

Union Calendar No. 177

103D CONGRESS
1ST SESSION

H. R. 2639

[Report No. 103-325]

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.

NOVEMBER 3, 1993

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

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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

NOVEMBER 3, 1993

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italic]

[For text of introduced bill, see copy of bill as introduced on July 14, 1993]

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 **SECTION 1. SHORT TITLE.**

4 *This Act may be cited as the “Telecommunications In-*
5 *frastructure and Facilities Assistance Act of 1993”.*

6 **SEC. 2. FINDINGS.**

7 *The Congress finds and declares the following:*

8 *(1) A strong commitment to building the na-*
9 *tional telecommunications and information infra-*
10 *structure will promote economic growth, aid Ameri-*
11 *ca’s competitiveness, and increase the Nation’s stand-*
12 *ard of living.*

13 *(2) An advanced telecommunications and infor-*
14 *mation infrastructure initiative serves the national*
15 *interest.*

16 *(3) Private sector investments in the United*
17 *States telecommunications and information infra-*
18 *structure can benefit from a Federal investment in*
19 *demonstration projects in which advanced tele-*
20 *communications capabilities are used to aid the deliv-*
21 *ery of critical social services such as education and*
22 *health care traditionally supported by government.*

23 *(4) Government funding of demonstrations and*
24 *pilot projects of telecommunications and information*
25 *infrastructure applications for health care providers,*

1 *educational institutions, research facilities, State and*
2 *local governments, libraries, and other social service*
3 *and public information providers can serve as a cata-*
4 *lyst in promoting increased private sector investment*
5 *in, and continued development of, the national tele-*
6 *communications and information infrastructure.*

7 *(5) Federal assistance in the promotion of the*
8 *national telecommunications and information infra-*
9 *structure will use a wide range of technologies includ-*
10 *ing, but not limited to, broadcast, fiber optic cable,*
11 *coaxial cable, satellite systems, and microwave sys-*
12 *tems.*

13 *(6) Providing assistance to help eligible entities*
14 *connect to and fully utilize existing and developing*
15 *telecommunications networks and information serv-*
16 *ices is in the public interest.*

17 *(7) There are tremendous information resources*
18 *in the Nation, but the benefits of an advanced tele-*
19 *communications and information infrastructure will*
20 *be enhanced when United States citizens have reason-*
21 *able access to such existing and future information*
22 *resources.*

23 *(8) Federal support of public broadcasting has*
24 *helped provide valuable and useful educational and*

1 *cultural programs that reach nearly all citizens of the*
2 *United States.*

3 *(9) The Federal Government shall ensure that all*
4 *citizens of the United States have access to public tele-*
5 *communications services through all appropriate*
6 *available telecommunications distribution tech-*
7 *nologies.*

8 *(10) Public telecommunications entities and*
9 *services constitute valuable local community resources*
10 *for utilizing electronic media to address national con-*
11 *cerns and solve local problems through community*
12 *programs.*

13 *(11) The Federal Government should encourage*
14 *partnerships to adapt technologies to public service*
15 *uses in a cost-effective manner, utilizing and main-*
16 *taining existing facilities where appropriate and ef-*
17 *fective, and to avoid duplicate services or capacities*
18 *which are currently provided by public telecommuni-*
19 *cations entities.*

20 **SEC. 3. NATIONAL TELECOMMUNICATIONS AND INFORMA-**
21 **TION INFRASTRUCTURE DEVELOPMENT.**

22 *(a) AMENDMENTS TO THE NTIAO ACT.—The National*
23 *Telecommunications and Information Administration*
24 *Organization Act is amended—*

25 *(1) by redesignating part C as part F; and*

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

3 **“PART C—PLANNING AND CONSTRUCTION OF**
4 **PUBLIC BROADCASTING FACILITIES**

5 **“SEC. 121. PURPOSE.**

6 *“The purpose of this part is to assist, through match-*
7 *ing grants, in the planning and construction of public*
8 *broadcasting facilities in order to achieve the following ob-*
9 *jectives:*

10 *“(1) extend delivery of public broadcasting serv-*
11 *ices to as many citizens of the United States as pos-*
12 *sible by the most efficient and economical means, in-*
13 *cluding broadcast, fiber optic cable, coaxial cable, sat-*
14 *ellite systems, and microwave systems;*

15 *“(2) increase public broadcasting services and*
16 *facilities available to, operated by, and owned by mi-*
17 *norities and women; and*

18 *“(3) strengthen the capability of existing public*
19 *broadcasting entities to provide public broadcasting*
20 *services to the public.*

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

22 *“(a) APPLICATIONS FOR GRANTS.—Any eligible appli-*
23 *cant (as described in paragraph (1)) desiring to obtain a*
24 *grant under this part for the construction of public broad-*
25 *casting facilities shall submit to the Secretary an applica-*

1 *tion containing such information with respect to the pro-*
2 *posed construction project as the Secretary may require, in-*
3 *cluding the total cost of such project and the amount of the*
4 *grant requested for such project. Each applicant shall also*
5 *provide assurances satisfactory to the Secretary that—*

6 “(1) *the applicant is—*

7 “(A) *a public broadcast station;*

8 “(B) *a system of public broadcasting enti-*
9 *ties;*

10 “(C) *a nonprofit foundation, corporation,*
11 *institution, or association organized primarily*
12 *for educational or cultural purposes; or*

13 “(D) *a State or local government (or any*
14 *agency thereof), or a political or special purpose*
15 *subdivision of a State;*

16 “(2) *the operation of such public broadcasting*
17 *facilities will be under the control of the applicant;*

18 “(3) *necessary funds to construct, operate, and*
19 *maintain such public broadcasting facilities will be*
20 *available when needed;*

21 “(4) *such public broadcasting facilities will be*
22 *used primarily for the provision of public broadcast-*
23 *ing services, and the use of such public broadcasting*
24 *facilities for purposes other than the provision of pub-*
25 *lic broadcasting services will not interfere with the*

1 *provision of such public broadcasting services as re-*
2 *quired in this part;*

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

10 “(6) *the applicant will use the grant efficiently*
11 *and effectively.*

12 “(b) *AMOUNT OF GRANT.—Upon approving any appli-*
13 *cation under this section with respect to any project for the*
14 *construction of public broadcasting facilities, the Secretary*
15 *shall make a grant to the applicant in an amount deter-*
16 *mined by the Secretary, except that such amount shall not*
17 *exceed 75 percent of the amount determined by the Sec-*
18 *retary to be the reasonable and necessary cost of such*
19 *project. The Secretary may provide such funds as the Sec-*
20 *retary deems necessary for the planning of any project for*
21 *which construction funds may be obtained under this sec-*
22 *tion.*

23 “(c) *PLANNING GRANTS.—*

24 “(1) *INFORMATION AND ASSURANCES.—An ap-*
25 *plicant for a planning grant shall provide such infor-*

1 *mation with respect to such project as the Secretary*
2 *may require and shall provide assurances satisfactory*
3 *to the Secretary that the applicant meets the eligi-*
4 *bility requirements of subsection (a) to receive con-*
5 *struction assistance.*

6 *“(2) STUDIES.—Any studies conducted by or for*
7 *any grant recipient under this subsection shall be*
8 *provided to the Secretary, if such studies are con-*
9 *ducted through the use of funds received under this*
10 *section.*

11 *“(d) REGULATIONS; PRIORITIES.—The Secretary shall*
12 *establish such regulations as may be necessary to carry out*
13 *this part, including regulations relating to the order of pri-*
14 *ority in approving applications for construction or plan-*
15 *ning projects and relating to determining the amount of*
16 *each grant.*

17 *“(e) SPECIAL CONSIDERATION.—In establishing cri-*
18 *teria for grants pursuant to this section, and in establishing*
19 *procedures relating to the order of priority established*
20 *under subsection (d) in approving applications for grants,*
21 *the Secretary shall give special consideration to applica-*
22 *tions which would increase participation by minorities,*
23 *women, and populations traditionally underserved in the*
24 *ownership and operation of public broadcasting entities.*
25 *The Secretary shall take affirmative steps to inform minori-*

1 *ties, women, and underserved populations of the availabil-*
2 *ity of funds under this part, and the localities where new*
3 *public broadcasting facilities are needed, and to provide*
4 *such other assistance and information as may be appro-*
5 *priate.*

6 **“SEC. 123. CRITERIA FOR APPROVAL AND EXPENDITURES**

7 **BY NTIA.**

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

16 *“(b) BASIS FOR DETERMINATION.—The Secretary*
17 *shall base determinations of whether to approve applica-*
18 *tions for grants under this part, and the amount of such*
19 *grants, on criteria developed pursuant to subsection (a) that*
20 *are designed to achieve—*

21 *“(1) the establishment of new public broadcast-*
22 *ing facilities to extend service to areas currently not*
23 *receiving public broadcasting services;*

1 “(2) the expansion of the service areas or produc-
2 tion capabilities of existing public broadcasting enti-
3 ties;

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

7 “(4) the improvement of the capabilities of exist-
8 ing public broadcasting entities to provide public
9 broadcasting services, including services to under-
10 served audiences such as deaf and hearing impaired
11 individuals and blind and visually impaired individ-
12 uals.

13 “(c) *NONCOMMERCIAL RADIO BROADCAST STATION*
14 *FACILITIES.*—Of the sums appropriated pursuant to section
15 125 for any fiscal year, a substantial amount shall be avail-
16 able for the expansion and development of noncommercial
17 radio broadcast station facilities.

18 “**SEC. 124. ADMINISTRATIVE PROVISIONS.**

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

22 “(1) the applicant or other owner of such facili-
23 ties ceases to be an entity as described in section
24 122(a)(1); or

1 “(2) such facilities cease to be used primarily for
2 the provision of public broadcasting services (or the
3 use of such public broadcasting facilities for purposes
4 other than the provision of public broadcasting serv-
5 ices interferes with the provision of such public broad-
6 casting services as required in this part);
7 the United States shall be entitled to recover from the appli-
8 cant or other owner of such facilities the amount bearing
9 the same ratio to the value of such facilities at the time
10 the applicant ceases to be such an entity or at the time
11 of such determination (as determined by agreement of the
12 parties or by action brought in the United States district
13 court for the district in which such facilities are situated),
14 as the amount of the Federal participation bore to the cost
15 of construction of such facilities. The Secretary may in-
16 crease the period for recovery under the preceding sentence
17 from 5 to 10 years if the Secretary determines that the
18 longer period is necessary in order to accomplish the pur-
19 poses of this part.

20 “(b) *RECORDKEEPING REQUIREMENTS.*—Each recipi-
21 ent of assistance under this part shall keep such records as
22 may be reasonably necessary to enable the Secretary to
23 carry out the functions of the Secretary under this part,
24 including—

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

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

10 “(3) such other records as will facilitate an effec-
11 tive audit.

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

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

20 “*There are authorized to be appropriated \$35,000,000*
21 *for each of the fiscal years 1995 and 1996, to be used by*
22 *the Secretary to assist in the planning and construction*
23 *of public broadcasting facilities as provided in this part.*
24 *Sums appropriated under this part for any fiscal year are*
25 *authorized to remain available until expended. Sums ap-*

1 *propriated under this part may be used by the Secretary*
2 *to cover the cost of administering the provisions of this part.*

3 **“PART D—TELECOMMUNICATIONS AND**
4 **INFORMATION INFRASTRUCTURE PROGRAM**

5 **“SEC. 131. PURPOSE.**

6 *“It is the purpose of this part to facilitate the develop-*
7 *ment of the national telecommunications and information*
8 *infrastructure by authorizing the Secretary to establish and*
9 *maintain, by the most efficient and economical means, a*
10 *Telecommunications and Information Infrastructure Devel-*
11 *opment Program that will promote the widespread avail-*
12 *ability of advanced telecommunications technologies to—*

13 *“(1) enhance the delivery to the public of diverse*
14 *social services, including education and health care;*
15 *and*

16 *“(2) support, through the interconnection and*
17 *improvement of existing facilities and the deployment*
18 *of new facilities, the formation of a nationwide, mul-*
19 *timedia, high-speed, interactive infrastructure of var-*
20 *ied information technologies.*

21 **“SEC. 132. GRANT AUTHORITY.**

22 *“(a) GRANT PURPOSES AND CRITERIA.—In accord-*
23 *ance with the requirements of this part, the Secretary is*
24 *authorized to award grants to eligible applicants (as de-*
25 *scribed in subsection (b)(1)) to assist the development of a*

1 *national telecommunications and information infrastruc-*
2 *ture. The Secretary shall not award a grant under this part*
3 *unless the Secretary determines that the project will pro-*
4 *mote one or more of the following objectives:*

5 “(1) *expand or otherwise augment telecommuni-*
6 *cations networks or information technology systems*
7 *for health care providers, educational institutions, re-*
8 *search facilities, libraries, museums, State and local*
9 *governments, and other social service and public in-*
10 *formation providers;*

11 “(2) *enhance the ability, through interconnec-*
12 *tion, of health care providers, educational institu-*
13 *tions, research facilities, libraries, museums, State*
14 *and local governments, and other social service and*
15 *public information providers to have access to exist-*
16 *ing and new sources of information;*

17 “(3) *the development and utilization of stand-*
18 *ards for interoperability and interconnection of the*
19 *various facilities, systems, and networks which would*
20 *comprise a demonstration or pilot project;*

21 “(4) *universal availability and utilization of an*
22 *advanced telecommunications and information infra-*
23 *structure, especially for traditionally underserved*
24 *populations; and*

1 “(5) demonstrate and improve the efficiency and
2 effectiveness of the delivery of social services, such as
3 education and health care, to the American people.

4 “(b) *APPLICATIONS FOR GRANTS.*—Any eligible appli-
5 cant desiring to obtain a grant under this part shall submit
6 to the Secretary an application containing such informa-
7 tion with respect to such project as the Secretary may re-
8 quire. Each applicant shall also provide assurances satis-
9 factory to the Secretary that—

10 “(1) the applicant is—

11 “(A) a nonprofit foundation, corporation,
12 institution, or association;

13 “(B) a State or local government (or any
14 agency thereof), or a political or special purpose
15 subdivision of a State or local government; or

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

18 “(2) the applicant has the technical, administra-
19 tive, and financial capability to obtain, operate, and
20 maintain the facilities, systems, or networks that are
21 the subject of the application;

22 “(3) the applicant has chosen an efficient and ec-
23 onomical means to achieve its communications or in-
24 formation needs, and has not failed to utilize commer-
25 cially available network services to meet such needs to

1 *the extent such commercial services meet the needs of*
2 *the applicant in the most efficient and economical*
3 *manner;*

4 *“(4) the applicant has participated in com-*
5 *prehensive planning for such facilities, systems, or*
6 *networks and such planning has included an evalua-*
7 *tion of alternative technologies and coordination with*
8 *appropriate State agencies, as needed;*

9 *“(5) the amount of the grant will not exceed 50*
10 *percent of the amount determined by the Secretary to*
11 *be the reasonable and necessary cost of such project,*
12 *unless the Secretary determines that extraordinary*
13 *circumstances warrant permitting a grant in an*
14 *amount that will not exceed 75 percent of such cost;*
15 *and*

16 *“(6) the applicant will use any facility, system,*
17 *or network obtained with funds provided under this*
18 *section primarily to achieve the objectives identified*
19 *in the application and will comply with regulations*
20 *prescribed by the Secretary with respect to resale of*
21 *any capacity of such facility, system, or network.*

22 *“(c) REGULATIONS; PRIORITIES.—The Secretary shall*
23 *establish such regulations as may be necessary to carry out*
24 *this part, including regulations relating to the order of pri-*
25 *ority to be used in approving applications and relating to*

1 *determining the amount of each grant for such projects. As*
2 *part of such regulations, the Secretary shall provide a pref-*
3 *erence in the award of assistance for projects that increase*
4 *utilization and efficiency of existing telecommunications*
5 *and information facilities. The Secretary shall seek the*
6 *views of the Secretary of Education, the Secretary of Health*
7 *and Human Services, and the Director of the National*
8 *Science Foundation in developing the regulations author-*
9 *ized under this part. Such regulations shall include such*
10 *regulations for purposes of subsection (b)(6) as the Sec-*
11 *retary determines to be necessary to prevent an applicant*
12 *from using commercial resale of excess capacity to compete*
13 *unfairly with providers of telecommunications services.*

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

1 *and other underserved populations of the availability of*
2 *funds under this part, and to provide such other assistance*
3 *and information as may be appropriate.*

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

5 “(a) *TRAINING EXPENSES.*—*The Secretary is author-*
6 *ized to provide funds for necessary and reasonable expenses*
7 *for training in the operation of the facilities, systems, or*
8 *networks developed pursuant to this part, except that such*
9 *expenditures shall be authorized only for a period not to*
10 *exceed one year after termination of the grant for the tele-*
11 *communications or information facility, system, or network*
12 *funded under this part.*

13 “(b) *PLANNING AND STUDIES.*—*The Secretary is au-*
14 *thorized to provide up to 100 percent of the cost of planning*
15 *projects or studies that will promote the development or en-*
16 *hancement of the national telecommunications and infor-*
17 *mation infrastructure. Any plans or studies conducted by*
18 *or for any grant recipient under this section shall be pro-*
19 *vided to the Secretary. An applicant for a planning grant*
20 *shall provide such information with respect to such project*
21 *as the Secretary may require and shall provide assurances*
22 *satisfactory to the Secretary that the applicant meets the*
23 *requirements of section 132(b)(1).*

1 **“SEC. 134. ADMINISTRATIVE PROVISIONS.**

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

5 “(1) the applicant or other owner of the facility,
6 system, or network ceases to be an agency, institution,
7 foundation, corporation, association, or other entity
8 described in section 132(b)(1); or

9 “(2) such facility, system, or network ceases to be
10 used primarily for the intended purposes of the grant
11 project;

12 the United States shall be entitled to recover from the appli-
13 cant or other owner of such facility, system, or network an
14 amount bearing the same ratio to the value of such facility,
15 system, or network at the time the applicant ceases to be
16 such an entity or at the time of such determination (as de-
17 termined by agreement of the parties or by action brought
18 in the United States district court for the district in which
19 such facility, system, or network is situated), as the amount
20 of the Federal grants bore to the cost of construction of such
21 facility, system, or network.

22 “(b) *RECORDKEEPING REQUIREMENTS.*—Each recipi-
23 ent of assistance under this part shall keep such records as
24 may be reasonably necessary to enable the Secretary to
25 carry out the functions of the Secretary under this part,
26 including—

1 “(1) a complete and itemized inventory of all
2 telecommunications and information facilities, sys-
3 tems, or networks under the control of such recipient
4 procured with funds authorized under this part;

5 “(2) records which fully disclose the amount and
6 the disposition by such recipient of the proceeds of
7 such assistance, the total cost of the project in connec-
8 tion with which such assistance is given or used, the
9 amount and nature of that portion of the cost of the
10 project supplied by other sources; and

11 “(3) such other records as will facilitate an effec-
12 tive audit.

13 “(c) *ACCESSIBILITY OF RECORDS.*—The Secretary and
14 the Comptroller General of the United States, or any of
15 their duly authorized representatives, shall have access for
16 the purpose of audit and examination to any books, docu-
17 ments, papers, and records of any recipient of assistance
18 under this part that relate to assistance received under this
19 part.

20 “(d) *DUTY TO MONITOR.*—The Secretary shall mon-
21 itor and evaluate projects in order to determine that such
22 projects fulfill the objectives of this part. The Secretary shall
23 evaluate the activities of the assistance program under this
24 part to assure that it is fulfilling its goals and objectives.
25 The Secretary shall develop criteria for evaluations pursu-

1 *ant to section 132(c). Not later than January 1, 1998, the*
2 *Secretary shall submit to the Congress a summary of the*
3 *results of the monitoring and evaluation conducted under*
4 *this subsection.*

5 *“(e) CLEARINGHOUSES.—*

6 *(1) CLEARINGHOUSE ON DISTANCE LEARNING.—*

7 *In carrying out the requirements of subsection (d),*
8 *and in collecting studies pursuant to section 133(b),*
9 *the Secretary shall provide for the collection and dis-*
10 *semination of information concerning distance learn-*
11 *ing. The Secretary shall maintain information on*
12 *distance learning providers; receive, review, and ana-*
13 *lyze reports of different distance learning activities;*
14 *and publish periodically a compilation of the reports*
15 *submitted and such analysis.*

16 *(2) CLEARINGHOUSE ON TELEMEDICINE.—In*

17 *carrying out the requirements of subsection (d), and*
18 *in collecting studies pursuant to section 133(b), the*
19 *Secretary shall provide for the collection and dissemi-*
20 *nation of information concerning telemedicine*
21 *projects. The Secretary shall maintain information on*
22 *telemedicine projects, receive, review, and analyze re-*
23 *ports of different telemedicine activities, and publish*
24 *periodically a compilation of the reports submitted*
25 *and such analysis.*

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

2 *“There are authorized to be appropriated to carry out*
3 *this part \$100,000,000 for fiscal year 1995 and*
4 *\$150,000,000 for fiscal year 1996. Sums appropriated*
5 *under this section for any fiscal year are authorized to re-*
6 *main available until expended. Sums appropriated under*
7 *this section may be used by the Secretary to cover the direct*
8 *and indirect costs of administering the provisions of this*
9 *part, for evaluating the effectiveness of the program and*
10 *projects funded pursuant to this part, and for other related*
11 *activities. Up to 5 percent of the funds appropriated pursu-*
12 *ant to this section may be used by the Secretary for research*
13 *to support the grant making activities under this part.”.*

14 **(b) TRANSFER AND REAUTHORIZATION OF NATIONAL**
15 **ENDOWMENT FOR CHILDREN’S TELEVISION.**—*The Commu-*
16 *nications Act of 1934 (hereinafter in this subsection referred*
17 *to as “the 1934 Act”) and the National Telecommunications*
18 *and Information Administration Organization Act (herein-*
19 *after in this subsection referred to as “the NTIAO Act”)*
20 *are amended as follows:*

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

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

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

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

10 (4) *Subsection (h) of such section 141 is amend-*
11 *ed 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 Secretary*
15 *to carry out the provisions of this section. Sums appro-*
16 *priated under this subsection for any fiscal year shall re-*
17 *main 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) of*
23 *the National Telecommunications and Information*
24 *Administration Organization Act is amended by add-*
25 *ing 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 of
7 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 sta-
24 tions, translators, microwave interconnection facili-
25 ties, 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 the
12 net earnings of which inures, or may lawfully inure,
13 to the benefit of any private shareholder or individ-
14 ual.

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 Vir-
23 gin Islands, Guam, American Samoa, the Northern
24 Mariana Islands, and the Trust Territory of the Pa-
25 cific Islands.”.

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

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

8 (3) *COMMUNICATIONS ACT AMENDMENTS.*—Part
9 IV of title III of the Communications Act of 1934 (47
10 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 insert-
13 ing “\$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 Institute
21 for Telecommunications Sciences of the NTLA in further-
22 ance of its assigned functions under this section. Such funds
23 received from other Government agencies shall remain
24 available until expended.”.

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

2 *Part F of the National Telecommunications and Infor-*
3 *mation Administration Organization Act (as redesignated*
4 *by section 3(a)(1) of this Act) is amended by adding at*
5 *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 Telecommunications*
11 *and Information Administration shall conduct a feasibility*
12 *study to identify the opportunities, facilities, programming*
13 *and other resources necessary to establish networks using*
14 *modern telecommunications technologies for the purpose of*
15 *providing educational and other training essential to en-*
16 *sure growth and opportunities in Africa. The study shall*
17 *pay particular attention to the educational needs of chil-*
18 *dren residing in rural and remote areas, and to the oppor-*
19 *tunities to address those needs. In conducting such study,*
20 *the National Telecommunications and Information Admin-*
21 *istration shall identify resources and programs of govern-*
22 *mental, nongovernmental, and multinational agencies that*
23 *may be deployed promptly and economically. The study*
24 *shall identify any legal, procedural, or technical impedi-*
25 *ments to the establishment of such a network or networks*
26 *and the appropriate steps to remove such impediments.*

1 “(b) *REPORT REQUIRED.*—*The National Tele-*
2 *communications and Information Administration shall*
3 *submit to the President and the Congress a report on the*
4 *results of the study required by subsection (a). The National*
5 *Telecommunications and Information Administration shall*
6 *include in such report any legislative or administrative ac-*
7 *tions required to promote the establishment of such a net-*
8 *work.*

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

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