

106TH CONGRESS
1ST SESSION

S. 1153

To establish the Office of Rural Advocacy in the Federal Communications Commission, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 27, 1999

Mr. HARKIN (for himself, Mr. DASCHLE, Mr. DORGAN, Mr. BAUCUS, Mr. CONRAD, Mr. WELLSTONE, Mr. JOHNSON, Mr. WYDEN, Mr. REID, Mr. KERREY, Mr. ROCKEFELLER, and Mrs. MURRAY) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To establish the Office of Rural Advocacy in the Federal Communications Commission, and for other purposes.

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 “Rural Telecommuni-
5 cations Improvement Act of 1999”.

1 **SEC. 2. ESTABLISHMENT OF OFFICE OF RURAL ADVOCACY**
2 **IN THE FEDERAL COMMUNICATIONS COM-**
3 **MISSION.**

4 (a) ESTABLISHMENT.—Title I of the Communica-
5 tions Act of 1934 (47 U.S.C. 151 et seq.) is amended by
6 adding at the end the following:

7 **“SEC. 12. OFFICE OF RURAL ADVOCACY.**

8 “(a) ESTABLISHMENT.—There shall be in the Com-
9 mission an office to be known as the ‘Office of of Rural
10 Advocacy’. The office shall not be a bureau of the Commis-
11 sion.

12 “(b) HEAD OF OFFICE.—(1) The Office shall be
13 headed by the Rural Advocate of the Federal Communica-
14 tions Commission. The Rural Advocate shall be appointed
15 by the President, by and with the advice and consent of
16 the Senate, from among citizens of the United States.

17 “(2) The Rural Advocate shall have a status and rank
18 in the Commission commensurate with the status and
19 rank in the Commission of the heads of the bureaus of
20 the Commission.

21 “(c) RESPONSIBILITIES OF OFFICE.—The respon-
22 sibilities of the Office are as follows:

23 “(1) To promote access to advanced tele-
24 communications service for populations in the rural
25 United States.

1 “(2) To develop proposals for the modification
2 of policies and activities of the departments and
3 agencies of the Federal Government in order to bet-
4 ter fulfill the commitment of the Federal Govern-
5 ment to universal service and access to advanced
6 telecommunications services in rural areas, and sub-
7 mit such proposals to the departments and agencies.

8 “(3) To assess the effectiveness of existing Fed-
9 eral programs for providers of telecommunications
10 services in rural areas, and make recommendations
11 for legislative and non-legislative actions to improve
12 such programs.

13 “(4) To measure the costs and other effects of
14 Federal regulations on the capability of tele-
15 communication carriers in rural areas to provide
16 adequate telecommunications services (including ad-
17 vanced telecommunications and information services)
18 in such areas, and make recommendations for legis-
19 lative and non-legislative actions to modify such reg-
20 ulations so as to minimize the interference of such
21 regulations with that capability.

22 “(5) To determine the effect of Federal tax
23 laws on providers of telecommunications services in
24 rural areas, and make recommendations for legisla-
25 tive and non-legislative actions to modify Federal tax

1 laws so as to enhance the availability of tele-
2 communications services in rural areas.

3 “(6) To serve as a focal point for the receipt of
4 complaints, criticisms, and suggestions concerning
5 policies and activities of any department or agency
6 of the Federal Government which affect the receipt
7 of telecommunications services in rural areas.

8 “(7) To counsel providers of telecommuni-
9 cations services in rural areas on the effective reso-
10 lution of questions and problems in the relationships
11 between such providers and the Federal Govern-
12 ment.

13 “(8) To represent the views and interests of
14 rural populations and providers of telecommuni-
15 cations services in rural areas before any department
16 or agency of the Federal Government whose policies
17 and activities affect the receipt of telecommuni-
18 cations services in rural areas.

19 “(9) To enlist the cooperation and assistance of
20 public and private agencies, businesses, and other
21 organizations in disseminating information about the
22 telecommunications programs and services of the
23 Federal Government which benefit rural populations
24 and providers of telecommunications services in
25 rural areas.

1 “(d) STAFF AND POWERS OF OFFICE.—

2 “(1) STAFF.—

3 “(A) IN GENERAL.—For purposes of car-
4 rying out the responsibilities of the Office under
5 this section, the Rural Advocate may employ
6 and fix the compensation of such personnel for
7 the Office as the Rural Advocate considers ap-
8 propriate.

9 “(B) PAY.—

10 “(i) IN GENERAL.—The employment
11 and compensation of personnel under this
12 paragraph may be made without regard to
13 the provisions of title 5, United States
14 Code, governing appointments in the civil
15 service and without regard to the provi-
16 sions of chapter 51 and subchapter III of
17 chapter 53 of such title relating to the
18 classification of positions and General
19 Schedule pay rates.

20 “(ii) MAXIMUM RATE OF PAY.—The
21 rate of pay of personnel employed under
22 this paragraph may not exceed the rate
23 payable for GS-15 of the General Sched-
24 ule.

1 “(C) LIMITATION.—The total number of
2 personnel employed under this paragraph may
3 not exceed 14.

4 “(2) TEMPORARY AND INTERMITTENT SERV-
5 ICES.—The Rural Advocate may procure temporary
6 and intermittent services to the extent authorized by
7 section 3109 of title 5, United States Code, for pur-
8 poses of the activities of the Office under this sec-
9 tion.

10 “(3) CONSULTATION WITH EXPERTS.—The
11 Rural Advocate may consult with individuals and en-
12 tities possessing such expertise as the Rural Advo-
13 cate considers appropriate for purposes of the activi-
14 ties of the Office under this section.

15 “(4) HEARING.—The Rural Advocate may hold
16 hearings and sit and act as such times and places
17 as the Rural Advocate considers appropriate for pur-
18 poses of the activities of the Office under this sec-
19 tion.

20 “(e) ASSISTANCE OF OTHER FEDERAL DEPART-
21 MENTS AND AGENCIES.—

22 “(1) IN GENERAL.—Any department or agency
23 of the Federal Government may, upon the request of
24 the Rural Advocate, provide the Office with such in-
25 formation or other assistance as the Rural Advocate

1 considers appropriate for purposes of the activities
2 of the Office under this section.

3 “(2) REIMBURSEMENT.—Assistance may be
4 provided the Office under this subsection on a reim-
5 bursable basis.

6 “(f) REPORTS.—

7 “(1) ANNUAL REPORT.—The Rural Advocate
8 shall submit to Congress, the President, and the
9 Commission on an annual basis a report on the ac-
10 tivities of the Office under this section during the
11 preceding year. The report may include any rec-
12 ommendations for legislative or other action that the
13 Rural Advocate considers appropriate.

14 “(2) OTHER REPORTS.—The Rural Advocate
15 may submit to Congress, the President, the Commis-
16 sion, or any other department or agency of the Fed-
17 eral Government at any time a report containing
18 comments on a matter within the responsibilities of
19 the Office under this section.

20 “(3) DIRECT SUBMITTAL.—The Rural Advocate
21 may not be required to submit any report under this
22 subsection to any department or agency of the Fed-
23 eral Government (including the Office of Manage-
24 ment and Budget or the Commission) before its sub-
25 mittal under a provision of this subsection.”.

1 (b) EXECUTIVE SCHEDULE LEVEL IV.—Section
2 5315 of title 5, United States Code, is amended by adding
3 at the end the following:

4 “Rural Advocate, Federal Communications
5 Commission.”.

6 (c) REPORT ON INITIAL ACTIVITIES.—Not later than
7 180 days after the date of the appointment of the Rural
8 Advocate of the Federal Communications Commission, the
9 Rural Advocate shall submit to Congress a report on the
10 actions taken by the Rural Advocate to commence carrying
11 out the responsibilities of the Office of Rural Advocacy
12 of the Federal Communications Commission under section
13 12 of the Communications Act of 1934, as added by sub-
14 section (a).

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