

103<sup>D</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 2639

To authorize appropriations for the promotion and development of the United States national telecommunications and information infrastructure, the construction and planning of public broadcasting facilities, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JULY 14, 1993

Mr. MARKEY (by request) introduced the following bill; which was referred to the Committee on Energy and Commerce

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## A BILL

To authorize appropriations for the promotion and development of the United States national telecommunications and information infrastructure, the construction and planning of public broadcasting facilities, 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                   TITLE I—GENERAL PROVISIONS

4                                   SHORT TITLE

5       SEC. 101. This Act may be cited as the “Tele-  
6       communications and Information Infrastructure and Pub-  
7       lic Broadcasting Facilities Assistance Act of 1993”.

## FINDINGS

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SEC. 102. The Congress finds and declares that:

(1) A strong commitment to building the national telecommunications and information infrastructure will promote economic growth, aid America's competitiveness, and increase the Nation's standard of living.

(2) A telecommunications and information infrastructure initiative that complements private sector efforts is in the national interest.

(3) Private sector investments in the United States telecommunications and information infrastructure do not supplant the Federal role in funding demonstration projects in which advanced telecommunications capabilities are used to aid the delivery of critical social services such as education and health care traditionally supported by government.

(4) Government funding of telecommunications and information infrastructure for health care providers, educational institutions, research facilities, State and local governments, libraries, other social service and public information providers can serve as a catalyst in promoting increased private sector investment in, and continued development of, the na-

1 tional telecommunications and information infra-  
2 structure.

3 (5) Federal assistance in the promotion of the  
4 national telecommunications and information infra-  
5 structure will use a wide range of technologies in-  
6 cluding, but not limited to, fiber optic cable, coaxial  
7 cable, satellite systems, and microwave systems.

8 (6) Providing assistance to help eligible entities  
9 connect to existing and developing telecommuni-  
10 cations networks and information services is in the  
11 public interest.

12 (7) There are tremendous information resources  
13 in the Nation, but the benefits of an advanced tele-  
14 communications and information infrastructure will  
15 be enhanced when United States citizens have rea-  
16 sonable access to such existing and future informa-  
17 tion resources.

18 (8) Federal support of public broadcasting has  
19 helped provide valuable and useful educational and  
20 cultural programs that reach nearly all citizens of  
21 the United States.

22 (9) The distinct characteristics of public broad-  
23 casting projects and telecommunications and infor-  
24 mation infrastructure projects will best be accommo-



1 (B) increasing public broadcasting services  
2 and facilities available to, operated by, and  
3 owned by minorities and women; and

4 (C) improving the capability of existing  
5 public broadcasting facilities to provide services  
6 to their coverage areas.

7 DEFINITIONS

8 SEC. 104. (a) Paragraphs (1), (3), (13), (14), and  
9 (15) of section 397 of the Communications Act of 1934  
10 are hereby amended as follows and a new paragraph (18)  
11 is added:

12 “DEFINITIONS

13 “SEC. 397. For the purposes of this part:

14 “(1) The term ‘construction’ means acquisition  
15 (including acquisition by lease), installation and  
16 modernization of public broadcasting facilities, and  
17 planning and preparatory steps incidental to any  
18 such acquisition, installation, or modernization.”.

19 “(3) The term ‘interconnection’ means an asso-  
20 ciation of transmission channels or telecommuni-  
21 cation circuits, switching units, or other equipment  
22 to provide the means of a transfer of signals between  
23 two or more points in a telecommunications network  
24 or networks.”.

25 “(13) The term ‘public broadcasting facilities’  
26 means telecommunications and related equipment

1 necessary for the provision of public broadcasting  
2 services, except that such term does not include the  
3 buildings to house such apparatus (other than small  
4 equipment shelters that are part of satellite Earth  
5 stations, translators, microwave interconnection fa-  
6 cilities, and similar facilities).

7 “(14) The term ‘public broadcasting services’  
8 means the production, acquisition, distribution, or  
9 dissemination of noncommercial, educational and  
10 cultural programs disseminated through that portion  
11 of the broadcast spectrum designated by the Federal  
12 Communications Commission for noncommercial,  
13 educational television, or radio broadcasting.

14 “(15) The term ‘Secretary’ means the Secretary  
15 of Commerce when such term is used in subpart A,  
16 subpart B, and subpart C, and the Secretary of  
17 Health and Human Services when such term is used  
18 in subpart D and this subpart.”.

19 “(18) The term ‘telecommunications and infor-  
20 mation infrastructure’ means the hardware and op-  
21 erating software necessary to transmit, receive,  
22 store, or distribute analog or digital signals for  
23 voice, data, or video, except that such hardware and  
24 operating software shall not include public broad-  
25 casting facilities.”.

1 TITLE II—ASSISTANCE FOR TELECOMMUNI-  
2 CATIONS AND INFORMATION INFRASTRUC-  
3 TURE DEVELOPMENT

4 SEC. 201. (a) The heading to subpart C of part IV  
5 of the Communications Act of 1934 (title 47 of the United  
6 States Code), “Telecommunications Demonstrations,” is  
7 hereby deleted and replaced with the following—“Assist-  
8 ance for Telecommunications and Information Infrastruc-  
9 ture”.

10 (b) Section 395 of the Communications Act (title 47  
11 of the United States Code) is hereby repealed and replaced  
12 with the following:

13 “DECLARATION OF PURPOSE; GENERAL CRITERIA FOR  
14 APPROVAL AND EXPENDITURES BY SECRETARY OF  
15 COMMERCE; APPROPRIATIONS; ADMINISTRATION

16 “SEC. 395. (a) PURPOSE.—The purpose of this sec-  
17 tion is to assist, through matching grants, the develop-  
18 ment of a national telecommunications and information in-  
19 frastructure, by the most efficient and economical means.  
20 The objectives of these grants are to—

21 “(1) expand telecommunications networks or  
22 systems for health care providers, educational insti-  
23 tutions, research facilities, libraries, museums, State  
24 and local governments, and other social service and  
25 public information providers;

1           “(2) enhance the ability, through interconnec-  
2           tion, of health care providers, educational institu-  
3           tions, research facilities, libraries, museums, State  
4           and local governments, and other social service and  
5           public information providers to access existing and  
6           new sources of information;

7           “(3) improve the efficiency and effectiveness of  
8           the delivery of social services, such as education and  
9           health care, to the American people;

10           “(4) promote innovation in the use of tele-  
11           communications services and technologies by sup-  
12           porting telecommunications demonstration projects  
13           in the delivery of social services; and

14           “(5) increase the professional productivity, per-  
15           sonal growth, and quality of life for all citizens of  
16           the United States, especially traditionally under-  
17           served populations thereof, through efficient access  
18           to information.

19           “(b) CRITERIA.—The Secretary shall base determina-  
20           tions on whether to approve grants under this section, and  
21           the amount of such grants, except that such amount shall  
22           not exceed 50 percent of the amount determined by the  
23           Secretary to be the reasonable and necessary cost of such  
24           project, unless the Secretary determines that extraor-  
25           dinary circumstances warrant providing a grant not to ex-

1 ceed 75 percent, on finding that the project would advance  
2 one or more of the following goals—

3 “(1) the enhancement of the telecommuni-  
4 cations and information infrastructure for health  
5 care providers, educational institutions, research fa-  
6 cilities, libraries, museums, State and local govern-  
7 ment and other social service and public information  
8 providers;

9 “(2) the promotion of accessibility to, and uni-  
10 versal utilization of, telecommunications and infor-  
11 mation infrastructure for all citizens of the United  
12 States, especially traditionally underserved popu-  
13 lations;

14 “(3) the development and increased use of tele-  
15 communications and information infrastructure, es-  
16 pecially for education, health care, research, and  
17 other social and public information service providers,  
18 with demonstration projects;

19 “(4) the promotion of infrastructure inter-  
20 connection and interoperability; and

21 “(5) the evaluation and demonstration of the  
22 efficiency and efficacy of innovative telecommuni-  
23 cations facilities, systems or networks in the provi-  
24 sion of education, health care, and other social and  
25 public information services.

1       “(c) APPLICATIONS FOR GRANTS.—For each project  
2 proposed pursuant to this title there shall be submitted  
3 to the Secretary an application for a grant containing such  
4 information with respect to such project as the Secretary  
5 may require. Each applicant shall also provide assurances  
6 satisfactory to the Secretary that—

7               “(1) the applicant is capable of creating, oper-  
8 ating, and maintaining the facilities, systems or net-  
9 works that are the subject of the application;

10              “(2) necessary funds to create, operate, and  
11 maintain such facilities, systems or networks will be  
12 available when needed;

13              “(3) the applicant has participated in com-  
14 prehensive planning for such facilities, systems or  
15 networks that includes an evaluation of alternative  
16 technologies and coordination with appropriate State  
17 agencies, as needed;

18              “(4) the applicant will make efficient use of the  
19 grants;

20              “(5)(A) the applicant is a nonprofit foundation,  
21 corporation, institution, or association; and

22              “(B) a State or local government (or any agen-  
23 cy thereof), or a political or special purpose subdivi-  
24 sion of a State or local government; or

1           “(C) any enterprise owned and operated by a  
2           State or local government entity.

3           “(d) TRAINING AND PLANNING.—(1) The Secretary  
4 is authorized to fund necessary and reasonable expenses  
5 needed for training in the operation of the facilities, sys-  
6 tems or networks developed pursuant to this section, ex-  
7 cept that such expenditures shall be authorized only for  
8 a period not to exceed one year after closeout of the grant  
9 for the telecommunications and information infrastructure  
10 funded under this section.

11          “(2) The Secretary is authorized to provide up to 100  
12 percent of the cost of planning projects or studies that  
13 will promote the development or enhancement of the na-  
14 tional telecommunications and information infrastructure.  
15 Any plans or studies conducted by or for any grant recipi-  
16 ent under this section shall be provided to the Secretary.  
17 An applicant for a planning grant shall provide such infor-  
18 mation with respect to such project as the Secretary may  
19 require and shall provide assurances satisfactory to the  
20 Secretary that the applicant meets the requirements of  
21 subsection (c)(5)(A)–(C).

22          “(e) REGULATIONS.—The Secretary shall establish  
23 such regulations as may be necessary to carry out this  
24 section, including regulations relating to the order of pri-  
25 ority in approving applications for infrastructure or plan-

1 ning projects and relating to determining the amount of  
2 each grant for such projects. The Secretary shall seek the  
3 views of the Secretary of Education, the Secretary of  
4 Health and Human Services and the Director of the Na-  
5 tional Science Foundation in developing the regulations  
6 authorized under this section.

7       “(f) SPECIAL CONSIDERATION.—In establishing cri-  
8 teria for grants pursuant to this section, and in establish-  
9 ing procedures relating to the order of priority established  
10 in subsection (e) in approving applications for grants, the  
11 Secretary shall give special consideration to applications  
12 that would increase participation by minorities, individuals  
13 with disabilities, women, and other underserved popu-  
14 lations in the ownership of, operation of, and access to,  
15 telecommunications and information infrastructure. The  
16 Secretary shall take affirmative steps to inform minorities,  
17 individuals with disabilities, women, and other under-  
18 served populations of the availability of funds under this  
19 section, and to provide such other assistance and informa-  
20 tion as may be appropriate.

21       “(g) RECOVERY OF FUNDS.—If, within five years  
22 after completion of any project with respect to which a  
23 grant has been made under this section—

24               “(1) the applicant or other owner of such facili-  
25 ties or infrastructure cases to be an agency, institu-

1 tion, foundation, corporation, association, or other  
2 entity described in subsection (c)(5)(A)–(C); or

3 “(2) such facilities or infrastructure case to be  
4 used primarily for the intended purposes of the  
5 grant project;

6 the United States shall be entitled to recover from the ap-  
7 plicant or other owner of such facilities the amount bear-  
8 ing the same ratio to the value of such facilities at the  
9 time the applicant ceases to be such an entity or at the  
10 time of such determination (as determined by agreement  
11 of the parties or by action brought in the United States  
12 district court for the district in which such facilities are  
13 situated), as the amount of the Federal participation bore  
14 to the cost of construction of such facilities.

15 “(h) AUTHORIZATION OF APPROPRIATIONS.—There  
16 are authorized to be appropriated for fiscal year 1994  
17 \$51,000,000, and for each of fiscal years 1995, 1996,  
18 1997, and 1998 such sums as may be necessary, to be  
19 used by the Secretary of Commerce to assist in the infra-  
20 structure interconnection, or development of telecommuni-  
21 cations and information infrastructure, as provided in this  
22 section. Sums appropriated under this section for any fis-  
23 cal year shall remain available until expended, for payment  
24 of grants for projects for which applications approved by  
25 the Secretary, pursuant to this section, have been submit-

1 ted within any fiscal year; and for further implementation  
2 of this section. Sums appropriated under this section may  
3 be used by the Secretary to cover the direct and indirect  
4 costs of administering the provisions of this section, for  
5 evaluating the effectiveness of the program and projects  
6 funded pursuant to this section, and for other related  
7 activities.

8       “(i) RECORDKEEPING REQUIREMENTS.—Each recip-  
9 ient of assistance under this section shall keep such  
10 records as may be reasonably necessary to enable the Sec-  
11 retary to carry out the functions of the Secretary under  
12 this section, including a complete and itemized inventory  
13 of all telecommunications and information infrastructure,  
14 systems, or networks under the control of such recipient  
15 procured with funds authorized under this section; and  
16 records which fully disclose the amount and the disposition  
17 by such recipient of the proceeds of such assistance, the  
18 total cost of the project in connection with which such as-  
19 sistance is given or used, the amount and nature of that  
20 portion of the cost of the project supplied by other sources,  
21 and such other records as will facilitate an effective audit.

22       “(j) ACCESSIBILITY OF RECORDS.—The Secretary  
23 and the Comptroller General of the United States, or any  
24 of their duly authorized representatives, shall have access  
25 for the purpose of audit and examination to any books,

1 documents, papers, and records of any recipient of assist-  
2 ance under this section that are pertinent to assistance  
3 received under this section.

4 “(k) DUTY TO MONITOR.—The Secretary shall mon-  
5 itor and evaluate selected projects, to determine that such  
6 projects fulfill the objectives of this section. The Secretary  
7 shall evaluate the activities of this assistance program to  
8 assure that it is fulfilling its goals and objectives. The Sec-  
9 retary shall develop criteria for evaluations pursuant to  
10 subsection (e) of this section.”.

11 TITLE III—ASSISTANCE FOR PLANNING AND  
12 CONSTRUCTION OF PUBLIC BROADCASTING  
13 FACILITIES

14 SEC. 301. (a) The heading to part IV of the Commu-  
15 nications Act of 1934 (title 47 of the United States Code)  
16 is hereby amended as follows—“Assistance for Public  
17 Broadcasting Facilities: National Endowment for Chil-  
18 dren’s Educational Television, Assistance for Tele-  
19 communications and Information Infrastructure, Corpora-  
20 tion for Public Broadcasting.”.

21 (b) Sections 390–393 of the Communications Act of  
22 1934 (title 47 of the United States Code) are amended  
23 as follows—

24 “DECLARATION OF PURPOSE

25 “SEC. 390. The purpose of this title is to assist,  
26 through matching grants, in the planning and construc-

1 tion of public broadcasting facilities in order to achieve  
2 the following objectives—

3 “(1) extend delivery of public broadcasting serv-  
4 ices to as many citizens of the United States as pos-  
5 sible by the most efficient and economical means;

6 “(2) increase public broadcasting services and  
7 facilities available to, operated by, and owned by mi-  
8 norities and women; and

9 “(3) strengthen the capability of existing public  
10 broadcasting entities to provide public broadcasting  
11 services to the public.”.

12 “AUTHORIZATION OF APPROPRIATIONS

13 “SEC. 391. There are authorized to be appropriated  
14 \$20,600,000, for fiscal year 1994, and such sums as may  
15 be necessary for each of fiscal years 1995, 1996, 1997,  
16 and 1998, to be used by the Secretary of Commerce to  
17 assist in the planning and construction of public broad-  
18 casting facilities as provided in this title. Sums appro-  
19 priated under this title for any fiscal year shall remain  
20 available until expended for payment of grants for projects  
21 for which applications approved by the Secretary pursuant  
22 to this title have been submitted within any fiscal year.  
23 Sums appropriated under this title may be used by the  
24 Secretary to cover the cost of administering the provisions  
25 of this title.

1                   “GRANTS FOR CONSTRUCTION

2           “SEC. 392. (a) APPLICATIONS FOR GRANTS.—For  
3 each project for the construction of public broadcasting  
4 facilities there shall be submitted to the Secretary an ap-  
5 plication for a grant containing such information with re-  
6 spect to such project as the Secretary may require, includ-  
7 ing the total cost of such project, the amount of the grant  
8 requested for such project. Each applicant shall also pro-  
9 vide assurances satisfactory to the Secretary that—

10                   “(1) the applicant is—

11                           “(A) a public broadcasting station;

12                           “(B) a system of public broadcasting enti-  
13 ties;

14                           “(C) a nonprofit foundation, corporation,  
15 institution, or association intending to serve pri-  
16 marily educational or cultural purposes; or,

17                           “(D) a State or local government (or any  
18 agency thereof), or a political or special purpose  
19 subdivision of a State;

20                   “(2) the operation of such public broadcasting  
21 facilities will be under the control of the applicant;

22                   “(3) necessary funds to construct, operate, and  
23 maintain such public broadcasting facilities will be  
24 available when needed;

1           “(4) such public broadcasting facilities will be  
2           used primarily for the provision of public broadcast-  
3           ing services, and that the use of such public broad-  
4           casting facilities for purposes other than the provi-  
5           sion of public broadcasting services will not interfere  
6           with the provision of such public broadcasting serv-  
7           ices as required in this title;

8           “(5) the applicant has participated in com-  
9           prehensive planning for such public broadcasting fa-  
10          cilities in the area which the applicant proposes to  
11          serve, and such planning has included an evaluation  
12          of alternate technologies and coordination with State  
13          educational television and radio agencies, as appro-  
14          priate; and

15          “(6) the applicant will make the most efficient  
16          use of the grant.

17          “(b) AMOUNT OF GRANT.—Upon approving any ap-  
18          plication under this section with respect to any project for  
19          the construction of public broadcasting facilities, the Sec-  
20          retary shall make a grant to the applicant in an amount  
21          determined by the Secretary, except that such amount  
22          shall not exceed 75 percent of the amount determined by  
23          the Secretary to be the reasonable and necessary cost of  
24          such project.

1       “(c) INFORMATION AND ASSURANCES.—The Sec-  
2 retary may provide such funds as the Secretary deems nec-  
3 essary for the planning of any project for which construc-  
4 tion funds may be obtained under this section. An appli-  
5 cant for a planning grant shall provide such information  
6 with respect to such project as the Secretary may require  
7 and shall provide assurances satisfactory to the Secretary  
8 that the applicant meets the eligibility requirements of  
9 subsection (a) to receive construction assistance.

10       “(d) STUDIES.—Any studies conducted by or for any  
11 grant recipient under this section shall be provided to the  
12 Secretary, if such studies are conducted through the use  
13 of funds received under this section.

14       “(e) REGULATIONS.—The Secretary shall establish  
15 such regulations as may be necessary to carry out this  
16 title, including regulations relating to the order of priority  
17 in approving applications for construction or planning  
18 projects and relating to determining the amount of each  
19 grant for such projects.

20       “(f) SPECIAL CONSIDERATION.—In establishing cri-  
21 teria for grants pursuant to section 393, and in establish-  
22 ing procedures relating to the order of priority established  
23 in subsection (e) in approving applications for grants, the  
24 Secretary shall give special consideration to applications  
25 which would increase participation by minorities, women

1 and populations traditionally underserved in the ownership  
2 of, and operation of, public broadcasting entities. The Sec-  
3 retary shall take affirmative steps to inform minorities,  
4 women and underserved populations of the availability of  
5 funds under this title, and the localities where new public  
6 broadcasting facilities are needed, and to provide such  
7 other assistance and information as may be appropriate.

8       “(g) RECOVERY OF FUNDS.—If, within ten years  
9 after completion of any project for construction of facili-  
10 ties, with respect to which a grant has been made under  
11 this section—

12               “(1) the applicant or other owner of such facili-  
13 ties ceases to be an entity as described in section  
14 392(a)(1)(A)–(D) of this title; or

15               “(2) such facilities cease to be used primarily  
16 for the provision of public broadcasting services (or  
17 the use of such public broadcasting facilities for pur-  
18 poses other than the provision of public broadcasting  
19 services interferes with the provision of such public  
20 broadcasting services as required in this title);

21 the United States shall be entitled to recover from the ap-  
22 plicant or other owner of such facilities the amount bear-  
23 ing the same ratio to the value of such facilities at the  
24 time the applicant ceases to be such an entity or at the  
25 time of such determination (as determined by agreement

1 of the parties or by action brought in the United States  
2 district court for the district in which such facilities are  
3 situated), as the amount of the Federal participation bore  
4 to the cost of construction of such facilities.

5       “(h) RECORDKEEPING REQUIREMENTS.—Each recip-  
6 ient of assistance under this subpart shall keep such  
7 records as may be reasonably necessary to enable the Sec-  
8 retary to carry out the functions of the Secretary under  
9 this title, including a complete and itemized inventory of  
10 all public broadcasting facilities under the control of such  
11 recipient, and records which fully disclose the amount and  
12 the disposition by such recipient of the proceeds of such  
13 assistance, the total cost of the project in connection with  
14 which such assistance is given or used, the amount and  
15 nature of that portion of the cost of the project supplied  
16 by other sources, and such other records as will facilitate  
17 an effective audit.

18       “(i) ACCESSIBILITY OF RECORDS.—The Secretary  
19 and the Comptroller General of the United States, or any  
20 of their duly authorized representatives, shall have access  
21 for the purpose of audit and examination to any books,  
22 documents, papers, and records of any recipient of assist-  
23 ance under this subpart that are pertinent to assistance  
24 received under this title.



1           “(3) the development of public broadcasting fa-  
2           cilities owned by, operated by, and available to mi-  
3           norities and women;

4           “(4) the expansion of the service areas or pro-  
5           duction capabilities of existing public broadcasting  
6           entities; and

7           “(5) the replacement of existing equipment, ex-  
8           cept that replacement shall have a lower priority  
9           than grants under (b)(1)–(4) of this subsection.

10          “(c) NONCOMMERCIAL RADIO BROADCAST STATION  
11          FACILITIES.—Of the sums appropriated pursuant to sec-  
12          tion 381 for any fiscal year, a substantial amount shall  
13          be available for the expansion and development of non-  
14          commercial radio broadcast station facilities.”.

15          TITLE IV—NATIONAL TELECOMMUNICATIONS  
16                  AND INFORMATION ADMINISTRATION

17                          AUTHORIZATION OF APPROPRIATIONS

18          SEC. 401. There is authorized to be appropriated for  
19          the administration of the National Telecommunications  
20          and Information Administration \$21,927,000 for fiscal  
21          year 1994, and such sums as may be necessary for each  
22          of fiscal years, 1995, 1996, 1997, and 1998, and such  
23          sums as may be necessary for increases resulting from ad-  
24          justments in salary, pay, retirement, other employee bene-  
25          fits required by law, and other nondiscretionary costs.

1 TITLE V—NATIONAL ENDOWMENT FOR  
2 CHILDREN'S EDUCATIONAL TELEVISION  
3 AUTHORIZATION FOR APPROPRIATION

4 SEC. 501. For expenses necessary to carry out the  
5 provisions of the National Endowment for Children's Edu-  
6 cational Television, title II of Public Law 101-437, includ-  
7 ing costs for contracts, grants, and administrative ex-  
8 penses, there are authorized to be appropriated  
9 \$1,000,000 for fiscal year 1994 and such sums as may  
10 be necessary for each of fiscal year, 1995, 1996, 1997,  
11 and 1998, to remain available until expended.

○