

Congress of the United States
Washington, DC 20510

December 22, 2021

The Honorable Janet Yellen
Secretary
Department of the Treasury
1500 Pennsylvania Avenue, N.W.
Washington, DC 20220

Secretary Yellen:

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 Department of the Treasury is one of the agencies charged by Congress with administering broadband funding under the COVID-19 recovery packages. Pursuant to ARPA, your department is currently implementing the \$350 billion Coronavirus State and Local Fiscal Recovery Fund, as well as the \$10 billion Capital Projects Fund, which will provide pandemic-related aid to states, localities, territories and tribes, including for investment in broadband infrastructure. This funding is in addition to the \$150 billion Coronavirus Relief Fund that the Department of Treasury received under the CARES Act to provide COVID-related assistance to state, local, and Tribal governments, which could also be used for expanding broadband.

As you work to administer grants pursuant to these laws, we urge you to work with grantees to prioritize funding for unserved communities that lack access to any broadband connection before funding duplicative or upgraded service in areas that already have broadband access. Moreover, 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

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

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

federal agencies, including Treasury, 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 and rural 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 are you taking to coordinate Treasury's broadband funding investments with those led by other federal agencies, including the FCC, the Department of Commerce, the Department of Agriculture, and the Department of Education?
2. How will you ensure that Treasury funding is not invested in broadband projects that will compete with or undermine broadband projects funded by other agencies?
3. What steps are you taking to ensure that funding goes to unserved areas before networks in areas that already have service?
4. What steps are you taking to avoid subsidized overbuilding of privately-owned networks, which has been shown to discourage broadband investment and exacerbate the digital divide?
5. How are you working to ensure that different technologies and types of providers are leveraged, so that the most remote areas get served expeditiously and cost-effectively?
6. What steps are you taking to track and report to the National Telecommunications and Information Administration and the FCC the locations where Treasury is funding broadband projects through ARPA funds, pursuant to section 904(b)(3) of Division FF of the Consolidated Appropriations Act of 2021?⁶

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

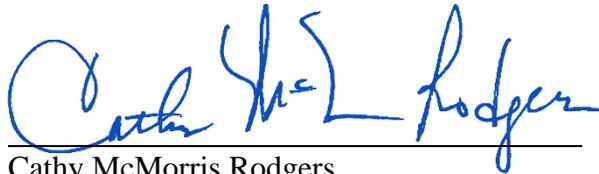
7. A list of all funding awards that have been awarded or allocated to support broadband connectivity and the amount of each award.
8. For each award allocated to fund broadband deployment or buildout:
 - a. The geographic area and/or location(s) that the project will cover and the level of service (bandwidth and latency, if available) that will be provided to the covered area and/or location(s);

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

- 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 USDA's ReConnect or Distance Learning and Telemedicine grant programs; the Department of Education's Education Stabilization Fund; and the Department of Commerce's Broadband Infrastructure Program or Tribal Broadband Connectivity Program) 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

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