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PROVIDING FOR CONSIDERATION OF THE BILL (H.R. 3309) TO  
AMEND THE COMMUNICATIONS ACT OF 1934 TO PROVIDE  
FOR GREATER TRANSPARENCY AND EFFICIENCY IN THE  
PROCEDURES FOLLOWED BY THE FEDERAL  
COMMUNICATIONS COMMISSION

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March 26, 2012.—Referred to the House Calendar and ordered to be printed.

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MR. WEBSTER, from the Committee on Rules, submitted the following

R E P O R T

[To accompany H. Res. ]

The Committee on Rules, having had under consideration House Resolution\_\_\_\_, by a nonrecord vote, report the same to the House with the recommendation that the resolution be adopted.

SUMMARY OF PROVISIONS OF THE RESOLUTION

The resolution provides for consideration of H.R. 3309, the Federal Communications Commission Process Reform Act of 2011, under a structured rule. The resolution provides one hour of general debate equally divided and controlled by the chair and ranking minority member of the Committee on Energy and Commerce. The resolution waives all points of order against consideration of the bill. The resolution provides that the amendment in the nature of a substitute recommended by the Committee on Energy and Commerce now printed in the bill shall be considered as original text for the purpose of amendment and shall be considered as read. The resolution waives all points of order against the amendment in the nature of a substitute. The resolution makes in order only those amendments printed in this report. Each such amendment may be offered only in the order printed in this report, may be offered only by a Member designated in this report, shall be considered as read, shall be debatable for the time specified in this report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or the Committee of the Whole. The resolution waives all points of order against amendments printed in this report. The resolution provides one motion to recommit with

or without instructions.

Section 2 of the resolution provides that the Speaker may appoint Members to perform the duties of the Chair for the duration of the period from March 29, 2012, through April 16, 2012, as though under clause 8(a) of rule I.

#### EXPLANATION OF WAIVERS

Although the resolution waives all points of order against consideration of the bill, the Committee is not aware of any points of order. The waiver is prophylactic in nature.

Although the resolution waives all points of order against the committee amendment in the nature of a substitute made in order as original text, the Committee is not aware of any points of order. The waiver is prophylactic in nature.

Although the resolution waives all points of order against the amendments printed in this report, the Committee is not aware of any points of order. The waiver is prophylactic in nature.

#### COMMITTEE VOTES

The results of each record vote on an amendment or motion to report, together with the names of those voting for and against, are printed below:

##### Rules Committee Record Vote No. 204

Motion by Ms. Slaughter to report an open rule. Defeated: 3-6

Majority Members	Vote	Minority Members	Vote
Mr. Sessions.....	Nay	Ms. Slaughter.....	Yea
Ms. Foxx.....	Nay	Mr. McGovern.....	Yea
Mr. Woodall.....	Nay	Mr. Hastings of Florida.....	Yea
Mr. Scott of South Carolina...	Nay		
Mr. Webster.....	Nay		
Mr. Dreier, Chairman.....	Nay		

##### Rules Committee Record Vote No. 205

Motion by Mr. McGovern to make in order and provide the appropriate waivers for the amendment offered by Rep. Waters (CA), #4, which would require the Federal Communications Commission to create and implement rules requiring public disclosure of contributions received by any party that submits to the Commission facts, arguments, offers of settlement, or proposals of adjustment (either electronically or in writing), whenever such

contributions may constitute a potential conflict of interest. Defeated: 3-6

Majority Members	Vote	Minority Members	Vote
Mr. Sessions.....	Nay	Ms. Slaughter.....	Yea
Ms. Foxx.....	Nay	Mr. McGovern.....	Yea
Mr. Woodall.....	Nay	Mr. Hastings of Florida.....	Yea
Mr. Scott of South Carolina...	Nay		
Mr. Webster.....	Nay		
Mr. Dreier, Chairman.....	Nay		

#### SUMMARY OF THE AMENDMENTS MADE IN ORDER

1. Crowley (NY): Would require, in the event that the FCC creates or amends a rule relating to baby monitors, the FCC to require the packaging of a new baby monitor to display a warning label so that families are informed that video and sounds captured by an analog baby monitor may be easily viewed or heard by potential intruders outside a consumer's home. (10 minutes)
2. Stearns (FL): Would modify existing law so that each FCC Commissioner may hire an electrical engineer or computer scientist -- to provide in-depth technical consultation as well as interface with the Office of Engineering and Technology (OET) and other Commission technical staff to help inform their decisions. (10 minutes)
3. Waters (CA): Would strike the portion of Section 3 that would diminish the Federal Communications Commission's (FCC) capacity to impose or accept voluntary public interest conditions or commitments from applicants to a media merger. (10 minutes)
4. Waters (CA): Would prohibit FCC officials from accepting employment with a regulated entity within 1 year of the official's vote and/or action in a proceeding in which the employer was a party or applicant. (10 minutes)
5. Eshoo (CA): Would require entities sponsoring political programming to disclose the identity of any donor that has contributed \$10,000 or more to such entity in an election reporting cycle. (10 minutes)
6. Diaz-Balart, Mario (FL): Would make the FCC's handling of FOIA requests more open and transparent. (10 minutes)
7. Owens (NY): Would express that nothing in this Act shall impede the FCC from implementing rules to ensure broadband access in rural areas. (10 minutes)
8. Green, Al (TX): Would clarify that the Act would not impede the FCC's ability to provide in times of an emergency, for effective and efficient communication systems to alert the public of dangerous weather conditions. (10 minutes)

9. Speier (CA): Would prevent this Act from taking effect until the FCC provides a report on the impact of the changes of this Act on the FCC's mandate to promote competition and innovation. (10 minutes)
10. Clarke (NY): Would express that nothing in this Act shall impede the FCC from providing efficient and effective communication systems for state and local first responders. (10 minutes)

**TEXT OF AMENDMENTS MADE IN ORDER**

1. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE CROWLEY OF NEW YORK OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

**AMENDMENT TO H.R. 3309, AS REPORTED  
OFFERED BY MR. CROWLEY OF NEW YORK**

Page 7, line 5, strike “and”.

Page 7, line 15, strike the period and insert “; and”.

Page 7, after line 15, insert the following:

1           “(F) in the case of the adoption of a rule  
2           or the amendment of an existing rule relating  
3           to baby monitors, such rule as adopted or  
4           amended requires the packaging of an analog  
5           baby monitor to display a warning label stating  
6           that sounds or images captured by the baby  
7           monitor may be easily viewed or heard by po-  
8           tential intruders outside a consumer’s home.



2. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE STEARNS OF FLORIDA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

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**AMENDMENT TO H.R. 3309, AS REPORTED  
OFFERED BY MR. STEARNS OF FLORIDA**

Page 8, line 10, strike "and".

Page 8, after line 10, insert the following (and re-designate the subsequent paragraph sequentially):

1           “(3) ensuring that each Commissioner has an  
2           adequate opportunity, prior to being required to de-  
3           cide a petition, complaint, application, rulemaking,  
4           or other proceeding (including at a meeting held  
5           pursuant to section 5(d)), to consult with a profes-  
6           sional engineer, hired by the Commissioner, that  
7           holds an undergraduate or graduate degree from an  
8           institution of higher education in the field of elec-  
9           trical engineering or computer science; and

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3. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE WATERS OF CALIFORNIA OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

**AMENDMENT TO H.R. 3309, AS REPORTED  
OFFERED BY MS. WATERS OF CALIFORNIA**

Page 15, strike line 17 and all that follows through  
line 15 on page 16 (and redesignate subsequent provisions accordingly).



4. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE  
WATERS OF CALIFORNIA OR HER DESIGNEE, DEBATABLE FOR  
10 MINUTES

6

**AMENDMENT TO H.R. 3309, AS REPORTED  
OFFERED BY MS. WATERS OF CALIFORNIA**

Page 18, after line 21, insert the following (and re-designate subsequent provisions accordingly):

1       “(n) PROHIBITION ON ACCEPTANCE OF CERTAIN OF-  
2 FERS OF EMPLOYMENT BY COMMISSIONERS AND EM-  
3 PLOYEES.—

4       “(1) IN GENERAL.—A Commissioner or em-  
5 ployee of the Commission may not accept an offer of  
6 employment from any person as an employee, offi-  
7 cer, or director of such person during the 1-year pe-  
8 riod following the conclusion of a proceeding—

9               “(A) over which such Commissioner or em-  
10 ployee presided and that involved the transfer  
11 of licenses to or from the person making the  
12 offer of employment;

13               “(B) over which such Commissioner or em-  
14 ployee presided, to which the person making the  
15 offer of employment was a party, and that in-  
16 volved a merger, combination, or other adju-  
17 dication; or

18               “(C) in which such Commissioner or em-  
19 ployee issued a decision under authority dele-

1 gated by the Commission under section  
2 5(c)(1)—

3 “(i) if such proceeding involved a  
4 transfer of licenses to or from the person  
5 making the offer of employment; or

6 “(ii) if such proceeding involved a  
7 merger, combination, or other adjudication  
8 and the person making the offer of employ-  
9 ment was a party to such proceeding.

10 “(2) PENALTIES.—A Commissioner or em-  
11 ployee who knowingly accepts an offer of employ-  
12 ment in violation of paragraph (1), and a person  
13 who knowingly offers employment to a Commissioner  
14 or employee under circumstances in which accept-  
15 ance would constitute a violation of such paragraph,  
16 shall be subject to the penalties provided in this Act.

17 “(3) REGULATIONS.—The Commission shall by  
18 rule establish procedures for a Commissioner or em-  
19 ployee to request advice from an appropriate Com-  
20 mission ethics official regarding whether acceptance  
21 of a particular offer of employment would constitute  
22 a violation of paragraph (1).



5. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE ESHOO OF CALIFORNIA OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

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**AMENDMENT TO H.R. 3309, AS REPORTED**

**OFFERED BY M<sup>S</sup>. BSHOD**

Page 18, after line 21, insert the following (and re-designate subsequent provisions accordingly):

1       “(n) CERTIFICATIONS REGARDING IDENTITY OF DO-  
2       NORS FOR PUBLIC INSPECTION FILES.—

3               “(1) IN GENERAL.—The Commission shall re-  
4       vise its rules to require the public inspection file of  
5       a broadcast licensee, cable operator, or provider of  
6       direct broadcast satellite service to include, from  
7       each entity sponsoring political programming, a cer-  
8       tification that identifies any donors that have con-  
9       tributed a total of \$10,000 or more to such entity  
10       in an election reporting cycle.

11               “(2) ACCURACY OF INFORMATION.—A broad-  
12       cast licensee, cable operator, or provider of direct  
13       broadcast satellite service may not be held respon-  
14       sible for an inaccuracy in a certification filed under  
15       this subsection, unless such licensee, operator, or  
16       provider had actual knowledge, at the time such cer-  
17       tification was filed, that such certification was false  
18       or fraudulent.

19               “(3) DEFINITIONS.—In this subsection:

1           “(A) CABLE OPERATOR.—The term ‘cable  
2 operator’ has the meaning given such term in  
3 section 602.

4           “(B) DBS ORIGINATION PROGRAMMING.—  
5 The term ‘DBS origination programming’ has  
6 the meaning given such term in section 25.701  
7 of title 47, Code of Federal Regulations.

8           “(C) ELECTION REPORTING CYCLE.—The  
9 term ‘election reporting cycle’ means, with re-  
10 spect to a request to purchase time by an entity  
11 sponsoring political programming, the 2-year  
12 period that begins on the date of the most re-  
13 cent general election for Federal office pre-  
14 ceding such request.

15           “(D) GENERAL ELECTION.—The term  
16 ‘general election’ means an election occurring  
17 on the first Tuesday after the first Monday in  
18 November of an even-numbered year.

19           “(E) ORIGINATION CABLECASTING.—The  
20 term ‘origination cablecasting’ has the meaning  
21 given such term in section 76.5 of title 47,  
22 Code of Federal Regulations.

23           “(F) POLITICAL PROGRAMMING.—The  
24 term ‘political programming’ means program-  
25 ming that communicates a message relating to

1 any political matter of national importance, in-  
2 cluding a legally qualified candidate for public  
3 office, any election to Federal office, or a na-  
4 tional legislative issue of public importance.

5 “(G) PROGRAMMING.—The term ‘program-  
6 ming’ means—

7 “(I) with respect to a broadcast li-  
8 censee, broadcast programming;

9 “(ii) with respect to a cable operator,  
10 origination cablecasting; and

11 “(iii) with respect to a provider of di-  
12 rect broadcast satellite service, DBS origi-  
13 nation programming.

14 “(H) PROVIDER OF DIRECT BROADCAST  
15 SATELLITE SERVICE.—The term ‘provider of di-  
16 rect broadcast satellite service’ has the meaning  
17 given such term in section 335.



6. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE DIAZ-BALART OF FLORIDA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

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**AMENDMENT TO H.R. 3309, AS REPORTED  
OFFERED BY MR. DIAZ-BALART OF FLORIDA**

Page 19, after line 13, insert the following (and re-designate subsequent provisions accordingly):

1       “(o) TRANSPARENCY RELATING TO PERFORMANCE  
2 IN MEETING FOIA REQUIREMENTS.—The Commission  
3 shall take additional steps to inform the public about its  
4 performance and efficiency in meeting the disclosure and  
5 other requirements of section 552 of title 5, United States  
6 Code (commonly referred to as the Freedom of Informa-  
7 tion Act), including by doing the following:

8               “(1) Publishing on the Commission’s website  
9 the Commission’s logs for tracking, responding to,  
10 and managing requests submitted under such sec-  
11 tion, including the Commission’s fee estimates, fee  
12 categories, and fee request determinations.

13               “(2) Releasing to the public all decisions made  
14 by the Commission (including decisions made by the  
15 Commission’s Bureaus and Offices) granting or de-  
16 nying requests filed under such section, including  
17 any such decisions pertaining to the estimate and  
18 application of fees assessed under such section.

1           “(3) Publishing on the Commission’s website  
2           electronic copies of documents released under such  
3           section.

4           “(4) Presenting information about the Commis-  
5           sion’s handling of requests under such section in the  
6           Commission’s annual budget estimates submitted to  
7           Congress and the Commission’s annual performance  
8           and financial reports. Such information shall include  
9           the number of requests under such section the Com-  
10          mission received in the most recent fiscal year, the  
11          number of such requests granted and denied, a com-  
12          parison of the Commission’s processing of such re-  
13          quests over at least the previous 3 fiscal years, and  
14          a comparison of the Commission’s results with the  
15          most recent average for the United States Govern-  
16          ment as published on [www.foia.gov](http://www.foia.gov).



7. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE OWENS OF NEW YORK OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

**AMENDMENT TO H.R. 3309, AS REPORTED**  
**OFFERED BY Mr. Owens**

Page 22, after line 24, insert the following (and re-designate the subsequent section accordingly):

**1 SEC. 4. BROADBAND ACCESS IN RURAL AREAS.**

2       Nothing in this Act (including the amendment made  
3 by section 2 of this Act) shall impede the Federal Commu-  
4 nications Commission from implementing rules to ensure  
5 broadband access in rural areas.



8. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE GREEN OF TEXAS OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

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**AMENDMENT TO H.R. 3309, AS REPORTED  
OFFERED BY MR. AL GREEN OF TEXAS**

Page 22, after line 24, insert the following (and re-designate the subsequent section accordingly):

1 **SEC. 4. PROVISION OF EMERGENCY WEATHER INFORMA-**  
2 **TION.**

3 Nothing in subsection (a) of section 13 of the Com-  
4 munications Act of 1934, as added by section 2 of this  
5 Act, shall be construed to impede the Federal Communica-  
6 tions Commission from acting in times of emergency to  
7 ensure the availability of efficient and effective commu-  
8 nications systems to alert the public to imminent dan-  
9 gerous weather conditions.



9. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE SPEIER OF CALIFORNIA OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

**AMENDMENT TO H.R. 3309, AS REPORTED**  
**OFFERED BY M. SPEIER**

Page 22, after line 24, insert the following (and re-designate the subsequent section accordingly):

**1 SEC. 4. IMPACT ON COMPETITION AND INNOVATION.**

2 This Act (including the amendment made by section  
3 2 of this Act) shall not take effect until the Federal Com-  
4 munications Commission submits to Congress a report on  
5 the impact of this Act (and amendment) on the mandate  
6 of the Commission to promote competition and innovation.



10. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE  
CLARKE OF NEW YORK OR HER DESIGNEE, DEBATABLE FOR 10  
MINUTES

112

**AMENDMENT TO H.R. 3309, AS REPORTED**

**OFFERED BY M S. Clarke**

Page 22, after line 24, insert the following (and re-designate the subsequent section accordingly):

**1 SEC. 4. COMMUNICATIONS OF FIRST RESPONDERS.**

2       Nothing in this Act (including the amendment made  
3 by section 2 of this Act) shall impede the Federal Commu-  
4 nications Commission from ensuring the availability of ef-  
5 ficient and effective communications systems for State and  
6 local first responders.



House Calendar No. \_\_\_\_\_

112TH CONGRESS  
2D SESSION

**H. RES.** \_\_\_\_\_

**Report No. 112-**\_\_\_\_\_

Providing for consideration of the bill (H.R. 3309) to amend the Communications Act of 1934 to provide for greater transparency and efficiency in the procedures followed by the Federal Communications Commission.

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IN THE HOUSE OF REPRESENTATIVES

MARCH 26, 2012

Mr. WEBSTER, from the Committee on Rules, reported the following resolution; which was referred to the House Calendar and ordered to be printed

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**RESOLUTION**

Providing for consideration of the bill (H.R. 3309) to amend the Communications Act of 1934 to provide for greater transparency and efficiency in the procedures followed by the Federal Communications Commission.

1       *Resolved*, That at any time after the adoption of this  
2 resolution the Speaker may, pursuant to clause 2(b) of  
3 rule XVIII, declare the House resolved into the Committee  
4 of the Whole House on the state of the Union for consider-  
5 ation of the bill (H.R. 3309) to amend the Communica-  
6 tions Act of 1934 to provide for greater transparency and

1 efficiency in the procedures followed by the Federal Com-  
2 munications Commission. The first reading of the bill shall  
3 be dispensed with. All points of order against consider-  
4 ation of the bill are waived. General debate shall be con-  
5 fined to the bill and shall not exceed one hour equally di-  
6 vided and controlled by the chair and ranking minority  
7 member of the Committee on Energy and Commerce.  
8 After general debate the bill shall be considered for  
9 amendment under the five-minute rule. It shall be in order  
10 to consider as an original bill for the purpose of amend-  
11 ment under the five-minute rule the amendment in the na-  
12 ture of a substitute recommended by the Committee on  
13 Energy and Commerce now printed in the bill. The com-  
14 mittee amendment in the nature of a substitute shall be  
15 considered as read. All points of order against the com-  
16 mittee amendment in the nature of a substitute are  
17 waived. No amendment to the committee amendment in  
18 the nature of a substitute shall be in order except those  
19 printed in the report of the Committee on Rules accom-  
20 panying this resolution. Each such amendment may be of-  
21 fered only in the order printed in the report, may be of-  
22 fered only by a Member designated in the report, shall  
23 be considered as read, shall be debatable for the time spec-  
24 ified in the report equally divided and controlled by the  
25 proponent and an opponent, shall not be subject to amend-

1 ment, and shall not be subject to a demand for division  
2 of the question in the House or in the Committee of the  
3 Whole. All points of order against such amendments are  
4 waived. At the conclusion of consideration of the bill for  
5 amendment the Committee shall rise and report the bill  
6 to the House with such amendments as may have been  
7 adopted. Any Member may demand a separate vote in the  
8 House on any amendment adopted in the Committee of  
9 the Whole to the bill or to the committee amendment in  
10 the nature of a substitute. The previous question shall be  
11 considered as ordered on the bill and amendments thereto  
12 to final passage without intervening motion except one  
13 motion to recommit with or without instructions.

14       SEC. 2. The Speaker may appoint Members to per-  
15 form the duties of the Chair for the duration of the period  
16 from March 29, 2012, through April 16, 2012, as though  
17 under clause 8(a) of rule I.