

.....
(Original Signature of Member)

110TH CONGRESS
2D SESSION

H. R. _____

To improve public participation and overall decision-making at the Federal Communications Commission, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. BARTON of Texas introduced the following bill; which was referred to the Committee on _____

A BILL

To improve public participation and overall decision-making at the Federal Communications Commission, 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 Procedural Re-
5 form for Openness and Clarity Encouraging Sensible Solu-
6 tions Act” or the “FCC PROCESS Act”.

1 **SEC. 2. FINDINGS.**

2 Congress finds that the Federal Communications
3 Commission should seek to maximize the attainment of
4 the following goals:

5 (1) Promote transparency in the decision-mak-
6 ing process.

7 (2) Encourage meaningful public comment on
8 specific, rather than vague, notices of proposed regu-
9 lations and other modifications to regulations.

10 (3) Promote an orderly and informed decision-
11 making process by members of the Commission at
12 the Commission's meetings.

13 (4) Promote timely and orderly resolution of
14 Commission business.

15 (5) Promote the public's knowledge and ability
16 to effectively provide input on matters before the
17 Commission.

18 **SEC. 3. FCC REFORM.**

19 The Communications Act of 1934 (47 U.S.C. 151 et
20 seq.) is amended by inserting after section 5 the following
21 new section:

22 **“SEC. 5B. PUBLIC PARTICIPATION AND COMMISSION DECI-
23 SION-MAKING.**

24 **“(a) REFORM MEASURES.—**Unless otherwise speci-
25 fied, the Commission shall promulgate regulations not

1 later than 6 months after the date of enactment of the
2 FCC PROCESS Act in accordance with the following:

3 “(1) Except as provided in the third sentence of
4 section 553(b) of title 5, United States Code, before
5 adopting, modifying, or deleting a final regulation,
6 the Commission—

7 “(A) shall publish the specific language of
8 the proposed regulation, modification, or dele-
9 tion;

10 “(B) shall provide the public with at least
11 30 days to submit comments and 30 days to
12 submit reply comments on such proposed regu-
13 lation, modification, or deletion; and

14 “(C) shall provide at least 30 days for
15 agency consideration on the record on such pro-
16 posed regulation, modification, or deletion.

17 “(2) The Commission shall ensure that mem-
18 bers of the Commission have adequate time, prior to
19 being required to decide an issue (including at a
20 meeting held pursuant to section 5(d)), to review the
21 proposed Commission decision document, including
22 any specific language that is proposed to be adopted
23 as, modified in, or deleted from a regulation.

24 “(3) The Commission shall establish deadlines
25 for any Commission order, decision, report, or action

1 for each of the various categories of petitions, appli-
2 cations, complaints, and other filings seeking Com-
3 mission action.

4 “(4) The Commission shall, within 3 months
5 after the date of enactment of the FCC PROCESS
6 Act, catalog, identify, and publish the anticipated re-
7 lease schedule for all statistical reports regularly
8 published by the Commission and shall thereafter
9 publish such schedule at least annually.

10 “(5) The Commission shall publish any order,
11 decision, report, or action of the Commission within
12 30 days after the date of the adoption of the order,
13 decision, report, or action and shall publish annually
14 a report containing detailed statistics concerning any
15 delays between the adoption and the release and
16 publication of such orders, decisions, reports, or ac-
17 tions. The Commission shall notify by letter the
18 Chairpersons and Ranking Members of the Com-
19 mittee on Energy and Commerce of the House of
20 Representatives and the Committee on Commerce,
21 Science, and Transportation of the Senate indicating
22 that an item will not be released and published with-
23 in such deadline and the reason for such delay and
24 shall update by letter such Chairpersons and Rank-

1 ing Members every 14 days until the release and
2 publication of such item.

3 “(b) DEFINITION.—For the purposes of this section,
4 the term ‘regulation’ has the meaning given the term ‘rule’
5 in section 551(4) of title 5, United States Code.”.

6 **SEC. 4. EFFECT ON OTHER LAWS.**

7 Nothing in this Act, including the amendments made
8 by this Act, shall absolve the Federal Communications
9 Commission from any obligations under title 5, United
10 States Code.