



ML Strategies Update

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## Telecom Activity May Heat Up In the Lame-Duck

Telecom bills have been stalled in the Senate the last few months due to an impasse over Democratic Commissioner Jessica Rosenworcel's re-nomination to the Federal Communications Commission (FCC). The conventional wisdom a month ago was that the Senate probably would not re-confirm Rosenworcel in the lame-duck. However, her prospects seemed to have brightened. Although party leaders have not yet scheduled a vote for her re-nomination, there is a growing consensus among both parties on Capitol Hill that the Senate could grant her a second term sometime before Christmas.

Should the Senate vote to re-confirm Commissioner Rosenworcel in the lame-duck, it might do so as part of a broader package that includes other nominations. This deal may also feature some of the telecom bills awaiting a floor vote in the upper chamber. All eyes are on the Senate, as back in September, the House [passed](#) eight telecom bills in one package, titled the "Communications Act Update Act of 2016 ([S.253](#))." Below are descriptions of those eight bills as well as six others that may come up for consideration either as provisions of or amendments to the Senate's nominations and legislative package.

- ***The MOBILE NOW Act ([S.2555](#))***. Sponsored by Senator John Thune (R-SD), S. 2555 seeks to expand next-generation 5G wireless gigabit broadband service. To achieve that goal, it would direct various federal agencies to evaluate spectrum bands for 5G, including high-band millimeter wave frequencies. The Senate Commerce Committee approved the MOBILE NOW Act in May.
- ***The FCC Reauthorization Act ([S.2644](#))***. Sponsored by Senator John Thune (R-SD), S.2644 would reauthorize the Commission for FY2017-FY2018. The bill passed the Senate Commerce Committee in April.
- ***The Securing Access to Networks in Disasters (SANDy) Act ([S.2997](#))***. Introduced by Senator Maria Cantwell (D-WA), S.2997 aims to improve the resiliency of the nation's communications networks during emergencies by increasing coordination between wireless carriers, utilities, and public safety officials. Representative Frank Pallone (D-NJ) authored a companion bill ([H.R. 3998](#)) that passed the House in June as a standalone measure and in September as one of the eight bills in the Communications Act Update Act of 2016.

- ***The Small Business Broadband Deployment Act (S.2283)***. Filed by Senator Steve Daines (R-MT), S.2283 would extend the FCC's exemption of smaller Internet Service Providers (ISPs) from the enhanced transparency rules under the Commission's new Open Internet rules. The Senate Commerce Committee passed the bill in June. Representative Greg Walden (R-OR), Chairman of the House Energy and Commerce Subcommittee on Communications and Technology, introduced a companion bill ([H.R. 4596](#)) that passed the House in March as a standalone measure and in September as a part of the Communications Act Update Act of 2016.
- ***The Developing Innovation and Growing the Internet of Things (DIGIT) Act (S.2607)***. Sponsored by Senator Deb Fischer (R-NE), S.2607 would establish a working group within the Commerce Department to identify proposals to advance the Internet of Things (IoT). The bill passed the Senate Commerce Committee in April.
- ***The Amateur Radio Parity Bill (H.R. 1301)***. Introduced by Representative Adam Kinzinger, H.R. 1301 would order the FCC to adopt rules to protect the rights of amateur radio operators to use radio equipment in deed-restricted communities. In September, the House passed the bill first as a standalone measure and then as a part of the Communications Act Update Act of 2016. Senator Roger Wicker (R-MS) introduced a companion bill ([S.1685](#)) in 2015, but that bill has not been amended in light of the bipartisan changes made to the House version.
- ***Improving Rural Call Quality and Reliability Act of 2015 (S.827)***. Authored by Senator Amy Klobuchar (D-MN), S.827 would order the FCC to set basic quality standards for providers that transmit voice calls in order to improve call completion. Representative David Young (R-IA) introduced a companion bill ([H.R. 2566](#)) that passed the House in September as a part of the Communications Act Update Act of 2016.
- ***The Spoofing Prevention Act (S.2558)***. Filed by Senator Bill Nelson (D-FL), S.2558 would prohibit the transmission of fraudulent caller ID information through texts, certain IP-enabled voice services, and calls originating outside the United States. Representative Grace Meng introduced a companion bill ([H.R. 2669](#)), titled the "Anti-Spoofing Act of 2016," which the House passed in September as a part of the Communications Act Update Act of 2016.
- ***Kari's Law Act (S.2553)***. Sponsored by Senator Amy Klobuchar (D-MN), S.2553 would require that multi-line telephone systems have a default configuration that enables users to call to 9-1-1 without dialing additional digits. Representative Louie Gohmert (R-TX) introduced a companion bill ([H.R. 4167](#)) that passed the House in May as a standalone measure and in September as a part of the Communications Act Update Act of 2016.
- ***The Federal Communications Commission Process Reform Act (S.421)***. Sponsored by Senator Dean Heller (R-NV), S.421 would require the FCC to change some of its procedures with the goal of increasing the Commission's transparency, efficiency, and accountability. Some of the changes the FCC would have to make include establishing minimum comment periods for rulemaking proceedings and publishing the text of all proposed rules. Representative Greg Walden (R-OR) introduced a companion bill ([H.R.2583](#)) that passed the House in November of 2015 as a standalone bill and in September as one of eight bills in the Communications Act Update Act of 2016.
- ***The Federal Communications Commission Consolidated Reporting Act (H.R. 734)***. Introduced by Representative Steve Scalise (R-LA), H.R. 734 would order the FCC to compose a biennial report for Congress on the state of competition in the markets for voice, video, and data services, as well as on the availability of high-speed and high-quality telecommunications services. The bill passed the House as a standalone measure in February of 2015 and in September as a part of the Communications Act Update Act of 2016.

- **The SAFE KIDS Act (S.1788)**. Authored by Senator Steve Daines (R-MT), S. 1788 would bar education-technology companies and operators from selling student data, tailoring advertising to students based upon that data, or disclosing students' information to unapproved third parties. The legislation is nearly identical to a bill pending in the House, titled the "Student Digital Privacy and Parental Rights Act of 2015" (H.R. 2092), which Representative Luke Messer (R-IN) introduced. Neither bill has received a vote on the committee or subcommittee level.
- **The ROBOCOP Act (S.3026)**. Introduced by Senator Chuck Schumer (D-NY), S.3026 would require telecommunications carriers to block calls with falsified caller ID. Representative Jackie Speier (D-CA) introduced a companion bill in the House. Neither bill has received a vote on the committee or subcommittee level.
- **The Broadband Connections for Rural Opportunities Program Act (S.3408)**. Sponsored by Senator Gillibrand, S.3408 seeks to boost rural broadband in rural and tribal areas by providing federal grants for high-speed broadband buildouts to supplement funding already available through the UDSA's Rural Utilities Service. The bill has been referred to the Senate Committee on Agriculture, Nutrition, and Forestry.

**Hearings/Markups:**

*Proposed AT&T-Time Warner Merger*

The Senate Judiciary Subcommittee on Antitrust, Competition Policy and Consumer Rights has scheduled a hearing for December 7th at 10:00 AM on the proposed merger between AT&T and Time Warner. The Subcommittee has invited AT&T CEO Randall Stephenson and Time Warner CEO Jeff Bewkes to testify. The focus of the hearing will be on the effects of the proposed \$85.4 acquisition on consumers and on competition and innovation in the creation and distribution of video content. The Senate Commerce Committee may also hold a hearing(s) on the proposed merger. Time Warner has yet to disclose the media assets it plans to transfer to AT&T. That information could be a major topic in a Senate Commerce hearing, as the Committee has jurisdiction over those assets.

*FTC Oversight Hearing*

The Senate Commerce Committee on Consumer Protection, Product Safety, Insurance, and Data Safety likely will hold an oversight hearing on the Federal Trade Commission, at which private-sector stakeholders will testify. The Subcommittee, which cancelled this hearing back when it was scheduled for September, has not yet picked a new date for the hearing. However, Chairman Jerry Moran's (R-KS) has indicated to staff that he would like to hold the hearing sometime during the lame-duck.

*Safe Kids Markup*

The Senate Commerce Committee is planning to hold a markup to consider the SAFE KIDS Act sometime after Thanksgiving.

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