

Congress of the United States

Washington, DC 20515

July 22, 2025

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

Dear Secretary Lutnick:

We write to express our deep concerns with the Notice entitled *Broadband Equity, Access, and Deployment (BEAD) Program: BEAD Restructuring Policy Notice* (herein BRPN), published by the National Telecommunications and Information Administration (NTIA) on June 6, 2025. Despite your stated goals of removing burdensome requirements from the BEAD Program and ensuring American taxpayers receive the “benefit of the bargain,” the BRPN actually further complicates and delays the program for all stakeholders, violating congressional intent. Worst of all, American families and businesses will be left with inferior connectivity.

You have repeatedly mischaracterized the Biden Administration’s execution of the BEAD Program for political purposes and your disregard of congressional intent in creating the BEAD Program is clear in the policy choices made in the BRPN. As laid out in the bipartisan Infrastructure Investment and Jobs Act (IIJA), the BEAD Program is intended to achieve universal service by connecting the unserved and underserved to affordable, high-speed, reliable internet service once and for all. Instead, the BRPN proposes to needlessly steer tens of billions of federal dollars to less reliable technologies, impeding efforts to connect those who still do not have access to reliable, high-speed internet. In defiance of IIJA’s goal of universal service, the BRPN also seemingly allows states to exclude households that are too expensive to serve, rendering some communities, especially rural communities, as undeserving of broadband access.

Congress deliberately designed the BEAD Program to be delivered by the states and territories, reflecting a bipartisan consensus that federal efforts to achieve universal broadband deployment had failed due to a lack of understanding of local conditions. According to published reports, as of June 5, 2025, over 40 states and territories had partially or fully completed the process of selecting projects for deployment.¹ Despite your claims to the contrary, all states and territories reported high levels of participation and competition in their selection processes. States and territories selected projects that spanned various technologies, and a significant majority were awarded to 100 percent fiber optic networks.

Any objective assessment of the technologies available to provide broadband would conclude that fiber optic technology far exceeds any other in its capability to provide future-proof speeds and network capacity. In fact, it is the only technology that is consistent with the statutory definition of “priority broadband project,” which gives precedence to technologies that are the most reliable, scalable, and capable of meeting evolving connectivity needs.² Instead, the BRPN forces states and territories to award grants to the cheapest applicant—not the best applicant that can address the local conditions, especially of rural, unserved, and underserved communities. In the context of infrastructure deployment, cheap is often synonymous with unreliable, unsustainable, and low-quality builds.

To make matters worse, the BRPN violates explicit statutory language in other ways as well. The BRPN inexplicably contradicts Congress’ mandate for states and territories to determine the low-cost broadband service option (LCSO).³ According to the BRPN, states and territories are prohibited from doing so and only subgrantees themselves can propose a LCSO. Also, without justification, the BRPN rescinds approved uses of nondeployment funds. Congress

¹ See, e.g., National Telecommunications and Information Administration, *BEAD Progress Dashboard* (June 03, 2025) (<https://www.ntia.gov/funding-programs/internet-all/broadband-equity-access-and-deployment-bead-program/progress-dashboard>).

² Infrastructure Investment and Jobs Act of 2021, Pub. L. No. 117-58. § 60102(h).

³ Infrastructure Investment and Jobs Act of 2021, Pub. L. No. 117-58. § 60102(h)(5).

authorized \$42.45 billion to execute the purposes laid out in statute, which specifically allows states and territories to use funds from their allocated budget for non-deployment purposes, including broadband adoption.⁴ It is beyond your authority to change congressional appropriations and unless Congress amends the law, we expect you to carry out the law as statutorily mandated.

The Trump Administration is causing chaos and confusion amongst the states and territories who now have an impractical timeline to make the massive changes you have ordered. The 20-page BRPN is not reflective of a serious, rigorous review expected after 137 days. Forcing states to rewrite entire program criteria, add and remove broadband serviceable locations (BSLs) from broadband maps, and re-run subgrantee selection rounds in less than 90 days is an unfair and unrealistic expectation, especially given the fact that it took the Department 137 days to issue new guidance. Considering the handful of instances in the BRPN in which NTIA threatens to reject or overrule individual project level determinations made by a state if NTIA disagrees with its decision, the claim that NTIA will approve all 56 states and territories' proposals and subgrantee selections in a timely manner simply does not pass muster.

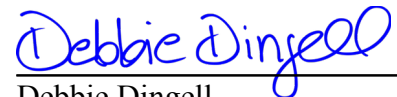
The BEAD Program you inherited on January 20, 2025, was on track to get shovels in the ground months ago to deliver reliable, high-speed internet to communities on the wrong side of the digital divide. Nothing about the BRPN simplifies the BEAD Program for state broadband offices or providers, and the changes you insist upon will only lead to indefinite delays and worse internet service for Americans. NTIA must stop its unlawful, destructive actions to delay BEAD and saddle American families and businesses, especially in rural and underserved areas, with costly and inferior connectivity.

If you have any questions concerning this inquiry, please contact Mary Huang at (202) 225-7163. Thank you for your attention to this matter.

Sincerely,



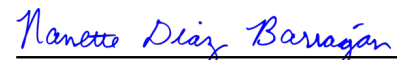
Doris O. Matsui
Member of Congress
Ranking Member,
Communications and Technology



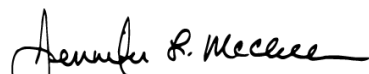
Debbie Dingell
Member of Congress



Troy A. Carter, Sr.
Member of Congress



Nanette Diaz Barragán
Member of Congress



Jennifer L. McClellan
Member of Congress



Robert J. Menendez
Member of Congress

⁴ Infrastructure Investment and Jobs Act of 2021, Pub. L. No. 117-58. § 60102(f).



Robin L. Kelly
Member of Congress



Yvette D. Clarke
Member of Congress



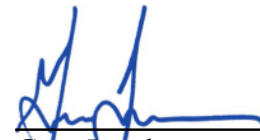
Raul Ruiz, M.D.
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Member of Congress



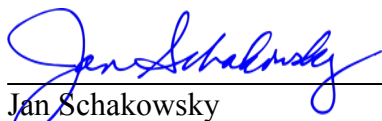
Greg Landsman
Member of Congress



Kathy Castor
Member of Congress



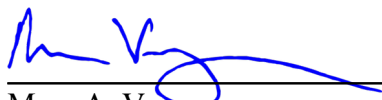
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