

103D CONGRESS
1ST SESSION

H. R. 2639

AN ACT

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.

103^D CONGRESS
1ST SESSION

H. R. 2639

AN ACT

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 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Telecommunications
5 Infrastructure and Facilities Assistance Act of 1993”.

1 **SEC. 2. FINDINGS.**

2 The Congress finds and declares the following:

3 (1) A strong commitment to building the na-
4 tional telecommunications and information infra-
5 structure will promote economic growth, aid Ameri-
6 ca's competitiveness, and increase the Nation's
7 standard of living.

8 (2) An advanced telecommunications and infor-
9 mation infrastructure initiative serves the national
10 interest.

11 (3) Private sector investments in the United
12 States telecommunications and information infra-
13 structure can benefit from a Federal investment in
14 demonstration projects in which advanced tele-
15 communications capabilities are used to aid the de-
16 livery of critical social services such as education and
17 health care traditionally supported by government.

18 (4) Government funding of demonstrations and
19 pilot projects of telecommunications and information
20 infrastructure applications for health care providers,
21 educational institutions, research facilities, State and
22 local governments, libraries, and other social service
23 and public information providers can serve as a cat-
24 alyst in promoting increased private sector invest-
25 ment in, and continued development of, the national
26 telecommunications and information infrastructure.

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

7 (6) Providing assistance to help eligible entities
8 connect to and fully utilize existing and developing
9 telecommunications networks and information serv-
10 ices is in the public interest.

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

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

21 (9) The Federal Government shall ensure that
22 all citizens of the United States have access to pub-
23 lic telecommunications services through all appro-
24 priate available telecommunications distribution
25 technologies.

1 (10) Public telecommunications entities and
2 services constitute valuable local community re-
3 sources for utilizing electronic media to address na-
4 tional concerns and solve local problems through
5 community programs.

6 (11) The Federal Government should encourage
7 partnerships to adapt technologies to public service
8 uses in a cost-effective manner, utilizing and main-
9 taining existing facilities where appropriate and ef-
10 fective, and to avoid duplicate services or capacities
11 which are currently provided by public telecommuni-
12 cations entities.

13 **SEC. 3. NATIONAL TELECOMMUNICATIONS AND INFORMA-**
14 **TION INFRASTRUCTURE DEVELOPMENT.**

15 (a) AMENDMENTS TO THE NTIAO ACT.—The Na-
16 tional Telecommunications and Information Administra-
17 tion Organization Act is amended—

18 (1) by redesignating part C as part F; and

19 (2) by inserting after part B the following new
20 parts:

21 **“PART C—PLANNING AND CONSTRUCTION OF**
22 **PUBLIC BROADCASTING FACILITIES**

23 **“SEC. 121. PURPOSE.**

24 “The purpose of this part is to assist, through match-
25 ing grants, in the planning and construction of public

1 broadcasting facilities in order to achieve the following ob-
2 jectives:

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, in-
6 cluding broadcast, fiber optic cable, coaxial cable,
7 satellite systems, and microwave systems;

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

11 “(3) strengthen the capability of existing public
12 broadcasting entities to provide public broadcasting
13 services to the public.

14 **“SEC. 122. GRANTS FOR CONSTRUCTION.**

15 “(a) APPLICATIONS FOR GRANTS.—Any eligible ap-
16 plicant (as described in paragraph (1)) desiring to obtain
17 a grant under this part for the construction of public
18 broadcasting facilities shall submit to the Secretary an ap-
19 plication containing such information with respect to the
20 proposed construction project as the Secretary may re-
21 quire, including the total cost of such project and the
22 amount of the grant requested for such project. Each ap-
23 plicant shall also provide assurances satisfactory to the
24 Secretary that—

25 “(1) the applicant is—

1 “(A) a public broadcast station;

2 “(B) a system of public broadcasting enti-
3 ties;

4 “(C) a nonprofit foundation, corporation,
5 institution, or association organized primarily
6 for educational or cultural purposes; or

7 “(D) a State or local government (or any
8 agency thereof), or a political or special purpose
9 subdivision of a State;

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

12 “(3) necessary funds to construct, operate, and
13 maintain such public broadcasting facilities will be
14 available when needed;

15 “(4) such public broadcasting facilities will be
16 used primarily for the provision of public broadcast-
17 ing services, and the use of such public broadcasting
18 facilities for purposes other than the provision of
19 public broadcasting services will not interfere with
20 the provision of such public broadcasting services as
21 required in this part;

22 “(5) the applicant has participated in com-
23 prehensive planning for such public broadcasting fa-
24 cilities in the area which the applicant proposes to
25 serve, and such planning has included an evaluation

1 of alternate technologies and coordination with State
2 educational television and radio agencies, as appro-
3 priate; and

4 “(6) the applicant will use the grant efficiently
5 and effectively.

6 “(b) AMOUNT OF GRANT.—Upon approving any ap-
7 plication under this section with respect to any project for
8 the construction of public broadcasting facilities, the Sec-
9 retary shall make a grant to the applicant in an amount
10 determined by the Secretary, except that such amount
11 shall not exceed 75 percent of the amount determined by
12 the Secretary to be the reasonable and necessary cost of
13 such project. The Secretary may provide such funds as
14 the Secretary deems necessary for the planning of any
15 project for which construction funds may be obtained
16 under this section.

17 “(c) PLANNING GRANTS.—

18 “(1) INFORMATION AND ASSURANCES.—An ap-
19 plicant for a planning grant shall provide such infor-
20 mation with respect to such project as the Secretary
21 may require and shall provide assurances satisfac-
22 tory to the Secretary that the applicant meets the
23 eligibility requirements of subsection (a) to receive
24 construction assistance.

1 “(2) STUDIES.—Any studies conducted by or
2 for any grant recipient under this subsection shall be
3 provided to the Secretary, if such studies are con-
4 ducted through the use of funds received under this
5 section.

6 “(d) REGULATIONS; PRIORITIES.—The Secretary
7 shall establish such regulations as may be necessary to
8 carry out this part, including regulations relating to the
9 order of priority in approving applications for construction
10 or planning projects and relating to determining the
11 amount of each grant.

12 “(e) SPECIAL CONSIDERATION.—In establishing cri-
13 teria for grants pursuant to this section, and in establish-
14 ing procedures relating to the order of priority established
15 under subsection (d) in approving applications for grants,
16 the Secretary shall give special consideration to applica-
17 tions which would increase participation by minorities,
18 women, and populations traditionally underserved in the
19 ownership and operation of public broadcasting entities.
20 The Secretary shall take affirmative steps to inform mi-
21 norities, women, and underserved populations of the avail-
22 ability of funds under this part, and the localities where
23 new public broadcasting facilities are needed, and to pro-
24 vide such other assistance and information as may be ap-
25 propriate.

1 **“SEC. 123. CRITERIA FOR APPROVAL AND EXPENDITURES**
2 **BY NTIA.**

3 “(a) CONSTRUCTION AND PLANNING GRANTS.—The
4 Secretary, in consultation with the Corporation for Public
5 Broadcasting, public broadcasting entities, and, as appro-
6 priate, with others, shall establish criteria for making con-
7 struction and planning grants. Such criteria shall be con-
8 sistent with the objectives and provisions set forth in this
9 part, and shall be made available to interested parties
10 upon request.

11 “(b) BASIS FOR DETERMINATION.—The Secretary
12 shall base determinations of whether to approve applica-
13 tions for grants under this part, and the amount of such
14 grants, on criteria developed pursuant to subsection (a)
15 that are designed to achieve—

16 “(1) the establishment of new public broadcast-
17 ing facilities to extend service to areas currently not
18 receiving public broadcasting services;

19 “(2) the expansion of the service areas or pro-
20 duction capabilities of existing public broadcasting
21 entities;

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

25 “(4) the improvement of the capabilities of ex-
26 isting public broadcasting entities to provide public

1 broadcasting services, including services to under-
2 served audiences such as deaf and hearing impaired
3 individuals and blind and visually impaired individ-
4 uals.

5 “(c) NONCOMMERCIAL RADIO BROADCAST STATION
6 FACILITIES.—Of the sums appropriated pursuant to sec-
7 tion 125 for any fiscal year, a substantial amount shall
8 be available for the expansion and development of non-
9 commercial radio broadcast station facilities.

10 **“SEC. 124. ADMINISTRATIVE PROVISIONS.**

11 “(a) RECOVERY OF FUNDS.—If, within 5 years after
12 completion of any project for construction of facilities,
13 with respect to which a grant has been made under this
14 section—

15 “(1) the applicant or other owner of such facili-
16 ties ceases to be an entity as described in section
17 122(a)(1); or

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

24 the United States shall be entitled to recover from the ap-
25 plicant or other owner of such facilities the amount bear-

1 ing the same ratio to the value of such facilities at the
2 time the applicant ceases to be such an entity or at the
3 time of such determination (as determined by agreement
4 of the parties or by action brought in the United States
5 district court for the district in which such facilities are
6 situated), as the amount of the Federal participation bore
7 to the cost of construction of such facilities. The Secretary
8 may increase the period for recovery under the preceding
9 sentence from 5 to 10 years if the Secretary determines
10 that the longer period is necessary in order to accomplish
11 the purposes of this part.

12 “(b) RECORDKEEPING REQUIREMENTS.—Each recip-
13 ient of assistance under this part shall keep such records
14 as may be reasonably necessary to enable the Secretary
15 to carry out the functions of the Secretary under this part,
16 including—

17 “(1) a complete and itemized inventory of all
18 public broadcasting facilities under the control of
19 such recipient;

20 “(2) records which fully disclose the amount
21 and the disposition by such recipient of the proceeds
22 of such assistance, the total cost of the project in
23 connection with which such assistance is given or
24 used, the amount and nature of that portion of the
25 cost of the project supplied by other sources; and

1 “(3) such other records as will facilitate an ef-
2 fective audit.

3 “(c) ACCESSIBILITY OF RECORDS.—The Secretary
4 and the Comptroller General of the United States, or any
5 of their duly authorized representatives, shall have access
6 for the purpose of audit and examination to any books,
7 documents, papers, and records of any recipient of assist-
8 ance under this part that relate to assistance received
9 under this part.

10 **“SEC. 125. AUTHORIZATION OF APPROPRIATIONS.**

11 “There are authorized to be appropriated
12 \$35,000,000 for each of the fiscal years 1995 and 1996,
13 to be used by the Secretary to assist in the planning and
14 construction of public broadcasting facilities as provided
15 in this part. Sums appropriated under this part for any
16 fiscal year are authorized to remain available until ex-
17 pended. Sums appropriated under this part may be used
18 by the Secretary to cover the cost of administering the
19 provisions of this part.

20 **“PART D—TELECOMMUNICATIONS AND**
21 **INFORMATION INFRASTRUCTURE PROGRAM**

22 **“SEC. 131. PURPOSE.**

23 “It is the purpose of this part to facilitate the devel-
24 opment of the national telecommunications and informa-
25 tion infrastructure by authorizing the Secretary to estab-

1 lish and maintain, by the most efficient and economical
2 means, a Telecommunications and Information Infrastruc-
3 ture Development Program that will promote the wide-
4 spread availability of advanced telecommunications tech-
5 nologies to—

6 “(1) enhance the delivery to the public of di-
7 verse social services, including education and health
8 care; and

9 “(2) support, through the interconnection and
10 improvement of existing facilities and the deploy-
11 ment of new facilities, the formation of a nationwide,
12 multimedia, high-speed, interactive infrastructure of
13 varied information technologies.

14 **“SEC. 132. GRANT AUTHORITY.**

15 “(a) GRANT PURPOSES AND CRITERIA.—In accord-
16 ance with the requirements of this part, the Secretary is
17 authorized to award grants to eligible applicants (as de-
18 scribed in subsection (b)(1)) to assist the development of
19 a national telecommunications and information infrastruc-
20 ture. The Secretary shall not award a grant under this
21 part unless the Secretary determines that the project will
22 promote one or more of the following objectives:

23 “(1) expand or otherwise augment tele-
24 communications networks or information technology
25 systems for health care providers, educational insti-

1 tutions, research facilities, libraries, museums, State
2 and local governments, and other social service and
3 public information providers;

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

10 “(3) the development and utilization of stand-
11 ards for interoperability and interconnection of the
12 various facilities, systems, and networks which would
13 comprise a demonstration or pilot project;

14 “(4) universal availability and utilization of an
15 advanced telecommunications and information infra-
16 structure, especially for traditionally underserved
17 populations; and

18 “(5) demonstrate and improve the efficiency
19 and effectiveness of the delivery of social services,
20 such as education and health care, to the American
21 people.

22 “(b) APPLICATIONS FOR GRANTS.—Any eligible ap-
23 plicant desiring to obtain a grant under this part shall
24 submit to the Secretary an application containing such in-
25 formation with respect to such project as the Secretary

1 may require. Each applicant shall also provide assurances
2 satisfactory to the Secretary that—

3 “(1) the applicant is—

4 “(A) a nonprofit foundation, corporation,
5 institution, or association;

6 “(B) a State or local government (or any
7 agency thereof), or a political or special purpose
8 subdivision of a State or local government; or

9 “(C) any enterprise owned and operated by
10 a State or local government entity;

11 “(2) the applicant has the technical, adminis-
12 trative, and financial capability to obtain, operate,
13 and maintain the facilities, systems, or networks
14 that are the subject of the application;

15 “(3) the applicant has chosen an efficient and
16 economical means to achieve its communications or
17 information needs, and has not failed to utilize com-
18 mercially available network services to meet such
19 needs to the extent such commercial services meet
20 the needs of the applicant in the most efficient and
21 economical manner;

22 “(4) the applicant has participated in com-
23 prehensive planning for such facilities, systems, or
24 networks and such planning has included an evalua-

1 tion of alternative technologies and coordination with
2 appropriate State agencies, as needed;

3 “(5) the amount of the grant will not exceed 50
4 percent of the amount determined by the Secretary
5 to be the reasonable and necessary cost of such
6 project, unless the Secretary determines that ex-
7 traordinary circumstances warrant permitting a
8 grant in an amount that will not exceed 75 percent
9 of such cost; and

10 “(6) the applicant will use any facility, system,
11 or network obtained with funds provided under this
12 section primarily to achieve the objectives identified
13 in the application and will comply with regulations
14 prescribed by the Secretary with respect to resale of
15 any capacity of such facility, system, or network.

16 “(c) REGULATIONS; PRIORITIES.—The Secretary
17 shall establish such regulations as may be necessary to
18 carry out this part, including regulations relating to the
19 order of priority to be used in approving applications and
20 relating to determining the amount of each grant for such
21 projects. As part of such regulations, the Secretary shall
22 provide a preference in the award of assistance for projects
23 that increase utilization and efficiency of existing tele-
24 communications and information facilities. The Secretary
25 shall seek the views of the Secretary of Education, the

1 Secretary of Health and Human Services, and the Direc-
2 tor of the National Science Foundation in developing the
3 regulations authorized under this part. Such regulations
4 shall include such regulations for purposes of subsection
5 (b)(6) as the Secretary determines to be necessary to pre-
6 vent an applicant from using commercial resale of excess
7 capacity to compete unfairly with providers of tele-
8 communications services.

9 “(d) SPECIAL CONSIDERATION.—In establishing cri-
10 teria for grants pursuant to this part, and in establishing
11 procedures relating to the order of priority established
12 under subsection (c) in approving applications for grants,
13 the Secretary shall give special consideration to applica-
14 tions that (1) will increase participation by minorities, in-
15 dividuals with disabilities, women, and other underserved
16 populations in the ownership of, operation of, and access
17 to, telecommunications and information infrastructure;
18 and (2) will avoid unnecessary duplication of existing fa-
19 cilities and services. The Secretary shall take affirmative
20 steps to inform minorities, individuals with disabilities,
21 women, and other underserved populations of the avail-
22 ability of funds under this part, and to provide such other
23 assistance and information as may be appropriate.

1 **“SEC. 133. TRAINING AND PLANNING.**

2 “(a) TRAINING EXPENSES.—The Secretary is au-
3 thorized to provide funds for necessary and reasonable ex-
4 penses for training in the operation of the facilities, sys-
5 tems, or networks developed pursuant to this part, except
6 that such expenditures shall be authorized only for a pe-
7 riod not to exceed one year after termination of the grant
8 for the telecommunications or information facility, system,
9 or network funded under this part.

10 “(b) PLANNING AND STUDIES.—The Secretary is au-
11 thorized to provide up to 100 percent of the cost of plan-
12 ning projects or studies that will promote the development
13 or enhancement of the national telecommunications and
14 information infrastructure. Any plans or studies con-
15 ducted by or for any grant recipient under this section
16 shall be provided to the Secretary. An applicant for a plan-
17 ning grant shall provide such information with respect to
18 such project as the Secretary may require and shall pro-
19 vide assurances satisfactory to the Secretary that the ap-
20 plicant meets the requirements of section 132(b)(1).

21 **“SEC. 134. ADMINISTRATIVE PROVISIONS.**

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

25 “(1) the applicant or other owner of the facility,
26 system, or network ceases to be an agency, institu-

1 tion, foundation, corporation, association, or other
2 entity described in section 132(b)(1); or

3 “(2) such facility, system, or network ceases to
4 be 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 facility, system, or network
8 an amount bearing the same ratio to the value of such
9 facility, system, or network at the time the applicant
10 ceases to be such an entity or at the time of such deter-
11 mination (as determined by agreement of the parties or
12 by action brought in the United States district court for
13 the district in which such facility, system, or network is
14 situated), as the amount of the Federal grants bore to the
15 cost of construction of such facility, system, or network.

16 “(b) RECORDKEEPING REQUIREMENTS.—Each recip-
17 ient of assistance under this part shall keep such records
18 as may be reasonably necessary to enable the Secretary
19 to carry out the functions of the Secretary under this part,
20 including—

21 “(1) a complete and itemized inventory of all
22 telecommunications and information facilities, sys-
23 tems, or networks under the control of such recipi-
24 ent procured with funds authorized under this part;

1 “(2) records which fully disclose the amount
2 and the disposition by such recipient of the proceeds
3 of such assistance, the total cost of the project in
4 connection with which such assistance is given or
5 used, the amount and nature of that portion of the
6 cost of the project supplied by other sources; and

7 “(3) such other records as will facilitate an ef-
8 fective audit.

9 “(c) ACCESSIBILITY OF RECORDS.—The Secretary
10 and the Comptroller General of the United States, or any
11 of their duly authorized representatives, shall have access
12 for the purpose of audit and examination to any books,
13 documents, papers, and records of any recipient of assist-
14 ance under this part that relate to assistance received
15 under this part.

16 “(d) DUTY TO MONITOR.—The Secretary shall mon-
17 itor and evaluate projects in order to determine that such
18 projects fulfill the objectives of this part. The Secretary
19 shall evaluate the activities of the assistance program
20 under this part to assure that it is fulfilling its goals and
21 objectives. The Secretary shall develop criteria for evalua-
22 tions pursuant to section 132(c). Not later than January
23 1, 1998, the Secretary shall submit to the Congress a sum-
24 mary of the results of the monitoring and evaluation con-
25 ducted under this subsection.

1 “(e) CLEARINGHOUSES.—

2 “(1) CLEARINGHOUSE ON DISTANCE LEARN-
3 ING.—In carrying out the requirements of subsection
4 (d), and in collecting studies pursuant to section
5 133(b), the Secretary shall provide for the collection
6 and dissemination of information concerning dis-
7 tance learning. The Secretary shall maintain infor-
8 mation on distance learning providers; receive, re-
9 view, and analyze reports of different distance learn-
10 ing activities; and publish periodically a compilation
11 of the reports submitted and such analysis.

12 “(2) CLEARINGHOUSE ON TELEMEDICINE.—In
13 carrying out the requirements of subsection (d), and
14 in collecting studies pursuant to section 133(b), the
15 Secretary shall provide for the collection and dis-
16 semination of information concerning telemedicine
17 projects. The Secretary shall maintain information
18 on telemedicine projects, receive, review, and analyze
19 reports of different telemedicine activities, and pub-
20 lish periodically a compilation of the reports submit-
21 ted and such analysis.

22 **“SEC. 135. AUTHORIZATION OF APPROPRIATIONS.**

23 “There are authorized to be appropriated to carry out
24 this part \$100,000,000 for fiscal year 1995 and
25 \$150,000,000 for fiscal year 1996. Sums appropriated

1 under this section for any fiscal year are authorized to
2 remain available until expended. Sums appropriated under
3 this section may be used by the Secretary to cover the
4 direct and indirect costs of administering the provisions
5 of this part, for evaluating the effectiveness of the pro-
6 gram and projects funded pursuant to this part, and for
7 other related activities. Up to 5 percent of the funds ap-
8 propriated pursuant to this section may be used by the
9 Secretary for research to support the grant making activi-
10 ties under this part.”.

11 (b) TRANSFER AND REAUTHORIZATION OF NA-
12 TIONAL ENDOWMENT FOR CHILDREN’S TELEVISION.—
13 The Communications Act of 1934 (hereinafter in this sub-
14 section referred to as “the 1934 Act”) and the National
15 Telecommunications and Information Administration Or-
16 ganization Act (hereinafter in this subsection referred to
17 as “the NTIAO Act”) are amended as follows:

18 (1) The NTIAO Act is amended by inserting
19 after part D (as added by subsection (a) of this sec-
20 tion) a new part E, the heading of which shall be
21 as follows:

1 **“PART E—NATIONAL ENDOWMENT FOR**
2 **CHILDREN’S TELEVISION”.**

3 (2) Section 394 of the 1934 Act is transferred
4 to such new part E of the NTIAO Act and is reded-
5 signed as section 141 of the NTIAO Act.

6 (3) Such section 141 is amended so that the
7 section designation and section heading of such sec-
8 tion shall be in the form and typeface of the section
9 designation and section heading of this section.

10 (4) Subsection (h) of such section 141 is
11 amended to read as follows:

12 “(h) AUTHORIZATION OF APPROPRIATIONS.—There
13 are authorized to be appropriated \$6,000,000 for each of
14 the fiscal years 1995 and 1996, to be used by the Sec-
15 retary to carry out the provisions of this section. Sums
16 appropriated under this subsection for any fiscal year shall
17 remain available for contracts and grants for projects for
18 which applications approved under this section have been
19 submitted within one year after the last day of such fiscal
20 year.”.

21 (c) CONFORMING AMENDMENTS.—

22 (1) NTIAO ACT DEFINITIONS.—Section 102(a)
23 of the National Telecommunications and Informa-
24 tion Administration Organization Act is amended by
25 adding at the end the following new paragraphs:

1 “(6) The term ‘construction’ means acquisition
2 (including acquisition by lease), installation and
3 modernization of public broadcasting facilities, and
4 planning and preparatory steps incidental to any
5 such acquisition, installation, or modernization.

6 “(7) The term ‘interconnection’ means the use
7 of an association of transmission channels or tele-
8 communication circuits, switching units, or other
9 equipment to provide the means of a transfer of sig-
10 nals between two or more points in a telecommuni-
11 cations network or networks or the use of an inter-
12 connection system.

13 “(8) The term ‘interconnection system’ means
14 any system of facilities used for the distribution of
15 programs to public telecommunications entities (as
16 such term is defined in section 397 of the Commu-
17 nications Act of 1934 (47 U.S.C. 397).

18 “(9) The term ‘public broadcasting facilities’
19 means telecommunications and related equipment
20 necessary for the provision of public broadcasting
21 services, except that such term does not include the
22 buildings to house such apparatus (other than small
23 equipment shelters that are part of satellite Earth
24 stations, translators, microwave interconnection fa-
25 cilities, and similar facilities).

1 “(10) The term ‘public broadcasting services’
2 means the production, acquisition, distribution, or
3 dissemination of noncommercial, educational, or cul-
4 tural programs and related noncommercial and in-
5 structional and informational material disseminated
6 by entities licensed by the Federal Communications
7 Commission as noncommercial educational broadcast
8 stations.

9 “(11) The term ‘nonprofit’ (as applied to any
10 foundation, corporation, or association) means a
11 foundation, corporation, or association, no part of
12 the net earnings of which inures, or may lawfully
13 inure, to the benefit of any private shareholder or in-
14 dividual.

15 “(12) The term ‘public broadcasting entity’
16 means the Corporation, any licensee or permittee of
17 a public broadcast station, or any nonprofit institu-
18 tion engaged primarily in the production, acquisi-
19 tion, distribution, or dissemination of educational
20 and cultural television or radio programs.

21 “(13) The term ‘State’ includes the District of
22 Columbia, the Commonwealth of Puerto Rico, the
23 Virgin Islands, Guam, American Samoa, the North-
24 ern Mariana Islands, and the Trust Territory of the
25 Pacific Islands.”.

1 (2) DELEGATION.—Section 103(b)(3)(B) of
2 The National Telecommunications and Information
3 Administration Organization Act is amended to read
4 as follows:

5 “(B) shall assign to the Assistant Sec-
6 retary and the NTIA the administration of
7 parts C through E of this title.”.

8 (3) COMMUNICATIONS ACT AMENDMENTS.—
9 Part IV of title III of the Communications Act of
10 1934 (47 U.S.C. 390 et seq.) is amended—

11 (A) by striking subparts A, B, and C (47
12 U.S.C. 390–395);

13 (B) by redesignating subparts D and E as
14 subparts A and B; and

15 (C) in section 397—

16 (i) by amending paragraph (1) to read
17 as follows:

18 “(1) The term ‘construction’ means acquisition (in-
19 cluding acquisition by lease), installation and moderniza-
20 tion of public broadcasting facilities, and planning and
21 preparatory steps incidental to any such acquisition, in-
22 stallation, or modernization.”;

23 (ii) in paragraph (2), by striking
24 “subpart D” and inserting “subpart A”;

25 (iii) by striking paragraph (10);

1 (iv) by amending paragraph (15) to
2 read as follows:

3 “(15) The term ‘Secretary’ means the Secretary of
4 Health and Human Services.”; and

5 (v) by redesignating paragraphs (11)
6 through (17) as paragraphs (10) through
7 (16), respectively.

8 **SEC. 4. REAUTHORIZATION OF THE NTIA.**

9 (a) AMENDMENT.—Section 151 of the National Tele-
10 communications and Information Administration Organi-
11 zation Act is amended by striking “\$17,600,000 for fiscal
12 year 1992 and \$17,900,000 for fiscal year 1993” and in-
13 serting “\$28,000,000 for each of the fiscal years 1995 and
14 1996”.

15 (b) TECHNICAL AMENDMENT.—Section 105(c)(2) of
16 such Act is amended by adding at the end the following:
17 “The Secretary is authorized to retain and use all funds
18 transferred, or previously transferred, from other Govern-
19 ment agencies for all costs incurred in telecommunications
20 research, engineering, and related activities by the Insti-
21 tute for Telecommunications Sciences of the NTLA in fur-
22 therance of its assigned functions under this section. Such
23 funds received from other Government agencies shall re-
24 main available until expended.”.

1 **SEC. 5. STUDY REQUIRED.**

2 Part F of the National Telecommunications and In-
3 formation Administration Organization Act (as redesi-
4 gned by section 3(a)(1) of this Act) is amended by adding
5 at the end the following new section:

6 **“SEC. 156. STUDY AND REPORT ON SATELLITE-BASED EDU-**
7 **CATIONAL NETWORK FOR AFRICAN CHIL-**
8 **DREN.**

9 “(a) **STUDY REQUIRED.**—Within 6 months following
10 enactment of this section, the National Telecommuni-
11 cations and Information Administration shall conduct a
12 feasibility study to identify the opportunities, facilities,
13 programming and other resources necessary to establish
14 networks using modern telecommunications technologies
15 for the purpose of providing educational and other train-
16 ing essential to ensure growth and opportunities in Africa.
17 The study shall pay particular attention to the educational
18 needs of children residing in rural and remote areas, and
19 to the opportunities to address those needs. In conducting
20 such study, the National Telecommunications and Infor-
21 mation Administration shall identify resources and pro-
22 grams of governmental, nongovernmental, and multi-
23 national agencies that may be deployed promptly and eco-
24 nomically. The study shall identify any legal, procedural,
25 or technical impediments to the establishment of such a

1 network or networks and the appropriate steps to remove
2 such impediments.

3 “(b) REPORT REQUIRED.—The National Tele-
4 communications and Information Administration shall
5 submit to the President and the Congress a report on the
6 results of the study required by subsection (a). The Na-
7 tional Telecommunications and Information Administra-
8 tion shall include in such report any legislative or adminis-
9 trative actions required to promote the establishment of
10 such a network.

11 “(c) AUTHORIZATION OF APPROPRIATIONS.—There
12 are authorized to be appropriated \$285,000 to carry out
13 this section.”.

Passed the House of Representatives November 8,
1993.

Attest:

Clerk.

HR 2639 EH—2

HR 2639 EH—3