

112TH CONGRESS
1ST SESSION

S. 1659

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.

IN THE SENATE OF THE UNITED STATES

OCTOBER 5, 2011

Ms. AYOTTE (for herself and Mr. DEMINT) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

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.

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. ACCOUNTABILITY FOR BROADBAND STIMULUS**
4 **FUNDS.**

5 (a) IN GENERAL.—Notwithstanding any other provi-
6 sion of law, the Administrator of the Rural Utilities Serv-
7 ice or the Assistant Secretary of Commerce for Commu-
8 nications and Information shall take prompt and appro-

1 p r i a t e a c t i o n t o t e r m i n a t e f o r c a u s e a n y a w a r d m a d e
2 u n d e r t h e B r o a d b a n d I n i t i a t i v e s P r o g r a m o r t h e
3 B r o a d b a n d T e c h n o l o g y O p p o r t u n i t i e s P r o g r a m, r e s p e c -
4 t i v e l y, e s t a b l i s h e d p u r s u a n t t o t h e A m e r i c a n R e c o v e r y a n d
5 R e i n v e s t m e n t A c t o f 2 0 0 9, i f t h e A d m i n i s t r a t o r o r A s s i s t -
6 a n t S e c r e t a r y d e t e r m i n e s t h a t c a u s e e x i s t s t o t e r m i n a t e
7 t h e a w a r d. S u c h c a u s e m a y i n c l u d e a n i n s u f f i c i e n t l e v e l
8 o f p e r f o r m a n c e, w a s t e f u l s p e n d i n g, o r f r a u d u l e n t s p e n d -
9 i n g.

10 (b) DEOBLIGATION AND RETURN OF FUNDS TO
11 TREASURY.—

12 (1) DEOBLIGATION.—Upon terminating an
13 award under subsection (a), the Administrator or
14 the Assistant Secretary shall immediately deobligate
15 an amount equivalent to such award, as recoverable,
16 less allowable costs.

17 (2) RETURN TO TREASURY.—Not later than 30
18 days after deobligating an amount under paragraph
19 (1), the Administrator or the Assistant Secretary
20 shall, without exception, return such amount to the
21 general fund of the Treasury of the United States.

22 (3) NO EXPENDITURES DURING TERMINATION
23 PROCESS.—The Administrator or the Assistant Sec-
24 retary shall promptly pursue available corrective
25 measures to ensure that funds received through an

1 award terminated under subsection (a) are not ex-
2 pended during the termination process.

3 (4) ACCOUNTING BY AWARD RECIPIENT.—The
4 Administrator or the Assistant Secretary shall direct
5 the recipient of an award terminated under sub-
6 section (a) to provide to the Administrator or the
7 Assistant Secretary a complete and accurate ac-
8 counting, which may include an independent ac-
9 counting, for any award funds that, as of the date
10 of termination, the recipient has received but has
11 not expended on allowable costs.

12 **SEC. 2. DISPOSITION OF UNUSED FUNDS.**

13 The Administrator of the Rural Utilities Service or
14 the Assistant Secretary of Commerce for Communications
15 and Information shall return to the general fund of the
16 Treasury of the United States an amount equivalent to
17 any award, as recoverable, less allowable costs, made
18 under the Broadband Initiatives Program or the
19 Broadband Technology Opportunities Program, respec-
20 tively, established pursuant to the American Recovery and
21 Reinvestment Act of 2009, if such award has been re-
22 turned to the Administrator or Assistant Secretary or dis-
23 claimed by the award recipient at any time after the date
24 of enactment of such Act.

1 **SEC. 3. OVERSIGHT AND REPORTING REQUIREMENTS.**

2 (a) ACTION ON INFORMATION FROM OIG OR GAO.—

3 If the Administrator of the Rural Utilities Service or the
4 Assistant Secretary of Commerce for Communications and
5 Information receives information from an official de-
6 scribed in subsection (b) with respect to an award made
7 under the Broadband Initiatives Program or the
8 Broadband Technology Opportunities Program, respec-
9 tively, established pursuant to the American Recovery and
10 Reinvestment Act of 2009, and such information pertains
11 to material noncompliance with the award terms or provi-
12 sions or improper usage of award funds, the Administrator
13 or the Assistant Secretary shall—

14 (1) immediately review such information; and

15 (2) not later than 30 days after receiving such
16 information, determine whether cause exists to ter-
17 minate such award under section 1(a).

18 (b) OFFICIALS DESCRIBED.—The officials described
19 in this subsection are the following:

20 (1) With respect to the Broadband Initiatives
21 Program, the Inspector General of the Department
22 of Agriculture.

23 (2) With respect to the Broadband Technology
24 Opportunities Program, the Inspector General of the
25 Department of Commerce.

1 (3) The Comptroller General of the United
2 States.

3 (c) CONGRESSIONAL NOTIFICATION.—

4 (1) IN GENERAL.—Not later than 3 days after
5 making a determination described in subsection
6 (a)(2), the Administrator or the Assistant Secretary
7 shall provide a notification of such determination
8 to—

9 (A) the Committee on Agriculture of the
10 House of Representatives and the Committee
11 on Agriculture of the Senate or the Committee
12 on Energy and Commerce of the House of Rep-
13 resentatives and the Committee on Commerce,
14 Science, and Transportation of the Senate, re-
15 spectively; and

16 (B) the official who provided the informa-
17 tion described in subsection (a).

18 (2) CONTENTS OF NOTIFICATION.—The notifi-
19 cation required by paragraph (1) shall include an ex-
20 planation of—

21 (A) the determination described in sub-
22 section (a)(2); and

23 (B) any action taken as a result of the de-
24 termination or why no action was necessary.

1 **SEC. 4. CONFORMING AMENDMENTS.**

2 Section 6001(i)(4) of the American Recovery and Re-
3 investment Act of 2009 (47 U.S.C. 1305(i)(4)) is amend-
4 ed—

5 (1) by striking “may” and inserting “shall”;

6 and

7 (2) by striking “, and award these funds com-
8 petitively to new or existing applicants consistent
9 with this section”.

10 **SEC. 5. AWARD DEFINED.**

11 In this Act, the term “award” includes grants and
12 loans.

○