

## Calendar No. 282

115TH CONGRESS  
1ST SESSION

# S. 875

[Report No. 115–192]

To require the Comptroller General of the United States to conduct a study and submit a report on filing requirements under the Universal Service Fund programs.

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### IN THE SENATE OF THE UNITED STATES

APRIL 6 (legislative day, APRIL 4), 2017

Mr. SULLIVAN introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

DECEMBER 11, 2017

Reported by Mr. THUNE, with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]

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## A BILL

To require the Comptroller General of the United States to conduct a study and submit a report on filing requirements under the Universal Service Fund programs.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

1 **SECTION 1. STUDY AND REPORT ON FILING REQUIRE-**  
 2 **MENTS UNDER UNIVERSAL SERVICE FUND**  
 3 **PROGRAMS.**

4 (a) DEFINITIONS.—In this section—

5 (1) the term “Administrative Procedure Act”  
 6 means subchapter II of chapter 5 of title 5, United  
 7 States Code;

8 (2) the term “Commission” means the Federal  
 9 Communications Commission;

10 (3) the term “covered carrier” means an eligi-  
 11 ble telecommunications carrier or service provider  
 12 that receives universal service support under sections  
 13 214(e) and 254 of the Communications Act of 1934  
 14 (47 U.S.C. 214(e) and 254) for the provision of  
 15 service under a Universal Service Fund program;  
 16 and

17 (4) the term “Universal Service Fund program”  
 18 means each program of the Commission set forth  
 19 under part 54 of title 47, Code of Federal Regula-  
 20 tions, or any successor thereto, including—

21 (A) the Connect America Fund set forth  
 22 under subpart D of that part;

23 (B) the Lifeline program set forth under  
 24 subpart E of that part;

25 (C) the E-Rate program set forth under  
 26 subpart F of that part;

1           (D) the Rural Health Care program set  
2           forth under subpart G of that part;

3           (E) the Remote Areas Fund set forth  
4           under subpart J of that part;

5           (F) the Connect America Fund Broadband  
6           Loop Support program set forth under subpart  
7           K of that part;

8           (G) the Mobility Fund set forth under sub-  
9           part L of that part; and

10          (H) the High Cost Loop Support for Rate-  
11          of-Return Carriers program set forth under  
12          subpart M of that part.

13          (b) STUDY AND REPORT.—Not later than 1 year  
14 after the date of enactment of this Act, the Comptroller  
15 General of the United States shall conduct a study and  
16 submit to the Commission, the Committee on Commerce,  
17 Science, and Transportation of the Senate, and the Com-  
18 mittee on Energy and Commerce of the House of Rep-  
19 resentatives a report, which shall include—

20           (1) an analysis of the filing requirements for  
21           covered carriers participating in a Universal Service  
22           Fund program, including any filings required by the  
23           Universal Service Administrative Company;

1           (2) an analysis of the financial impact of those  
 2       filing requirements on covered carriers participating  
 3       in a Universal Service Fund program; and

4           (3) recommendations, if any, on how to consoli-  
 5       date redundant filing requirements for covered ear-  
 6       riers participating in a Universal Service Fund pro-  
 7       gram.

8       (c) RULEMAKING.—

9           (1) NEW OR ONGOING RULEMAKING.—Except  
 10      as provided in paragraph (2), not later than 30 days  
 11      after the date on which the report is submitted  
 12      under subsection (b), the Commission shall—

13           (A)(i) initiate a rulemaking to consolidate  
 14      redundant filing requirements for covered ear-  
 15      riers participating in a Universal Service Fund  
 16      program; and

17           (ii) incorporate the recommendations de-  
 18      scribed in subsection (b)(3), if any, into the  
 19      rulemaking under clause (i) of this subpara-  
 20      graph, except to the extent that doing so would  
 21      violate the requirements of the Administrative  
 22      Procedure Act; or

23           (B) incorporate the recommendations de-  
 24      scribed in subsection (b)(3), if any, into an on-  
 25      going rulemaking relating to consolidating re-

dundant filing requirements of the Commission;  
except to the extent that doing so would violate  
the requirements of the Administrative Procedure  
Act.

(2) PREVIOUS RULEMAKING.—Paragraph (1)  
shall not apply if, on or before the date on which the  
report is submitted under subsection (b), the Com-  
mission completes a rulemaking to consolidate re-  
dundant filing requirements for covered carriers par-  
ticipating in a Universal Service Fund program.

**SECTION 1. STUDY AND REPORT ON FILING REQUIRE-  
MENTS UNDER UNIVERSAL SERVICE FUND  
PROGRAMS.**

(a) DEFINITIONS.—In this section—

(1) the term “Administrative Procedure Act”  
means subchapter II of chapter 5 of title 5, United  
States Code;

(2) the term “Commission” means the Federal  
Communications Commission;

(3) the term “covered carrier” means an eligible  
telecommunications carrier or service provider that  
receives universal service support under sections  
214(e) and 254 of the Communications Act of 1934  
(47 U.S.C. 214(e) and 254) for the provision of serv-  
ice under a Universal Service Fund program; and

1           (4) the term “Universal Service Fund program”  
 2           means each program of the Commission set forth  
 3           under part 54 of title 47, Code of Federal Regula-  
 4           tions, or any successor thereto, including—

5                   (A) the Connect America Fund set forth  
 6                   under subpart D of that part;

7                   (B) the Lifeline program set forth under  
 8                   subpart E of that part;

9                   (C) the E-Rate program set forth under sub-  
 10                  part F of that part;

11                  (D) the Rural Health Care program set  
 12                  forth under subpart G of that part;

13                  (E) the Remote Areas Fund set forth under  
 14                  subpart J of that part;

15                  (F) the Connect America Fund Broadband  
 16                  Loop Support program set forth under subpart  
 17                  K of that part;

18                  (G) the Mobility Fund set forth under sub-  
 19                  part L of that part; and

20                  (H) the High Cost Loop Support for Rate-  
 21                  of-Return Carriers program set forth under sub-  
 22                  part M of that part.

23           (b) *STUDY AND REPORT.*—Not later than 18 months  
 24           after the date of enactment of this Act, the Comptroller Gen-  
 25           eral of the United States shall conduct a study and submit

1 *to the Commission, the Committee on Commerce, Science,*  
 2 *and Transportation of the Senate, and the Committee on*  
 3 *Energy and Commerce of the House of Representatives a*  
 4 *report, which shall include—*

5           (1) *an analysis of the filing requirements for*  
 6 *covered carriers participating in a Universal Service*  
 7 *Fund program, including any filings required by the*  
 8 *Universal Service Administrative Company;*

9           (2) *an analysis of the financial impact of those*  
 10 *filing requirements on covered carriers participating*  
 11 *in a Universal Service Fund program; and*

12           (3) *recommendations, if any, on how to consoli-*  
 13 *date redundant filing requirements for covered car-*  
 14 *riers participating in a Universal Service Fund pro-*  
 15 *gram.*

16 *(c) RULEMAKING.—*

17           (1) *NEW OR ONGOING RULEMAKING.—Except as*  
 18 *provided in paragraph (3), not later than 60 days*  
 19 *after the date on which the report is submitted under*  
 20 *subsection (b), the Commission shall—*

21           (A)(i) *initiate a rulemaking to consolidate*  
 22 *redundant filing requirements for covered car-*  
 23 *riers participating in a Universal Service Fund*  
 24 *program; and*

1           (ii) incorporate into the rulemaking under  
 2           clause (i), and as part of that rulemaking seek  
 3           comment on, the recommendations described in  
 4           subsection (b)(3), if any, except to the extent that  
 5           doing so would violate the requirements of the  
 6           Administrative Procedure Act; or

7           (B) incorporate into an ongoing rulemaking  
 8           relating to consolidating redundant filing re-  
 9           quirements of the Commission, and as part of  
 10          that rulemaking seek comment on, the rec-  
 11          ommendations described in subsection (b)(3), if  
 12          any, except to the extent that doing so would vio-  
 13          late the requirements of the Administrative Pro-  
 14          cedure Act.

15          (2) WASTE, FRAUD, AND ABUSE.—In a rule-  
 16          making in which the Commission is required under  
 17          paragraph (1) to seek comment on the recommenda-  
 18          tions described in subsection (b)(3), if any, the Com-  
 19          mission shall also seek comment on and consider  
 20          whether the benefit of each recommendation is out-  
 21          weighed by any potential increased risk of waste,  
 22          fraud, and abuse in the Universal Service Fund pro-  
 23          gram affected by the recommendation.

24          (3) PREVIOUS RULEMAKING.—Paragraph (1)  
 25          shall not apply if, on or before the date on which the



1        *report is submitted under subsection (b), the Commis-*  
2        *sion completes a rulemaking to consolidate redundant*  
3        *filing requirements for covered carriers participating*  
4        *in a Universal Service Fund program.*

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