

Congress of the United States
Washington, DC 20510

May 12, 2022

The Honorable Gina M. Raimondo
Secretary
U.S. Department of Commerce
1401 Constitution Avenue N.W.
Washington, DC 20230

Dear Secretary Raimondo:

Since 2020, the federal government has committed tens of billions of dollars across several federal agencies to facilitate broadband deployment. In addition to state programs that predated the pandemic, this includes programs at the Federal Communications Commission (FCC), the Department of Agriculture, the Department of the Treasury, the Department of Education, and the Department of Commerce's National Telecommunications and Information Administration (NTIA). Specifically, the Infrastructure Investment and Jobs Act (IIJA) included over \$40 billion dedicated to broadband deployment. To close the digital divide successfully and prevent taxpayer dollars from being wasted, these programs must be administered effectively and in concert to reach unserved areas without duplicating funding awards.

We are concerned by your recent statement suggesting that areas that have already received federal funding for broadband deployment could be eligible for additional funding from NTIA's Broadband Equity, Access, and Deployment (BEAD) program. At a Senate Appropriations Committee hearing on May 11, 2022, you told Senator Shelley Moore Capito that, for the purposes of the BEAD program, an area would be "counted as unserved until [it is] actually served." Under this approach, an area that will be served with existing federal funding commitments, but for which that project is not yet complete, would be considered "unserved" and thus eligible for funding through BEAD. This would allow BEAD money to be used to overbuild other federally subsidized projects. Not only would this approach undermine the success of this program, it would ignore congressional intent, waste taxpayer dollars, complicate already-strained broadband supply chains and workforce shortages, and leave rural America further behind. Moreover, it could cause NTIA to misallocate money among the states, given that the IIJA requires NTIA to distribute funding based on the number of unserved locations in a state.

It is possible for NTIA to consider previous funding commitments when distributing funds. Indeed, Congress has already directed the FCC to include data in its national broadband

map showing broadband projects that receive federal funding.¹ This data could help inform NTIA's decisions on how to distribute funds and avoid counting as unserved areas that already have funding commitments. We urge NTIA to review this data before allocating funds.

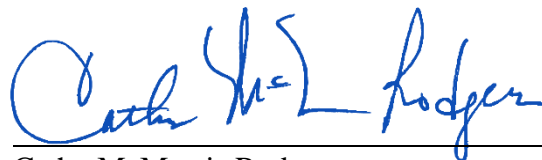
NTIA has a tremendous opportunity to close the digital divide. But that requires the careful use of funds to ensure they do not duplicate and undermine other federal efforts to expand broadband access to unserved areas. Therefore, we ask that you commit to recognizing as served those areas with existing broadband funding commitments for which a project is underway or about to break ground when determining whether an area is eligible for BEAD funding. We ask that you do so before the Notice of Funding Opportunity is released or by May 16, 2022, whichever is later.

Thank you for your attention to this important matter.

Sincerely,



Roger F. Wicker
Ranking Member
Committee on Commerce, Science
and Transportation
U.S. Senate



Cathy McMorris Rodgers
Ranking Member
Committee on Energy and Commerce
U.S. House of Representatives

¹ Infrastructure Investment and Jobs Act, P.L. 117-58 § 60105