

117TH CONGRESS
2D SESSION

S. 4767

To close the digital divide, and for other purposes.

IN THE SENATE OF THE UNITED STATES

AUGUST 4, 2022

Mr. WICKER (for himself and Mr. LUJÁN) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To close the digital divide, 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:

9 (1) APPROPRIATE COMMITTEES OF CON-
10 GRESS.—The term “appropriate committees of Con-
11 gress” means—

1 (A) the Committee on Commerce, Science,
2 and Transportation of the Senate; and

3 (B) the Committee on Energy and Com-
4 merce of the House of Representatives.

5 (2) COVERED AGENCIES.—The term “covered
6 agencies” means—

7 (A) the Federal Communications Commis-
8 sion;

9 (B) the Department of Agriculture;

10 (C) the National Telecommunications and
11 Information Administration;

12 (D) the Department of Health and Human
13 Services;

14 (E) the Appalachian Regional Commission;

15 (F) the Delta Regional Authority;

16 (G) the Economic Development Adminis-
17 tration;

18 (H) the Department of Education;

19 (I) the Department of the Treasury;

20 (J) the Department of Transportation;

21 (K) the Institute of Museum and Library
22 Services;

23 (L) the Northern Border Regional Com-
24 mission;

1 (M) the Department of Housing and
 2 Urban Development; and

3 (N) the Department of the Interior.

4 (3) FEDERAL BROADBAND PROGRAM.—The
 5 term “Federal broadband program” means any pro-
 6 gram administered by a covered agency that is di-
 7 rectly or indirectly intended to increase the deploy-
 8 ment of, access to, the affordability of, or the adop-
 9 tion of broadband internet access service.

10 (4) IMPLEMENTATION PLAN.—The term “Im-
 11 plementation Plan” means the implementation plan
 12 developed under section 4(a).

13 (5) STRATEGY.—The term “Strategy” means
 14 the National Strategy to Close the Digital Divide de-
 15 veloped under section 3(a).

16 **SEC. 3. STRATEGY TO IMPROVE THE COORDINATION AND**
 17 **MANAGEMENT OF FEDERAL BROADBAND**
 18 **PROGRAMS.**

19 (a) IN GENERAL.—Not later than 1 year after the
 20 date of enactment of this Act, the President, in consulta-
 21 tion with the heads of the covered agencies, shall develop
 22 and submit to the appropriate committees of Congress a
 23 National Strategy to Close the Digital Divide to—

24 (1) support better management of Federal
 25 broadband programs to deliver on the goal of pro-

viding high speed, affordable broadband internet access service to all individuals in the United States;

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

(3) synchronize interagency coordination regarding the process for approving the grant of an easement, right of way, or lease to, in, over, or on a building or any other property owned by the Federal Government for the right to install, construct, modify, or maintain infrastructure with respect to broadband internet access service; and

(4) reduce barriers, lower costs, and ease administrative burdens for State, local, and Tribal governments to participate in Federal broadband programs.

(b) NATIONAL STRATEGY TO CLOSE THE DIGITAL DIVIDE.—The Strategy shall—

(1) list all—

(A) Federal broadband programs; and

(B) programs that exist at the State and local levels that are directly or indirectly intended to increase the deployment of, access to, the affordability of, or the adoption of broadband internet access service;

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

4 (3) identify gaps and limitations, including
5 laws, that hinder, or may hinder, coordination across
6 Federal broadband programs;

7 (4) establish clear roles and responsibilities for
8 the heads of the covered agencies, as well as clear
9 goals, objectives, and performance measures, for—

10 (A) the management of all Federal
11 broadband programs; and

12 (B) interagency coordination efforts with
13 respect to Federal broadband programs;

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

19 (6) address factors that increase the costs and
20 administrative burdens for State, local, and Tribal
21 governments with respect to participation in Federal
22 broadband programs;

23 (7) recommend incentives, legislative solutions,
24 and administrative actions to help State, local, and
25 Tribal governments more efficiently—

1 (A) distribute, and effectively administer,
2 funding received from Federal broadband pro-
3 grams; and

4 (B) resolve conflicts with respect to the
5 funding described in subparagraph (A);

6 (8) recommend incentives, legislative solutions,
7 and administrative actions to—

8 (A) improve the coordination and manage-
9 ment of Federal broadband programs; and

10 (B) eliminate duplication with respect to
11 Federal broadband programs;

12 (9) describe current, as of the date on which
13 the Strategy is submitted, efforts by covered agen-
14 cies to streamline the process for granting access to
15 an easement, right of way, or lease to, in, over, or
16 on a building or any other property owned by the
17 Federal Government for the right to install, con-
18 struct, modify, or maintain infrastructure with re-
19 spect to broadband internet access service;

20 (10) identify gaps and limitations with respect
21 to allowing regional, interstate, or cross-border eco-
22 nomic development organizations to participate in
23 Federal broadband programs; and

24 (11) address specific issues relating to closing
25 the digital divide on Tribal lands.

1 (c) PUBLIC CONSULTATION.—In developing the
2 Strategy, the President shall consult with—

3 (1) groups that represent consumers or the in-
4 terests of the public, including economically or so-
5 cially disadvantaged individuals;

6 (2) subject matter experts;

7 (3) providers of broadband internet access serv-
8 ice;

9 (4) Tribal entities; and

10 (5) State and local agencies and entities with
11 respect to broadband internet access service.

12 **SEC. 4. STRATEGY IMPLEMENTATION PLAN.**

13 (a) IN GENERAL.—Not later than 120 days after the
14 date on which the President submits the Strategy to the
15 appropriate committees of Congress under section 3(a),
16 the President, in coordination with the Assistant Secretary
17 of Commerce for Communications and Information, shall
18 develop and submit to the appropriate committees of Con-
19 gress an implementation plan for the Strategy.

20 (b) IMPLEMENTATION PLAN.—The Implementation
21 Plan shall, at a minimum—

22 (1) provide a plan for implementing the roles,
23 responsibilities, goals, objectives, and performance
24 measures for the management of Federal broadband

1 programs and interagency coordination efforts iden-
2 tified in the Strategy;

3 (2) provide a plan for holding the covered agen-
4 cies accountable for the roles, responsibilities, goals,
5 objectives, and performance measures identified in
6 the Strategy;

7 (3) describe the roles and responsibilities of the
8 covered agencies, and the interagency mechanisms,
9 to coordinate the implementation of the Strategy;

10 (4) provide a plan for regular meetings among
11 the heads of the covered agencies to coordinate the
12 implementation of the Strategy and improve coordi-
13 nation among Federal broadband programs and for
14 permitting processes for infrastructure with respect
15 to broadband internet access service;

16 (5) provide a plan for regular engagement with
17 interested members of the public to evaluate Federal
18 broadband programs, permitting processes for infra-
19 structure with respect to broadband internet access
20 service, and the progress for the implementation of
21 the Strategy;

22 (6) with respect to the awarding of Federal
23 funds or subsidies to support the deployment of
24 broadband internet access service, provide a plan for
25 the adoption of—

1 (A) common data sets regarding those
2 awards, including a requirement that covered
3 agencies use the maps created under title VIII
4 of the Communications Act of 1934 (47 U.S.C.
5 641 et seq.); and

6 (B) applications regarding those awards,
7 as described in section 903(e) of the ACCESS
8 BROADBAND Act (47 U.S.C. 1307(e));

9 (7) provide a plan to monitor and reduce waste,
10 fraud, and abuse in Federal broadband programs,
11 including wasteful spending resulting from frag-
12 mented, overlapping, and unnecessarily duplicative
13 programs;

14 (8) require consistent obligation and expendi-
15 ture reporting by covered agencies for Federal
16 broadband programs, which shall be consistent with
17 section 903(c)(2) of the ACCESS BROADBAND
18 Act (47 U.S.C. 1307(c)(2));

19 (9) provide a plan to increase awareness of, and
20 participation and enrollment in, Federal broadband
21 programs relating to the affordability and adoption
22 of broadband internet access service; and

23 (10) describe the administrative and legislative
24 action that is necessary to carry out the Strategy.

1 (c) PUBLIC COMMENT.—Not later than 30 days after
 2 the date on which the President submits the Strategy to
 3 the appropriate committees of Congress under section
 4 3(a), the President shall seek public comment regarding
 5 the development and implementation of the Implementa-
 6 tion Plan.

7 **SEC. 5. BRIEFINGS AND IMPLEMENTATION.**

8 (a) BRIEFING.—Not later than 21 days after the date
 9 on which the President submits the Implementation Plan
 10 to the appropriate committees of Congress under section
 11 4(a), the President, and appropriate representatives from
 12 the covered agencies involved in the formulation of the
 13 Strategy, shall provide a briefing on the implementation
 14 of the Strategy to the appropriate committees of Congress.

15 (b) IMPLEMENTATION.—

16 (1) IN GENERAL.—The President and the As-
 17 sistant Secretary of Commerce for Communications
 18 and Information shall—

19 (A) implement the Strategy in accordance
 20 with the terms of the Implementation Plan; and

21 (B) not later than 90 days after the date
 22 on which the President begins to implement the
 23 Strategy, and not less frequently than once
 24 every 90 days thereafter until the date on which
 25 the Implementation Plan is fully implemented,

1 brief the appropriate committees of Congress on
2 the progress in implementing the Implementa-
3 tion Plan.

4 (2) RULE OF CONSTRUCTION.—Nothing in this
5 subsection may be construed to affect the authority
6 or jurisdiction of the Federal Communications Com-
7 mission or confer upon the President or any execu-
8 tive agency the power to direct the actions of the
9 Federal Communications Commission, either directly
10 or indirectly.

11 **SEC. 6. GOVERNMENT ACCOUNTABILITY OFFICE STUDIES**
12 **AND REPORTS.**

13 Not later than 1 year after the date on which the
14 President submits the Implementation Plan to the appro-
15 priate committees of Congress under section 4(a), the
16 Comptroller General of the United States shall commence
17 a study—

18 (1) that shall—

19 (A) examine the efficacy of the Strategy
20 and the Implementation Plan in closing the dig-
21 ital divide; and

22 (B) make recommendations regarding how
23 to improve the Strategy and the Implementa-
24 tion Plan; and

1 (2) the results of which the Comptroller Gen-
2 eral shall submit to the appropriate committees of
3 Congress.

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