



Legislative Bulletin.....October X, 2011

Contents:

H.R. 1343—To return unused or reclaimed funds made available for broadband awards in the American Recovery and Reinvestment Act of 2009 to the Treasury of the United States.

H.R. 1343—To return unused or reclaimed funds made available for broadband awards in the American Recovery and Reinvestment Act of 2009 to the Treasury of the United States. (Rep. Bass, R-NH)

Order of Business: The bill is scheduled to be considered on Monday, October 3, 2011, under a motion to suspend the rules and pass the bill.

Summary: H.R. 1343 would require the Administrator of the Rural Utilities Service or the Assistant Secretary of Commerce for Communications and Information to terminate any award made under the Broadband Initiatives Program or the Broadband Technology Opportunities Program if he determines a program include an insufficient level of performance, wasteful spending, or fraudulent spending. The bill requires the Administrator to deobligate an amount equivalent to such award or as much that is recoverable, less allowable costs, within thirty days. The bill allows the recipient of a terminated to provide complete and accurate accounting, which may include an independent accounting. Finally, the bill provides for a review process between the Inspector Generals Office that oversees broadband deployment and Congressional notification of terminated programs.

Additional Background: The so called stimulus created two programs under the National Telecommunications Information Administration (NTIA) and the Rural Utilities Service (RUS) to distribute grants and federal loan guarantees to public and private entities to map nationwide broadband availability assist with construction cost and use of broadband networks. According to CBO, the RUS awarded has provided at total of \$3.5 billion and the NTIA has awarded \$4.4 billion for these programs.

Committee Action: On April, 4, 2011, the bill was introduced and referred to the Committee on Energy and Commerce. On April 5, 2011, the full committee held a mark-up and ordered the bill reported by a voice vote.

Administration Position: No Statement of Administration Policy has been provided.

Cost to Taxpayers: According to CBO, “implementing the new reporting requirements in H.R. 1343 would have no significant effect on spending subject to appropriation. Enacting H.R. 1343 would not affect direct spending or revenues; therefore, pay-as-you-go procedures do not apply.”

Does the Bill Expand the Size and Scope of the Federal Government?: No.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: No.

Does the Bill Comply with House Rules Regarding Earmarks/Limited Tax Benefits/Limited Tariff Benefits?: A committee report citing compliance with rules regarding earmarks, limited tax benefits, or limited tariff benefits was not available. Such a report is technically not required because the bill is being considered under suspension of the rules.

Constitutional Authority: The Congressional Record sites “Article I, Section 8 of the U.S. Constitution. The Congress shall have Power . . . To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes.”

RSC Staff Contact: Bruce F. Miller, bruce.miller@mail.house.gov, (202)-226-9720