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(Original Signature of Member)

111TH CONGRESS  
1ST SESSION

**H. R.**

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

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IN THE HOUSE OF REPRESENTATIVES

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

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**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. FCC REFORM.**

4 (a) IN GENERAL.—The Communications Act of 1934  
5 (47 U.S.C. 151 et seq.) is amended by inserting after sec-  
6 tion 5 the following new section:

1 **“SEC. 5A. PUBLIC PARTICIPATION AND COMMISSION DECI-**  
2 **SION-MAKING.**

3 “(a) REFORM MEASURES.—The Commission shall  
4 promulgate regulations in accordance with the following:

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

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

12 “(B) shall provide at least 30 days for the  
13 submission of comments and an additional 30  
14 days for the submission of reply comments on  
15 such proposed regulation, modification, or dele-  
16 tion; and

17 “(C) shall provide at least 30 days fol-  
18 lowing the deadline for the submission of reply  
19 comments for agency consideration on the  
20 record on such proposed regulation, modifica-  
21 tion, or deletion.

22 “(2) The Commission shall ensure that mem-  
23 bers of the Commission have adequate time, prior to  
24 being required to decide an issue (including at a  
25 meeting held pursuant to section 5(d)), to review the  
26 proposed Commission decision document, including

1 any specific language that is proposed to be adopted  
2 as, modified in, or deleted from a regulation.

3 “(3) The Commission shall establish deadlines  
4 for any Commission order, decision, report, or action  
5 for each of the various categories of petitions, appli-  
6 cations, complaints, and other filings seeking Com-  
7 mission action.

8 “(4) The Commission shall publish any order,  
9 decision, report, or action of the Commission within  
10 30 days after the date of the adoption of such order,  
11 decision, report, or action.

12 “(5) The Commission shall notify by letter the  
13 Chairpersons and Ranking Members of the Com-  
14 mittee on Energy and Commerce of the House of  
15 Representatives and the Committee on Commerce,  
16 Science, and Transportation of the Senate—

17 “(A) indicating that an order, decision, re-  
18 port, or action of the Commission was not pub-  
19 lished within 30 days after the date of the  
20 adoption of such order, decision, report, or ac-  
21 tion;

22 “(B) identifying such order, decision, re-  
23 port, or action; and

24 “(C) describing the reason for the delay.

1       The Commission shall update by letter such Chair-  
2       persons and Ranking Members every 14 days until  
3       the publication of such order, decision, report, or ac-  
4       tion.

5           “(6) For any year in which the Commission was  
6       required to provide a notice pursuant to paragraph  
7       (5), the Commission shall publish an annual report  
8       containing detailed statistics concerning the delay  
9       between the adoption and the publication of any  
10      such order, decision, report, or action.

11          “(7) The Commission shall publish on a weekly  
12      basis a summary list of documents containing pro-  
13      posed decisions pending review by the Commission.  
14      For all such decisions on such list for more than 60  
15      days, the Commission shall also name any Commis-  
16      sioners who have not cast a vote on such decision.

17      “(b) STATISTICAL REPORTS SCHEDULE.—

18          “(1) IN GENERAL.—The Commission shall cata-  
19      log, identify, and publish the anticipated release  
20      schedule for all statistical reports regularly or inter-  
21      mittently published by the Commission and shall  
22      thereafter publish such schedule at least annually.

23          “(2) NOTIFICATION OF DELAY.—The Commis-  
24      sion shall notify by letter the Chairpersons and  
25      Ranking Members of the Committee on Energy and

1 Commerce of the House of Representatives and the  
2 Committee on Commerce, Science, and Transpor-  
3 tation of the Senate—

4 “(A) indicating that a statistical report  
5 was not published within 60 days after the date  
6 specified in the anticipated release schedule  
7 published under paragraph (1);

8 “(B) identifying such report; and

9 “(C) describing the reason for such delay.

10 The Commission shall update by letter such Chair-  
11 persons and Ranking Members every 30 days until  
12 the publication of such report.

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

16 (b) EFFECTIVE DATES.—

17 (1) REFORM MEASURES.—The Federal Commu-  
18 nications Commission shall carry out section 5A(a)  
19 of the Communications Act of 1934 (as added by  
20 subsection (a)) within 6 months after the date of en-  
21 actment of this Act.

22 (2) STATISTICAL REPORTS SCHEDULE.—The  
23 Federal Communications Commission shall carry out  
24 section 5A(b) of the Communications Act of 1934

1 (as added by subsection (a)) within 3 months after  
2 the date of enactment of this Act.

3 (3) EXCEPTION.—Notwithstanding paragraph  
4 (1), in promulgating rules to carry out section 5A(a)  
5 of the Communications Act of 1934 (as added by  
6 subsection (a)), the Federal Communications Com-  
7 mission shall comply with the requirements of para-  
8 graphs (1), (2), and (4) of section 5A(a) of the  
9 Communications Act of 1934 (as added by sub-  
10 section (a)).

11 **SEC. 2. EFFECT ON OTHER LAWS.**

12 Nothing in this Act, including the amendments made  
13 by this Act, shall absolve the Federal Communications  
14 Commission from any obligations under title 5, United  
15 States Code.