

Congress of the United States
Washington, DC 20510

December 22, 2021

The Honorable Evelyn Remaley
Acting Assistant Secretary of Commerce
for Communications and Information
National Telecommunications and
Information Administration
1401 Constitution Avenue, N.W.
Washington, DC 20230

Acting Assistant Secretary Remaley:

Throughout the COVID-19 pandemic, Americans have relied on their high-speed broadband connections more than ever to work, educate their children, access health care, and connect with loved ones. Unfortunately, these benefits remain out of reach for millions of Americans, particularly those living in rural and remote areas, who continue to lack access to broadband connections.

Through the Coronavirus Aid, Relief, and Economic Security (CARES) Act,¹ the Consolidated Appropriations Act of 2021 (the Act),² the American Rescue Plan Act (ARPA),³ and the Infrastructure Investment and Jobs Act,⁴ Congress provided billions of dollars for programs across federal agencies to bridge broadband connectivity gaps.

The National Telecommunications and Information Administration (NTIA) is one of the key agencies charged by Congress with administering broadband funding. Through these funding packages, NTIA received nearly \$1.5 billion to expand broadband access for unserved areas, Tribal lands, and minority communities, \$42.45 billion for broadband deployment, \$2.75 billion for “Digital Equity” grants, and \$1 billion for middle mile broadband infrastructure.

Additionally, NTIA was required to establish the Office of Internet Connectivity and Growth to track the construction, use of, and access to any broadband infrastructure built using federal support, and to coordinate broadband deployment funding programs among federal agencies. NTIA also received \$10 million to establish a Deployment Locations Map to track and coordinate these funding streams across the federal government. Given the billions of dollars concurrently being awarded for broadband infrastructure deployment by several agencies and the Commission, this Office is on the front line of preventing duplicative and wasteful subsidized overbuilding.

¹ P.L. 116-136 at 138 Stat. 281 et seq.

² P.L. 116-260

³ P.L. 117-2

⁴ P.L. 117-58

As you work to allocate grants pursuant to these laws, we urge you to prioritize funding for unserved communities that lack access to any broadband connection rather than funding duplicative or upgraded service in areas that already have broadband access. Moreover, these unserved communities should be identified based on accurate, granular data established by the Broadband DATA Act (BDA).⁵ While the Federal Communications Commission (FCC) is still in the process of implementing the BDA's requirements, we expect federal agencies, including NTIA, to rely on the FCC's forthcoming coverage maps to determine whether prospective projects are eligible for funding.

We also believe that a technology-neutral approach is crucial to ensuring that unserved communities gain broadband access as expeditiously and cost-effectively as possible. Attempts to favor a particular technology or type of provider would undermine broadband innovation and investment, while leaving unserved communities behind.

To gain a better understanding of your efforts to administer these funds, we request your response to the following questions no later than January 14, 2022:

1. What steps is NTIA currently taking to coordinate COVID-related broadband funding investments with those led by other federal agencies, including the FCC, the Department of Agriculture (USDA), the Department of the Treasury, and the Department of Education?
2. What steps is the NTIA taking to ensure that funding goes to unserved areas before areas that already have service?
3. What steps is the NTIA taking to avoid subsidized overbuilding of privately-owned networks, which has been shown to discourage broadband investment and exacerbate the digital divide?
4. How is the NTIA working to ensure that different technologies and providers are leveraged, so that the most remote areas get served expeditiously and cost-effectively?
5. What specific steps is the NTIA taking to track and report to the FCC and USDA the locations where the NTIA is funding broadband projects, pursuant to section 904(b)(3) of Division FF of the Consolidated Appropriations Act of 2021 and section 60102(b) of the Infrastructure Investment and Jobs Act?⁶
6. What steps is the NTIA taking to ensure funding awarded pursuant the competitive digital equity grant program established under section 60305(a) of the Infrastructure Investment and Jobs Act is not used for infrastructure that may duplicate other federal or state broadband infrastructure support programs?

⁵ "Broadband DATA Act," P.L. 116-130 at 47 U.S.C. 641 et seq.

⁶ Pub. L. No. 116-260, 134 Stat. 1182 (December 27, 2020).

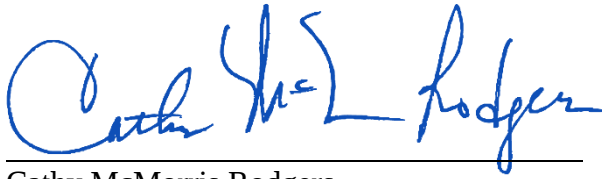
7. What steps is the NTIA taking to ensure funding awarded pursuant to the competitive digital equity grant program established under section 60305(a) of the Infrastructure Investment and Jobs Act does not duplicate broadband affordability support programs, such as the Affordable Broadband Benefit extended under section 60502(a)?
8. Under section 60102(d) of the Infrastructure Investment and Jobs Act, NTIA will have \$849 million available for administrative expenses. How does the agency intend to use these funds?
9. What steps is the statutorily mandated Office of Internet Connectivity and Growth taking to coordinate and track broadband funding across the federal government?

In addition, we request that you provide a detailed accounting of any Consolidated Appropriations Act of 2021 funds that you have awarded or allocated to support broadband connectivity. Specifically, we request the following information no later than January 14, 2022:

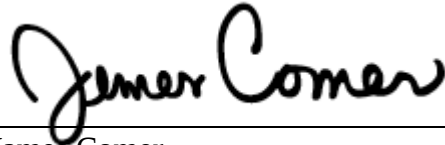
10. A list of all funding awards that have been awarded or allocated to support broadband connectivity and the amount of each award.
11. For each award that will be used to fund broadband deployment or buildout:
 - a. The geographic area and/or location(s) that the project will cover and the level of service (bandwidth and latency, if available) that will be provided to the covered area and/or location(s);
 - b. Whether an existing provider already offers broadband service in the covered geographic area and/or location(s); and
 - c. Whether funds have been awarded through other federal programs (such as the FCC's Universal Service Fund, Emergency Connectivity Fund, or COVID-19 Telehealth Program; the Department of the Treasury's Coronavirus Relief Fund, Coronavirus State and Local Fiscal Recovery Fund, or the Capital Projects Fund; the USDA's ReConnect or Distance Learning and Telemedicine grant programs; and the Department of Education's Education Stabilization Fund) to provide broadband service to the covered geographic area and/or location(s) and the amount of such funds.

Thank you for your assistance, and we look forward to your timely responses. If you have any questions, please contact Kate O'Connor at (202) 225-3641 or Lamar Echols at (202) 225-5074.

Sincerely,



Cathy McMorris Rodgers
Ranking Member
Committee on Energy and Commerce



James Comer
Ranking Member
Committee on Oversight and Reform



Kay Granger
Ranking Member
Committee on Appropriations

Cc: The Honorable Frank Pallone, Jr.
Chairman, Committee on Energy and Commerce

The Honorable Carolyn Maloney
Chair, Committee on Oversight and Reform

The Honorable Rosa DeLauro
Chair, Committee on Appropriations

The Honorable Shalanda Young
Acting Director, Office of Management and Budget