(b) REQUIREMENTS.—The personnel management system shall at a minimum include the following:

(1) A system which ensures that applicants for employment and employees of the Architect of the Capitol are appointed, promoted, and assigned on the basis of merit and fitness after fair and equitable consideration of all applicants and employees through open competition.

(2) An equal employment opportunity program which includes an affirmative employment program for employees and applicants for employment, and procedures for monitoring progress by the Architect of the Capitol in ensuring a workforce reflective of the diverse labor force.

(3) A system for the classification of positions which takes into account the difficulty, responsibility, and qualification requirements of the work performed, and which conforms to the principle of equal pay for substantially equal work.

(4) A program for the training of Architect of the Capitol employees which has among its goals improved employee performance and opportunities for employee advancement.

(5) A formal performance appraisal system which will permit the accurate evaluation of job performance on the basis of objective criteria for all Architect of the Capitol employees.

(6) A fair and equitable system to address unacceptable conduct and performance by Architect of the Capitol employees, including a general statement of violations, sanctions, and procedures which shall be made known to all employees, and a formal grievance procedure.

(7) A program to provide services to deal with mental health, alcohol abuse, drug abuse, and other employee problems, and which ensures employee confidentiality.

(8) A formal policy statement regarding the use and accrual of sick and annual leave which shall be made known to all employees, and which is consistent with the other requirements of this section.

SEC. 4. IMPLEMENTATION OF PERSONNEL MANAGEMENT SYSTEM.

(a) DEVELOPMENT OF PLAN.—The Architect of the Capitol shall—

(1) develop a plan for the establishment and maintenance of a personnel management system designed to achieve the requirements of section 3;

(2) submit the plan to the Congress not later than 90 days after the date of enactment of this Act; and

(3) implement the plan not earlier than 30 days and not later than 90 days after the plan is submitted to the Congress, as specified in paragraph (2).

(b) EVALUATION AND REPORTING.—The Architect of the Capitol shall develop a system of oversight and evaluation to ensure that the personnel management system of the Architect of the Capitol achieves the requirements of section 3 and complies with all other relevant laws, rules and regulations. The Architect of the Capitol shall report to the Congress on an annual basis the results of its evaluation under this subsection.

(c) APPLICATION OF LAWS.—Nothing in this Act shall be construed to alter or supersede any other provision of law otherwise applicable to the Architect of the Capitol or its employees, unless expressly provided in this Act.

SEC. 5. DISCRIMINATION COMPLAINT PROCESSING.

(a) DEFINITIONS.—For purposes of this section:

(1) The term "employee of the Architect of the Capitol" or "employee" means—

(A) any employee of the Architect of the Capitol;

(B) any applicant for a position that is to be occupied by an individual described in subparagraph (A); or

(C) any individual who was formerly an employee described in subparagraph (A) and whose claim of a violation arises out of the individual's employment with the Architect of the Capitol.

(2) The term "violation" means a practice that violates subsection (b) of this section.

(b) DISCRIMINATORY PRACTICES PROHIBITED.—

(1) IN GENERAL.—All personnel actions affecting employees of the Architect of the Capitol shall be made free from any discrimination based on—

(A) race, color, religion, sex, or national origin, within the meaning of section 717 of the Civil Rights Act of 1964 (42 U.S.C. 2000e-16);

(B) age, within the meaning of section 15 of the Age Discrimination in Employment Act of 1967 (29 U.S.C. 633a); or

(C) handicap or disability, within the meaning of section 501 of the Rehabilitation Act of 1973 (29 U.S.C. 791) and sections 102 through 104 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12112–14).

(2) INTIMIDATION PROHIBITED.—Any intimidation of, or reprisal against, any employee by the Architect of the Capitol, or by any employee of the Architect of the Capitol, because of the exercise of a right under this section constitutes an unlawful employment practice, which may be remedied in the same manner as are other violations described in paragraph (1).

(c) PROCEDURE FOR CONSIDERATION OF ALLEGED VIOLATIONS.—

(1) GENERAL ACCOUNTING OFFICE PERSONNEL APPEALS BOARD.—(A) Any employee of the Architect of the Capitol alleging a violation of subsection (b) may file a charge with the General Accounting Office Personnel Appeals Board in accordance with the General Accounting Office Personnel Act of 1980 (31 U.S.C. 751–55) and regulations of the Board. Such a charge may be filed only after the employee has filed a complaint with the Architect of the Capitol in accordance with requirements prescribed by the Architect of the Capitol and has exhausted all remedies pursuant to such requirements.

(B) The Architect of the Capitol shall carry out any action within its authority that the Board orders under section 4 of the General Accounting Office Personnel Act of 1980 (31 U.S.C. 753).

(C) The Architect of the Capitol shall reimburse the General Accounting Office for costs incurred by the Board in considering charges filed under this section.

(2) GENERAL ACCOUNTING OFFICE PERSONNEL APPEALS BOARD OR OFFICE OF SENATE FAIR EMPLOYMENT PRACTICES.—An employee of the Architect of the Capitol who is assigned to the Senate Restaurants or to the Superintendent of the Senate Office Buildings alleging a violation of subsection (b) may file a charge pursuant to paragraph (1), or may elect to follow the procedures outlined in the Government Employee Rights Act of 1991 (2 U.S.C. 1201 et seq.).

(d) AMENDMENTS TO THE GENERAL ACCOUNTING OFFICE PERSONNEL ACT OF 1980.—

(1) Section 751(a)(1) of title 31, United States Code, amended by inserting "or Architect of the Capitol" after "Office".

(2) Section 753(a) of title 31, United States Code, is amended—

(A) in paragraph (7) by striking "and" at the end of the paragraph;

(B) in paragraph (8) by striking the period and inserting "; and"; and

(C) by inserting at the end thereof the following:

"(9) an action involving discrimination prohibited under section 4(b) of the Architect of the Capitol Human Resources Act."

(3) Section 755 of title 31, United States Code, is amended—

(A) in subsection (a) by striking the "or (7)" and inserting ", (7), or (9)"; and

(B) in subsection (b) by striking "or applicant for employment" and inserting "applicant for employment, or employee of the Architect of the Capitol".•

By Mr. INOUYE:

S. 2195. A bill to direct the Federal Communications Commission to require the reservation, for public uses, of capacity on telecommunications networks, and for other purposes; to the Committee on Commerce, Science, and Transportation.

NATIONAL PUBLIC TELECOMMUNICATIONS INFRASTRUCTURE ACT OF 1994

• Mr. INOUYE. Mr. President, today, I am pleased to introduce the National Public Telecommunications Infrastructure Act of 1994.

Congress has a longstanding policy of facilitating access for the delivery of public telecommunications services. The legislation I am introducing today will bring Congress' public access policy under a consistent framework, and apply it uniformly to communications technologies that will make up our Nation's telecommunications system.

The opportunities that will emerge from connecting all Americans to one system of interconnected communications media are extraordinary. This legislation provides a framework for accomplishing those goals.

The legislation, among other things, will ensure that all citizens of the United States have access to noncommercial, governmental, educational, informational, cultural, civic and charitable services through all appropriate telecommunications networks.

It will facilitate widespread public and civic discourse on a range of concerns between and among all Americans and ensure that the greatest possible diversity of voices can be heard on the national information infrastructure [NII].

The legislation will permit citizens to engage in interactive conversations with their elected officials; it will allow students and teachers to enteract with their libraries and schools; it will provide small town and rural residents, as well as low-income citizens, minorities and individuals with disabilities to access important information about their communities and the political process; and provide avenues for the creation of new applications for public and educational broadcasting services, particularly at the local level.

Telecommunications networks have long benefited from their special access to public rights-of-way. The public benefits being conferred on builders and operators of the new information highway include new uses of public property and electromagnetic frequencies of various types and capacities, wires, fiber, and other forms of communica-

tion. There is no question that those who use these public rights-of-way can and should be required to confer appropriate benefits on the public in return.

The National Public Telecommunications Infrastructure Act of 1994 would require telecommunications networks that benefit from this special access to public rights-of-way to tender a benefit to the public—a public right-of-way on the information superhighway. More specifically, it would require those facilities to reserve up to 20 percent of their capacity—to eligible entities for the provision of free educational, informational, cultural, civic, or charitable services to the public.

Eligible entities would include State, local, and tribal governments, accredited educational institutions, public telecommunications entities, public and nonprofit libraries, and recognized nonprofit organizations specifically formed to provide public access to noncommercial educational, informational, cultural, civic, or charitable services.

The bill would apply to those telecommunications networks that receive the benefit of public rights-of-way that provide the end user the opportunity to choose from a range of communications that are available contemporaneously and that are intended for the public. Such networks would include common carrier video platforms, cable television networks and direct broadcast satellite [DBS] systems. The bill, however, provides for a transition from the current public interest requirements that are embodied in the cable act's DBS set-aside, noncommercial must carry and public, educational, and governmental [PEG] use provisions to the new public right-of-way requirements.

It is my intent that the legislation not apply to the commercial must carry requirements that are currently set forth in section 614 of the Communications Act, the Internet, point to point telephone communications that are not intended for the general public and terrestrial broadcast stations and networks.

In order to ensure that capacity is reserved and that it is applied consistently throughout the Nation, the legislation would assert concurrent Federal jurisdiction over public rights-of-way used in providing telecommunications.

The bill directs the Federal Communications Commission [FCC] to adopt regulations and guidelines which would require owners and operators of telecommunications networks to reserve capacity on their networks in accordance with the certain provisions. The legislation reburies the FCC to presume that 20 percent of the network capacity is appropriate, but allows the FCC to establish a lower or scaled amount based on considerations such as the type of technology used by the network and barriers to access. It also permits the FCC to reduce the amount of public capacity that a telecommunications network would be required to reserve if it finds that the capacity is likely to go unused.

In addition, the owners and operators of the telecommunications networks would have no control over or liability for the content carried on the portion of the network reserved for public uses.

The bill requires the FCC, in allocating the reserved capacity to establish block allocations to State and local governments for redistribution among eligible entities. The legislation directs the FCC to establish a public telecommunications infrastructure fund to support the eligible entities' use of reserved capacity and to implement it at the State, local, or tribal level.

The bill provides for a sunset of the set-aside requirement when the FCC determines that a telecommunications network is fully open and that there are no economic and technological barriers to access. This provision makes it clear that the reservation of capacity is intended to be a transitional measure that becomes unnecessary once telecommunications networks are truly open and accessible.

The principles incorporated in this bill are not new. They have deep roots in the history of America. Indeed, it is not uncommon for the Government to request something in exchange for allowing a private party the use of public property. For instance, when the Government was engaged in distributing public lands, it allocated portions for land grant colleges. When the Federal Government has granted right-of-way on public lands, it has on occasion required private users to make appropriate benefits available to the public as well. And when the Government allocated radio and television frequencies for commercial broadcasting, it set-aside certain channels for public radio and television stations and imposed obligations to serve the public interest. Indeed, approximately 30 percent of television channels were reserved for public television—benchmark which makes a set-aside of up to 20 percent for a much broader range of users modest by comparison.

In the public telecommunications Act of 1992, Congress stated its intent that citizens be provided access to public telecommunications services through multiple telecommunications services. In adding section 396(a)(9) to the Communications Act, the Congress stated that:

> It is in the public interest for the Federal Government to ensure that all citizens of the United States have access to public telecommunications services through all appropriate available telecommunications distribution technologies.

The National Public Telecommunications Infrastructure Act of 1994 seeks to accomplish this goal.

Mr. President, nearly 100 educational, public broadcasting, library, civil rights, labor, local government, and disability rights organizations and others have expressed their support for the principles outlined in this legislation. This broad-based coalition believes that the reservation of public capacity on all appropriate telecommunications networks is essential to the full participation of all Americans on the NII.

It is important to note that many of the principles embodied in this bill will further the goals outlined in the Goals 2000: Educate America Act that President Clinton signed earlier this year; goals such as school readiness, mathematics and science achievement, teacher education and professional development, and adult literacy.

Vice President AL GORE endorsed the public right-of-way concept in a speech last year on telecommunications and the NII. Mr. GORE stated:

> We cannot relax restrictions from legislation and judicial decisions without strong commitments and safeguards that there will be a "Public right-of-way" on the information highway. We must protect the interests of the public sector.

Mr. President, the Federal Government must continue to honor the concept and principles outlined in this bill as new technologies evolve and as we build our Nation's information infrastructure.

Existing telecommunications technologies have already permitted development of diverse community based programming that has increased civic discourse and expanded access to informational, educational and health related services. These start-up programs are flourishing, but their opportunities will be limited if increased access and funding is unavailable.

Let me cite a few examples and tell you how the public right-of-way bill could benefit our society. Thanks to Congress' investment, public television owns six fully digital ku band transponders on Telstar 401. The satellite launched in December by AT&T. This satellite, which incorporates the latest digital technology for video, voice, and data, in combination with V-Sat equipment, will be capable of delivering a broad range of interactive educational services to local public broadcast stations for delivery to homes, schools, and universities.

But public broadcasters face a serious problem in distributing these services over the last mile to homes and schools. Stations are generally restricted to a single broadcast channel to distributive their services. With access the Land-based distribution networks that will make up the information superhighways, public stations would have the ability to distribute the wide range of educational services that will be available to Telstar 401 to people nationwide, when and how they need them.

For example, mathline, a video, data, and voice communication system devoted to improving the math achievement of American students, and ready-to-learn—an early education childhood development service, aimed at helping parents and childcare providers raise children who are ready to learn, will be available on Telstar 401 for distribution

by local public broadcast stations. Access to telecommunications networks would facilitate the delivery of these and other services to our Nation's schools, day care centers, and homes.

PBS Online—A two-way interactive telecommunications network—is another service that will make use of the satellite. This interactive learning service will link students and teachers across the Nation and enable them to send and receive voice, data, and text messages.

Today, South Carolina educational television delivers live interactive seminars on early childhood education to Head Start teaching teams serving rural, migrant, native Americans and Alaskan village populations in 26 States. Access to telecommunications networks could expand the reach of this service throughout the country.

In Chicago, IL, the Chicago Chapter of the Black Nurses Association [CCBNA] uses live, interactive programming to send basic health care information to Chicago's homes with cable television. The series gives Chicagoans access to information about hypertension, nutrition, cancer, and drug testing in the workplace. This health care intervention tool has helped the CCBNA address many community health care problems and to obtain feedback and provide answers to many everyday questions.

The Satellite Educational Resources Consortium [SERC], a partnership of State public television networks and departments of education, distributes interactive distance learning courses to 5,000 high school students in 28 States. These courses bring math, science, and foreign language instruction to rural and disadvantaged schools. Access to new interactive telecommunications networks would facilitate the delivery of such distance learning courses nationwide.

Another example is WTVS in Detroit, MI. WTVS has developed an 18-channel community telecommunications network [CTN]. The system includes the working channel [TWC], which carries basic skills and job related information from such agencies as the Michigan Employment Security Commission and the Veterans' Administration, as well as a wide variety of graduate and undergraduate level courses aimed at improving employees in the workplace. WTVS now must rely on the voluntary carriage of the working channel by cable systems. The public right-of-way legislation would provide WTVS with a reliable distribution mechanism for these services to homes, schools, and workplaces throughout the State.

In Portland, OR, Portland's senior community video project produces Agewise, a series for local nonprofits, public and community service agencies. Currently, Agewise is a noninteractive series the efficacy of which would be significantly enhanced by the use of advanced technologies to permit senior citizens to ask questions and engage in important discussions about health care and other relevant issues.

Access must be reserved for these institutions so that they and their users will be able to take full advantage of the information infrastructure. But access alone will not bring the information superhighway to every public library and classroom. Funding for noncommercial use of the national information infrastructure is vital.

At a recent hearing on S. 1822, the Communications Act of 1994, before the Senate Commerce Committee, Secretary of Education Richard Riley expressed support for public access legislation and funding for noncommercial use of the NII. Secretary Riley stated:

The principle of "free" public education for all children is the bedrock of our democracy. Not cheap, inexpensive, or available for a fee but in its essence "free".

The public right-of-way bill does just that. It authorizes the commission to promulgate regulations to establish a public telecommunications infrastructure fund [PTIF] which will provide eligible entities with additional economic support to assist in providing noncommercial services for the public. It also sets forth guidelines with respect to contributions, allocations, and distributions of the fund.

Funds from the PTIF could help support training for librarians, teachers, and school administrators so that library users and students—many of whom do not have computer access in their homes—will become active participants in the information age.

Mr. President, this legislation will not solve all of the public access problems on the NII, however, I believe it is a step in the right direction toward making sure that all Americans have meaningful access to the NII. I look forward to working with the Senate, the administration and the Federal Communications Commission on this important legislation.

Mr. President, I ask unanimous consent that the text of the bill appear in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2195

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Public Telecommunications Infrastructure Act of 1994".

SEC. 2. FINDINGS.

Congress finds the following:

(1) The United States Government has consistently encouraged the development and dissemination of public telecommunications services in broadcast and nonbroadcast technologies through, among other things, the Public Broadcasting Act of 1967, the Public Telecommunications Financing Act of 1978, and the Public Telecommunications Act of 1992, wherein Congress found that "it is in the public interest for the Federal Government to ensure that all citizens of the United States have access to public telecommunications services through all appropriate available telecommunications distribution technologies . . ."

(2) The Government has a compelling interest in ensuring that all citizens of the United States have access to noncommercial governmental, educational, informational, cultural, civic, and charitable services through all appropriate telecommunications networks.

(3) New telecommunications technologies will enhance the ability of schools, libraries, local governments, public broadcast institutions, and nonprofit organizations to deliver and receive noncommercial governmental, educational, informational, cultural, civic, and charitable services throughout the United States.

(4) It is in the public interest that these entities be granted access to capacity on telecommunications networks for the purpose of disseminating and receiving noncommercial governmental, educational, informational, cultural, civic, and charitable services throughout the United States.

(5) It is necessary and appropriate that these entities have access, without charge, to the capacity on telecommunications networks to enable the public to have affordable access to the governmental, educational, informational, cultural, civic, and charitable services provided by such entities.

(6) Telecommunications services, including cable television programming, basic telephone service, and telecommunications services not yet available, are likely to become an increasingly pervasive presence in the lives of all Americans.

(7) Most Americans are currently served by telecommunications networks that lack sufficiently open architecture, sufficient capacity, and adequate nondiscriminatory access terms necessary to provide open access to a diversity of voice, video, and data communications.

(8) Private telecommunications carriers are likely to control access to telecommunications networks that lack sufficiently open architecture, sufficient capacity, and adequate nondiscriminatory access terms. Without narrowly tailored governmental intervention, the existence of these private "gatekeepers" is likely to restrict access to these networks.

(9) Private telecommunications carriers respond to marketplace forces, and therefore are most likely to exclude those members of the public and institutions with the fewest financial resources, including but not limited to small town and rural residents, low income people, minorities, individuals with disabilities, the elderly, and noncommercial organizations such as schools, libraries, public broadcasters, and nonprofit community and civic organizations.

(10) To facilitate widespread public discourse on a range of public concerns between and among all Americans, the Government has a compelling interest in providing broad access to telecommunications networks for a diversity of voices, viewpoints, and cultural perspectives, including access for members of the public whose voices are most likely to be excluded by private telecommunications carriers.

(11) Assuring access to a diversity of voices, viewpoints, and cultural perspectives over telecommunications networks benefits all members of the public who use telecommunications networks to disseminate or receive information.

(12) Government support and encouragement of a diversity of voices, viewpoints, and cultural perspectives over telecommunications networks furthers a compelling governmental interest in improving democratic self-governance, and improving and facilitating local government services and commu-

nications between citizens and elected and unelected public officials.

(13) Telecommunications networks make substantial use of public rights-of-way in real property and in spectrum frequencies.

(14) Because of the Government's compelling interest in ensuring broad and diverse access to telecommunications networks for the purposes of disseminating and receiving noncommercial educational and informational services, and in exchange for the use of public rights-of-way accorded telecommunications networks, it is appropriate for Congress (through the assertion of concurrent Federal jurisdiction over rights-of-way held or controlled by State or local governments) to require that owners and operators of telecommunications networks reserve capacity on such networks for public use.

(15) The least restrictive means to ensure that those members of the public whose voices are most likely to be excluded from telecommunications networks can access those networks is to require those networks to reserve a portion of their capacity for that access.

(16) It is in the public interest that reserved network capacity for public use be accompanied by funding to facilitate use of such capacity to provide noncommercial governmental, educational, informational, cultural, civic, and charitable services for the public.

SEC. 3. PUBLIC RIGHTS-OF-WAY.

Title VII of the Communications Act of 1934 (47 U.S.C. 601 et seq.) is amended by adding at the end the following new section:

"SEC. 714. PUBLIC RIGHTS-OF-WAY.

"(a) DEFINITIONS.—As used in this section:

"(1) The term 'telecommunications network' means any group of facilities that has been granted the right to occupy any public right-of-way to transmit or carry telecommunications for the public, and provides the consumer or end user the opportunity to choose from a range of telecommunications that are available contemporaneously to the public. A terrestrial radio or television broadcast station licensed pursuant to Title III shall not be considered a telecommunications network by reason of its use of its assigned spectrum.

"(2) The term 'public right-of-way' means any right-of-way, including use of the electromagnetic spectrum, that is held or otherwise controlled by Federal, State, or local governments on behalf of the public, and is used in the transmission or carriage of telecommunications.

"(3) The term 'telecommunications' means communications of any form transmitted or carried by any means, including analog or digital electromagnetic signals.

"(b) REQUIREMENT FOR RESERVED CAPACITY.—Within 365 days after the date of enactment of this section, the Commission shall promulgate regulations to require owners and operators of telecommunications networks to reserve, for public uses, capacity on such networks for use free-of-charge by eligible entities. The reserved capacity shall be considered public property subject to disposition pursuant to regulations promulgated by the Commission, and the owner or operator of any affected telecommunications network shall have no control over, and no liability for, the communications content of such capacity.

"(c) RESERVATION OF CAPACITY.—

"(1) AMOUNT OF CAPACITY TO BE RESERVED.—The Commission shall presume that a reservation under this section of 20 percent of the capacity of a telecommunications network is appropriate, but may require a reservation of a lower amount or an amount to be phased-in not exceeding 20 percent, upon a [illegible]

nology used by the network, barriers to accessing the network, and such other factors as the Commission considers appropriate. Telecommunications networks shall not be required to reserve public capacity in excess of that required under this paragraph.

"(2) TEMPORARY REDUCTIONS.—If the Commission determines that any portion of the amount of public capacity that a telecommunications network is required to reserve under this section will go unused, the Commission may temporarily reduce the reserved amount by such unused portion. During the period when the reserved public capacity of a telecommunications network is temporarily reduced, an eligible entity described in subsection (d) may request use of any of the portion by which such reserved capacity was reduced and the Commission shall, within 30 days after the request, provide sufficient capacity to meet the request.

"(3) QUALITY.—The quality of telecommunications capacity reserved for public uses under this section shall be equivalent to the best quality of available capacity of the affected telecommunications network in all respects, including accessibility, channel positioning, interconnection access rights, network capabilities, and such other factors as the Commission considers appropriate.

"(4) REDUCTION OR ELIMINATION OF OBLIGATIONS.—The Commission may reduce or eliminate obligations upon a telecommunications network imposed under this subsection, if the Commission determines on the record after notice and opportunity for comment, that, throughout its entire service area, such network has clearly sufficient open architecture, capacity, and nondiscriminatory access terms to ensure that economic and technological barriers to access by eligible entities described in subsection (d) are eliminated.

"(5) EFFECT ON FRANCHISE FEE COLLECTION.—Nothing in this section is intended to affect the power of any franchising authority to collect a franchise fee authorized under section 622.

"(d) ALLOCATION OF CAPACITY.—

"(1) ELIGIBLE ENTITIES.—The following entities are the entities eligible for access to the public capacity reserved under this section:

"(A) State, local, and tribal governments and their agencies;

"(B) accredited educational institutions open to enrollment by the public;

"(C) public telecommunications entities;

"(D) public and nonprofit libraries; and

"(E) nonprofit organizations described under section 501(c)(3) of the Internal Revenue Code of 1986 that are formed for the purpose of providing nondiscriminatory public access to noncommercial educational, informational, cultural, civic, or charitable services.

"(2) TERMS AND CONDITIONS OF ACCESS.—Such eligible entities shall have access to such public capacity at no charge (for installation or service) if using such capacity only for the provision of educational, informational, cultural, civic, or charitable services directly to the public without charge for such services. Telecommunications capacity allocated pursuant to this section shall not be sold, resold, or otherwise transferred in consideration for money or any other thing of value.

"(3) ALLOCATION.—The Commission shall determine appropriate mechanisms and guidelines for allocating such public capacity. In so doing, the Commission shall establish block allocations to State, local, or tribal governments for redistribution among eligible entities pursuant to telecommunications plans submitted by State, local, or tribal governments, and ensure that the intent of Congress, as expressed in section 396(a), is served.

"(4) TRANSITION.—The Commission, as telecommunications network capacity expands, shall provide for a transition within a reasonable period of time from requirements under sections 335, 611, and 615 to requirements under this section.

"(e) PUBLIC TELECOMMUNICATIONS INFRASTRUCTURE FUND.—

"(1) ESTABLISHMENT.—Within 365 days after the date of enactment of this section, the Commission shall promulgate regulations to establish a Public Telecommunications Infrastructure Fund to provide eligible entities described in subsection (d) with economic support to use the capacity reserved on telecommunications networks under this section to provide noncommercial governmental, educational, informational, cultural, civil, and charitable services for the public. Such regulations shall provide a mechanism for financing the Public Telecommunications Infrastructure Fund by means of—

"(A) contributions, on a competitively neutral basis, by owners and operators of telecommunications' networks (including those regulated under titles II, III and VI, except that nothing in this subsection may be construed as affecting the power of any franchising authority to collect a franchise fee authorized under section 622);

"(B) contributions from a designated portion of any universal service fund, as may be established under this Act;

"(C) contributions from such other sources as the Commission may determine to be sufficient and appropriate for such purposes; or

"(D) any combination of the contributions described in subparagraphs (A), (B), and (C).

"(2) CONTENT OF REGULATIONS.—The regulations promulgated under this subsection shall—

"(A) provide that contributions to the Public Telecommunications Infrastructure Fund shall begin no later than 365 days after promulgation of the regulations;

"(B) determine appropriate mechanisms and guidelines for allocating the funds collected pursuant to this subsection to such State, local, or tribal governments as the Commission considers appropriate;

"(C) establish guidelines for the distribution of such funds by State, local, or tribal governments to provide eligible entities described in subsection (d) with sufficient economic support to use the network capacity reserved under this section to provide noncommercial governmental, educational, informational, cultural, civic, and charitable services for the public; and

"(D) require that each State, local, or tribal government authorized to distribute funds pursuant to subparagraph (c) establish a public advisory commission that—

"(i) shall be composed of members representing the interests of eligible entities described in subsection (d); and

"(ii) shall ensure that the funds are distributed to a broad cross section of eligible entities in accordance with the guidelines established pursuant to subparagraph (C).".•

By Mr. WELLSTONE (for himself and Mr. BURNS):

S. 2196. A bill to assure fairness and choice to patients and providers under managed care health benefit plans, and for other purposes; to the Committee on Labor and Human Resources.

THE PATIENT PROTECTION ACT

• Mr. WELLSTONE. Mr. President, I am pleased to introduce the Patient Protection Act today, with my colleague Senator BURNS as an original co-sponsor. As Congress conside[rs]

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