

United States Senate

WASHINGTON, DC 20510

June 25, 2025

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

Dear Secretary Lutnick:

We write to express our deep concern with the recent guidance the National Telecommunications and Information Administration (NTIA) issued regarding the Broadband Equity, Access, and Deployment (BEAD) program. This guidance will add needless delay to connecting millions of Americans to high-speed internet, while going against Congressional intent and betraying unconnected Americans in the process. Until states receive the entire amount of BEAD funds they are owed, including nondeployment funds, we will not consent to expedited consideration of any related Commerce Department nominees on the Senate floor.

Established under the Bipartisan Infrastructure Law, the BEAD Program was created with the express statutory intent to close the digital divide, with requirements for states to fund projects that bring high-speed, reliable broadband to 100 percent of states' unserved areas. Instead of establishing a nationwide, competitive grant program like the deeply-flawed Rural Digital Opportunity Fund, Congress created BEAD to allow states to decide how best to fulfill the goal of 100 percent connectivity and reach the hardest to serve locations in the nation.

With three states fully approved and ready to put shovels in the ground and 42 other states having completed or started the process of receiving project bids and selecting BEAD subgrantees, NTIA's new guidance upends years of work and threatens to delay the program at a critical point. States were on the eve of awarding grants and beginning buildout, and your decisions to rescind approvals will needlessly delay connecting rural America to essential services. Under this Administration's new guidance, states will be required to rewrite their plans, redraw their maps, reopen project bidding, and reselect subgrantees under entirely new selection criteria, a process that could delay connecting Americans many months or even years. Simply claiming states will be able to comply with NTIA's new requirements within 90 days does not make it true.

Moreover, this guidance injects unnecessary federal overreach in state plans, allowing D.C. bureaucrats to overrule state broadband offices' decisions on how best to serve their constituents. States are already working with significant limitations, facing high numbers of unserved locations, limited funding, and geographies that make it hard to build out and reach rural communities. States know how they can best serve their own communities. The United States is

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made up of vastly different geographies, climates, topographies, and environmental factors, and certain technologies have advantages and failures across those factors. What works in one state may not work in another, but that should be up to the states themselves to determine. Federal overreach is misaligned with explicit Congressional intent to have this be a state-led program. Your failure to allow states to decide how to best serve their communities is unacceptable and contrary to the law.

Additionally, this Administration's decision to create a non-statutory prioritization on the "cheapest" technology is a betrayal of states, Congress, and Americans who have waited for years to be connected to high-speed broadband. NTIA's new guidance is short-sighted, prioritizing the "cheapest" technology, rather than what Congress intended: scalable, reliable investments that will serve communities for decades to come. Congress did not intend for this program to sell rural Americans short and provide them with unreliable, intermittent service at speeds they may already have access to today.

Without high-speed, scalable broadband, advances in technology will increasingly consolidate in cities and suburbs, leaving behind rural areas. The failure to connect rural America will only serve to widen the digital divide and leave rural Americans further behind in the face of an increasingly digital world that relies on high bandwidth applications. Often the largest barrier to building industry and economic activity in rural communities is the lack of high-speed, reliable broadband.

With this in mind, we implore you to provide states with the maximum flexibility possible and ensure states receive the full amount of funding they are owed. Should you fail to do so, we will continue to block the expeditious advancement of all Commerce Department nominees overseeing broadband policy, along with any related nominees.

Thank you for your prompt attention to this urgent matter.

Sincerely,



Jacky Rosen
United States Senator



Lisa Blunt Rochester
United States Senator

United States Senate

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Michael F. Bennet
United States Senator



Gary C. Peters
United States Senator



Tina Smith
United States Senator



Tim Kaine
United States Senator



Jeanne Shaheen
United States Senator



Catherine Cortez Masto
United States Senator



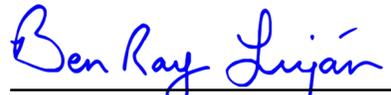
Kirsten Gillibrand
United States Senator



Tammy Baldwin
United States Senator



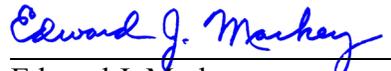
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Ben Ray Lujan
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