

119TH CONGRESS
1ST SESSION

S. _____

To direct the Assistant Secretary of Commerce for Communications and Information to develop a National Strategy to Synchronize Federal Broadband Programs, and for other purposes.

IN THE SENATE OF THE UNITED STATES

Mr. WICKER introduced the following bill; which was read twice and referred to the Committee on _____

A BILL

To direct the Assistant Secretary of Commerce for Communications and Information to develop a National Strategy to Synchronize Federal Broadband Programs, 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 “Proper Leadership to
5 Align Networks for Broadband Act” or the “PLAN for
6 Broadband Act”.

7 **SEC. 2. DEFINITIONS.**

8 In this Act:

- 1 (F) the Delta Regional Authority;
- 2 (G) the Denali Commission;
- 3 (H) the Economic Development Adminis-
- 4 tration;
- 5 (I) the Department of Education;
- 6 (J) the Department of the Treasury;
- 7 (K) the Department of Transportation;
- 8 (L) the Institute of Museum and Library
- 9 Services;
- 10 (M) the Northern Border Regional Com-
- 11 mission;
- 12 (N) the Department of Housing and
- 13 Urban Development; and
- 14 (O) the Department of the Interior.

15 (5) DEPLOYMENT LOCATIONS MAP.—The term

16 “Deployment Locations Map” has the meaning given

17 the term in section 60105(a) of the Infrastructure

18 Investment and Jobs Act (47 U.S.C. 1704(a)).

19 (6) FEDERAL BROADBAND PROGRAM.—The

20 term “Federal broadband program” means any pro-

21 gram administered by a covered agency that is di-

22 rectly or indirectly intended to increase the deploy-

23 ment of, access to, the affordability of, or the adop-

24 tion of broadband internet access service.

1 (7) FEDERAL LAND MANAGEMENT AGENCY.—

2 The term “Federal land management agency”

3 means—

4 (A) the National Park Service;

5 (B) the Bureau of Land Management;

6 (C) the Bureau of Reclamation;

7 (D) the United States Fish and Wildlife

8 Service;

9 (E) the Bureau of Indian Affairs; and

10 (F) the Forest Service.

11 (8) IMPLEMENTATION PLAN.—The term “Im-

12 plementation Plan” means the implementation plan

13 developed under section 4(a).

14 (9) STRATEGY.—The term “Strategy” means

15 the National Strategy to Synchronize Federal

16 Broadband Programs developed under section 3(a).

17 **SEC. 3. NATIONAL STRATEGY TO SYNCHRONIZE FEDERAL**

18 **BROADBAND PROGRAMS.**

19 (a) IN GENERAL.—Not later than 1 year after the

20 date of enactment of this Act, the Assistant Secretary, in

21 consultation with the covered agencies, shall develop and

22 submit to the appropriate committees of Congress a Na-

23 tional Strategy to Synchronize Federal Broadband Pro-

24 grams to—

1 (1) support better management of Federal
2 broadband programs to deliver on the goal of pro-
3 viding access to high-speed, affordable broadband
4 internet access service to all individuals in the
5 United States, while ensuring that funding for Fed-
6 eral broadband programs is used in the most effi-
7 cient and fiscally responsible manner;

8 (2) synchronize interagency coordination among
9 covered agencies for Federal broadband programs;

10 (3) synchronize interagency coordination re-
11 garding the process for approving the grant of any
12 permit, easement, right of way, or lease to, in, over,
13 or on a building or any other property owned by the
14 Federal Government for the right to install, con-
15 struct, modify, or maintain infrastructure with re-
16 spect to broadband internet access service; and

17 (4) reduce unnecessary barriers, eliminate un-
18 necessary costs, and ease administrative burdens to
19 participate in Federal broadband programs.

20 (b) REQUIREMENTS.—The Strategy shall—

21 (1) list all—

22 (A) Federal broadband programs; and

23 (B) programs that exist at the State and
24 local levels that are directly or indirectly in-
25 tended to increase the deployment of, access to,

1 the affordability of, or the adoption of
2 broadband internet access service;

3 (2) describe current, as of the date on which
4 the Strategy is submitted, Federal efforts to coordi-
5 nate Federal broadband programs;

6 (3) identify gaps and limitations, including
7 laws, regulations, and covered agency policies and
8 practices, that hinder, or may hinder, coordination
9 across Federal broadband programs;

10 (4) establish clear roles and responsibilities for
11 the covered agencies, as well as clear goals, objec-
12 tives, and performance measures, for—

13 (A) the management of all Federal
14 broadband programs; and

15 (B) interagency coordination efforts with
16 respect to Federal broadband programs;

17 (5) address the cost of the Strategy, the sources
18 and types of resources and investments needed to
19 carry out the Strategy, and where those resources
20 and investments should be targeted based on bal-
21 ancing risk reductions with costs;

22 (6) address factors that increase the costs and
23 administrative burdens of participation in Federal
24 broadband programs, including with respect to ac-

1 cess to infrastructure necessary for deployment of
2 broadband internet access service;

3 (7) report information on the effectiveness of
4 each Federal broadband program in terms of how
5 many locations received broadband internet access
6 service or other assistance under each Federal
7 broadband program;

8 (8) address the extent to which covered agency
9 policies and practices do or do not establish a tech-
10 nologically neutral program;

11 (9) recommend incentives, legislative solutions,
12 and administrative actions to help State, local, and
13 Tribal governments more efficiently—

14 (A) distribute, and effectively administer,
15 funding received from Federal broadband pro-
16 grams and avoid duplication of—

17 (i) existing infrastructure with respect
18 to broadband internet access service; and

19 (ii) funded projects with respect to
20 broadband internet access service or such
21 projects otherwise subject to enforceable
22 deployment obligations;

23 (B) resolve conflicts with respect to the
24 funding described in subparagraph (A);

1 (C) use the Deployment Locations Map as
2 a key resource in carrying out subparagraphs
3 (A) and (B); and

4 (D) promote access to infrastructure or
5 rights of way necessary for deployment of
6 broadband internet access service, whether pri-
7 vately or government owned or cooperatively or-
8 ganized for broadband communications;

9 (10) recommend incentives, legislative solutions,
10 and administrative actions to—

11 (A) improve the coordination and manage-
12 ment of Federal broadband programs; and

13 (B) eliminate duplication with respect to
14 Federal broadband programs and non-Federal
15 programs with respect to broadband internet
16 access service;

17 (11) describe current, as of the date on which
18 the Strategy is submitted, efforts by covered agen-
19 cies, Federal land management agencies, and State,
20 local, and Tribal governments to streamline the
21 process for granting a permit or access to an ease-
22 ment, right of way, or lease to, in, over, or on a
23 building or any other property owned or controlled
24 by a government for the right to install, construct,

1 modify, or maintain infrastructure with respect to
2 broadband internet access service;

3 (12) identify gaps and limitations with respect
4 to allowing regional, interstate, or cross-border eco-
5 nomic development organizations to participate in
6 Federal broadband programs;

7 (13) address specific issues relating to closing
8 the gap on Tribal lands with respect to broadband
9 internet access service; and

10 (14) identify measures to prevent fraud and
11 misuse of amounts made available to carry out Fed-
12 eral broadband programs, ensure accountability for
13 the use of such funding, and implement effective re-
14 porting requirements to measure the success of Fed-
15 eral broadband programs.

16 **SEC. 4. IMPLEMENTATION PLAN.**

17 (a) IN GENERAL.—Not later than 120 days after the
18 date on which the Assistant Secretary submits the Strat-
19 egy to the appropriate committees of Congress under sec-
20 tion 3(a), the Assistant Secretary shall develop and submit
21 to the appropriate committees of Congress an implementa-
22 tion plan for the Strategy.

23 (b) IMPLEMENTATION PLAN.—The Implementation
24 Plan shall, at a minimum—

1 (1) provide a plan for implementing the roles,
2 responsibilities, goals, objectives, and performance
3 measures for the management of Federal broadband
4 programs and interagency coordination efforts iden-
5 tified in the Strategy;

6 (2) if the Strategy identifies policy and prac-
7 tices that result in programmatic differences among
8 covered agencies with respect to Federal broadband
9 programs, provide a plan to streamline and create
10 consistent policies and practices across all covered
11 agencies for the purposes of Federal broadband pro-
12 grams;

13 (3) for Federal broadband programs that are
14 not technologically neutral, determine a ceiling on
15 the amount of a subsidy or funding award to provide
16 broadband internet access service to a single loca-
17 tion, to be consistently applied and adopted by all
18 covered agencies for the funding of infrastructure
19 with respect to broadband internet access service;

20 (4) provide a plan for holding the covered agen-
21 cies accountable for the roles, responsibilities, goals,
22 objectives, and performance measures identified in
23 the Strategy;

1 (5) describe the roles and responsibilities of the
2 covered agencies, and the interagency mechanisms,
3 to coordinate the implementation of the Strategy;

4 (6) provide a plan for coordination among Fed-
5 eral broadband programs and for permitting proc-
6 esses for infrastructure with respect to broadband
7 internet access service;

8 (7) provide a plan for regular evaluation and
9 public reporting of Federal broadband programs
10 against clear objectives and performance measures,
11 permitting processes for infrastructure with respect
12 to broadband internet access service, and progress in
13 implementing the Strategy;

14 (8) with respect to the awarding of Federal
15 funds or subsidies to support the deployment of
16 broadband internet access service, provide a plan for
17 the adoption of—

18 (A) common data sets regarding those
19 awards, including a requirement that covered
20 agencies use the maps created under title VIII
21 of the Communications Act of 1934 (47 U.S.C.
22 641 et seq.) and the Deployment Locations
23 Map;

1 (B) applications regarding those awards,
2 as described in section 903(e) of the ACCESS
3 BROADBAND Act (47 U.S.C. 1307(e)); and

4 (C) rules for prohibiting awards by covered
5 agencies in areas identified as served by the
6 maps created under title VIII of the Commu-
7 nications Act of 1934 (47 U.S.C. 641 et seq.)
8 or in areas already subject to an award or en-
9 forceable deployment obligations by a covered
10 agency under a Federal broadband program or
11 a State, local, or Tribal program with respect to
12 broadband internet access service;

13 (9) provide a plan to monitor, publicly report,
14 and reduce waste, fraud, and abuse in Federal
15 broadband programs, including wasteful spending re-
16 sulting from fragmented, overlapping, and duplica-
17 tive programs;

18 (10) require consistent obligation and expendi-
19 ture reporting by covered agencies for Federal
20 broadband programs, which shall be consistent with
21 section 903(c)(2) of the ACCESS BROADBAND
22 Act (47 U.S.C. 1307(c)(2)) and the Deployment Lo-
23 cations Map;

24 (11) provide a plan to increase awareness of,
25 and participation in, Federal broadband programs

1 relating to the affordability and adoption of
2 broadband internet access service; and

3 (12) describe the administrative and legislative
4 action that is necessary to carry out the Strategy.

5 (c) PUBLIC COMMENT.—In developing the Implemen-
6 tation Plan, the Assistant Secretary shall publish a draft
7 version of the Implementation Plan in the Federal Reg-
8 ister for a period of notice and comment (and reply com-
9 ment) that is not less than 60 days.

10 **SEC. 5. BRIEFINGS AND IMPLEMENTATION.**

11 (a) BRIEFING.—Not later than 21 days after the date
12 on which the Assistant Secretary submits the Implementa-
13 tion Plan to the appropriate committees of Congress under
14 section 4(a), the Assistant Secretary, and appropriate rep-
15 resentatives from the covered agencies involved in the for-
16 mulation of the Strategy, shall provide a briefing on the
17 implementation of the Strategy to the appropriate commit-
18 tees of Congress.

19 (b) IMPLEMENTATION.—

20 (1) IN GENERAL.—The Assistant Secretary
21 shall—

22 (A) implement the Strategy in accordance
23 with the terms of the Implementation Plan; and

24 (B) not later than 90 days after the date
25 on which the Assistant Secretary begins to im-

1 plement the Strategy, and not less frequently
2 than once every 90 days thereafter until the
3 date on which the Implementation Plan is fully
4 implemented, brief the appropriate committees
5 of Congress on the progress in implementing
6 the Implementation Plan.

7 (2) **RULE OF CONSTRUCTION.**—Nothing in this
8 subsection may be construed to affect the authority
9 or jurisdiction of the Federal Communications Com-
10 mission or confer upon the Assistant Secretary or
11 any executive agency the power to direct the actions
12 of the Federal Communications Commission, either
13 directly or indirectly.

14 **SEC. 6. GOVERNMENT ACCOUNTABILITY OFFICE STUDY**
15 **AND REPORT.**

16 Not later than 1 year after the date on which the
17 Assistant Secretary submits the Implementation Plan to
18 the appropriate committees of Congress under section
19 4(a), the Comptroller General of the United States shall
20 commence a study—

21 (1) that shall—

22 (A) examine the efficacy of the Strategy
23 and the Implementation Plan in coordinating
24 funding across the Federal Government with re-
25 spect to broadband internet access service;

1 (B) make recommendations regarding how
2 to improve the Strategy and the Implementa-
3 tion Plan;

4 (C) examine any existing or new perform-
5 ance goals and measures for Federal broadband
6 programs;

7 (D) examine any awards made by covered
8 agencies under Federal broadband programs, or
9 under State, local, and Tribal programs with
10 respect to broadband internet access service—

11 (i) in areas identified as served with
12 respect to broadband internet access serv-
13 ice; or

14 (ii) that are duplicative of other
15 awards under such a program; and

16 (E) identify programmatic changes that
17 would prevent occurrences described in subpara-
18 graph (D) in the future; and

19 (2) the results of which the Comptroller Gen-
20 eral shall submit to the appropriate committees of
21 Congress.

22 **SEC. 7. BROADBAND FUNDING MAP REPORTING.**

23 (a) IN GENERAL.—Not later than 60 days after the
24 date of enactment of this Act, the head of each covered
25 agency shall submit to the Assistant Secretary and the ap-

1 appropriate committees of Congress a report containing a
2 comprehensive update on the measures that each respec-
3 tive covered agency has taken since May 15, 2023, to co-
4 ordinate with the National Telecommunications and Infor-
5 mation Administration, pursuant to subsection (c)(2)(A)
6 of the ACCESS BROADBAND Act (47 U.S.C.
7 1307(c)(2)(A)), and the Federal Communications Com-
8 mission to populate the Deployment Locations Map.

9 (b) CONTENTS.—Each report required under sub-
10 section (a) shall include—

11 (1) a description of the extent to which the cov-
12 ered agency submitting the report is submitting the
13 data necessary to populate the Deployment Loca-
14 tions Map in a complete and timely manner; and

15 (2) identification of any outstanding challenges
16 associated with the requirement for the submission
17 of data described in paragraph (1).

18 **SEC. 8. TRACKING AND IMPROVING PROCESSING TIMES**

19 **FOR COMMUNICATIONS USE APPLICATIONS.**

20 Section 6409(b)(3) of the Middle Class Tax Relief
21 and Job Creation Act of 2012 (47 U.S.C. 1455(b)(3)) is
22 amended by adding at the end the following:

23 “(E) TRACKING AND IMPROVING PROC-
24 ESSING TIMES.—

1 “(i) DATA CONTROLS.—An executive
2 agency shall develop controls to ensure
3 that data is sufficiently accurate and com-
4 plete to track the processing time for each
5 application described in subparagraph (A).

6 “(ii) REQUIREMENT TO ANALYZE, AD-
7 DRESS, AND REPORT ON DELAY FAC-
8 TORS.—With respect to the factors that
9 contribute to delays in processing applica-
10 tions described in subparagraph (A), an
11 executive agency shall—

12 “(I) analyze the factors as the
13 delays are occurring;

14 “(II) take actions to address the
15 factors; and

16 “(III) provide an annual report
17 on the factors to—

18 “(aa) the Committee on
19 Commerce, Science, and Trans-
20 portation of the Senate;

21 “(bb) the Committee on En-
22 ergy and Natural Resources of
23 the Senate;

1 “(cc) the Committee on En-
2 ergy and Commerce of the House
3 of Representatives;

4 “(dd) the Committee on
5 Natural Resources of the House
6 of Representatives; and

7 “(ee) each committee of
8 Congress with jurisdiction over
9 the executive agency.

10 “(iii) METHOD FOR ALERTING STAFF
11 TO AT-RISK APPLICATIONS.—An executive
12 agency shall establish a method to alert
13 employees of the executive agency to any
14 application described in subparagraph (A)
15 with respect to which the executive agency
16 is at risk of failing to meet the 270-day
17 deadline under that subparagraph.”.

18 **SEC. 9. MINIMUM BROADBAND PROJECT COST.**

19 Section 41001(6)(A) of the FAST Act (42 U.S.C.
20 4370m(6)(A)) is amended—

21 (1) in clause (iii)(III), by striking “or” at the
22 end;

23 (2) by redesignating clause (iv) as clause (v);
24 and

25 (3) by inserting after clause (iii) the following:

1 “(iv)(I) is subject to NEPA;
2 “(II) involves the construction of in-
3 frastructure for broadband; and
4 “(III) is likely to require a total in-
5 vestment of more than \$5,000,000; or”.

6 **SEC. 10. RULE OF CONSTRUCTION.**

7 Nothing in this Act, or any amendment made by this
8 Act, may be construed to confer authority on the Federal
9 Government, or any State, local, or Tribal government, to
10 regulate broadband internet access service.