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Congress of the United States

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COMMITTEE ON ENERGY AND COMMERCE

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February 16, 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

Dear Acting Assistant Secretary Remaley:

We appreciate the work that the National Telecommunications and Information Administration (NTIA) is undertaking to quickly stand up the new grant programs established in the Consolidated Appropriations Act of 2021 that will help fund broadband deployment in rural, tribal, and other remote parts of the country that remain unserved. As NTIA builds on the Congress' recent bipartisan actions to close the digital divide, this endeavor is critical to helping enable more people in these unserved areas access the broadband connectivity they need to support jobs, telehealth, online learning, and other vital activities.

As NTIA prepares to announce the requirements and allowed uses of grant funding to implement this program consistent with the law, we want to underscore two related aspects of program administration that are crucial to ensure that infrastructure funding is targeted effectively to the communities and consumers that are most in need of broadband access.

First, any funding that will be used for broadband infrastructure deployment must be prioritized to areas with the greatest number of *unserved* households. According to the Federal Communications Commission's (FCC) 2020 Broadband Progress Report, only 77.7 percent of the population in rural areas and 72.3 percent of the population in tribal areas have access to fixed terrestrial broadband service at speeds of at least 25/3 Mbps.¹ It has long been a priority to ensure Federal funds for broadband infrastructure deployment are targeted to unserved locations. The new grant programs at NTIA – particularly the Broadband Infrastructure Program (Program) authorized in section 905(d) of the FY2021 Consolidated Appropriations Act – are intended to

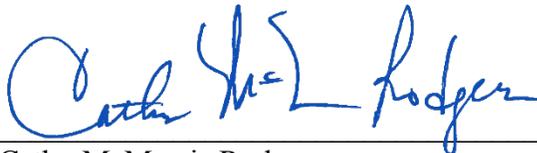
¹ See, 2020 Broadband Deployment Report, available at: <https://docs.fcc.gov/public/attachments/FCC-20-50A1.pdf>

help close these broadband gaps.² To have the greatest impact, NTIA should start with Program applications for areas that are unserved and where no provider has committed to deploy broadband pursuant to a Federal or state commitment. NTIA should also avoid awarding these limited funds to overbuild places that already have broadband service, either through private investment or other broadband funding programs.

Second, we request that NTIA incorporate a challenge process into the Program, noticed during the application invitation period³ and administered within the application approval period,⁴ to ensure that any broadband deployment funding is properly targeted to truly unserved areas. Challenge processes give broadband providers and other stakeholders a reasonable timeframe to provide the most up-to-date information about broadband availability in areas that could receive funding. This helps avoid overbuilding broadband in areas where broadband exists or where funding has been committed by other agencies or private companies. This procedure is routinely used by the FCC and other Federal and state broadband programs. It is especially important at this time when multiple agencies are already in the process of distributing significant broadband deployment funding, and because the FCC does not have updated, accurate broadband maps as Congress directed under the Broadband DATA Act. Given the expedited timeframe in which NTIA must implement this program to respond to the COVID-19 pandemic, public transparency before funds are awarded will help all interested stakeholders and Congress support NTIA's implementation of this critical program.

These two policies will make the most effective use of NTIA's broadband deployment funding and help to close the digital divide by connecting as many unserved Americans as possible. Thank you for your prompt attention to this important matter.

Sincerely,



Cathy McMorris Rodgers
Republican Leader
Committee on Energy and Commerce



Bob Latta
Republican Leader
Subcommittee on Communications and
Technology

CC: Kathy Smith, Chief Counsel
James Wasilewski, Director of Congressional Affairs/Deputy Chief of Staff

² P.L. 116-260, Sec. 905(d)(4)

³ P.L. 116-260, Sec. 905(e)(1).

⁴ P.L. 116-260, Sec. 905(e)(2)(b).