

109TH CONGRESS
1ST SESSION

S. 284

To distribute universal service support equitably throughout rural America,
and for other purposes.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 3, 2005

Mr. SMITH (for himself, Mr. BAYH, Mr. ALLEN, Mr. WYDEN, Mr. MCCAIN, Mr. LEVIN, Mr. CRAPO, Mr. DAYTON, Mr. HAGEL, Mr. BAUCUS, Mr. COLEMAN, Mr. HATCH, Mr. BENNETT, Mr. THOMAS, Mr. ENZI, Mr. KYL, Mr. GRASSLEY, Mr. CRAIG, Mr. LUGAR, and Mr. DOMENICI) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To distribute universal service support equitably throughout
rural America, 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 Universal Serv-
5 ice Equity Act of 2005”.

6 **SEC. 2. FINDINGS AND PURPOSE.**

7 (a) FINDINGS.—Congress makes the following find-
8 ings:

1 (1) The Federal Communications Commission's
 2 high-cost model support program for certain carriers
 3 provides no Federal support to 40 States.

4 (2) Federal universal service support should be
 5 calculated and targeted to small geographic regions
 6 within a State to provide greater assistance to the
 7 rural consumers most in need of support.

8 (3) Local telephone competition and emerging
 9 technologies are threatening the viability of Federal
 10 universal service support.

11 (b) PURPOSES.—The purposes of this Act are as fol-
 12 lows:

13 (1) To begin consideration of universal service
 14 reform.

15 (2) To spread the benefits of the existing Fed-
 16 eral high-cost model support mechanism more equi-
 17 tably across the nation.

18 **SEC. 3. COMPTROLLER GENERAL REPORT ON NEED TO RE-**
 19 **FORM HIGH-COST SUPPORT MECHANISM.**

20 Not later than one year after the date of the enact-
 21 ment of this Act, the Comptroller General shall submit
 22 to Congress a report on the need to reform the high-cost
 23 support mechanism for rural, insular, and high-cost areas.
 24 As part of the report, the Comptroller General shall pro-
 25 vide an overview and discuss whether—

1 (1) existing Federal and State high-cost sup-
 2 port mechanisms ensure rate comparability between
 3 urban and rural areas;

4 (2) the Federal Communications Commission
 5 and the States have taken the necessary steps to re-
 6 move implicit support;

7 (3) the existing high-cost support mechanism
 8 has affected the development of local competition in
 9 urban and rural areas; and

10 (4) amendments to section 254 of the Commu-
 11 nications Act of 1934 (47 U.S.C. 254) are necessary
 12 to preserve and advance universal service.

13 **SEC. 4. ELIGIBILITY FOR UNIVERSAL SERVICE SUPPORT**
 14 **FOR HIGH-COST AREAS.**

15 Section 254 of the Communications Act of 1934 (47
 16 U.S.C. 254) is amended by adding at the end the following
 17 new subsection:

18 “(m) UNIVERSAL SERVICE SUPPORT FOR HIGH-COST
 19 AREAS.—

20 “(1) CALCULATING SUPPORT.—In calculating
 21 Federal universal service support for eligible tele-
 22 communications carriers that serve rural, insular,
 23 and high-cost areas, the Commission shall, subject
 24 to paragraphs (2) and (3), revise the Commission’s
 25 support mechanism for high-cost areas to provide

1 support to each wire center in which the incumbent
 2 local exchange carrier's average cost per line for
 3 such wire center exceeds the national average cost
 4 per line by such amount as the Commission deter-
 5 mines appropriate for the purpose of ensuring the
 6 equitable distribution of universal service support
 7 throughout the United States.

8 “(2) HOLD HARMLESS SUPPORT.—In imple-
 9 menting this subsection, the Commission shall en-
 10 sure that no State receives less Federal support cal-
 11 culated under paragraph (1) than the State would
 12 have received, up to 10 percent of the total support
 13 distributed, under the Commission's support mecha-
 14 nism for high-cost areas as in effect on the date of
 15 the enactment of this subsection.

16 “(3) LIMITATION ON TOTAL SUPPORT TO BE
 17 PROVIDED.—The total amount of support for all
 18 States, as calculated under paragraphs (1) and (2),
 19 shall be equivalent to the total support calculated
 20 under the Commission's support mechanism for
 21 high-cost areas as in effect on the date of the enact-
 22 ment of this subsection.

23 “(4) CONSTRUCTION OF LIMITATION.—The lim-
 24 itation in paragraph (3) shall not be construed to

1 preclude fluctuations in support on the basis of
 2 changes in the data used to make such calculations.

3 “(5) IMPLEMENTATION.—Not later than 180
 4 days after the date of the enactment of this sub-
 5 section, the Commission shall complete the actions
 6 (including prescribing or amending regulations) nec-
 7 essary to implement the requirements of this sub-
 8 section.

9 “(6) DEFINITION.—In this subsection, the term
 10 ‘Commission’s support mechanism for high-cost
 11 areas’ means section 54.309 of title 47, Code of
 12 Federal Regulations and the regulations referred to
 13 in such section.”.

14 **SEC. 5. NO EFFECT ON RURAL TELEPHONE COMPANIES.**

15 Nothing in this Act shall be construed to affect the
 16 support provided to an eligible telecommunications carrier
 17 under section 214(e) of the Communications Act of 1934
 18 (47 U.S.C. 214(e)) that is a rural telephone company (as
 19 defined in section 3 of such Act (47 U.S.C. 153)).

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