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118TH CONGRESS
2D SESSION

S. 2238

To direct the Assistant Secretary of Commerce for Communications and Information to develop a National Strategy to Close the Digital Divide, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JULY 11, 2023

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

DECEMBER 17 (legislative day, DECEMBER 16), 2024

Reported by Ms. CANTWELL, with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]

A BILL

To direct the Assistant Secretary of Commerce for Communications and Information to develop a National Strategy 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Proper Leadership to
3 Align Networks for Broadband Act” or the “PLAN for
4 Broadband Act”.

5 **SEC. 2. DEFINITIONS.**

6 In this Act:

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

10 (A) the Committee on Commerce, Science,
11 and Transportation of the Senate; and

12 (B) the Committee on Energy and Com-
13 merce of the House of Representatives.

14 (2) ~~ASSISTANT SECRETARY.~~—The term “Assist-
15 ant Secretary” means the Assistant Secretary of
16 Commerce for Communications and Information.

17 (3) ~~COVERED AGENCIES.~~—The term “covered
18 agencies” means—

19 (A) the Federal Communications Commis-
20 sion;

21 (B) the Department of Agriculture;

22 (C) the National Telecommunications and
23 Information Administration;

24 (D) the Department of Health and Human
25 Services;

26 (E) the Appalachian Regional Commission;

- 1 ~~(F)~~ the Delta Regional Authority;
- 2 ~~(G)~~ the Economic Development Adminis-
- 3 ~~tration~~;
- 4 ~~(H)~~ the Department of Education;
- 5 ~~(I)~~ the Department of the Treasury;
- 6 ~~(J)~~ the Department of Transportation;
- 7 ~~(K)~~ the Institute of Museum and Library
- 8 ~~Services~~;
- 9 ~~(L)~~ the Northern Border Regional Com-
- 10 ~~mission~~;
- 11 ~~(M)~~ the Department of Housing and
- 12 ~~Urban Development~~; and
- 13 ~~(N)~~ the Department of the Interior.
- 14 ~~(4) FEDERAL BROADBAND PROGRAM.—The~~
- 15 ~~term “Federal broadband program” means any pro-~~
- 16 ~~gram administered by a covered agency that is di-~~
- 17 ~~rectly or indirectly intended to increase the deploy-~~
- 18 ~~ment of, access to, the affordability of, or the adop-~~
- 19 ~~tion of broadband internet access service.~~
- 20 ~~(5) IMPLEMENTATION PLAN.—The term “Im-~~
- 21 ~~plementation Plan” means the implementation plan~~
- 22 ~~developed under section 4(a).~~
- 23 ~~(6) STATE.—The term “State” means each~~
- 24 ~~State of the United States, the District of Columbia,~~

1 and each commonwealth, territory, or possession of
 2 the United States.

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

6 **SEC. 3. NATIONAL STRATEGY TO CLOSE THE DIGITAL DI-**
 7 **VIDE.**

8 (a) IN GENERAL.—Not later than 1 year after the
 9 date of enactment of this Act, the Assistant Secretary, in
 10 consultation with the heads of the covered agencies, shall
 11 develop and submit to the appropriate committees of Con-
 12 gress a National Strategy to Close the Digital Divide to—

13 (1) support better management of Federal
 14 broadband programs to deliver on the goal of pro-
 15 viding high-speed, affordable broadband internet ac-
 16 cess service to all individuals in the United States;

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

19 (3) synchronize interagency coordination re-
 20 garding the process for approving the grant of an
 21 easement, right of way, or lease to, in, over, or on
 22 a building or any other property owned by the Fed-
 23 eral Government for the right to install, construct,
 24 modify, or maintain infrastructure with respect to
 25 broadband internet access service; and

1 (4) reduce barriers, lower costs, and ease ad-
 2 ministrative burdens for State, local, and Tribal gov-
 3 ernments to participate in Federal broadband pro-
 4 grams.

5 (b) REQUIRED CONTENTS.—The Strategy shall—

6 (1) list all—

7 (A) Federal broadband programs; and

8 (B) programs that exist at the State and
 9 local levels that are directly or indirectly in-
 10 tended to increase the deployment of, access to,
 11 the affordability of, or the adoption of
 12 broadband internet access service;

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

16 (3) identify gaps and limitations, including
 17 laws, that hinder, or may hinder, coordination across
 18 Federal broadband programs;

19 (4) establish clear roles and responsibilities for
 20 the heads of the covered agencies, as well as clear
 21 goals, objectives, and performance measures, for—

22 (A) the management of all Federal
 23 broadband programs; and

24 (B) interagency coordination efforts with
 25 respect to Federal broadband programs;

1 (5) address the cost of the Strategy, the sources
 2 and types of resources and investments needed to
 3 carry out the Strategy, and where those resources
 4 and investments should be targeted based on bal-
 5 ancing risk reductions with costs;

6 (6) address factors that increase the costs and
 7 administrative burdens for State, local, and Tribal
 8 governments with respect to participation in Federal
 9 broadband programs;

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

13 (A) distribute, and effectively administer,
 14 funding received from Federal broadband pro-
 15 grams; and

16 (B) resolve conflicts with respect to the
 17 funding described in subparagraph (A);

18 (8) recommend incentives, legislative solutions,
 19 and administrative actions to—

20 (A) improve the coordination and manage-
 21 ment of Federal broadband programs; and

22 (B) eliminate duplication with respect to
 23 Federal broadband programs;

24 (9) describe current, as of the date on which
 25 the Strategy is submitted, efforts by covered agen-

ies to streamline the process for granting access to
 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, con-
 struct, modify, or maintain infrastructure with re-
 spect to broadband internet access service;

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

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

(e) PUBLIC CONSULTATION.—In developing the
 Strategy, the Assistant Secretary shall consult with—

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

(2) subject matter experts;

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

(4) Tribal entities; and

(5) State and local agencies and entities.

SEC. 4. IMPLEMENTATION PLAN.

(a) IN GENERAL.—Not later than 120 days after the
 date on which the Assistant Secretary submits the Strat-

1 egy to the appropriate committees of Congress under sec-
 2 tion 3(a), the Assistant Secretary shall develop and submit
 3 to the appropriate committees of Congress an implementa-
 4 tion plan for the Strategy.

5 (b) REQUIRED CONTENTS.—The Implementation
 6 Plan shall, at a minimum—

7 (1) provide a plan for implementing the roles,
 8 responsibilities, goals, objectives, and performance
 9 measures for the management of Federal broadband
 10 programs and interagency coordination efforts iden-
 11 tified in the Strategy;

12 (2) provide a plan for holding the covered agen-
 13 cies accountable for the roles, responsibilities, goals,
 14 objectives, and performance measures identified in
 15 the Strategy;

16 (3) describe the roles and responsibilities of the
 17 covered agencies, and the interagency mechanisms,
 18 to coordinate the implementation of the Strategy;

19 (4) provide a plan for regular meetings among
 20 the heads of the covered agencies to coordinate the
 21 implementation of the Strategy and improve coordi-
 22 nation among Federal broadband programs and for
 23 permitting processes for infrastructure with respect
 24 to broadband internet access service;

1 (5) provide a plan for regular engagement with
2 interested members of the public to evaluate Federal
3 broadband programs, permitting processes for infra-
4 structure with respect to broadband internet access
5 service, and progress in implementing the Strategy;

6 (6) with respect to the awarding of Federal
7 funds or subsidies to support the deployment of
8 broadband internet access service, provide a plan for
9 the adoption of—

10 (A) common data sets regarding those
11 awards, including a requirement that covered
12 agencies use the maps created under title VIII
13 of the Communications Act of 1934 (47 U.S.C.
14 641 et seq.); and

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

18 (7) provide a plan to monitor and reduce waste,
19 fraud, and abuse in Federal broadband programs,
20 including wasteful spending resulting from frag-
21 mented, overlapping, and unnecessarily duplicative
22 programs;

23 (8) require consistent obligation and expendi-
24 ture reporting by covered agencies for Federal
25 broadband programs, which shall be consistent with

1 section 903(c)(2) of the ACCESS BROADBAND
2 Act (47 U.S.C. 1307(c)(2));

3 (9) provide a plan to increase awareness of, and
4 participation and enrollment in, Federal broadband
5 programs relating to the affordability and adoption
6 of broadband internet access service; and

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

9 (c) PUBLIC COMMENT.—Not later than 30 days after
10 the date on which the Assistant Secretary submits the
11 Strategy to the appropriate committees of Congress under
12 section 3(a), the Assistant Secretary shall seek public com-
13 ment regarding the development and implementation of
14 the Implementation Plan.

15 **SEC. 5. BRIEFINGS AND IMPLEMENTATION.**

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

24 (b) IMPLEMENTATION.—

1 (1) IN GENERAL.—The Assistant Secretary
2 shall—

3 (A) implement the Strategy in accordance
4 with the terms of the Implementation Plan; and

5 (B) not later than 90 days after the date
6 on which the Assistant Secretary begins to im-
7 plement the Strategy, and not less frequently
8 than once every 90 days thereafter until the
9 date on which the Implementation Plan is fully
10 implemented; brief the appropriate committees
11 of Congress on the progress in implementing
12 the Implementation Plan.

13 (2) RULE OF CONSTRUCTION.—Nothing in this
14 subsection may be construed to affect the authority
15 or jurisdiction of the Federal Communications Com-
16 mission or confer upon the Assistant Secretary or
17 any executive agency the power to direct the actions
18 of the Federal Communications Commission, either
19 directly or indirectly.

20 **SEC. 6. GOVERNMENT ACCOUNTABILITY OFFICE STUDY**
21 **AND REPORT.**

22 (a) STUDY.—The Comptroller General of the United
23 States shall conduct a study that shall—

1 (1) examine the efficacy of the Strategy and the
 2 Implementation Plan in closing the digital divide;
 3 and

4 (2) make recommendations regarding how to
 5 improve the Strategy and the Implementation Plan.

6 (b) REPORT.—Not later than 1 year after the date
 7 on which the Assistant Secretary submits the Implementa-
 8 tion Plan to the appropriate committees of Congress under
 9 section 4(a), the Comptroller General shall submit to the
 10 appropriate committees of Congress a report on the re-
 11 sults of the study conducted under subsection (a).

12 **SECTION 1. SHORT TITLE.**

13 *This Act may be cited as the “Proper Leadership to*
 14 *Align Networks for Broadband Act” or the “PLAN for*
 15 *Broadband Act”.*

16 **SEC. 2. DEFINITIONS.**

17 *In this Act:*

18 (1) *APPROPRIATE COMMITTEES OF CONGRESS.*—

19 *The term “appropriate committees of Congress”*
 20 *means—*

21 (A) *the Committee on Commerce, Science,*
 22 *and Transportation of the Senate; and*

23 (B) *the Committee on Energy and Com-*
 24 *merce of the House of Representatives.*

1 (2) *ASSISTANT SECRETARY.*—*The term “Assistant*
 2 *Secretary” means the Assistant Secretary of Com-*
 3 *merce for Communications and Information.*

4 (3) *BROADBAND INTERNET ACCESS SERVICE.*—
 5 *The term “broadband internet access service” has the*
 6 *meaning given the term in section 8.1(b) of title 47,*
 7 *Code of Federal Regulations, or any successor regula-*
 8 *tion.*

9 (4) *COMMISSION.*—*The term “Commission”*
 10 *means the Federal Communications Commission.*

11 (5) *COVERED AGENCIES.*—*The term “covered*
 12 *agencies” means—*

13 (A) *the Commission;*

14 (B) *the Department of Agriculture;*

15 (C) *the National Telecommunications and*
 16 *Information Administration;*

17 (D) *the Department of Health and Human*
 18 *Services;*

19 (E) *the Appalachian Regional Commission;*

20 (F) *the Delta Regional Authority;*

21 (G) *the Denali Commission;*

22 (H) *the Economic Development Administra-*
 23 *tion;*

24 (I) *the Department of Education;*

25 (J) *the Department of the Treasury;*

1 (K) the Department of Transportation;

2 (L) the Institute of Museum and Library
3 Services;

4 (M) the Northern Border Regional Commis-
5 sion;

6 (N) the Department of Housing and Urban
7 Development; and

8 (O) the Department of the Interior.

9 (6) *DEPLOYMENT LOCATIONS MAP*.—The term
10 “Deployment Locations Map” has the meaning given
11 the term in section 60105(a) of the Infrastructure In-
12 vestment and Jobs Act (47 U.S.C. 1704(a)).

13 (7) *FEDERAL BROADBAND PROGRAM*.—The term
14 “Federal broadband program” means any program
15 administered by a covered agency that is directly or
16 indirectly intended to increase the deployment of, ac-
17 cess to, the affordability of, or the adoption of
18 broadband internet access service.

19 (8) *FEDERAL LAND MANAGEMENT AGENCY*.—The
20 term “Federal land management agency” means—

21 (A) the National Park Service;

22 (B) the Bureau of Land Management;

23 (C) the Bureau of Reclamation;

24 (D) the United States Fish and Wildlife
25 Service;

1 (E) the Bureau of Indian Affairs; and

2 (F) the Forest Service.

3 (9) *IMPLEMENTATION PLAN.*—The term “Imple-
4 mentation Plan” means the implementation plan de-
5 veloped under section 4(a).

6 (10) *STRATEGY.*—The term “Strategy” means
7 the National Strategy to Synchronize Federal
8 Broadband Programs developed under section 3(a).

9 **SEC. 3. NATIONAL STRATEGY TO SYNCHRONIZE FEDERAL**
10 **BROADBAND PROGRAMS.**

11 (a) *IN GENERAL.*—Not later than 1 year after the date
12 of enactment of this Act, the Assistant Secretary, in co-lead-
13 ership with the Commission, in consultation with the cov-
14 ered agencies, and subject to the review and approval by
15 the Commission under subsection (d), shall develop and sub-
16 mit to the appropriate committees of Congress a National
17 Strategy to Synchronize Federal Broadband Programs to—

18 (1) support better management of Federal
19 broadband programs to deliver on the goal of pro-
20 viding access to high-speed, affordable broadband
21 internet access service to all individuals in the United
22 States, while ensuring that funding for Federal
23 broadband programs is used in the most efficient and
24 fiscally responsible manner;

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

3 (3) *synchronize interagency coordination regard-*
 4 *ing the process for approving the grant of any permit,*
 5 *easement, right of way, or lease to, in, over, or on a*
 6 *building or any other property owned by the Federal*
 7 *Government for the right to install, construct, modify,*
 8 *or maintain infrastructure with respect to broadband*
 9 *internet access service; and*

10 (4) *reduce unnecessary barriers, eliminate un-*
 11 *necessary costs, and ease administrative burdens to*
 12 *participate in Federal broadband programs.*

13 (b) *REQUIREMENTS.—The Strategy shall—*

14 (1) *list all—*

15 (A) *Federal broadband programs; and*

16 (B) *programs that exist at the State and*
 17 *local levels that are directly or indirectly in-*
 18 *tended to increase the deployment of, access to,*
 19 *the affordability of, or the adoption of broadband*
 20 *internet access service;*

21 (2) *describe current, as of the date on which the*
 22 *Strategy is submitted, Federal efforts to coordinate*
 23 *Federal broadband programs;*

24 (3) *identify gaps and limitations, including*
 25 *laws, regulations, and covered agency policies and*

1 *practices, that hinder, or may hinder, coordination*
2 *across Federal broadband programs;*

3 *(4) establish clear roles and responsibilities for*
4 *the covered agencies, as well as clear goals, objectives,*
5 *and performance measures, for—*

6 *(A) the management of all Federal*
7 *broadband programs; and*

8 *(B) interagency coordination efforts with*
9 *respect to Federal broadband programs;*

10 *(5) address the cost of the Strategy, the sources*
11 *and types of resources and investments needed to*
12 *carry out the Strategy, and where those resources and*
13 *investments should be targeted based on balancing*
14 *risk reductions with costs;*

15 *(6) address factors that increase the costs and*
16 *administrative burdens of participation in Federal*
17 *broadband programs, including with respect to access*
18 *to infrastructure necessary for deployment of*
19 *broadband internet access service;*

20 *(7) report information on the effectiveness of*
21 *each Federal broadband program in terms of how*
22 *many locations received broadband internet access*
23 *service or other assistance under each Federal*
24 *broadband program;*

1 (8) *address the extent to which covered agency*
 2 *policies and practices do or do not establish a techno-*
 3 *logically neutral program;*

4 (9) *recommend incentives, legislative solutions,*
 5 *and administrative actions to help State, local, and*
 6 *Tribal governments more efficiently—*

7 (A) *distribute, and effectively administer,*
 8 *funding received from Federal broadband pro-*
 9 *grams and avoid duplication of—*

10 (i) *existing infrastructure with respect*
 11 *to broadband internet access service; and*

12 (ii) *funded projects with respect to*
 13 *broadband internet access service or such*
 14 *projects otherwise subject to enforceable de-*
 15 *ployment obligations;*

16 (B) *resolve conflicts with respect to the*
 17 *funding described in subparagraph (A);*

18 (C) *use the Deployment Locations Map as*
 19 *a key resource in carrying out subparagraphs*
 20 *(A) and (B); and*

21 (D) *promote access to infrastructure or*
 22 *rights of way necessary for deployment of*
 23 *broadband internet access service, whether pri-*
 24 *vately or government owned or cooperatively or-*
 25 *ganized for broadband communications;*

1 (10) *recommend incentives, legislative solutions,*
2 *and administrative actions to—*

3 (A) *improve the coordination and manage-*
4 *ment of Federal broadband programs; and*

5 (B) *eliminate duplication with respect to*
6 *Federal broadband programs and non-Federal*
7 *programs with respect to broadband internet ac-*
8 *cess service;*

9 (11) *describe current, as of the date on which the*
10 *Strategy is submitted, efforts by covered agencies,*
11 *Federal land management agencies, and State, local,*
12 *and Tribal governments to streamline the process for*
13 *granting a permit or access to an easement, right of*
14 *way, or lease to, in, over, or on a building or any*
15 *other property owned or controlled by a government*
16 *for the right to install, construct, modify, or maintain*
17 *infrastructure with respect to broadband internet ac-*
18 *cess service;*

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

23 (13) *address specific issues relating to closing the*
24 *gap on Tribal lands with respect to broadband inter-*
25 *net access service; and*

1 (14) identify measures to prevent fraud and mis-
2 use of amounts made available to carry out Federal
3 broadband programs, ensure accountability for the
4 use of such funding, and implement effective reporting
5 requirements to measure the success of Federal
6 broadband programs.

7 (c) *PUBLIC COMMENT.*—In developing the Strategy,
8 the Assistant Secretary and the Commission shall jointly
9 publish a draft version of the Strategy in the Federal Reg-
10 ister for a period of notice and comment (and reply com-
11 ment) that is not less than 60 days.

12 (d) *REVIEW BY COMMISSION AND PUBLIC VOTE OF AP-*
13 *PROVAL.*—The Strategy may not be finalized or submitted
14 to the appropriate committees of Congress unless the Com-
15 mission reviews and approves the Strategy through a public
16 vote of the Commission at an open meeting in accordance
17 with the following procedures:

18 (1) Not later than 30 days before the date on
19 which the Commission holds the open meeting, the
20 Commission shall circulate a draft version of the
21 Strategy to the public and publish that draft version
22 in the Federal Register for public comment.

23 (2) Not later than 24 hours after the draft
24 version described in paragraph (1) is circulated to the
25 commissioners of the Commission, the Commission

1 *shall publish that draft version on a publicly avail-*
 2 *able website of the Commission.*

3 **SEC. 4. IMPLEMENTATION PLAN.**

4 *(a) IN GENERAL.—Not later than 120 days after the*
 5 *date on which the Assistant Secretary and the Commission*
 6 *submit the Strategy to the appropriate committees of Con-*
 7 *gress under section 3(a), and subject to the review and ap-*
 8 *proval by the Commission under subsection (d), the Assist-*
 9 *ant Secretary, in co-leadership with the Commission, shall*
 10 *develop and submit to the appropriate committees of Con-*
 11 *gress an implementation plan for the Strategy.*

12 *(b) IMPLEMENTATION PLAN.—The Implementation*
 13 *Plan shall, at a minimum—*

14 *(1) provide a plan for implementing the roles,*
 15 *responsibilities, goals, objectives, and performance*
 16 *measures for the management of Federal broadband*
 17 *programs and interagency coordination efforts identi-*
 18 *fied in the Strategy;*

19 *(2) if the Strategy identifies policies and prac-*
 20 *tices that result in programmatic differences among*
 21 *covered agencies with respect to Federal broadband*
 22 *programs, provide a plan to streamline and create*
 23 *consistent policies and practices across all covered*
 24 *agencies for the purposes of Federal broadband pro-*
 25 *grams;*

1 (3) for Federal broadband programs that are not
2 technologically neutral, determine a ceiling on the
3 amount of a subsidy or funding award to provide
4 broadband internet access service to a single location,
5 to be consistently applied and adopted by all covered
6 agencies for the funding of infrastructure with respect
7 to broadband internet access service;

8 (4) provide a plan for holding the covered agen-
9 cies accountable for the roles, responsibilities, goals,
10 objectives, and performance measures identified in the
11 Strategy;

12 (5) describe the roles and responsibilities of the
13 covered agencies, and the interagency mechanisms, to
14 coordinate the implementation of the Strategy;

15 (6) provide a plan for coordination among Fed-
16 eral broadband programs and for permitting processes
17 for infrastructure with respect to broadband internet
18 access service;

19 (7) provide a plan for regular evaluation and
20 public reporting of Federal broadband programs
21 against clear objectives and performance measures,
22 permitting processes for infrastructure with respect to
23 broadband internet access service, and progress in im-
24 plementing the Strategy;

1 (8) *with respect to the awarding of Federal funds*
2 *or subsidies to support the deployment of broadband*
3 *internet access service, provide a plan for the adop-*
4 *tion of—*

5 (A) *common data sets regarding those*
6 *awards, including a requirement that covered*
7 *agencies use the maps created under title VIII of*
8 *the Communications Act of 1934 (47 U.S.C. 641*
9 *et seq.) and the Deployment Locations Map;*

10 (B) *applications regarding those awards, as*
11 *described in section 903(e) of the ACCESS*
12 *BROADBAND Act (47 U.S.C. 1307(e)); and*

13 (C) *rules for prohibiting awards by covered*
14 *agencies in areas identified as served by the*
15 *maps created under title VIII of the Communica-*
16 *tions Act of 1934 (47 U.S.C. 641 et seq.) or in*
17 *areas already subject to an award or enforceable*
18 *deployment obligations by a covered agency*
19 *under a Federal broadband program or a State,*
20 *local, or Tribal program with respect to*
21 *broadband internet access service;*

22 (9) *provide a plan to monitor, publicly report,*
23 *and reduce waste, fraud, and abuse in Federal*
24 *broadband programs, including wasteful spending re-*

1 *sulting from fragmented, overlapping, and duplicative*
 2 *programs;*

3 *(10) require consistent obligation and expendi-*
 4 *ture reporting by covered agencies for Federal*
 5 *broadband programs, which shall be consistent with*
 6 *section 903(c)(2) of the ACCESS BROADBAND Act*
 7 *(47 U.S.C. 1307(c)(2)) and the Deployment Locations*
 8 *Map;*

9 *(11) provide a plan to increase awareness of,*
 10 *and participation in, Federal broadband programs*
 11 *relating to the affordability and adoption of*
 12 *broadband internet access service; and*

13 *(12) describe the administrative and legislative*
 14 *action that is necessary to carry out the Strategy.*

15 *(c) PUBLIC COMMENT.—In developing the Implemen-*
 16 *tation Plan, the Assistant Secretary and the Commission*
 17 *shall jointly publish a draft version of the Implementation*
 18 *Plan in the Federal Register for a period of notice and com-*
 19 *ment (and reply comment) that is not less than 60 days.*

20 *(d) REVIEW BY COMMISSION AND PUBLIC VOTE OF AP-*
 21 *PROVAL.—The Implementation Plan may not be finalized*
 22 *or implemented unless the Commission reviews and ap-*
 23 *proves the Implementation Plan through a public vote of*
 24 *the Commission at an open meeting in accordance with the*
 25 *following procedures:*

1 (1) *Not later than 30 days before the date on*
 2 *which the Commission holds the open meeting, the*
 3 *Commission shall circulate a draft version of the Im-*
 4 *plementation Plan to the public and publish that*
 5 *draft version in the Federal Register for public com-*
 6 *ment.*

7 (2) *Not later than 24 hours after the draft*
 8 *version described in paragraph (1) is circulated to the*
 9 *commissioners of the Commission, the Commission*
 10 *shall publish that draft version on a publicly avail-*
 11 *able website of the Commission.*

12 **SEC. 5. BRIEFINGS AND IMPLEMENTATION.**

13 (a) *BRIEFING.*—*Not later than 21 days after the date*
 14 *on which the Assistant Secretary and the Commission sub-*
 15 *mit the Implementation Plan to the appropriate committees*
 16 *of Congress under section 4(a), the Assistant Secretary, and*
 17 *appropriate representatives from the covered agencies in-*
 18 *volved in the formulation of the Strategy, shall provide a*
 19 *briefing on the implementation of the Strategy to the appro-*
 20 *priate committees of Congress.*

21 (b) *IMPLEMENTATION.*—

22 (1) *IN GENERAL.*—*The Assistant Secretary*
 23 *shall—*

24 (A) *implement the Strategy in accordance*
 25 *with the terms of the Implementation Plan; and*

1 (B) not later than 90 days after the date on
 2 which the Assistant Secretary begins to imple-
 3 ment the Strategy, and not less frequently than
 4 once every 90 days thereafter until the date on
 5 which the Implementation Plan is fully imple-
 6 mented, brief the appropriate committees of Con-
 7 gress on the progress in implementing the Imple-
 8 mentation Plan.

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

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

17 Not later than 1 year after the date on which the As-
 18 sistant Secretary and the Commission submit the Imple-
 19 mentation Plan to the appropriate committees of Congress
 20 under section 4(a), the Comptroller General of the United
 21 States shall commence a study—

22 (1) that shall—

23 (A) examine the efficacy of the Strategy and
 24 the Implementation Plan in coordinating fund-

1 *ing across the Federal Government with respect*
2 *to broadband internet access service;*

3 *(B) make recommendations regarding how*
4 *to improve the Strategy and the Implementation*
5 *Plan;*

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

9 *(D) examine any awards made by covered*
10 *agencies under Federal broadband programs, or*
11 *under State, local, and Tribal programs with re-*
12 *spect to broadband internet access service—*

13 *(i) in areas identified as served with*
14 *respect to broadband internet access service;*
15 *or*

16 *(ii) that are duplicative of other*
17 *awards under such a program; and*

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

21 *(2) the results of which the Comptroller General*
22 *shall submit to the appropriate committees of Con-*
23 *gress.*

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

2 (a) *IN GENERAL.*—Not later than 60 days after the
 3 date of enactment of this Act, the head of each covered agen-
 4 cy shall submit to the Assistant Secretary and the appro-
 5 priate committees of Congress a report containing a com-
 6 prehensive update on the measures that each respective cov-
 7 ered agency has taken since May 15, 2023, to coordinate
 8 with the National Telecommunications and Information
 9 Administration, with respect to the requirement under sub-
 10 section (c)(2)(A) of the ACCESS BROADBAND Act (47
 11 U.S.C. 1307(c)(2)(A)), and the Commission to populate the
 12 Deployment Locations Map.

13 (b) *CONTENTS.*—Each report required under sub-
 14 section (a) shall include—

15 (1) a description of the extent to which the cov-
 16 ered agency submitting the report is submitting the
 17 data necessary to populate the Deployment Locations
 18 Map in a complete and timely manner; and

19 (2) identification of any outstanding challenges
 20 associated with the requirement for the submission of
 21 data described in paragraph (1).

22 **SEC. 8. TRACKING AND IMPROVING PROCESSING TIMES**
 23 **FOR COMMUNICATIONS USE APPLICATIONS.**

24 Section 6409(b)(3) of the Middle Class Tax Relief and
 25 Job Creation Act of 2012 (47 U.S.C. 1455(b)(3)) is amend-
 26 ed by adding at the end the following:

1 “(E) *TRACKING AND IMPROVING PROC-*
2 *ESSING TIMES.*—

3 “(i) *DATA CONTROLS.*—*An executive*
4 *agency shall develop controls to ensure that*
5 *data is sufficiently accurate and complete to*
6 *track the processing time for each applica-*
7 *tion described in subparagraph (A).*

8 “(ii) *REQUIREMENT TO ANALYZE, AD-*
9 *DRESS, AND REPORT ON DELAY FACTORS.*—
10 *With respect to the factors that contribute to*
11 *delays in processing applications described*
12 *in subparagraph (A), an executive agency*
13 *shall—*

14 “(I) *analyze the factors as the*
15 *delays are occurring;*

16 “(II) *take actions to address the*
17 *factors; and*

18 “(III) *provide an annual report*
19 *on the factors to—*

20 “(aa) *the Committee on Com-*
21 *merce, Science, and Transpor-*
22 *tation of the Senate;*

23 “(bb) *the Committee on En-*
24 *ergy and Natural Resources of the*
25 *Senate;*

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

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

7 “(ee) each committee of Con-
 8 gress with jurisdiction over the ex-
 9 ecutive agency.

10 “(iii) *METHOD FOR ALERTING STAFF*
 11 *TO AT-RISK APPLICATIONS.*—An executive
 12 agency shall establish a method to alert em-
 13 ployees of the executive agency to any appli-
 14 cation described in subparagraph (A) with
 15 respect to which the executive agency is at
 16 risk of failing to meet the 270-day deadline
 17 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), by striking “or” at the end;

22 (2) by redesignating clause (iv) as clause (v);

23 and

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

25 “(iv)(I) is subject to NEPA;

1 “(II) involves the construction of infra-
2 structure for broadband; and

3 “(III) is likely to require a total in-
4 vestment of more than \$5,000,000; or”.

5 **SEC. 10. ADDITIONAL “RIP AND REPLACE” FUNDING; SPEC-**
6 **TRUM REAUCTION.**

7 (a) *ADDITIONAL “RIP AND REPLACE” FUNDING.*—

8 (1) *INCREASE IN EXPENDITURE LIMIT.*— *Section*
9 *4(k) of the Secure and Trusted Communications Net-*
10 *works Act of 2019 (47 U.S.C. 1603(k)) is amended by*
11 *striking “\$1,900,000,000” and inserting*
12 *“\$4,980,000,000”.*

13 (2) *APPROPRIATION OF FUNDS.*—*There is appro-*
14 *priated to the Commission for fiscal year 2024, out*
15 *of amounts in the Treasury not otherwise appro-*
16 *priated, \$3,080,000,000, to remain available until ex-*
17 *pendended, to carry out section 4 of the Secure and*
18 *Trusted Communications Networks Act of 2019 (47*
19 *U.S.C. 1603).*

20 (b) *SPECTRUM REAUCTION.*—

21 (1) *FCC AUCTION 97 REAUCTION OF CERTAIN LI-*
22 *CENSES.*—*Not later than 1 year after the date of en-*
23 *actment of this Act, the Commission shall initiate a*
24 *system of competitive bidding under section 309(j) of*
25 *the Communications Act of 1934 (47 U.S.C. 309(j))*

1 to grant licenses for spectrum in the inventory of the
 2 Commission within the bands of frequencies referred
 3 to by the Commission as the “AWS-3 bands”, without
 4 regard to whether the authority of the Commission
 5 under paragraph (11) of that section has expired.

6 (2) *COMPLETION OF REAUCTION.*—The Commis-
 7 sion shall complete the system of competitive bidding
 8 described in subsection (a), including receiving pay-
 9 ments, processing applications, and granting licenses,
 10 without regard to whether the authority of the Com-
 11 mission under paragraph (11) of section 309(j) of the
 12 Communications Act of 1934 (47 U.S.C. 309(j)) has
 13 expired.

14 **SEC. 11. APPROPRIATION FOR AFFORDABLE CONNECTIVITY**
 15 **PROGRAM.**

16 Section 904(i)(2) of division N of the Consolidated Ap-
 17 propriations Act, 2021 (47 U.S.C. 1752(i)(2)) is amend-
 18 ed—

19 (1) by striking “There is” and inserting the fol-
 20 lowing:

21 “(A) *FISCAL YEAR 2021.*—There is”; and

22 (2) by adding at the end the following:

23 “(B) *FISCAL YEAR 2024.*—There is appro-
 24 priated to the Affordable Connectivity Fund, out
 25 of any money in the Treasury not otherwise ap-

1 *propriated, \$7,000,000,000 for fiscal year 2024,*
2 *to remain available until expended.”.*

3 **SEC. 12. RULE OF CONSTRUCTION.**

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

Calendar No. 719

118TH CONGRESS
2D Session

S. 2238

A BILL

To direct the Assistant Secretary of Commerce for Communications and Information to develop a National Strategy to Close the Digital Divide, and for other purposes.

DECEMBER 17 (legislative day, DECEMBER 16), 2024

Reported with an amendment