

106TH CONGRESS
1ST SESSION

H. R. 2630

To reauthorize the National Telecommunications and Information
Administration, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 29, 1999

Mr. TAUZIN introduced the following bill; which was referred to the Committee
on Commerce

A BILL

To reauthorize the National Telecommunications and
Information Administration, 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 “NTIA Reauthorization
5 Act of 1999”.

6 **SEC. 2. AUTHORIZATION OF APPROPRIATIONS FOR ADMIN-**
7 **ISTRATION.**

8 Section 151 of the National Telecommunications and
9 Information Administration Organization Act (Public Law
10 102–538; 106 Stat. 3540 (as redesignated by section

1 6001(a)(2) of Public Law 103–66)) is amended to read
2 as follows:

3 **“SEC. 151. AUTHORIZATION OF APPROPRIATIONS FOR AD-**
4 **MINISTRATION.**

5 “There are authorized to be appropriated for the ad-
6 ministration and necessary expenses of the NTIA
7 \$10,940,000 for each of fiscal years 2000 and 2001.”.

8 **SEC. 3. PAYMENT FOR SPECTRUM MANAGEMENT FUNC-**
9 **TIONS.**

10 Section 104 of the National Telecommunications and
11 Information Administration Organization Act (47 U.S.C.
12 903) is amended by adding at the end the following new
13 subsection:

14 “(f) REIMBURSEMENT FROM FEDERAL AGENCIES.—

15 “(1) IN GENERAL.—The NTIA may not assign
16 any spectrum for use for, or provide any spectrum
17 management functions with respect to, any Federal
18 agency, except to the extent that the NTIA obtains
19 reimbursement for the costs of such activities, as
20 provided in this subsection.

21 “(2) FEES FOR COSTS.—Notwithstanding sec-
22 tion 1535(d) of title 31, United States Code, the
23 NTIA shall assess against, and collect from, each
24 Federal agency for which the NTIA assigns spec-
25 trum or provides any spectrum management func-

1 tions a charge to cover the costs to the NTIA of car-
 2 rying out the spectrum functions performed.

3 “(3) AMOUNT OF FEES.—Effective upon Octo-
 4 ber 1, 2001, the fee charged under paragraph (2) to
 5 a Federal agency for performance of a spectrum
 6 function shall be the amount necessary to cover all
 7 costs to the NTIA of carrying out such function.

8 “(4) ANNUAL REPORT REQUIREMENT.—For fis-
 9 cal year 2000 and each fiscal year thereafter, the
 10 NTIA shall submit to the Congress not later than
 11 March 1 of such fiscal year a report itemizing, for
 12 the preceding fiscal year, the fees collected pursuant
 13 to this subsection.”.

14 **SEC. 4. PRIVATIZATION OF LABORATORIES.**

15 Part C of the National Telecommunications and In-
 16 formation Administration Organization Act is amended by
 17 adding at the end the following new section:

18 **“SEC. 156. PRIVATIZATION OF CERTAIN LABORATORIES.**

19 “(a) DETERMINATION OF VALUE.—Not later than
 20 180 days after the date of the enactment of the NTIA
 21 Reauthorization Act of 1999, the Comptroller General of
 22 the United States shall conduct and conclude an assess-
 23 ment of the facilities of the Institute for Telecommuni-
 24 cation Sciences of the NTIA located in Boulder, Colorado,
 25 for the purpose of determining the fair market value of

1 such facilities and submit a report to the Congress regard-
 2 ing the results of the determination.

3 “(b) FACTORS.—The determination of fair market
 4 value pursuant to subsection (a) shall be based upon the
 5 fair market value of other comparable laboratories and fa-
 6 cilities (including federally owned, other publicly owned,
 7 and privately owned facilities), as determined by the
 8 Comptroller General, in consultation with appropriate rep-
 9 resentatives of the telecommunications industry and ap-
 10 propriate Federal agencies.

11 “(c) DETERMINATION OF INTEREST.—Upon the ex-
 12 piration of the 180-day period that begins upon the sub-
 13 mission of the report to the Congress under subsection (a),
 14 the Secretary shall cause to be published in the Federal
 15 Register a notice designed to solicit expressions of interest
 16 in the purchase of the laboratories identified in subsection
 17 (a).”.

18 **SEC. 5. LONG-TERM EFFICIENCY.**

19 Part C of the National Telecommunications and In-
 20 formation Administration Organization Act, as amended
 21 by section 4 of this Act, is further amended by adding
 22 at the end the following new section:

23 **“SEC. 157. LONG-TERM EFFICIENCY.**

24 “(a) GAO REVIEW OF FUNCTIONS.—Not later than
 25 6 months after the date of the enactment of the NTIA

1 Reauthorization Act of 1999, the Comptroller General of
2 the United States shall conduct a study of the NTIA for
3 the following purposes:

4 “(1) To review the efficiency of the NTIA in
5 carrying out the functions assigned to the NTIA.

6 “(2) To determine whether the functions actu-
7 ally being carried out by the NTIA comply with the
8 mission and responsibilities of the NTIA under law.

9 Not later than such date, the Comptroller General shall
10 submit to the Congress and to the NTIA a report setting
11 forth the results of the study under this subsection and
12 containing recommendations regarding how the NTIA can
13 improve the efficiency of its performance and its respon-
14 siveness to its mission and responsibilities under law.

15 “(b) INSPECTOR GENERAL PERFORMANCE RE-
16 PORT.—Not later than 6 months after the date of the en-
17 actment of the NTIA Reauthorization Act of 1999, the
18 Inspector General for the Department of Commerce shall
19 conduct an audit or evaluations of the performance of the
20 NTIA in conducting each of its functions, programs, and
21 operations and shall submit a report to the Congress and
22 the NTIA setting forth the results of the audit or evalua-
23 tions and containing recommendations for improving such
24 performance of the NTIA.

25 “(c) PLAN FOR MODERNIZATION.—

1 “(1) PLAN REQUIRED.—Within 12 months
2 after the date of the enactment of the NTIA Reau-
3 thorization Act of 1999 the NTIA shall review the
4 reports submitted pursuant to subsections (a) and
5 (b) and, taking into consideration the information
6 and recommendations in such reports, submit to the
7 Congress a plan—

8 “(A) to adjust the allocation of NTIA per-
9 sonnel;

10 “(B) to propose the automation or privat-
11 ization of routine functions of the NTIA;

12 “(C) to propose the termination of func-
13 tions of the NTIA that are no longer necessary
14 to the protection of the public interest;

15 “(D) to reduce the levels of the NTIA’s ex-
16 penses for management and overhead; and

17 “(E) to prepare the NTIA for rapid re-
18 sponse to changes in technologies and markets.

19 “(2) CONTENTS.—The plan required by this
20 subsection shall include—

21 “(A) detailed projections of financial and
22 personnel requirements of the NTIA over the 5
23 succeeding fiscal years;

24 “(B) the savings expected from automating
25 and privatizing routine functions of the NTIA

and from terminating unnecessary functions,
and deadlines by which such automation, pri-
vatization, and termination will be attained;

“(C) the appropriate level of funding for
management and overhead expenses of the
NTIA;

“(D) for each element in the plan, a state-
ment of whether the approach adopted in the
plan regarding that element conforms with or
differs from any recommendations contained in
the reports submitted under subsections (a) and
(b) and, if there is a difference, a specific jus-
tification for the approach adopted in the plan;
and

“(E) any additional authority or statutory
changes required to achieve the plan or carry
out the purposes of this section.”.

**SEC. 6. ASSESSMENT OF ELECTROMAGNETIC RADIO FRE-
QUENCY SPECTRUM REALLOCATION.**

Part C of the National Telecommunications and In-
formation Administration Organization Act, as amended
by the preceding provisions of this Act, is further amended
by adding at the end the following new section:

1 **“SEC. 158. ASSESSMENT OF ELECTROMAGNETIC RADIO**
2 **FREQUENCY SPECTRUM REALLOCATION.**

3 “(a) REVIEW AND ASSESSMENT.—

4 “(1) REQUIREMENT.—The Secretary of Com-
5 merce, acting through the Assistant Secretary and
6 in coordination with the Chairman of the Commis-
7 sion, shall convene an interagency review and assess-
8 ment of—

9 “(A) the progress made in implementation
10 of national spectrum planning;

11 “(B) the reallocation of Federal Govern-
12 ment spectrum to non-Federal use, in accord-
13 ance with the provisions of, and the amend-
14 ments made by, title VI of the Omnibus Budget
15 Reconciliation Act of 1993 (Public Law 103–
16 66; 107 Stat. 379) and title III of the Balanced
17 Budget Act of 1997 (Public Law 105–33; 111
18 Stat. 258); and

19 “(C) the implications for such reallocations
20 to the affected Federal agencies.

21 “(2) PARTICULAR SUBJECTS.—In conducting
22 the review and assessment under this paragraph,
23 particular attention shall be given to—

24 “(A) the effect on and implications for
25 critical military and intelligence systems, civil
26 space programs, and other Federal Government

1 systems used to protect public safety, of spec-
2 trum reallocated for non-Federal use; and

3 “(B) the anticipated impact on critical
4 military and intelligence systems, future mili-
5 tary and intelligence operational requirements,
6 national defense modernization programs, civil
7 space programs, and other Federal Government
8 systems used to protect public safety, of the re-
9 allocated spectrum described in subsection
10 (a)(1)(B).

11 “(3) COORDINATION.—The assessment under
12 this paragraph shall be conducted in coordination
13 with affected Federal agencies through the Inter-
14 departmental Radio Advisory Committee.

15 “(4) COOPERATION AND ASSISTANCE.—Each
16 Federal agency affected by the review and assess-
17 ment under this paragraph shall cooperate with the
18 Assistant Secretary in the conduct of the review and
19 assessment and shall provide the Assistant Secretary
20 such information, support, and assistance, to the ex-
21 tent not inconsistent with other provisions of law, as
22 the Assistant Secretary considers necessary in the
23 performance of the review and assessment.

24 “(b) REPORT.—Not later than October 1, 2000, the
25 Secretary of Commerce, in coordination with the heads of

1 the affected Federal agencies and the Chairman of the
2 Commission, shall submit a report to the President and
3 the Congress providing the results of the review and as-
4 sessment required under subsection (a).”.

5 **SEC. 7. AUTHORITY TO SUBMIT CONSOLIDATED REPORTS.**

6 Section 105 of the National Telecommunications and
7 Information Administration Organization Act (47 U.S.C.
8 904) is amended by adding at the end the following new
9 subsection:

10 “(f) CONSOLIDATION OF REPORTS.—The Assistant
11 Secretary may comply with any provisions of this Act, and
12 any other provision of law, that require the submission of
13 reports by the Assistant Secretary to the same entity by
14 consolidating such reports into a single submission to such
15 entity, except to the extent that such consolidation would
16 delay the submission of any report.”.

17 **SEC. 8. TELECOMMUNICATIONS AND INFORMATION INFRA-**
18 **STRUCTURE ASSISTANCE PROGRAM.**

19 The National Telecommunications and Information
20 Administration Organization Act (47 U.S.C. 901 et seq.)
21 is amended—

22 (1) by redesignating part C (as amended by the
23 preceding provisions of this Act) as part D; and

24 (2) by inserting after part B the following new
25 part:

1 **“PART C—TELECOMMUNICATIONS AND INFOR-**
2 **MATION INFRASTRUCTURE ASSISTANCE**
3 **PROGRAM**

4 **“SEC. 131. GRANT AUTHORITY.**

5 “(a) IN GENERAL.—In accordance with the require-
6 ments of this part, the Secretary may make grants only
7 to eligible entities (as such term is defined in section
8 134(a)) to assist the development of a national tele-
9 communications and information infrastructure.

10 “(b) PROJECT OBJECTIVES.—The Secretary shall
11 not make a grant under this part unless the Secretary de-
12 termines that the grant amounts will be used for a project
13 that promotes one or more of the following objectives:

14 “(1) To expand or otherwise augment tele-
15 communications networks or information technology
16 systems for health care providers, educational insti-
17 tutions, research facilities, libraries, museums, State
18 and local governments, and other social service and
19 public information providers.

20 “(2) To enhance the ability, through inter-
21 connection, of health care providers, educational in-
22 stitutions, research facilities, libraries, museums,
23 State and local governments, and other social service
24 and public information providers to have access to
25 existing and new sources of information.

1 “(3) To make universally available and to uti-
2 lize an advanced telecommunications and informa-
3 tion infrastructure, especially for traditionally under-
4 served populations.

5 “(4) To demonstrate and improve the efficiency
6 and effectiveness of the delivery of social services,
7 such as education and health care, to the American
8 people.

9 **“SEC. 132. GRANT REQUIREMENTS.**

10 “(a) USE.—Any eligible entity receiving a grant
11 under this part shall use any facility, system, or network
12 obtained with such grant amounts primarily to achieve the
13 objectives under section 131(b) that are identified in the
14 application for the grant and shall comply with the regula-
15 tions of the Secretary regarding the resale of any capacity
16 of such facility, system, or network, which shall be issued
17 by the Secretary pursuant to section 137 and shall prevent
18 an eligible entity receiving a grant from using commercial
19 resale of excess capacity to compete unfairly with pro-
20 viders of telecommunications services.

21 “(b) AMOUNT.—

22 “(1) IN GENERAL.—Except as provided in para-
23 graph (2), the amount of grant under this part may
24 not exceed 50 percent of the amount determined by
25 the Secretary to be the reasonable and necessary

1 cost of the project to be carried out using the grant
2 amounts.

3 “(2) EXTRAORDINARY CIRCUMSTANCES.—If the
4 Secretary determines that extraordinary cir-
5 cumstances warrant a grant in excess of the amount
6 provided under paragraph (1), the amount of a
7 grant may exceed such amount but may not, in any
8 case, exceed 75 percent of the cost referred to in
9 paragraph (1).

10 **“SEC. 133. PROHIBITED USES.**

11 “Amounts made available to carry out this part shall
12 be used only for the purposes expressly provided in this
13 part and may not be used under any other provision of
14 law (including under any direct or derivative authority
15 under section 392 of the Communications Act of 1934 (47
16 U.S.C. 392)) for purposes related to the purposes of this
17 part.

18 **“SEC. 134. ELIGIBLE ENTITIES AND APPLICATIONS.**

19 “(a) ELIGIBLE ENTITIES.—For purposes of this
20 part, the term ‘eligible entity’ means—

21 “(1) a nonprofit foundation, corporation, insti-
22 tution, or association;

23 “(2) a State or local government (or any agency
24 thereof), or a political or special purpose subdivision
25 of a State or local government; or

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

3 “(b) APPLICATIONS FOR GRANTS.—To be eligible to
4 receive a grant under this part, an eligible entity shall sub-
5 mit to the Secretary an application containing such infor-
6 mation with respect to the eligible entity submitting the
7 application and the project to be carried out using grant
8 amounts as the Secretary considers necessary to ensure
9 that grant amounts are used in accordance with this part.

10 “(c) CRITERIA.—The Secretary may make a grant
11 under this section with respect to an application only if
12 the Secretary determines that—

13 “(1) the applicant has the technical, adminis-
14 trative, and financial capability to obtain, operate,
15 and maintain the facilities, systems, or networks in-
16 volved in the project proposed in the application;

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

24 “(3) the applicant has participated in com-
25 prehensive planning for such facilities, systems, or

1 networks and such planning has included an evalua-
2 tion of alternative technologies and coordination with
3 appropriate State agencies, as needed;

4 “(4) the services provided by the facilities, sys-
5 tems, or networks involved in the project do not and
6 will not compete with services provided by a private
7 entity;

8 “(5) the applicant has made a good faith effort
9 to identify and obtain Federal financial assistance
10 other than assistance under this part for carrying
11 out the applicant’s project and was unable to obtain
12 such other assistance; and

13 “(6) the applicant is not eligible, or is not likely
14 to be eligible, to obtain such other Federal financial
15 assistance for carrying out the applicant’s project.

16 “(d) SELECTION OF APPLICATIONS.—

17 “(1) PROCEDURE.—The Secretary shall issue
18 regulations pursuant to section 137 establishing pro-
19 cedures and criteria for selecting applications for
20 grants under this part. The regulations shall—

21 “(A) set forth specific objective, merit-
22 based criteria for ranking applications, which
23 shall—

24 “(i) include any priorities to be used
25 in selecting applications for grants; and

1 “(ii) provide a preference for grants
2 for projects that increase utilization and
3 efficiency of existing telecommunications
4 and information facilities;

5 “(B) provide that applications shall be se-
6 lected for grants under this part pursuant to a
7 competition based upon the rankings resulting
8 from applying the criteria established pursuant
9 to subparagraph (A);

10 “(C) provide a method for determining the
11 amount of grants for selected applications.

12 “(2) LIMITATION.—No decision or determina-
13 tion regarding whether to provide a grant under this
14 part may be based, in whole or in part, upon the
15 membership or affiliation with any political party of
16 the applicant for or prospective recipient of amounts
17 under the grant.

18 “(3) NOTICE OF ADJUSTMENTS.—

19 “(A) IN GENERAL.—Upon any determina-
20 tion or action of the Assistant Secretary or any
21 other official or staff of the NTIA that results
22 in the status of an application for a grant
23 under this part changing from not selected, or
24 not eligible for selection, for a grant to selected,
25 or eligible for selection, for a grant, the Assist-

1 ant Secretary shall provide a written notice and
2 description to the Inspector General of the De-
3 partment of Commerce explaining the justifica-
4 tion for the determination or action.

5 “(B) ACTIONS.—A determination or action
6 of the Assistant Secretary or other official or
7 staff of the NTIA referred to in subparagraph
8 (A) includes—

9 “(i) any award, assignment, change
10 to, or adjustment of points, score, or other
11 ranking under the criteria established pur-
12 suant to paragraph (1)(A), whether pre-
13 liminary or final; and

14 “(ii) any other determination or re-
15 consideration of any such criteria, of waiv-
16 er or inapplicability of such criteria, or of
17 selection for a grant, whether preliminary
18 or final.

19 “(C) STATUS.—For purposes of subpara-
20 graph (A), the term ‘status’ includes any status
21 that has been assigned or determined, whether
22 preliminary or final.

23 “(e) SPECIAL CONSIDERATION.—In establishing cri-
24 teria for grants pursuant to this part, and in establishing
25 procedures and criteria under subsection (d)(1)(A)(1) re-

1 garding priorities in approving and selecting applications
2 for grants, the Secretary shall give special consideration
3 to applications that will avoid unnecessary duplication of
4 existing facilities and services.

5 **“SEC. 135. ADMINISTRATIVE PROVISIONS.**

6 “(a) ADMINISTRATIVE EXPENSES.—Of any amounts
7 appropriated to carry out this part, the Secretary may use
8 not more than 2 percent for direct and indirect costs of
9 the Secretary in administering the provisions of this part,
10 including monitoring under subsection (g) of this section,
11 evaluating the effectiveness of the program and projects
12 funded pursuant to this part, and for other related activi-
13 ties of the Secretary.

14 “(b) RECOVERY OF FUNDS FOR PROJECT VIOLA-
15 TIONS.—The Assistant Secretary may recover, from the
16 applicant who received a grant under this part or from
17 the other owner of a facility, system, or network assisted
18 under the grant project, the full amount of assistance pro-
19 vided from the grant amounts for such facility, system,
20 or network, if the Assistant Secretary determines on the
21 record after opportunity for a hearing that, within 5 years
22 after completion of the project—

23 “(1) the applicant or other owner of the facility,
24 system, or network ceases to be an eligible entity;

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

4 “(3) the services provided by such facility, sys-
5 tem, or network are subject to competition from
6 similar services provided by private entities.

7 “(c) RECOVERY OF FUNDS FOR GRANT VIOLA-
8 TIONS.—Except to the extent amounts are recovered
9 under subsection (b), if the Assistant Secretary deter-
10 mines on the record after opportunity for a hearing that
11 an applicant who received a grant under this part has
12 failed to comply with any provision of this part, any regu-
13 lation issued under this part, or any provision of a grant
14 agreement providing for such grant, the Assistant Sec-
15 retary shall require the applicant to repay to the Secretary
16 an amount equal to—

17 “(1) in the case of an unintentional failure to
18 comply, 10 percent of the amount of the grant to
19 which such failure applies; and

20 “(2) in the case of an intentional failure to
21 comply, the full amount of the grant to which such
22 failure applies.

23 “(d) RECORDKEEPING REQUIREMENTS.—The Sec-
24 retary shall require that each recipient of assistance under
25 this part shall keep such records as may be reasonably

1 necessary to enable the Secretary to carry out the func-
2 tions of the Secretary under this part, including—

3 “(1) a complete and itemized inventory of all
4 telecommunications and information facilities, sys-
5 tems, or networks under the control of such recipi-
6 ent funded with funds provided under this part;

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

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

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

22 “(f) INSPECTOR GENERAL REVIEWS.—The Inspector
23 General of the Department of Commerce shall conduct ap-
24 propriate review to ensure that recipients of financial as-
25 sistance under this part comply with this part and the reg-

1 ulations issued under this part, including regulations re-
2 lating to recordkeeping requirements under subsection (c)
3 of this section.

4 “(g) MONITORING.—

5 “(1) IN GENERAL.—The Secretary shall mon-
6 itor and evaluate—

7 “(A) projects assisted with grant amounts
8 under this part to ensure that such projects ful-
9 fill the objectives of this part;

10 “(B) the activities of the assistance pro-
11 gram under this part to ensure that it is ful-
12 filling its goals and objectives.

13 “(2) CRITERIA.—Pursuant to section 137, the
14 Secretary shall establish criteria for evaluations
15 under this subsection.

16 “(3) REPORT.—Not later than January 1 of
17 each year, the Secretary shall submit to the Con-
18 gress a report summarizing the results of the moni-
19 toring and evaluations conducted under this sub-
20 section for the fiscal year ending the preceding Sep-
21 tember 30. The first such annual report shall be
22 submitted not later than January 1, 2001, for the
23 fiscal year ending September 30, 2000.

1 **“SEC. 136. AUTHORIZATION OF APPROPRIATIONS.**

2 “There are authorized to be appropriated to carry out
3 this part \$13,000,000 for each of fiscal years 2000 and
4 2001. Amounts appropriated under this section for any
5 fiscal year are authorized to remain available until ex-
6 pended. Not more than 5 percent of the amounts appro-
7 priated pursuant to this section may be used by the Sec-
8 retary for research to support the grant making activities
9 under this part.

10 **“SEC. 137. REGULATIONS.**

11 “The Secretary shall issue or update any regulations
12 necessary to carry out this part.”.

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