

ONE HUNDRED FIFTEENTH CONGRESS
Congress of the United States
House of Representatives
COMMITTEE ON ENERGY AND COMMERCE
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MEMORANDUM

March 20, 2018

To: Subcommittee on Communications and Technology Democratic Members and Staff

Fr: Committee on Energy and Commerce Democratic Staff

Re: Hearing on “Legislative Hearing on Four Communications Bills”

On **Thursday, March 22, 2018 at 10:15 a.m. in room 2322 of the Rayburn House Office Building**, the Subcommittee on Communications and Technology will hold a hearing entitled “Legislative Hearing on Four Communications Bills.”

I. LEGISLATION

A. H.R. 2345, National Suicide Hotline Improvement Act of 2017

Rep. Eddie Bernice Johnson (D-TX) and Rep. Stewart (R-UT) introduced H.R. 2345, the National Suicide Hotline Improvement Act with an additional three Democratic and three Republican original cosponsors on May 3, 2017. This bill would create a process for generating a new three-digit number for Americans to reach the National Suicide Prevention Lifeline.

Specifically, the bill would require the Federal Communications Commission (FCC), in coordination with the Substance Abuse and Mental Health Services Administration, to produce a study to evaluate the feasibility of designating a 3-digit dialing code to be used for a national suicide prevention and mental health crisis hotline system. The study also must evaluate the effectiveness of the National Suicide Prevention Lifeline (1-800-273-TALK), including how the hotline is working for veterans. Finally, the Commission’s evaluation must provide legislative recommendations for designating a new 3-digit dialing code and general recommendations for improving the National Suicide Prevent Lifeline. The Senate has already passed a companion bill by unanimous consent.

B. H.R. 2903, Rural Reasonable and Comparable Wireless Access Act of 2017

Rep. Welch (D-VT) and Rep. McKinley (R-WV) introduced H.R. 2903, the Rural Reasonable and Comparable Wireless Access Act on June 15, 2017. Under the Communications Act, Congress tasked the FCC with the goal of ensuring rural Americans, among others, have access to “reasonably comparable” service to their urban counterparts.¹ The Rural Reasonable and Comparable Wireless Access Act seeks to better define that goal.

This bill would direct the FCC to adopt rules establishing national standards for determining whether mobile voice, mobile data, and broadband service in rural areas is “reasonably comparable” to that in urban areas within 180 days of enactment. Under H.R. 2903, the Commission must gather data from the 20 most-populous U.S. metro areas detailing the average signal strengths and speeds of mobile voice and mobile internet services and the average speed for fixed broadband internet service. The FCC would determine the extent to which mobile voice, mobile internet, and fixed broadband service provided in rural areas is reasonably comparable to service available in urban areas, based on whether rural service meets or exceeds service available in urban areas.

C. H.R. 3787, Small Entity Regulatory Relief Opportunity Act of 2017

Rep. Schrader (D-OR) and Rep. Latta (R-OH) introduced H.R. 3787, the Small Entity Regulatory Relief Opportunity Act on September 14, 2017. The legislation defines a small entity as a subscription service provider reaching two percent—as many as approximately 6.5 million customers—or fewer of all subscription service consumers in the United States.

H.R. 3787 would require the FCC to adopt procedures to make it easier for the Commission to eliminate consumer safeguards by allowing a small entity or group of small entities to petition the Commission for a waiver of any FCC rule issued under the Communications Act. Under the bill, the FCC would have to grant regulatory deferrals to small entities for a period of not less than one year, unless Congress expressly states in the statute authorizing the regulation that FCC may not defer a particular regulation for small entities. A small entity would be entitled to a full one-year deferral term where its petition has been granted, even if the entity no longer continues to meet the bill’s small entity definition for the duration of the deferral.

The legislation also amends the triennial regulatory review process, requiring the Commission to review all of its regulations and determine whether there is good cause to exempt or grant other relief small entities from its rules.

D. Discussion Draft, Preventing Illegal Radio Abuse Through Enforcement (PIRATE) Act

Rep. Tonko (D-NY) and Rep. Lance (R-NJ) released a discussion draft last week, H.R. ___, the Preventing Illegal Radio Abuse through Enforcement (PIRATE) Act. This discussion draft aims to reduce unauthorized radio broadcasting by:

¹ 47 U.S.C. § 254(b)(3).

- (1) Increasing the maximum forfeiture the FCC can assess against illegal pirate operators, from \$10,000 per violation per day per violation to \$100,000 per day per violation, up to a maximum of \$2,000,000;
- (2) Establishing liability for anyone who “knowingly and willingly facilitates” pirate radio operations;
- (3) Allowing the FCC to impose a forfeiture on a pirate broadcaster without prior notice, if there is evidence of a “real time” broadcast;
- (4) Giving the FCC authority to seize pirate radio equipment without involvement of the Department of Justice;
- (5) Requiring sustained enforcement attention on pirate broadcasting; and
- (6) Ensuring that state and local laws prohibiting unauthorized broadcasting are not preempted.

II. Witnesses

Mr. Tim Donovan

Senior Vice President, Legislative Affairs
Competitive Carriers Association

Mr. David Donovan

President and Executive Director
New York State Broadcasters Association

Mr. Robert Gessner

President
Massillon Cable TV, Inc. (MCTV)

Ms. Sarah Morris

Director of Open Internet Policy, Open Technology Institute
New America Foundation

Dr. Christine Moutier

Chief Medical Officer
American Foundation for Suicide Prevention