Congress of the United States
House of Representatives
Washington, DC

March 26, 2025

The Honorable Howard Lutnick
Secretary
U.S. Department of Commerce
1401 Constitution Ave NW
Washington, D.C. 20230

RE: BEAD Deployment and Potential NTIA Guidance Alterations

Secretary Lutnick:

The Department of Commerce, under your leadership, has the opportunity to deliver on the promises of the United States federal government in a way that will bolster technological and economic competitiveness in new corridors and improve quality of life for Americans across the country. Red and blue areas; urban and rural; constituents from a variety of socio-economic backgrounds; will see benefits in education, job opportunities, healthcare, and more if we complete the network deployment funded by the Broadband Equity, Access, and Deployment (BEAD) program.

As you know, the "bargain" enshrined in the BEAD statute is that Congress made available a historically large federal investment for each of the 56 states and territories to craft a plan that best meets unique local needs for broadband. In short, BEAD is a state-led program.

To this point, much of the $42 billion appropriated to BEAD has not made it out the door. However, as of March 27, 22 states have closed their grant selection processes, and another 14 will do so in the next 30 days. In short, a significant majority of states are crossing the finish line and ready to put shovels in the ground. At the end of the previous administration, the National Telecommunications and Information Administration (NTIA) granted more flexibility to states for one purpose: to deploy networks faster.

As you are aware, Louisiana received its BEAD final approval from NTIA in January 2025 and has firm commitments from grantees to put shovels in the ground there by mid-April if given the green light today by the Department of Commerce. Its funds simply await the National Institute of Standards and Technology's (NIST) final ministerial approval of Louisiana's Final Proposal Funding Request, which is meant to be routine and contains no materially different information than its NTIA-approved Final Proposal.[1]

[1] *Even Though NTIA Approved Louisiana BEAD, Delay by NIST Keeps Shovels at Bay*, Broadband Breakfast (Feb. 26, 2025); *NIST Review of BEAD Funds Still Ongoing*, Broadband Breakfast (Mar. 11, 2025).

While we understand you have launched a review of the program, we urge you to consider the reality of where BEAD sits today and the consequences of retroactive mandates at this late stage. Despite predictions to the contrary, the so-called "pointless requirements"[2] have not deterred private industry participation in BEAD. As a matter of fact, private industry is participating in BEAD en masse across states, with completed or open subgrantee selection processes already resulting in highly competitive bids promising to bring new infrastructure to historically unserved rural areas. It would be highly detrimental to introduce new elements of uncertainty to a program that is primed for success in the near term.[3]

Republicans and Democrats at all levels have spoken out in recent weeks with a common plea—to not slow down BEAD. Issuing requirements to rewrite state proposals, mandates to redo application rounds, or forcing states to deploy less reliable technologies are sure to lead to multi-year delays at a minimum and leave Americans worse off in the long run.

A recent hearing in the Committee on Energy and Commerce Subcommittee on Communications and Technology explored the state of the BEAD program and showed broad consensus that speed and flexibility are of paramount importance for states and industry alike at this current juncture. Democrats and Republicans agree with state broadband offices, industry associations, carriers, and Americans writ large on the need to deploy fast and reliable broadband infrastructure to unserved and underserved communities as soon as possible.

If Louisiana or other states nearing the goal line face significant delays for any reason, to include superfluous statutory rewrites or disruptive NTIA alterations, internet service providers who have planned to execute on awards will continue to waste time and money sitting on unused supply, and construction crews will remain in limbo or move on to other projects altogether. These would be new, unnecessary obstacles to deploying the high-speed networks Americans need.

We urge you direct NTIA and other relevant agencies at the Department of Commerce to resume expeditiously moving the BEAD Program forward, including by allowing approved states to begin drawing down funds, approving states' Final Proposals that have been submitted, and granting certainty to the remaining states progressing through application rounds and challenge processes that they will retain the flexibility to stick to their plans and make funding decisions at the state level.

Sincerely,

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[2] U.S. Department of Commerce, *Statement from U.S. Secretary of Commerce Howard Lutnick on the BEAD Program* (Mar. 05, 2025) (press release).

[3] *States See Strong BEAD Participation as More Rounds Close*, Broadband Breakfast (Mar. 7. 2025).

Greg Landsman
Member of Congress

Troy A. Carter, Sr.
Member of Congress

Nanette Diaz Barragán
Member of Congress

Robin L. Kelly
Member of Congress

Yvette D. Clarke
Member of Congress

Raul Ruiz, M.D.
Member of Congress

Darren Soto
Member of Congress

Jennifer L. McClellan
Member of Congress

Doris Matsui
Member of Congress

Debbie Dingell
Member of Congress

Robert J. Menendez
Member of Congress

Kathy Castor
Member of Congress

CC:

Mr. Adam Cassady
Principal Deputy Assistant Secretary
National Telecommunications and Information Administration
U.S. Department of Commerce
1401 Constitution Ave. NW
Washington, D.C. 20230

Mr. Craig Burkhardt
Acting Director and Deputy Under Secretary for Standards and Technology
National Institute of Standards and Technology
U.S. Department of Commerce
100 Bureau Dr.
Gaithersburg, Maryland 20899