

**Congress of the United States**  
Washington, DC 20510

December 22, 2021

The Honorable Miguel Cardona  
Secretary  
U.S. Department of Education  
400 Maryland Avenue, S.W.  
Washington, DC 20202

Secretary Cardona:

Throughout the COVID-19 pandemic, American families have relied on their high-speed broadband connections more than ever, particularly to educate their children. While remote learning posed challenges for many of the nation's students, nowhere were these challenges felt more acutely than in homes without access to the Internet.

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

The Department of Education received over \$280 billion to distribute to state and local entities through the Education Stabilization Fund (ESF), some of which may be used to expand access to broadband connectivity in off-campus locations. Additionally, the Federal Communications Commission (FCC) received \$7.17 billion to establish an Emergency Connectivity Fund (ECF) to connect schools and students. These funds were appropriated in addition to existing funding programs dedicated to expanding broadband for educational purposes, such as the FCC's E-Rate program.

As you work with ESF grantees on their use of funds, we urge you to assist those entities seeking to fund broadband-related activities as they coordinate such activities with the FCC and the National Telecommunications and Information Administration (NTIA). To the extent these entities are seeking to use ESF funds for broadband deployment, we expect them to prioritize funding for unserved communities and to rely on the FCC's forthcoming coverage maps.

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<sup>1</sup> P.L. 116-136 at 138 Stat. 281 et seq.

<sup>2</sup> P.L. 116-260, Division M

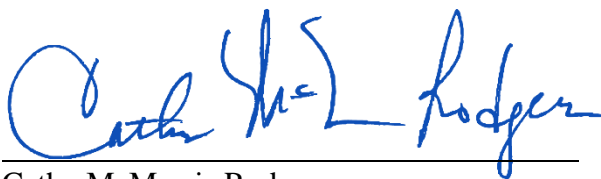
<sup>3</sup> P.L. 117-2

<sup>4</sup> P.L. 117-58

To gain a better understanding of how activities funded under ESF funding streams might interact with other efforts to expand broadband access and prevent wasteful spending, we request your response to the following questions no later than January 14, 2022:

1. What steps have you taken/are you taking to encourage ESF grantees that fund broadband-related activities to coordinate with other federal agencies?
2. What is the total amount of ESF grants that have been used to purchase broadband connectivity in support of remote learning?
3. What is the total amount of ESF grants used to purchase broadband-connected devices or equipment?
4. Are ESF grantees allowed to use funds to support broadband deployment or construction of new networks or facilities? If so, have you notified the FCC and NTIA to ensure those activities are coordinated with those agencies?
5. What steps have you taken/are you taking to ensure that grantees are not using ESF grant funding to duplicate or compete with broadband projects funded by other agencies, including the FCC, the Department of the Treasury, the Department of Agriculture, and the Department of Commerce?
6. What steps are you taking to ensure ESF grant funding is not used to subsidize overbuilding of privately-owned networks, which has been shown to discourage broadband investment and exacerbate the digital divide?

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.



Cathy McMorris Rodgers  
Ranking Member  
Committee on Energy and Commerce

Sincerely,



James Comer  
Ranking Member  
Committee on Oversight and Reform



Kay Granger  
Ranking Member  
Committee on Appropriations



Virginia Foxx  
Ranking Member  
Committee on Education and Labor

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 Bobby Scott  
Chairman, Committee on Education and Labor

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