

United States Senate

WASHINGTON, DC 20510

December 16, 2025

The Honorable Arielle Roth
Assistant Secretary of Commerce for Communications and Information
National Telecommunications and Information Administration
U.S. Department of Commerce
1401 Constitution Avenue, NW
Washington, D.C. 20230

Dear Administrator Roth:

We write to request the agency's attention to a major question emerging within the BEAD Program. Under the latest BEAD Restructuring Policy Notice, many states likely will — or already do — have leftover BEAD allocations. Given the intent of Congress that these resources be used to expand broadband access nationwide, we respectfully seek clarity on how NTIA will ensure proper stewardship of non-deployment funds to close the digital divide.

Under the statutory framework established by Section 60102 of the Infrastructure Investment and Jobs Act (47 U.S.C. § 1702), BEAD funding was intended first and foremost to fund broadband expansion: deployment to unserved locations, then underserved areas and connection of eligible community anchor institutions, before consideration of a broader set of permissible “non-deployment” uses to facilitate goals of the program. Congress granted this authority, along with the authority to redistribute unallocated funding amongst eligible entities, to maximize broadband infrastructure buildout – and thereby boost the economic productivity that connectivity brings to every corner of our country.

The current status of non-deployment funding, however, appears unsettled. While NTIA's recent guidance stated that allowable non-deployment purposes were still under review, we were encouraged by your public comments on December 2, 2025, stating that the agency is “operating under the assumption that the states will get to use their BEAD savings,” though noting that “nothing has been finalized.”

Given these considerations, we respectfully request that NTIA provide:

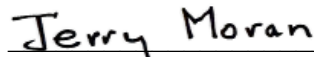
1. A public accounting of the BEAD funds for each state, including amounts already committed to deployment projects and amounts remaining unallocated or reserved for non-deployment uses;
2. Clarification of NTIA's current interpretation of allowable “non-deployment” uses in light of the June 2025 policy notice and consistent with authorized use of the funds under 47 U.S.C. § 1702 moving forward, and whether any previously approved non-deployment activities may remain eligible; and
3. A timetable for revised guidance on non-deployment funds, along with any criteria or conditions under which non-deployment programs will be permitted or prioritized.

In responding, we strongly urge NTIA to preserve states' ability to use their non-deployment BEAD funds consistent with congressional intent and the bipartisan infrastructure law. We look forward to your timely reply and to ensuring that every BEAD dollar is used to connect Americans for generations to come, as Congress intended.

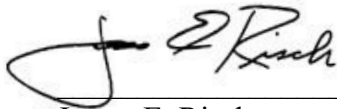
Sincerely,



Deb Fischer
United States Senator



Jerry Moran
United States Senator



James E. Risch
United States Senator



Mike Crapo
United States Senator



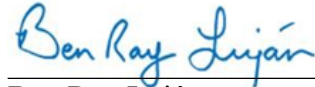
Dan Sullivan
United States Senator



Lisa Murkowski
United States Senator



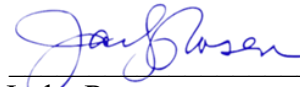
Lisa Blunt Rochester
United States Senator



Ben Ray Luján
United States Senator



Maria Cantwell
United States Senator



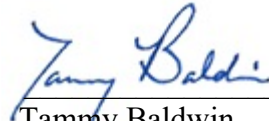
Jacky Rosen
United States Senator



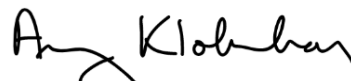
Jeanne Shaheen
United States Senator



Edward J. Markey
United States Senator



Tammy Baldwin
United States Senator



Amy Klobuchar
United States Senator