

**AMENDMENT TO H.R. 7148****OFFERED BY MR. BACON OF NEBRASKA**

At the end of the bill, add the following:

1     **DIVISION G—OTHER MATTERS**

2     **SEC. 7001. ASSISTANCE FOR PUBLIC TELECOMMUNI-**  
3                   **CATIONS FACILITIES.**

4           (a) APPROPRIATION.—For the Public Telecommuni-  
5     cations Facilities, Planning, and Construction program,  
6     \$100,000,000.

7           (b) DECLARATION OF PURPOSE.—Section 390 of the  
8     Communications Act of 1934 (47 U.S.C. 390) is amended  
9     to read as follows:

10    **“SEC. 390. DECLARATION OF PURPOSE.**

11           “The purpose of this subpart is to assist, through  
12     matching grants, in the planning, maintenance, and con-  
13     struction of public telecommunications facilities in order  
14     to achieve the following objectives:

15           “(1) Extend delivery of public telecommuni-  
16     cations services to as many citizens of the United  
17     States as possible by the most efficient and economi-  
18     cal means, including the use of broadcast and non-  
19     broadcast technologies.

1           “(2) Strengthen the capability of existing public  
2           television and radio stations to provide public tele-  
3           communications services to the public.”.

4           (c) CRITERIA FOR APPROVAL AND EXPENDITURES  
5 BY SECRETARY OF COMMERCE.—Section 393 of the Com-  
6 munications Act of 1934 (47 U.S.C. 393) is amended to  
7 read as follows:

8           **“SEC. 393. CRITERIA FOR APPROVAL AND EXPENDITURES**  
9                               **BY SECRETARY.**

10          “(a) The Secretary, in consultation with entities  
11 deemed appropriate by the Secretary, shall establish cri-  
12 teria for making planning, maintenance, and construction  
13 grants. Such criteria shall be consistent with the objectives  
14 and provisions set forth in this subpart, and shall be made  
15 available to interested parties upon request.

16          “(b) The Secretary shall base determinations of  
17 whether to approve applications for grants under this sub-  
18 part, and the amount of such grants, on criteria developed  
19 pursuant to subsection (a) and designed to achieve—

20               “(1) the provision of new telecommunications  
21 facilities to extend service to areas currently not re-  
22 ceiving public telecommunications services;

23               “(2) the expansion of the service areas of exist-  
24 ing public telecommunications entities; and

1           “(3) the improvement of the capabilities of ex-  
2       isting public broadcast stations to provide public  
3       telecommunications services.”.

4       (d) GRANTS FOR MAINTENANCE.—Subpart A of part  
5       IV of title III of the Communications Act of 1934 (47  
6       U.S.C. 390 et seq.) is amended by adding at the end the  
7       following:

8       **“SEC. 393B. GRANTS FOR MAINTENANCE.**

9       “(a) APPLICATIONS FOR GRANTS.—For each project  
10      for the maintenance of public telecommunications facilities  
11      there shall be submitted to the Secretary an application  
12      for a grant containing—

13           “(1) such information with respect to such  
14      project as the Secretary may require, including—

15                   “(A) the total cost of such project;

16                   “(B) the amount of the grant requested  
17      for such project; and

18                   “(C) a justification as to why maintenance  
19      is necessary for the respective public tele-  
20      communications facility; and

21           “(2) assurances satisfactory to the Secretary  
22      that—

23                   “(A) the applicant is—

24                           “(i) a public broadcast station;

1                   “(ii) a noncommercial telecommuni-  
2                   cations entity;

3                   “(iii) a system of public telecommuni-  
4                   cations entities;

5                   “(iv) a nonprofit foundation, corpora-  
6                   tion, institution, or association organized  
7                   primarily for educational or cultural pur-  
8                   poses;

9                   “(v) a State or local government (or  
10                  an agency thereof); or

11                  “(vi) a political or special purpose  
12                  subdivision of a State;

13                  “(B) the operation of such public tele-  
14                  communications facilities will be under the con-  
15                  trol of the applicant;

16                  “(C) necessary funds to operate such pub-  
17                  lic telecommunications facilities will be available  
18                  if needed;

19                  “(D) such public telecommunications facili-  
20                  ties will be used primarily for the provision of  
21                  public telecommunications services, and the use  
22                  of such public telecommunications facilities for  
23                  purposes other than the provision of public tele-  
24                  communications services will not interfere with

1 the provision of such public telecommunications  
2 services as required in this part; and

3 “(E) the applicant will make the most effi-  
4 cient use of the grant.

5 “(b) AMOUNT OF GRANT.—Upon approving any ap-  
6 plication under this section with respect to any project for  
7 the maintenance of public telecommunications facilities,  
8 the Secretary shall make a grant to the applicant in an  
9 amount determined by the Secretary, except that such  
10 amount shall not exceed 75 percent of the amount deter-  
11 mined by the Secretary to be the reasonable and necessary  
12 cost of such project.

13 “(c) INFORMATION AND ASSURANCES.—The Sec-  
14 retary may provide such funds as the Secretary deems nec-  
15 essary for the planning of any project for which mainte-  
16 nance funds may be obtained under this section. An appli-  
17 cant for a planning grant shall provide such information  
18 with respect to such project as the Secretary may require  
19 and shall provide assurances satisfactory to the Secretary  
20 that the applicant meets the requirements of subsection  
21 (a) to receive maintenance assistance.

22 “(d) STUDIES.—Any study conducted by or for any  
23 grant recipient under this section shall be provided to the  
24 Secretary, if such study was conducted through the use  
25 of funds received under this section.

1       “(e) RULES AND REGULATIONS.—The Secretary  
2 shall establish such rules and regulations as may be nec-  
3 essary to carry out this subpart, including rules and regu-  
4 lations relating to the order of priority in approving appli-  
5 cations for maintenance projects.

6       “(f) RECOVERING FUNDS.—If, within 10 years after  
7 completion of any project for maintenance of public tele-  
8 communications facilities with respect to which a grant  
9 has been made under this section—

10           “(1) the grantee or other owner of such facili-  
11 ties ceases to be an entity described in subsection  
12 (a)(2)(A); or

13           “(2) such facilities cease to be used primarily  
14 for the provision of public telecommunications serv-  
15 ices (or the use of such public telecommunications  
16 facilities for purposes other than the provision of  
17 public telecommunications services interferes with  
18 the provision of such public telecommunications  
19 services as required by this part);

20 the United States shall be entitled to recover from the  
21 grantee or other owner of such facilities an amount bear-  
22 ing the same ratio to the value of such facilities at the  
23 time that paragraph (1) or (2) is satisfied (as determined  
24 by agreement of the parties or by action brought in the  
25 United States district court for the district in which such

1 facilities are situated), as the amount of the Federal par-  
2 ticipation bore to the cost of maintenance of such facili-  
3 ties.

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

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

24 (e) DEFINITIONS.—Section 397 of the Communica-  
25 tions Act of 1934 (47 U.S.C. 397) is amended—

1           (1) by amending paragraph (15) to read as fol-  
2       lows:

3           “(15) The term ‘Secretary’ means the Secretary  
4       of Commerce when such term is used in subpart B,  
5       and the Secretary of Health and Human Services  
6       when such term is used in subpart A, subpart C,  
7       subpart D, and this subpart.”; and

8           (2) by adding at the end the following:

9           “(18) The term ‘maintenance’ means, with re-  
10      spect to public telecommunications facilities—

11                   “(A) acts of repair; and

12                   “(B) other acts to prevent decline, lapse,  
13      or cessation from an existing state or condi-  
14      tion.”.

