



Legislative Bulletin.....March 27, 2012

Contents:

Amendments to H.R. 3309 - Federal Communications Commission Process Reform Act of 2012

H.R. 3309 - Federal Communications Commission Process Reform Act of 2012 (Walden, R-OR)

Order of Business: The bill is scheduled to be considered on Tuesday, March 27, 2012, under a structured rule, H.Res. 595. The rule specifies that the House of Representatives shall begin consideration of H.R. 3309 in the Committee of the Whole House. The rule provides for one hour of general debate equally divided and controlled by the chair and ranking minority member of the Energy and Commerce Committee. After general debate, the legislation shall be considered for amendment under the five-minute rule. The rule makes in order only the amendments that are summarized below. After amendment consideration, the Committee shall rise and report the bill to the House. At that time, any Member may demand a separate vote on any amendment that was adopted by the Committee of the Whole. The rule provides for one motion to recommit with or without instructions.

The rule also allows the Speaker to appoint Members to perform the duties of the Chair from March 29, 2012, through April 16, 2012. The text of H.Res. 595 can be [found here](#).

Amendments Made In Order:

Crowley (D-NY) #7. If the FCC adopts a rule or an amendment relating to baby monitors, that rule must include a requirement that the packaging of an analog baby monitor include a warning label stating that “sounds or images captured by the baby monitor may be easily viewed or heard by potential intruders outside a consumer’s home.” The text of the amendment can be [viewed here](#).

Stearns (R-FL) #1. The amendment adds a section that would require the Commission to adopt procedures to ensure that each Commissioner has an adequate opportunity, prior to a decision, to consult with a professional engineer, hired by the Commissioner, that holds an undergraduate or graduate degree in the field of electrical engineering or computer science. The text of the amendment can be [viewed here](#).

Waters (D-CA) #5. The amendment would strike the underlying section of the legislation dealing with transaction review standards. The underlying bill requires the Commission to *only* condition their approval of a transfer of lines or licenses *if* the imposed condition is narrowly tailored to remedy a harm that arises as a direct result of the transfer. The text of the amendment can be [viewed here](#).

Waters (D-CA) #6. The amendment adds a new section to the bill prohibiting a Commissioner, or Commission employee, from accepting job offers during the 1-year period following the conclusion of a proceeding where the Commissioner (or employee):

- Presided and was involved in the license transfer to or from the person making the job offer;
- Presided, and the person making the offer of employment was a party in the proceeding that involved a merger, combination, or other adjudication; or
- Issued a decision that involved a transfer of licenses or a merger and the person making the job offer was a party in that proceeding.

The amendment contains penalties for any Commissioner, or employee, found in violation. The text of the amendment can be [viewed here](#).

Eshoo (D-CA) #2. The amendment directs the Commission to require the public inspection file of a broadcast licensee, cable operator, or provider of broadcast satellite service include, from each entity that sponsors political programming, a certification that identifies any donors that have contributed a total of \$10,000 or more in an election reporting cycle.

Some conservatives may have serious concerns with this amendment, as it raises issues relating to the First Amendment to the U.S. Constitution. The U.S. Chamber of Commerce strongly opposes this amendment and may consider this vote in their annual scorecard. The text of the amendment can be [viewed here](#).

Diaz-Balart (R-FL) #10. The amendment adds a new section to the legislation. It requires the Commission to:

- Publish, on their website, the Commission's logs for tracking, responding to, and managing request. This includes the Commission's fee estimates, fee categories, and fee request determinations.
- Release all decision made by the Commission granting or denying requests filed. This includes decisions pertaining to the estimate and application of fees assessed.
- Publish, on their website, electronic copies of documents released; and
- Present information about the Commission's handling of requests in the Commission's annual budget estimates submitted to Congress and the Commission's annual performance and financial reports.

The text of the amendment can be [viewed here](#).

Owens (D-NY) #3. The amendment states that nothing in this legislation shall impede the Federal Communications Commission from implementing rules to ensure broadband access in rural areas. Some conservatives may have concerns with this broad language that may interfere with the intent of the underlying legislation. The text of the amendment can be [viewed here](#).

Green (D-TX) #8. The amendment states that nothing in this legislation shall impede the Federal Communications Commission from acting in times of emergency to ensure the availability of efficient and effective communications systems to alert the public to imminent dangerous weather conditions. The text of the amendment can be [viewed here](#).

Speier (D-CA) #9. The amendment prohibits the legislation from taking effect until the Federal Communications Commission submits to Congress a report on the impact of this legislation on the mandate of the Commission to promote competition and innovation. The text of the amendment can be [viewed here](#).

Clarke (D-NY) #11. The amendment states that nothing in the legislation shall impede the Federal Communications Commission from ensuring the availability of efficient and effective communications systems for state and local first responders. The text of the amendment can be [viewed here](#).

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