

113TH CONGRESS
1ST SESSION

H. R. 2649

To amend the Communications Act of 1934 to reform the Federal Communications Commission by requiring an analysis of benefits and costs during the rule making process and creating certain presumptions regarding regulatory forbearance and biennial regulatory review determinations.

IN THE HOUSE OF REPRESENTATIVES

JULY 10, 2013

Mr. LATTA introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To amend the Communications Act of 1934 to reform the Federal Communications Commission by requiring an analysis of benefits and costs during the rule making process and creating certain presumptions regarding regulatory forbearance and biennial regulatory review determinations.

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. SHORT TITLE.**

4 This Act may be cited as the “FCC ‘ABCs’ Act of
5 2013”.

1 **SEC. 2. ANALYSIS OF BENEFITS AND COSTS IN FCC RULE**
2 **MAKING PROCESS.**

3 (a) IN GENERAL.—Section 4 of the Communications
4 Act of 1934 (47 U.S.C. 154) is amended by adding at
5 the end the following new subsection:

6 “(p)(1) In the case of a proposed or final rule (includ-
7 ing a proposed or final amendment to an existing rule)
8 that may have an economically significant impact, the
9 Commission shall include in the notice of proposed rule
10 making or final rule, respectively, an analysis of the bene-
11 fits and costs of the proposed or final rule that dem-
12 onstrates that the benefits outweigh the costs, recognizing
13 that some benefits and costs are difficult to quantify.

14 “(2) For purposes of this subsection, the term ‘eco-
15 nomically significant impact’ means an effect on the econ-
16 omy of \$100,000,000 or more annually or a material ad-
17 verse effect on the economy, a sector of the economy, pro-
18 ductivity, competition, jobs, the environment, public health
19 or safety, or State, local, or tribal governments or commu-
20 nities.”.

21 (b) NO ADDITIONAL APPROPRIATIONS AUTHOR-
22 IZED.—The amendment made by subsection (a) does not
23 authorize any appropriations for the express purpose, in
24 whole or in part, of carrying out such amendment.

1 **SEC. 3. PRESUMPTION REGARDING REGULATORY FOR-**
2 **BEARANCE DETERMINATION.**

3 Section 10 of the Communications Act of 1934 (47
4 U.S.C. 160) is amended by adding at the end the following
5 new subsection:

6 “(f) PRESUMPTION.—In making a determination
7 under subsection (a), the Commission shall presume, ab-
8 sent clear and convincing evidence to the contrary, that
9 the requirements for forbearance under such subsection
10 are met.”.

11 **SEC. 4. PRESUMPTION REGARDING BIENNIAL REGU-**
12 **LATORY REVIEW DETERMINATION.**

13 Section 11 of the Communications Act of 1934 (47
14 U.S.C. 161) is amended by adding at the end the following
15 new subsection:

16 “(c) PRESUMPTION.—In making a determination
17 under subsection (a)(2), the Commission shall presume,
18 absent clear and convincing evidence to the contrary, that
19 the regulation is no longer necessary in the public interest
20 as the result of meaningful economic competition between
21 providers of telecommunications service.”.

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