1) by amending the section designation and
23 heading of such section to read as follows:

24 **“SEC. 218. AUTHORITY TO OBTAIN INFORMATION.”;**

25 (2) by striking the first sentence; and

1 (3) by striking “such carriers” and inserting
2 “carriers subject to this Act”.

3 **SEC. 10. ANNUAL AND OTHER REPORTS.**

4 Section 219 (47 U.S.C. 219) is amended to read as
5 follows:

6 **“SEC. 219. FILING OF FINANCIAL STATEMENTS AND**
7 **ANNUAL REPORTS.**

8 “Each telecommunications carrier shall file with the
9 Commission—

10 “(1) a copy of any annual or other periodic re-
11 port to shareholders;

12 “(2) a copy of any prospectus, registration
13 statement, proxy statement, or other document dis-
14 tributed in connection with an offering of securities
15 or the solicitation of shareholder votes; and

16 “(3) a copy of such other supplementary and
17 periodic information, documents, and reports as may
18 be required by the Securities and Exchange Commis-
19 sion pursuant to section 13 or 15(d) of the Securi-
20 ties Exchange Act of 1934.”.

21 **SEC. 11. PIONEER PREFERENCES.**

22 (a) **TERMINATION OF AUTHORITY.**—Paragraph (13)
23 of section 309(j) (47 U.S.C. 309(j)) is amended to read
24 as follows:

1 **SEC. 13. VERY HIGH FREQUENCY STATIONS AND AM RADIO**
2 **STATIONS.**

3 Section 331 (47 U.S.C. 331), relating to very high
4 frequency stations and AM radio stations, is repealed.

5 **SEC. 14. PROCEEDS OF FACILITIES SITING FEES.**

6 Section 704(c) of the Telecommunications Act of
7 1996 (47 U.S.C. 332(e), note) is amended by inserting
8 before the last sentence the following new sentence: “All
9 proceeds from the fees charged by Federal departments
10 and agencies for use of property, rights-of-way, and ease-
11 ments shall be deposited in the Treasury in accordance
12 with chapter 33 of title 31, United States Code. As used
13 in this subsection, the term ‘agency’ has the meaning pro-
14 vided in section 551(1) of title 5, United States Code, and
15 includes, notwithstanding any other provision of law, any
16 independent establishment in the Executive branch.”.

17 **SEC. 15. TRAVEL RESTRICTION.**

18 For the 2 years following the date of enactment of
19 this Act, the Chairman of the Federal Communications
20 Commission shall not be permitted to travel more than
21 50 miles from the District of Columbia while on official
22 business.

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