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**Calendar No. 421**

| 119TH CONGRESS *2d Session* | SENATE | REPORT 119–123 |
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# PROPER LEADERSHIP TO ALIGN NETWORKS FOR BROADBAND ACT

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R E P O R T

OF THE

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

ON

S. 323

together with

MINORITY VIEWS



JUNE 1, 2026.—Ordered to be printed

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SENATE COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

ONE HUNDRED NINETEENTH CONGRESS

SECOND SESSION

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**Calendar No. 421**

119TH CONGRESS
*2d Session*

SENATE

REPORT
119–123

# PROPER LEADERSHIP TO ALIGN NETWORKS FOR BROADBAND ACT

JUNE 1, 2026.—Ordered to be printed

Mr. CRUZ, from the Committee on Commerce, Science, and Transportation, submitted the following

# R E P O R T

[To accompany S. 323]

[Including cost estimate of the Congressional Budget Office]

The Committee on Commerce, Science, and Transportation, to which was referred the bill (S. 323) 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, having considered the same, reports favorably thereon with amendments and recommends that the bill, as amended, do pass.

## PURPOSE OF THE BILL

The purpose of S. 323 is to direct the National Telecommunications and Information Administration (NTIA) to develop a national coordination and management strategy for federally supported broadband programs.

## BACKGROUND AND NEEDS

Congress has authorized a wide variety of programs for the deployment and adoption of broadband connectivity across the United States.[1] Through the Universal Service Fund, the Federal Communications Commission (FCC) provides billions of dollars in annual subsidies via the Connect America Fund, Lifeline, Rural Health Care, and E-Rate programs to meet the increased access goals of

[1] Government Accountability Office, *Broadband: National Strategy Needed to Coordinate Fragmented, Overlapping Federal Programs*, GAO–23–106818, May 10, 2023, https://www.gao.gov/products/gao-23-106818.

the Telecommunications Act of 1996.[2] NTIA likewise subsidizes broadband through several programs, most notably the $42 billion Broadband Equity, Access, and Deployment (BEAD) program. The Department of the Treasury and the Department of Agriculture (USDA), through the Rural Utilities Service (RUS), also administer multi-billion-dollar broadband programs.

As detailed in a 2023 Government Accountability Office (GAO) report, "Federal broadband efforts are fragmented and overlapping, with more than 133 funding programs administered by 15 agencies."[3] Substantial overlap exists between the goals of these various programs, and because they are run by different Federal agencies, the programs are not always aligned or coordinated. For example, GAO identified a significant number of instances where the FCC's High Cost program and the USDA's RUS programs provided Federal funding to the same areas.[4] Consequently, GAO noted that while the National Economic Council had worked to coordinate programs, agencies recommended the development of a coordinated national strategy to guide Federal broadband efforts because "effective coordination can help . . . minimize the potential for wasteful duplicative support."[5]

Federal broadband spending programs have also begun to embrace non-fiber technologies. BEAD recently opened up full participation in the program to low Earth orbit satellite (LEO) and fixed wireless providers given technology gains in reliability and price, allowing for a more cost-effective and expeditious deployment of high-speed internet to millions of Americans who might otherwise go unserved.[6] LEO and fixed wireless providers can offer fast speeds and competitive subscriber pricing at more sustainable per-location costs in remote rural and Tribal areas than fiber builds[7] while avoiding potential permitting delays that can bedevil some fiber projects.[8]

This legislation would direct the NTIA to develop and implement a national strategy concerning the coordination and management of federally supported broadband internet service programs. It would also direct GAO to study the efficacy of the strategy, require the heads of covered agencies to report on their efforts to populate the FCC's Deployment Locations Map, require the tracking and im-

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[2] "Universal Service," Federal Communications Commission, https://www.fcc.gov/general/universal-service (last visited March 7, 2025).

[3] GAO report, supra note 1, at 0–1.

[4] FCC and RUS officials told GAO that there may be circumstances in which they may not consider multiple awards providing support to the same area to be inherently duplicative. For example, some awards may fund capital expenditures, while other awards may fund ongoing operating expenses. Regardless, GAO notes "effective coordination can . . . minimize the potential for wasteful duplicative support." See GAO report, supra note 1, at 4–5.

[5] GAO report, supra note 1, at 5, 8, 9, 10.

[6] Jake Morabito and DJ Hatch, "Broadband Update: A 'Benefit of the Bargain' for the BEAD Program," American Legislative Exchange Council, February 10, 2026, https://alec.org/article/broadband-update-a-benefit-of-the-bargain-for-the-bead-program/.

[7] Patience Haggin, "A Fight Between Cable and Wireless Providers Means Cheaper Home Internet for You," *WSJ,* June 24, 2025, https://www.wsj.com/business/telecom/a-fight-between-cable-and-wireless-providers-means-cheaper-home-internet-for-you-b36cc086; Michael Kan, "Starlink Drops Price As Low As $29/Month to Win Over New Users," *PC Mag*, May 5, 2026, https://www.pcmag.com/news/starlink-drops-price-as-low-as-29month-to-win-over-new-users; "United States Speedtest Connectivity Report," H2 2025, Ookla https://www.ookla.com/research/reports/united-states-speedtest-connectivity-report-h2-2025; Sue Marek, "Starlink Hits New Highs in the U.S.," Ookla, May 5, 2026, https://www.ookla.com/articles/starlink-hits-new-us-highs.

[8] Fiber Broadband Association, *Local Permitting for Fiber Network Projects: The Good, The Bad, and the Ugly*, September 2025, https://fiberbroadband.org/wp-content/uploads/2025/08/FBA-Whitepaper_Local-Permitting-for-Fiber-Network-Projects_FINAL-1.pdf.

provement of processing times for Federal permitting applications for communications facility installations, and improve the Federal permitting process for certain broadband infrastructure projects subject to the National Environmental Policy Act.[9]

## SUMMARY OF PROVISIONS

S. 323 would do the following:

- Direct NTIA to develop and implement a national strategy to improve the coordination and management of federally supported programs for expanding access to and adoption of broadband internet service.
- Direct GAO to commence a study examining the efficacy of the strategy and make recommendations on how to improve it.
- Require the head of each covered agency to report on their efforts to populate the Deployment Locations Map in coordination with NTIA and FCC.
- Add requirements for the tracking and improvement of processing times for applications for Federal easements, rights-of-way, and leases for communications facility installations.
- Make certain broadband projects eligible for streamlined Federal permitting processes.

## LEGISLATIVE HISTORY

S. 323 was introduced on January 29, 2025, by Senator Wicker (for himself and Senators Luján and Welch) and was referred to the Committee on Commerce, Science, and Transportation of the Senate. On March 12, 2025, the Committee met in open Executive Session and, by voice vote, ordered S. 323 reported favorably with amendments.

*118th Congress*

S. 2238, the PLAN for Broadband Act, was introduced on July 11, 2023, by Senator Wicker (for himself and Senators Luján, Thune, and Welch) and was referred to the Committee on Commerce, Science, and Transportation of the Senate. Senators Padilla, Lankford, and Tuberville were additional cosponsors. On July 31, 2024, the Committee met in open Executive Session and, by voice vote, ordered S. 2238 to be reported favorably with an amendment (in the nature of a substitute).

H.R. 4505, an identical House bill to S. 2238, was introduced on July 10, 2023, by Representative Walberg (for himself and Representative Kuster) and was referred to the Committee on Energy and Commerce of the House of Representatives.

*117th Congress*

S. 4767, the PLAN for Broadband Act, was introduced on August 4, 2022, by Senator Wicker (for himself and Senator Luján) and was referred to the Committee on Commerce, Science, and Transportation of the Senate.

H.R. 8679, an identical House bill to S. 4767, was introduced on August 5, 2022, by Representative Walberg (for himself and Representative Welch) and was referred to the Committee on Energy

[9] Public Law 91–190.

and Commerce of the House of Representatives. Representatives Wittman and Gottheimer were additional cosponsors.

## ESTIMATED COSTS

In accordance with paragraph 11(a) of rule XXVI of the Standing Rules of the Senate and section 403 of the Congressional Budget Act of 1974, the Committee provides the following cost estimate, prepared by the Congressional Budget Office:

**At a Glance**

**S. 323, PLAN for Broadband Act**

**As ordered reported by the Senate Committee on Commerce, Science, and Transportation on March 12, 2025**

| By Fiscal Year, Millions of Dollars | 2026 | 2026-2030 | 2026-2035 |
|---|---|---|---|
| Direct Spending (Outlays) | * | * | * |
| Revenues | 0 | 0 | 0 |
| Increase or Decrease (-) in the Deficit | * | * | * |
| Spending Subject to Appropriation (Outlays) | 3 | 6 | not estimated |

| | | | |
|---|---|---|---|
| Increases *net direct spending* in any of the four consecutive 10-year periods beginning in 2036? | No | Statutory pay-as-you-go procedures apply? | Yes |
| | | **Mandate Effects** | |
| Increases *on-budget deficits* in any of the four consecutive 10-year periods beginning in 2036? | No | Contains intergovernmental mandate? | No |
| | | Contains private-sector mandate? | Yes, Under Threshold |

* = between zero and $500,000.

The bill would:

- Require the National Telecommunications and Information Administration (NTIA) to develop a plan to improve coordination among federal agencies to expand broadband access
- Direct federal agencies to track and report on application-processing times for permits to build or maintain communications facilities on federal land
- Expand the types of projects eligible for coverage under title 41 of the Fixing America's Surface Transportation Act, which streamlines federal permitting and environmental review for large energy and infrastructure projects
- Increase the cost of an existing private-sector mandate if the Federal Communications Commission increases annual fees to offset the cost of implementing the bill

Estimated budgetary effects would mainly stem from:

- Increases in spending subject to appropriation for the NTIA to develop the plan
- Increases in direct spending for expedited federal spending on broadband projects

Bill summary: S. 323 would require the National Telecommunications and Information Administration (NTIA) to develop a plan for improving coordination among federal agencies to expand access to broadband Internet and to submit that plan to the Congress. The bill also would direct several federal agencies to report to the NTIA and the Congress on efforts to track broadband construction and to assist the Federal Communications Commission (FCC) with filling in its map that depicts national access to broadband. In ad-

dition, the bill would require the Government Accountability Office (GAO) to study and report on the plan's effectiveness.

Under the bill, agencies specified in the bill would be required to track processing times for permit applications to install, construct, modify, or maintain communications facilities on federal land. (Under current law, such applications must be processed within 270 days.) The bill would require those agencies to analyze any delays, expedite processing, and report annually to the Congress.

Finally, S. 323 would amend title 41 of the Fixing America's Surface Transportation (FAST) Act to expand the types of projects that are eligible for coverage under the FAST–41 program, which was established in 2015 to streamline federal permitting and environmental review for large energy and infrastructure projects. The bill would lower the cost threshold at which covered broadband construction projects that are subject to review under the National Environmental Policy Act (NEPA) qualify for the FAST–41 program from $200 million to $5 million.

Estimated Federal cost: The estimated budgetary effect of S. 323 is shown in Table 1. The costs of the legislation primarily fall within budget function 370 (commerce and housing credit).

TABLE 1.—ESTIMATED INCREASES IN SPENDING SUBJECT TO APPROPRIATION UNDER S. 323

| | By fiscal year, millions of dollars— | | | | | |
|---|---|---|---|---|---|---|
| | 2026 | 2027 | 2028 | 2029 | 2030 | 2029–2030 |
| Estimated Authorization | 3 | 2 | 1 | * | * | 6 |
| Estimated Outlays | 3 | 2 | 1 | * | * | 6 |

* = between zero and $500,000.

CBO estimates that enacting S. 323 would increase direct spending by less than $500,000 over the 2026–2035 period.

Basis of estimate: CBO assumes that S. 323 will be enacted by the end of 2025.

Spending subject to appropriation: Using information from the NTIA, CBO estimates that implementing S. 323 would cost $6 million over the 2026–2030 period. Any related spending would be subject to the availability of appropriated funds.

CBO estimates that the costs for employee compensation and contracting to develop a plan to improve coordination among federal broadband programs would total $5 million over the 2026–2030 period. Among other responsibilities, the NTIA would be directed to coordinate the work of federal agencies to establish a strategy, identify potential funding caps for certain broadband subsidies, and create benchmarks for the performance of federal broadband programs.

Using information about the cost of similar reports, CBO estimates that the cost for GAO to complete its study, for 15 federal agencies to report to the NTIA within 60 days of enactment, and for federal agencies to report on delays in processing permits for communications facilities would total $1 million over the 2026–2030 period.

CBO estimates that it would cost the FCC less than $500,000 over the 2026–2030 period to consult with and report to the NTIA and to the Congress about broadband projects. However, because the FCC is authorized to collect fees each year that are sufficient

to offset the appropriated costs of its regulatory activities, CBO estimates that the net cost to the agency would be negligible, assuming appropriation actions consistent with that authority.

Direct spending: S. 323 would authorize certain broadband construction projects to participate in the FAST–41 permitting program, which is administered by the Federal Permitting Improvement Steering Council. To participate in FAST–41 under current law, a project must require an investment of more than $200 million and be subject to NEPA review. S. 323 would reduce that cost threshold to $5 million for broadband projects. CBO expects that under the bill many broadband construction projects that will be funded through the NTIA's Broadband Equity, Access, and Deployment (BEAD) Program would be newly eligible for FAST–41 coverage. The Infrastructure Investment and Jobs Act provided $42 billion in 2021 for the BEAD Program, which is designed to increase high-speed Internet access across the United States by funding planning, mapping, and deployment of broadband networks. CBO expects that funds for some BEAD projects that would participate in the FAST–41 program could be spent more quickly under S. 323 than under current law. Thus, net direct spending would increase over the 2026–2035 period for those projects.

CBO expects that the increase in direct spending under the bill would be insignificant for three reasons. First, participation is voluntary, so many projects may not choose to participate in FAST–41 even if they are newly eligible under the bill. Second, because most broadband projects are categorically excluded from NEPA's documentation requirements, CBO expects that very few broadband projects would benefit from FAST–41 participation. Only projects that require an environmental impact statement (EIS) or environmental assessment under NEPA would be eligible for FAST–41.

Third, CBO is uncertain about the extent to which any BEAD projects that newly participate in FAST–41 under the bill would spend funds more quickly than under current law. The Permitting Council's fiscal year 2024 report to the Congress shows that FAST–41 projects completed their environmental impact statements 23 percent faster than all projects requiring an EIS in that year.[1] However, the NTIA is also streamlining requirements for permitting and environmental review, which reduces the effect of FAST–41 on the permitting process. Certain large, complex projects could benefit by using FAST–41, but those projects would still need to adhere to federal, state, and local permitting and environmental requirements, which all serve to delay project timelines regardless of FAST–41 participation.

Pay-As-You-Go considerations: The Statutory Pay-As-You-Go Act of 2010 establishes budget-reporting and enforcement procedures for legislation affecting direct spending or revenues. CBO estimates that enacting the bill would increase direct spending by less than $500,000 over the 2026–2035 period.

Increase in long-term net direct spending and deficits: CBO estimates that enacting S. 323 would not increase net direct spending

[1] Permitting Council, *Permitting Council FY 2024 Annual Report to Congress* (April 2025), https://tinyurl.com/y54sc22w.

or on-budget deficits in any of the four consecutive 10-year periods beginning in 2036.

Mandates: If the FCC increases annual fees to offset the costs of implementing provisions in the bill, S. 323 would increase the cost of an existing private-sector mandate as defined in the Unfunded Mandates Reform Act (UMRA) on private-sector entities required to pay those fees. CBO estimates that the incremental cost of the mandate would be small and would fall well below the annual threshold established for private-sector mandates ($206 million in 2025, adjusted annually for inflation).

S. 323 contains no intergovernmental mandates as defined in UMRA.

Estimate prepared by: Federal costs: David Hughes; Mandates: Rachel Austin.

Estimate reviewed by: Justin Humphrey, Chief, Finance, Housing, and Education Cost Estimates Unit; Kathleen FitzGerald, Chief, Public and Private Mandates Unit; H. Samuel Papenfuss, Deputy Director of Budget Analysis.

Estimate approved by: Phillip L. Swagel, Director, Congressional Budget Office.

## REGULATORY IMPACT STATEMENT

In accordance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee provides the following evaluation of the regulatory impact of the legislation, as reported:

### NUMBER OF PERSONS COVERED

S. 323, as reported, will direct the NTIA to improve the coordination and efficiency of Federal broadband funding across Federal agencies via the development and submission to Congress of a national strategy and an implementation plan. Neither the national strategy nor the implementation plan would require the NTIA to collect information from individuals or businesses.

### ECONOMIC IMPACT

S. 323 is not expected to have an adverse impact on the Nation's economy. The legislation would aim to increase efficiencies and coordination across the Nation's 133 different Federal broadband funding programs. The legislation would also make broadband projects of $5 million or more eligible for streamlined National Environmental Policy Act (NEPA) review under the FAST Act.[10]

### PRIVACY

S. 323 would not impact the personal privacy of individuals.

### PAPERWORK

The Committee does not anticipate a major increase in paperwork burdens for private individuals or businesses resulting from the passage of S. 323. Neither the national strategy nor the subsequent implementation plan would require NTIA to collect information from individuals or businesses. The legislation would require

[10] Public Law 114–94.

NTIA to collaborate with Federal agencies to consider measures that would improve coordination and data sharing, thereby increasing the overall efficiency of Federal broadband programs and reducing waste, fraud, and abuse.

## CONGRESSIONALLY DIRECTED SPENDING

In compliance with paragraph 4(b) of rule XLIV of the Standing Rules of the Senate, the Committee provides that no provisions contained in the bill, as reported, meet the definition of congressionally directed spending items under the rule.

## SECTION-BY-SECTION ANALYSIS

*Section 1. Short title.*

This section would provide that the bill may be cited as the "Proper Leadership to Align Networks for Broadband Act" or the "PLAN for Broadband Act".

*Section 2. Definitions.*

This section would define the key terms "appropriate committees of Congress", "Assistant Secretary", "broadband internet access service", "covered agencies", "Deployment Locations Map", "Federal broadband program", "Federal land management agency", "Implementation Plan", and "Strategy". This section would also identify relevant Federal entities responsible for the implementation of this legislation.

*Section 3. National Strategy to Synchronize Federal Broadband Programs.*

Subsection (a) would direct the Assistant Secretary, in consultation with relevant Federal entities, to submit a strategy to Congress that would: (1) support improved management of Federal broadband programs to maximize access, efficiency, and fiscal responsibility; (2) synchronize interagency coordination for Federal broadband programs; (3) synchronize interagency coordination of policies for granting permits for broadband infrastructure across Federal buildings and Federal properties; and (4) reduce or eliminate unnecessary barriers, costs, and administrative burdens to participate in broadband programs.

Subsection (b) would outline the specific requirements to be included in the national strategy, including:

- a list of all Federal, State, and local broadband deployment, funding, access, adoption, and affordability programs;
- a description of existing Federal broadband coordination efforts;
- identified laws, regulations, and agency policies hindering coordination across Federal broadband programs;
- an outline of the roles and responsibilities of Federal agencies and clear goals, objectives, and performance measures for the management of all Federal broadband programs and interagency coordination efforts with respect to Federal broadband programs;
- the cost of the strategy, including the implementation cost;
- factors that increase the costs and administrative burdens of participating in Federal broadband programs, including with

respect to access to infrastructure necessary for broadband service deployment;
- information on the effectiveness of broadband programs as measured by the number of locations receiving broadband access or other assistance under each Federal broadband program;
- analysis of how agency policies and practice do or do not establish technologically neutral broadband programs;
- recommendations to State, local, and Tribal governments to more efficiently administer and distribute program funding, such as avoiding duplication of existing infrastructure or funded projects, utilizing mapping data, and promoting access or rights of way across private or government-owned property necessary for deploying broadband;
- recommended incentives, legislation, or administrative actions to improve Federal coordination and management of Federal broadband programs and eliminate duplication of Federal and non-Federal programming;
- a description of streamlining efforts across Federal and non-Federal government entities regarding the issuance of permits or rights of way to government-owned property;
- identified limitations of economic development organizations' participation in Federal broadband programs;
- a proposed maximum subsidy to provide broadband to a single location while allowing for consideration of high-cost and Tribal areas;
- issues with broadband access on Tribal lands; and
- identified measures to prevent waste, fraud, and abuse of Federal broadband program funding, ensure accountability for the use of such funding, and implement effective reporting requirements to measure the success of Federal broadband programs.

*Section 4. Implementation Plan.*

Subsection (a) would direct the Assistant Secretary, in consultation with relevant Federal entities, to submit an implementation plan to Congress no later than 120 days after submitting the strategy.

Subsection (b) would outline the minimum requirements for the Implementation Plan, including that it be required to:
- provide a plan for the implementation of the strategy with respect to the roles, responsibilities, goals, objectives, and performance measures for the management of Federal broadband programs and interagency coordination;
- provide a plan to streamline and create consistent policies and practices across Federal broadband programs;
- provide a plan for holding agencies accountable for measures identified in the strategy;
- describe the roles and responsibility of covered agencies and the mechanisms to coordinate implementation;
- include a permitting coordination plan for broadband infrastructure;
- create a plan for regular evaluation and public reporting of Federal broadband programs against clear objectives and performance measures, permitting processes for infrastructure

with respect to broadband service, and progress in implementing the strategy;
- with respect to Federal funds or subsidies to support deployment of broadband service, provide a plan for the adoption of common data sets regarding awards including by utilizing the Deployment Locations Map, applications regarding those awards, and rules for prohibiting awards by covered agencies in areas identified as served by the Deployment Funding Map or areas already subject to an award or enforceable deployment obligation by a covered agency under a Federal or non-Federal broadband program;
- include a plan to monitor, report, and reduce waste, fraud, and abuse in Federal broadband programs, including wasteful spending resulting from fragmented, overlapping, and duplicative programs;
- require consistent financial reports from covered agencies for Federal broadband programs, consistent with the ACCESS BROADBAND Act [11] and Federal broadband mapping;
- provide a plan to increase awareness and participation in Federal broadband programs; and
- describe the administrative and legislative actions needed to fully implement the strategy.

Subsection (c) would direct the Assistant Secretary to publish a draft of the implementation plan in the Federal Register for public comment for a period of no less than 60 days.

*Section 5. Briefings and implementation.*

Subsection (a) would require the Assistant Secretary, and the agencies involved in formulating the strategy, to brief Congress on the implementation of the strategy no later than 21 days after submitting the Implementation Plan to Congress.

Subsection (b) would require the Assistant Secretary to brief Congress on its progress in carrying out the Implementation Plan at least every 90 days after submitting such plan.

*Section 6. Government Accountability Office study and report.*

This section would require the Government Accountability Office to commence a study examining the efficacy of the strategy and the Implementation Plan developed by the Assistant Secretary and make recommendations on how to improve them no later than 1 year after the Assistant Secretary submits the Implementation Plan to Congress. The study would examine any existing or new performance goals and measures for Federal broadband programs, as well as examine any awards made by covered agencies under Federal, State, local, or Tribal programs with respect to broadband internet access service in areas identified as served or that are duplicative of other awards under such a program.

*Section 7. Broadband Funding Map reporting.*

Subsection (a) would require the head of each covered agency to submit to the Assistant Secretary and the appropriate committees of Congress a report containing updates on the measures each respective agency has taken regarding coordination with NTIA and

[11] Public Law 116–260.

FCC to populate the Deployment Locations Map since May 15, 2023, within 60 days of enactment.

Subsection (b) would require the reports to Congress to include information about the data populated in the Deployment Locations Map, if that data was populated in a complete and timely manner, and to identify outstanding challenges related to data submission.

*Section 8. Tracking and improving processing times for communications use applications.*

This section would amend the Middle Class Tax Relief and Job Creation Act of 2012 [12] to require executive agencies to develop controls to ensure that data is sufficiently accurate and complete to track the processing time of Federal permitting applications for communications facility installations described in that Act. Executive agencies would be required to analyze and report to Congress annually on the factors that contribute to delays in processing times. Further, executive agencies would be required to establish a method to alert staff if any application is at risk of failing to meet the 270-day deadline.

*Section 9. Minimum broadband project cost.*

This section would amend the FAST Act [13] to add broadband projects with a minimum investment cost of $5 million to be included on the priority list for the National Environmental Policy Act [14] review.

*Section 10. Rule of construction.*

This section would contain a rule of statutory construction that nothing in this Act could be construed to confer authority on the Federal Government, or any State, local, or Tribal government, to regulate broadband internet access service.

[12] Public Law 112–96.
[13] Public Law 114–94.
[14] Public Law 91–190.

MINORITY VIEWS OF SENATORS CANTWELL AND LUJÁN

As introduced, S. 323 required that NTIA, as part of the Implementation Plan required by the bill, "for Federal broadband programs that are not technologically neutral, determine a ceiling on the amount of a subsidy or funding award to provide broadband internet access service to a single location, to be consistently applied and adopted by all covered agencies for the funding of infrastructure with respect to broadband internet access service." [15]

This language raised significant concerns for many members of the Committee, including Senators Cantwell and Luján, because broadband deployment costs can vary dramatically based on geography, terrain, and technology. Indeed, Congress has recognized this by creating different broadband deployment programs administered by different agencies, including but not limited to the Tribal Broadband Connectivity Program, the Broadband Equity, Access, and Deployment Program, the Capital Projects Fund, the ReConnect Program, and the High Cost Program within the Universal Service Fund.[16] Because these programs serve different geographies and have different goals, they do not have an overall national cap on funding per location.[17]

Moreover, the introduced language of the PLAN for Broadband Act in the 118th Congress (then S. 2238), cosponsored by Senator Luján, did not contain language on the consideration of a national cap.[18] The provision was later included in an amendment in the nature of a substitute. Ultimately, S. 2238 was removed from the agenda of Executive Session 12 in 2024 due to unreconciled issues, including the language on a national cap.

During the Committee's consideration of S. 323, an amendment from Senator Cantwell was adopted. This amendment struck the requirement to include a national cap in the Implementation Plan and instead required in new subsection (3)(b)(13) that NTIA, as part of the national strategy it must submit to Congress, propose "a maximum amount for a subsidy or funding award to provide broadband internet access to a single location, while allowing for the consideration of high cost areas, including high cost Tribal areas." [19]

However, even allowing for the consideration for high-cost and Tribal areas, a national cap on costs per location could disincentivize projects and potentially limit the quality of service to communities across the country, especially in rural and Tribal areas. If such a cap were instituted, it could leave rural and high-cost areas forced to choose less reliable alternatives to scalable, low-maintenance fiber optic networks.[20] Additionally, it is unclear if a national cap would consider the cost of service. For example, while low Earth orbit (LEO) satellite broadband may appear to be

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[15] S. 323, PLAN for Broadband Act, 119th Congress, 1st Session, 2025, https://www.congress.gov/bill/119th-congress/senate-bill/323.

[16] GAO report at 4–5.

[17] Ibid.

[18] S. 2238, PLAN for Broadband Act, 118th Congress, 2024, https://www.congress.gov/bill/118th-congress/senate-bill/2238.

[19] Cantwell—1 (modified), S. 323, PLAN for Broadband Act, 119th Congress, 1st Session, 2025, https://www.commerce.senate.gov/services/files/77BC7C16-67C6-4F43-8488-9B9AB8D83BEC.

[20] Carol Mattey, "Setting the Extremely High Cost Per Location for BEAD," *Medium*, December 31, 2023, https://medium.com/@CarolMattey/setting-the-extremely-high-cost-per-location-threshold-for-bead-07ebd3d9a912.

more cost-effective compared to fiber-based deployments,[21] LEO networks require that consumers purchase expensive customer premises equipment and require service plans that far exceed the national average.[22] And the satellites themselves have a 5-year lifetime, necessitating constant replacement.[23] A national cap would make it increasingly difficult for rural America to use Federal funds invest in fiber networks, including where State and local officials have determined fiber as meeting their communities' connectivity needs. Choosing fiber broadband is a generational investment that can also support upgrades to wireless infrastructure, improving cell service while leaving potential for additional expansion.[24] Ultimately, removal of any discussion of a national cap is needed to allow communities to determine for themselves the technology that best serves their needs.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new material is printed in italic, existing law in which no change is proposed is shown in roman):

# FAST ACT

* * * * * * *

# DIVISION D—MISCELLANEOUS

## TITLE XLI—FEDERAL PERMITTING IMPROVEMENT

[42 U.S.C. 4370m(6)(A)]

**SEC. 41001. DEFINITIONS.**

In this title:

(1) * * *
(2) * * *
(3) * * *
(4) * * *
(5) * * *
(6) COVERED PROJECT.—

(A) IN GENERAL.—The term "covered project" means any activity in the United States that requires authorization or environmental review by a Federal agency involv-

[21] Ellis Scherer, "State Satellite Programs Offer Lessons for U.S. Broadband Deployment," Information Technology & Innovation Foundation, February 10, 2025, https://itif.org/publications/2025/02/10/state-satellite-programs-offer-lessons-for-u-s-broadband-deployment/.

[22] Jessica Dine, "So You Want BEAD to Be Tech Neutral?," blog, *New America*, Open Technology Institute, March 21, 2025, https://www.newamerica.org/oti/blog/so-you-want-bead-to-be-tech-neutral/.

[23] "SpaceX's Approach to Space Sustainability and Safety: Operating Below 600 KM," SpaceX, February 22, 2022, https://www.spacex.com/updates/#sustainability.

[24] Deloitte Consulting LLP, *Communications Infrastructure Upgrade: The Need for Deep Fiber*, Deloitte Insights, July 2017, https://www.deloitte.com/content/dam/assets-zone3/us/en/docs/industries/technology-media-telecommunications/2024/us-tmt-5gready-the-need-for-deep-fiber-pov.pdf.

ing construction of infrastructure for renewable or conventional energy production, electricity transmission, surface transportation, aviation, ports and waterways, water resource projects, broadband, pipelines, manufacturing, semiconductors, artificial intelligence and machine learning, high-performance computing and advanced computer hardware and software, quantum information science and technology, data storage and data management, cybersecurity, carbon capture, energy storage, or any other sector as determined by a majority vote of the Council that—

(i)(I) is subject to NEPA;

(II) is likely to require a total investment of more than $200,000,000; and

(III) does not qualify for abbreviated authorization or environmental review processes under any applicable law;

(ii) is covered by a programmatic plan or environmental review developed for the primary purpose of facilitating development of carbon dioxide pipelines;

(iii) is—

(I) subject to NEPA;

(II) sponsored by an Indian Tribe (as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304)), an Alaska Native Corporation, a Native Hawaiian organization (as defined in section 6207 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7517)), the Department of Hawaiian Home Lands, or the Office of Hawaiian Affairs; and

(III) located on land owned or under the jurisdiction of the entity that sponsors the activity under subclause (II); **[**or**]**

*(iv)(I) is subject to NEPA;*

*(II) involves the construction of infrastructure for broadband; and*

*(III) is likely to require a total investment of more than $5,000,000; or*

**[**(iv)**]***(v)* is subject to NEPA and the size and complexity of which, in the opinion of the Council, make the project likely to benefit from enhanced oversight and coordination, including a project likely to require—

(I) authorization from or environmental review involving more than 2 Federal agencies; or

(II) the preparation of an environmental impact statement under NEPA.

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# MIDDLE CLASS TAX RELIEF AND JOB CREATION ACT OF 2012

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[47 U.S.C. 1455(b)(3); Public Law 112–96]

**SEC. 6409. WIRELESS FACILITIES DEPLOYMENT.**

(a) * * *

(b) FEDERAL EASEMENTS, RIGHTS-OF-WAY, AND LEASES.—

(1) * * *

(2) * * *

(3) TIMELY CONSIDERATION OF APPLICATIONS.—

(A) IN GENERAL.—Not later than 270 days after the date on which an executive agency receives a duly filed application for an easement, right-of-way, or lease under this subsection, the executive agency shall—

(i) grant or deny, on behalf of the Federal Government, the application; and

(ii) notify the applicant of the grant or denial.

(B) EXPLANATION OF DENIAL.—If an executive agency denies an application under subparagraph (A), the executive agency shall notify the applicant in writing, including a clear statement of the reasons for the denial.

(C) APPLICABILITY OF ENVIRONMENTAL LAWS.—Nothing in this paragraph shall be construed to relieve an executive agency of the requirements of division A of subtitle III of title 54, United States Code, or the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(D) POINT OF CONTACT.—Upon receiving an application under subparagraph (A), an executive agency shall designate one or more appropriate individuals within the executive agency to act as a point of contact with the applicant.

*(E) TRACKING AND IMPROVING PROCESSING TIMES.—*

*(i) DATA CONTROLS.—An executive agency shall develop controls to ensure that data is sufficiently accurate and complete to track the processing time for each application described in subparagraph (A).*

*(ii) REQUIREMENT TO ANALYZE, ADDRESS, AND REPORT ON DELAY FACTORS.—With respect to the factors that contribute to delays in processing applications described in subparagraph (A), an executive agency shall—*

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

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

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

*(aa) the Committee on Commerce, Science, and Transportation of the Senate;*

*(bb) the Committee on Energy and Natural Resources of the Senate;*

*(cc) the Committee on Energy and Commerce of the House of Representatives;*

*(dd) the Committee on Natural Resources of the House of Representatives; and*

*(ee) each committee of Congress with jurisdiction over the executive agency.*

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

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