

118TH CONGRESS
1ST 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, and Mr. WELCH) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

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,*

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

4 (A) the Committee on Commerce, Science,
5 and Transportation of the Senate; and

6 (B) the Committee on Energy and Com-
7 merce of the House of Representatives.

8 (2) ASSISTANT SECRETARY.—The term “Assist-
9 ant Secretary” means the Assistant Secretary of
10 Commerce for Communications and Information.

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

13 (A) the Federal Communications Commis-
14 sion;

15 (B) the Department of Agriculture;

16 (C) the National Telecommunications and
17 Information Administration;

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

20 (E) the Appalachian Regional Commission;

21 (F) the Delta Regional Authority;

22 (G) the Economic Development Adminis-
23 tration;

24 (H) the Department of Education;

25 (I) the Department of the Treasury;

1 (J) the Department of Transportation;

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

4 (L) the Northern Border Regional Com-
5 mission;

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

8 (N) the Department of the Interior.

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

15 (5) IMPLEMENTATION PLAN.—The term “Im-
16 plementation Plan” means the implementation plan
17 developed under section 4(a).

18 (6) STATE.—The term “State” means each
19 State of the United States, the District of Columbia,
20 and each commonwealth, territory, or possession of
21 the United States.

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

1 **SEC. 3. NATIONAL STRATEGY TO CLOSE THE DIGITAL DI-**
2 **VIDE.**

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

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

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

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

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

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

26 (1) list all—

1 (A) Federal broadband programs; and

2 (B) programs that exist at the State and
3 local levels that are directly or indirectly in-
4 tended to increase the deployment of, access to,
5 the affordability of, or the adoption of
6 broadband internet access service;

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

10 (3) identify gaps and limitations, including
11 laws, that hinder, or may hinder, coordination across
12 Federal broadband programs;

13 (4) establish clear roles and responsibilities for
14 the heads of the covered agencies, as well as clear
15 goals, objectives, and performance measures, for—

16 (A) the management of all Federal
17 broadband programs; and

18 (B) interagency coordination efforts with
19 respect to Federal broadband programs;

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

1 (6) address factors that increase the costs and
2 administrative burdens for State, local, and Tribal
3 governments with respect to participation in Federal
4 broadband programs;

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

8 (A) distribute, and effectively administer,
9 funding received from Federal broadband pro-
10 grams; and

11 (B) resolve conflicts with respect to the
12 funding described in subparagraph (A);

13 (8) recommend incentives, legislative solutions,
14 and administrative actions to—

15 (A) improve the coordination and manage-
16 ment of Federal broadband programs; and

17 (B) eliminate duplication with respect to
18 Federal broadband programs;

19 (9) describe current, as of the date on which
20 the Strategy is submitted, efforts by covered agen-
21 cies to streamline the process for granting access to
22 an easement, right of way, or lease to, in, over, or
23 on a building or any other property owned by the
24 Federal Government for the right to install, con-

1 struct, modify, or maintain infrastructure with re-
2 spect to broadband internet access service;

3 (10) 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; and

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

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

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

14 (2) subject matter experts;

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

17 (4) Tribal entities; and

18 (5) State and local agencies and entities.

19 **SEC. 4. IMPLEMENTATION PLAN.**

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

1 (b) REQUIRED CONTENTS.—The Implementation
2 Plan shall, at a minimum—

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

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

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

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

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

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

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

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

13 (7) provide a plan to monitor and reduce waste,
14 fraud, and abuse in Federal broadband programs,
15 including wasteful spending resulting from frag-
16 mented, overlapping, and unnecessarily duplicative
17 programs;

18 (8) 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));

23 (9) provide a plan to increase awareness of, and
24 participation and enrollment in, Federal broadband

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

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

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

11 **SEC. 5. BRIEFINGS AND IMPLEMENTATION.**

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

20 (b) IMPLEMENTATION.—

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

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

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

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

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

18 (a) **STUDY.**—The Comptroller General of the United
19 States shall conduct a study that shall—

20 (1) examine the efficacy of the Strategy and the
21 Implementation Plan in closing the digital divide;
22 and

23 (2) make recommendations regarding how to
24 improve the Strategy and the Implementation Plan.

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

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