

107TH CONGRESS
2^D SESSION

H. R. 5602

To create a Rural Issues Advisory Board within the Federal Communications Commission, to assist the Federal Communications Commission in developing policies and procedures, and to ensure that the Commission takes into account the size and resources of affected parties in rural America.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 10, 2002

Mr. TERRY (for himself, Mr. LUTHER, Mr. SHIMKUS, and Mr. JENKINS) introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To create a Rural Issues Advisory Board within the Federal Communications Commission, to assist the Federal Communications Commission in developing policies and procedures, and to ensure that the Commission takes into account the size and resources of affected parties in rural America.

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. SHORT TITLE; DEFINITIONS.**

2 (a) SHORT TITLE.—This Act may be cited as the
3 “Rural Issues Advisory Board Act of 2002”.

4 (b) DEFINITIONS.—For purposes of this Act:

5 (1) RURAL TELEPHONE COMPANY.—The term
6 “rural telephone company” has the meaning pro-
7 vided in section 3 of the Communications Act of
8 1934 (47 U.S.C. 153).

9 (2) RURAL WIRELESS CARRIER.—The term
10 “rural wireless carrier” means any provider of com-
11 mercial mobile services (as such term is defined in
12 section 332(d) of such Act) that, together with all
13 affiliates of such provider, has fewer than 1 percent
14 of the Nation’s subscribers to such service in the ag-
15 gregate nationwide.

16 (3) EMERGENCY.—The term “emergency”
17 means an unexpected and sudden development that
18 has severely impacted or could severely impact the
19 ability of consumers to receive quality and affordable
20 telecommunications services and which requires im-
21 mediate action by the Commission.

22 **SEC. 2. FINDINGS.**

23 The Congress finds the following:

24 (1) Rural telephone companies fulfill a unique
25 function beneficial to the public interest and national
26 economy by providing a full range of vital services

1 to consumers in rural and insular areas where the
2 costs of providing service is much higher than in
3 other areas.

4 (2) Rural telephone companies operate under
5 circumstances that are markedly different from
6 those of large carriers. These differences include, but
7 are not limited to, factors such as much lower popu-
8 lation density in their service areas, higher local line
9 costs, higher switching costs, lower average income
10 levels in their service areas, a lower proportion of
11 business customers compared to residential cus-
12 tomers, and considerably smaller local calling areas
13 which impels more toll calls. Although rural tele-
14 phone companies serve fewer than eight percent of
15 the Nation's access lines, their service area covers
16 38 percent of the Nation's land mass.

17 (3) Despite these and other differences between
18 rural telephone companies and large telephone com-
19 panies, as well as among rural telephone companies
20 operating under highly varied circumstances, and in
21 spite of the critical and unique role fulfilled by rural
22 telephone companies, the Federal Communications
23 Commission often fails to adequately account for,
24 and defer to, these facts.

1 (4) As a result of this disregard, rural tele-
2 phone companies must face government-imposed
3 challenges in addition to the already difficult condi-
4 tions they must overcome to provide basic and ad-
5 vanced services to rural consumers.

6 (5) Rural telephone companies must also now
7 contend with regulatory policies designed to artifi-
8 cially induce competition. Such policies discourage
9 rural telephone companies from investing in their
10 networks due to the fact that any increase in the
11 rural telephone company's investment only increases
12 the amount of high-cost support a new entrant may
13 receive, with no requirement that the new entrant
14 make similar upfront investments or undertake simi-
15 lar network upgrades. Consequently, rural con-
16 sumers must contend with the higher costs and
17 lower quality of services available brought about by
18 the introduction of artificial competition into areas
19 that cannot naturally support multiple carriers.

20 (6) The Federal Communications Commission
21 has failed to adhere to the Regulatory Flexibility Act
22 of 1980, as amended, and has at times refused to
23 do so. The agency charged with monitoring compli-
24 ance with the Regulatory Flexibility Act has repeat-
25 edly attempted to correct this situation, observing on

1 December 12, 2001, that the Federal Communica-
2 tions Commission was “in effect abdicating its re-
3 sponsibility” under the law.

4 (7) In order to preserve and advance universal
5 service, and encourage the deployment of advanced
6 services as called for in section 254 and 706 respec-
7 tively, the Federal Communications Commission
8 must more fully consider the impacts its decisions
9 have on rural telephone companies and their cus-
10 tomers, as well as comply with the spirit and letter
11 of the Regulatory Flexibility Act of 1980 as amend-
12 ed.

13 **SEC. 3. ESTABLISHMENT OF THE RURAL ISSUES ADVISORY**
14 **BOARD.**

15 There is established within the Federal Communica-
16 tions Commission a Rural Issues Advisory Board (here-
17 after in this Act referred to as the “Board”).

18 **SEC. 4. MEMBERSHIP.**

19 (a) NUMBER AND APPOINTMENT.—The Board shall
20 be composed of 5 members, selected by the President, as
21 follows:

22 (1) 4 members shall be selected from companies
23 who are rural telephone companies; and

24 (2) 1 member shall be selected from companies
25 who are rural wireless carriers.

1 (b) TERMS.—

2 (1) IN GENERAL.—Except as provided in para-
3 graph (2), each member shall be appointed for a
4 term of 3 years.

5 (2) TERMS OF INITIAL APPOINTEES.—As des-
6 ignated by the President at the time of appointment,
7 of the members first appointed—

8 (A) 1 member shall be appointed for a
9 term of 1 year;

10 (B) 2 members shall be appointed for
11 terms of 2 years; and

12 (C) 2 members shall be appointed for
13 terms of 3 years.

14 (3) VACANCIES.—Any member appointed to fill
15 a vacancy occurring before the expiration of the
16 term for which the member's predecessor was ap-
17 pointed shall be appointed only for the remainder of
18 that term. A member may serve after the expiration
19 of that member's term until a successor has taken
20 office. A vacancy in the Board shall be filled in the
21 manner in which the original appointment was
22 made.

23 (c) CHAIR.—The Chair of the Board shall be elected
24 by the members. The term of office of the Chair shall be
25 3 years.

1 (d) MEETINGS.—

2 (1) The Board shall meet in person at a min-
3 imum of once per calendar quarter. Additional meet-
4 ings may be held at the discretion of the Board.

5 (2) The Board members may meet by means of
6 conference calls and video conferencing or other tele-
7 communications device for the purpose of nonquar-
8 terly meetings.

9 (3) The nonquarterly meetings of the Board, if
10 held in person, shall be required to be open to the
11 public. Any other nonquarterly meeting shall not be
12 required to be open to the public. The minutes of all
13 nonquarterly Board meetings shall be available to
14 the public no later than 48 hours after the conclu-
15 sion of each meeting. The minutes of each meeting
16 shall also be made available by being posted on the
17 Federal Communications Commission's Web site.

18 (e) QUARTERLY MEETINGS.—

19 (1) The quarterly meetings of the Board shall
20 not be required to be in Washington, D.C.

21 (2) The quarterly meetings of the Board shall
22 be open to the public and the minutes of these meet-
23 ings shall be available to the public no later than 48
24 hours after the conclusion of each meeting. The min-
25 utes of each meeting shall also be made available by

1 being posted on the Federal Communications Com-
2 mission's Web site.

3 (3) The Board shall publish in the Federal Reg-
4 ister, notice of the quarterly meeting no fewer than
5 30 days prior to the meeting.

6 (f) COMPENSATION.—

7 (1) SERVICE WITHOUT PAY.—Except as pro-
8 vided in paragraph (2), members of the Board shall
9 serve without pay.

10 (2) TRAVEL EXPENSES.—Each member of the
11 Board shall receive travel expenses, including per
12 diem in lieu of subsistence, in accordance with appli-
13 cable provisions under subchapter I of chapter 57 of
14 title 5, United States Code.

15 (g) FINANCIAL AUTHORITY OF CHAIR.—The Chair
16 of the Board shall be in control of funds appropriated to
17 carry out this Act to compensate staff, all related ex-
18 penses, and any other costs related to the Board or its
19 staff's official business.

20 (h) RULES AND PROCEDURES.—The Board shall es-
21 tablish rules for its procedures.

22 (i) RESPONSIVENESS TO CONGRESS.—The Board
23 shall keep the Congress and congressional committees
24 fully and currently informed of the major activities of the
25 Board.

1 **SEC. 5. STAFF.**

2 (a) LOCATION.—The Federal Communications Com-
3 mission shall provide suitable space to the Board for the
4 location of the Board’s staff at the headquarters of the
5 Commission.

6 (b) NUMBER AND PAY OF STAFF.—For purposes of
7 carrying out the responsibilities of the Board, the Board
8 may employ personnel with a rate of pay not to exceed
9 GS–15 of the General Schedule.

10 (c) EXEMPTION FROM CIVIL SERVICE LAWS.—The
11 employment and compensation of personnel under this
12 section may be made without regard to the provisions of
13 title 5, United States Code, governing appointments in the
14 civil service and without regard to the provisions of chap-
15 ter 51 and subchapter III of chapter 53 of such title relat-
16 ing to the classification of positions and General Schedule
17 pay rates.

18 **SEC. 6. OFFICIAL DUTIES OF THE BOARD AND ITS STAFF.**

19 (a) ADVICE TO COMMISSION.—The Board and its
20 staff shall advise the Commission on the impact of its deci-
21 sions on markets and customers in rural America.

22 (b) RURAL IMPACT ANALYSES.—

23 (1) The Board may make a rural impact anal-
24 ysis (as defined in section 7) of any rule, order, or
25 other decision of the Commission.

1 (2) The Board and its staff will have sole dis-
2 cretion to decide which rules, orders, and decisions
3 on which the Board wishes to make a rural impact
4 analysis. The Board will make the determination of
5 whether or not to do a rural impact analysis by a
6 majority vote of the Board members.

7 (3) Except as provided in section 4(h), the
8 Board shall be prohibited from issuing any rules or
9 regulations.

10 (c) OTHER INFORMATION ON IMPACTS TO COMMIS-
11 SION.—The Board, and its staff, may develop advisory
12 opinions, comments, and reports to advance the commit-
13 ment of the Federal Government to universal service, and
14 to improve access to advanced services and information
15 services, in rural America, and to submit such advisory
16 opinions, comments, and reports to the Commission.

17 (d) ADVICE TO OTHER AGENCIES.—The Board, and
18 its staff, may develop advisory opinions, comments, and
19 reports for other departments and agencies of the Federal
20 Government to advance the commitment of the Federal
21 Government to universal service, and to access to ad-
22 vanced services and information services in rural America,
23 and to submit such advisory opinions, comments, and re-
24 ports to other departments and agencies of the Federal
25 Government.

1 (e) CLEARINGHOUSE FUNCTIONS.—The Board, and
2 its staff, shall serve as a point of review for complaints,
3 criticisms, and suggestions concerning policies and activi-
4 ties of the Commission, and of any other department or
5 agency of the Federal Government, which affect the re-
6 ceipt of telecommunications services (including informa-
7 tion services and advanced services) in rural America.

8 (f) ANALYSIS OF COMMISSION REVIEW.—The Board
9 shall do an analysis of the Commission’s biennial review
10 of the status of telecommunications in rural America (as
11 defined in section 8) within 90 days of the Commission’s
12 submittal of this report to Congress.

13 (g) GENERAL ADMINISTRATIVE AUTHORITY.—

14 (1) EXPERTS.—The Chair of the Board may
15 procure temporary and intermittent services to the
16 extent authorized by section 3109 of title 5, United
17 States Code, for purposes of the activities of the
18 Board under this section.

19 (2) CONSULTATION.—The Board, and its staff,
20 may consult with individuals and entities including
21 Federal, State, and local governmental departments
22 and agencies, rural telephone companies, rural wire-
23 less carriers, organizations representing rural tele-
24 phone companies and rural wireless carriers and or-
25 ganizations representing rural consumers, possessing

1 such expertise as the Board considers appropriate
2 for purposes of the activities of the Board under this
3 section.

4 **SEC. 7. RURAL IMPACT ANALYSIS.**

5 (a) DESCRIPTION OF RURAL IMPACT ANALYSIS.—

6 (1) The rural impact analysis is a document
7 that shall be submitted to the Chairman and mem-
8 bers of the Commission, the relevant Bureau chiefs,
9 and other relevant Federal Communications Com-
10 mission staff.

11 (2) The rural impact analysis shall be sub-
12 mitted in a manner that will not unduly delay any
13 Commission rulemaking or other Commission pro-
14 ceeding.

15 (3) Until the Commission receives a rural im-
16 pact analysis, the Commission may not finalize or
17 adopt any rulemaking or other Commission pro-
18 ceeding when the Commission knows, or should
19 know, that the Board is, or will be, submitting a
20 rural impact analysis.

21 (4) The final rural impact analysis shall be sub-
22 mitted within 20 business days prior to the Commis-
23 sion's consideration of a final rule.

24 (5) The Commission shall review any rural im-
25 pact analysis submitted by the Board in a timely

1 manner. The Commission's review shall not unduly
2 delay any Commission rulemaking or other Commis-
3 sion proceeding.

4 (6) If the Commission rejects the findings in
5 the rural impact analysis in the final Commission's
6 rulemaking or other Commission proceeding, then
7 the Commission shall state specific justifications as
8 to why the rural impact analysis was rejected. The
9 Commission shall issue a statement of the specific
10 factual, policy, or legal reasons for selecting the al-
11 ternative adopted in the final rule, order, or other
12 decision and why each one of the other significant
13 alternatives to the rule considered by the Commis-
14 sion, as raised in the rural impact analysis, which
15 affect the impact on rural telephone companies and
16 rural wireless carriers was rejected.

17 (7) The rural impact analysis is considered sub-
18 mitted for purposes of this subsection when the
19 Board publishes the rural impact analysis in the
20 Federal Register.

21 (b) INITIAL RURAL IMPACT ANALYSIS.—

22 (1) The initial rural impact analysis shall de-
23 scribe the impact of the proposed rule on rural tele-
24 phone companies and rural wireless carriers.

1 (2) Each initial rural impact analysis required
2 under this section shall contain—

3 (A) a description of the reasons why action
4 by the agency that may affect rural telephone
5 companies and rural wireless carriers is being
6 considered;

7 (B) a succinct statement of the objectives
8 of, and legal basis for, the proposed rule;

9 (C) a description of and, where feasible, an
10 estimate of the number of rural telephone com-
11 panies and rural wireless carriers to which the
12 proposed rule will apply;

13 (D) a description of any potential impacts
14 the proposed rule may have on the preservation
15 and advancement of universal service as out-
16 lined in section 254 of the Communications Act
17 of 1934, and the ability of rural telephone com-
18 panies to continue fulfilling their carrier-of-last-
19 resort obligations in high-cost, insular, and
20 rural areas;

21 (E) a description of any potential impacts
22 the proposed rule may have on the ability of
23 rural telephone companies and rural wireless
24 carriers to deploy advanced services as outlined
25 in section 706 of such Act; and

1 (F) a description of any reporting, record-
2 keeping, and other compliance requirements of
3 the proposed rule that may apply to rural tele-
4 phone companies and rural wireless carriers, in-
5 cluding the type of professional skills necessary
6 for preparation of the report or record, and a
7 detailed, specific explanation of how the attend-
8 ant expenses are appropriate or inappropriate
9 for rural telephone companies and rural wire-
10 less carriers.

11 (3) Each initial rural impact analysis shall also
12 contain a description of specific considerations the
13 Commission should give to the differing cir-
14 cumstances experienced by rural telephone compa-
15 nies and rural wireless carriers, and specific steps
16 the Commission should take to account for and defer
17 to these differences.

18 (4) Each initial rural impact analysis shall also
19 contain a detailed description of any specific signifi-
20 cant alternatives to the proposed rule the Commis-
21 sion should consider, which would accomplish the
22 stated objectives of applicable statutes and which
23 minimize any significant economic impact of the pro-
24 posed rule on rural telephone companies and rural
25 wireless carriers. The Commission cannot rely solely

1 on public comments to suggest alternatives, although
2 such comments shall be considered throughout the
3 proceeding. Consistent with the stated objectives of
4 applicable statutes, the initial rural impact analysis
5 shall discuss specific significant alternatives which
6 must be explicitly considered by the Commission, in-
7 cluding (but not limited to)—

8 (A) the establishment of differing compli-
9 ance or reporting requirements or timetables
10 that take into account the limited resources
11 available to rural telephone companies and rural
12 wireless carriers and other mitigating factors;

13 (B) the clarification, consolidation, or sim-
14 plification of compliance and reporting require-
15 ments under the rule for rural telephone com-
16 panies and rural wireless carriers;

17 (C) the use of performance rather than de-
18 sign standards; and

19 (D) an exemption from coverage of the
20 rule, or any part thereof, for rural telephone
21 companies and rural wireless carriers.

22 (5) The initial rural impact analysis shall be
23 submitted to the Chairman and members of the
24 Commission, the relevant Bureau chiefs, and other
25 relevant Federal Communications Commission staff.

1 The initial rural impact analysis shall be submitted
2 after the comment period has ended but before the
3 Commission has adopted its final rule or procedure.
4 The Commission and all relevant parties are deemed
5 to have been notified of the release of the initial
6 rural impact analysis when it is published in the
7 Federal Register.

8 (c) FINAL RURAL IMPACT ANALYSIS.—

9 (1) When the Commission promulgates a final
10 rule, the Board shall prepare a final rural impact
11 analysis. Each final rural impact analysis shall
12 contain—

13 (A) a succinct statement of the need for,
14 and objectives of, the rule;

15 (B) a summary of the significant issues
16 raised by the public comments, a summary of
17 the assessment of the Commission of such
18 issues, a summary of any assessment of the
19 Board, and a statement of any changes made in
20 the proposed rule as a result of such comments
21 and assessments;

22 (C) a description of and, where feasible, an
23 estimate of the number of rural telephone com-
24 panies and rural wireless carriers to which the
25 proposed rule will apply;

1 (D) a description of any potential impacts
2 the proposed rule may have on the preservation
3 and advancement of universal service as out-
4 lined in section 254 of the Communications Act
5 of 1934, and the ability of rural telephone com-
6 panies to continue fulfilling their carrier of last
7 resort obligations in high-cost, insular, and
8 rural areas;

9 (E) a description of any potential impacts
10 the proposed rule may have on the ability of
11 rural telephone companies and rural wireless
12 carriers to deploy advanced services as outlined
13 in section 706 of such Act;

14 (F) a description of any reporting, record-
15 keeping, and other compliance requirements of
16 the proposed rule that may apply to rural tele-
17 phone companies and rural wireless carriers, in-
18 cluding the type of professional skills necessary
19 for preparation of the report or record, and a
20 detailed, specific explanation of why the attend-
21 ant expenses are appropriate for rural telephone
22 companies and rural wireless carriers; and

23 (G) a description of the specific steps the
24 Commission has taken to minimize the eco-
25 nomic impact on rural telephone companies and

1 rural wireless carriers consistent with the stated
2 objectives of applicable statutes.

3 (2) The Commission shall make copies of the
4 final rural impact analysis available to members of
5 the public and shall publish in the Federal Register
6 such analysis or a summary thereof.

7 (d) AVOIDANCE OF UNNECESSARY ANALYSES.—Sub-
8 sections (b) and (c) shall not apply to any proposed or
9 final rule if the Chair of the Board certifies (based on a
10 majority vote by the Board members) that the rule will
11 not, if promulgated, have a significant economic impact
12 on rural telephone companies and rural wireless carriers
13 or their ability to provide service. If the Chair of the Board
14 makes a certification under the preceding sentence, the
15 Board shall publish such certification in the Federal Reg-
16 ister within 15 working days of the publication of general
17 notice of proposed rulemaking for the rule or at the time
18 of publication of the final rule, along with a statement pro-
19 viding the factual basis for such certification. The Board
20 shall provide such certification and statement to the Com-
21 mission.

22 (e) REVIEW OF INITIAL RURAL IMPACT ANALYSES.—
23 If the Board deems that any initial rural impact analysis
24 is inadequate, flawed, or otherwise questionable, the
25 Board may at its sole discretion review and revise the

1 Board's initial rural impact analysis. The Board has 15
2 days after the initial rural impact analysis is published
3 in the Federal Register to review and comment on the ini-
4 tial rural impact analysis. Such a review must address any
5 and all issues raised by the Board, either through a thor-
6 ough justification of the relevant portion or portions of
7 the review, or by adjusting the review or its attending no-
8 tice, proposal, or rule, or by a combination of such actions.
9 The Board shall describe any shortcomings or clarifica-
10 tions that the Commission shall address.

11 (f) PREPARATION OF ANALYSES.—In complying with
12 the provisions of this Act, the Board may provide either
13 a quantifiable or numerical description of the effects of
14 a proposed rule or alternatives to the proposed rule. More
15 general descriptive statements if quantification is not
16 practicable or reliable, is permitted but shall be as specific
17 as possible.

18 (g) PROCEDURE FOR WAIVER OR DELAY OF COM-
19 PLETION.—The Chairman of the Commission may delay
20 the review of the rural impact analysis by publishing in
21 the Federal Register, not later than the date of publication
22 of the final rule, a written finding, with reasons therefore,
23 that the final rule is being promulgated in response to an
24 emergency that makes compliance or timely compliance
25 with the review of the initial rural impact analysis imprac-

1 ticable. If any such review is so delayed, the Commission
2 shall adopt a modification to the final rule within 30 days
3 of its publication, which reflects its review of the rural im-
4 pact analysis.

5 (h) PROCEDURES FOR GATHERING COMMENTS.—

6 When any rule is promulgated which will have a signifi-
7 cant impact on rural telephone companies and rural wire-
8 less carriers, the Chairman of the Commission, or an offi-
9 cial with statutory responsibility for the promulgation of
10 the rule, shall assure that rural telephone companies and
11 rural wireless carriers have been given an opportunity to
12 participate in the rulemaking for the rule through the rea-
13 sonable use of techniques such as—

14 (1) the inclusion in an advanced notice of pro-
15 posed rulemaking, if issued, of a statement that the
16 proposed rule may have a significant economic effect
17 on a substantial number of rural telephone compa-
18 nies and rural wireless carriers;

19 (2) the publication of general notice of proposed
20 rulemaking in publications likely to be obtained by
21 rural telephone companies and rural wireless car-
22 riers;

23 (3) the direct notification of interested rural
24 telephone companies and rural wireless carriers and
25 their representatives;

1 (4) the conduct of open conferences or public
2 hearings concerning the rule for rural telephone
3 companies and rural wireless carriers including solici-
4 tating and receiving comments over computer net-
5 works;

6 (5) the adoption or modification of agency pro-
7 cedural rules to reduce the cost or complexity of par-
8 ticipation in the rulemaking by rural telephone com-
9 panies and rural wireless carriers; and

10 (6) a thorough review of the Board's initial
11 rural impact analysis.

12 (i) JUDICIAL REVIEW.—

13 (1)(A) For any rule subject to the requirements
14 of this section, a rural telephone company or rural
15 wireless carrier that is adversely affected or ag-
16 grieved by final Commission action is entitled to ju-
17 dicial review of Commission compliance with such re-
18 quirements.

19 (B) Each court having jurisdiction to review
20 such rule for compliance shall have jurisdiction to
21 review any claims of noncompliance with the require-
22 ments of this section.

23 (C)(i) A rural telephone company or rural wire-
24 less carrier may seek such review during the period

1 beginning on the date of final Commission action
2 and ending 60 days later.

3 (ii) In any case where the Commission waives
4 or delays review of a rural impact analysis, an action
5 for judicial review under this section shall be filed
6 not later than 60 days after the date the analysis is
7 made available to the public, pursuant to subsection
8 (c)(2).

9 (D) In granting any relief in an action under
10 this section, the court shall order the Commission to
11 take corrective action, including (but not limited
12 to)—

13 (i) remanding the rule to the Commission;
14 and

15 (ii) deferring the enforcement of the rule
16 against rural telephone companies and rural
17 wireless carriers unless the court finds that con-
18 tinued enforcement of the rule is in the public
19 interest.

20 (E) Nothing in this subsection shall be con-
21 strued to limit the authority of any court to stay the
22 effective date of any rule or provision thereof under
23 any other provision of law or to grant any other re-
24 lief in addition to the requirements of this section.

1 (2) In an action for the judicial review of a
2 rule, the rural impact analysis for such rule, includ-
3 ing an analysis prepared or corrected pursuant to
4 paragraph (1)(D), shall constitute part of the entire
5 record of Commission action in connection with such
6 review.

7 (3) Compliance or noncompliance by the Com-
8 mission with the provisions of this section shall be
9 subject to judicial review only in accordance with
10 this section.

11 (4) Nothing in this section bars judicial review
12 of any other impact statement or similar analysis re-
13 quired by any other law if judicial review of such
14 statement or analysis is otherwise permitted by law.

15 **SEC. 8. ADDITIONAL DUTIES FOR THE FEDERAL COMMU-**
16 **NICATIONS COMMISSION.**

17 (a) **BIENNIAL REVIEW.**—The Commission shall issue
18 a biennial review to Congress evaluating—

19 (1) the Commission’s progress on measuring
20 the costs and other effects of regulations of the
21 Commission on rural telephone companies and rural
22 wireless carriers; and

23 (2) the capability of telecommunications car-
24 riers in rural America to provide quality tele-
25 communications services (including information serv-

1 ices and advanced services) at affordable rates in
2 rural America, in keeping with the requirements of
3 the Regulatory Flexibility Act (Public Law 104–
4 121).

5 (b) STATUS OF TELECOMMUNICATIONS IN RURAL
6 AMERICA.—Within this biennial review, the Commission
7 shall report on the status of telecommunications in rural
8 America. Such report shall include (but is not limited to)
9 the following:

10 (1) Universal service.

11 (2) Advanced services.

12 (3) Competition in rural areas.

13 (4) Regulatory burdens facing rural tele-
14 communications carriers.

15 (c) COPIES OF COMMENTS.—The Secretary of the
16 Commission shall transmit to the Board a copy of all com-
17 ments filed at the Commission in those dockets on which
18 the Board has determined to prepare a rural impact anal-
19 ysis.

20 **SEC. 9. SUBMITTAL OF REPORTS.**

21 (a) DIRECT SUBMITTAL.—The Board shall not be re-
22 quired to submit any report under this Act to any depart-
23 ment or agency of the Federal Government (including the
24 Office of Management and Budget or the Commission) be-
25 fore its submittal under a provision of this section.

1 (b) DIRECT SUBMITTAL.—The Commission shall not
2 be required to submit any report under this Act to any
3 department or agency of the Federal Government (includ-
4 ing the Office of Management and Budget) before its sub-
5 mittal under a provision of this section.

6 **SEC. 10. CONSTRUCTION OF BOARD.**

7 The establishment of the Board may not be construed
8 as modifying in any way the responsibilities of the Chair-
9 man of the Commission, the Commission, or other offices,
10 bureaus, or divisions of the Commission to address the ef-
11 fects of the rules and regulations of the Commission on
12 the provision of quality telecommunications services (in-
13 cluding information services and advanced services) at
14 just, reasonable, and affordable rates in and throughout
15 rural America.

16 **SEC. 11. BUDGET FORMAT.**

17 The budget of the President for a fiscal year, as sub-
18 mitted to Congress under section 1105(a) of title 31,
19 United States Code, shall specify as a separate request
20 amounts requested for such year for the Board of the
21 Commission.

22 **SEC. 12. AUTHORIZATION OF APPROPRIATIONS.**

23 There is authorized to be appropriated to the Rural
24 Issues Advisory Board to carry out its activities under this

1 Act \$5,000,000 for each of fiscal years 2003 through
2 2007.

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