

# Congress of the United States

Washington, DC 20515

August 25, 2025

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United States Secretary  
U.S. Department of Commerce  
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Washington, D.C. 20230

Arielle Roth  
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Secretary Lutnick and Assistant Secretary Roth:

We write to seek clarity regarding the Broadband Equity, Access, and Deployment (BEAD) Program: BEAD Restructuring Policy Notice (herein BRPN) published on June 6, 2025.<sup>1</sup>

As you know, the BEAD program represents a historic opportunity to bridge the digital divide in communities that have long been left behind. Created through the Infrastructure Investment and Jobs Act — a bipartisan effort in Congress — BEAD is designed to bring affordable, reliable broadband to every corner of the country. At its heart, the program puts trust in states and local communities, recognizing that they know best where these critical investments can make the greatest impact.

The BRPN requires States to restructure their applications to the BEAD program within less than three months. While the BRPN has severely impacted the work that States, communities, providers, and our constituents have already completed, States have begun preparing their applications to meet the approaching deadline. However, several critical aspects of the BRPN remain unresolved for BEAD applicants and require clarification from the Department of Commerce. Notably, it is unclear how nondeployment funds can be used. The BRPN stated that these details are forthcoming:

*Funding for allowable non-deployment purposes is under review and NTIA will issue updated guidance in the future. As of the date of this Policy Notice, NTIA rescinds approval of all nondeployment activities approved in Initial Proposals. NTIA will not reimburse Eligible Entities for any new costs associated with previously approved non-deployment activities incurred after the date of this Policy Notice. An Eligible Entity should consult with the NIST Grants Office and NTIA if the Eligible Entity believes that it is entitled to reimbursement for non-deployment activities or costs that were incurred prior to the publication of this Policy Notice. Final Proposals will only require detail on the use of BEAD funds for deployment projects.*<sup>2</sup>

Providing timely clarity to BEAD applicants is particularly urgent considering the upcoming September 4th deadline. States require clear and specific guidance to ensure remaining funds can

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<sup>1</sup> <https://www.ntia.gov/sites/default/files/2025-06/bead-restructuring-policy-notice.pdf>

<sup>2</sup> <https://www.ntia.gov/sites/default/files/2025-06/bead-restructuring-policy-notice.pdf>

be repurposed in accordance with BEAD statutory authority and the 2022 Notice of Funding Opportunity (NOFO) guidance.

The law is clear: BEAD funding is not limited to broadband infrastructure deployment. Federal statute explicitly authorizes its use for a broad range of nondeployment activities that are essential to achieving the goals of the program. Congress deliberately provided this flexibility to address the full scope of the digital divide, including affordability, accessibility, adoption, and digital readiness. Under 47 U.S. Code § 1702(f), eligible uses of BEAD funds include, but are not limited to:

- (2) connecting eligible community anchor institutions;
- (3) data collection, broadband mapping and planning;
- (4) installing internet and Wi-Fi infrastructure in multi-family buildings;
- (5) broadband adoption programs and affordable device distribution; and
- (6) “any use determined necessary by the Assistant Secretary to facilitate the goals of the Program.”<sup>3</sup>

Furthermore, the 2022 BEAD NOFO (Section III.C.1.iii) clearly outlines additional nondeployment uses that remain critical to achieving universal connectivity and digital equity. These include:

- User training in cybersecurity, privacy, and other digital safety topics;
- Support for remote learning and telehealth services or facilities;
- Digital literacy and upskilling programs, from beginner to advanced levels;
- Computer science, coding, and cybersecurity education initiatives;
- Implementation of State Digital Equity Plans (in addition to, but not duplicative of, Digital Equity Act Planning Grant funds);
- Broadband sign-up assistance and technical support;
- Multi-lingual outreach to support adoption and digital literacy;
- Prisoner education programs for digital literacy, online job searching, and career skills;
- Deployment of digital navigators;
- Direct broadband subscription subsidies where such efforts will improve affordability for the target population (without duplicating Affordable Connectivity Program subsidies);
- Stakeholder engagement activities, including travel, capacity-building, and contracted support services;
- Other allowable costs necessary to carry out the programmatic goals of the BEAD initiative.<sup>4</sup>

Broadband deployment is critical; however, its long-term success requires parallel investments in the foundational nondeployment activities that enable effective implementation and adoption. Workforce development and employment, digital safety education, support for remote learning and telehealth and the other nondeployment activities approved under the original NOFO are foundational to delivering secure, high-speed internet to our most underserved communities. Nondeployment investments don’t simply complement infrastructure but rather they strengthen

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<sup>3</sup> <https://www.law.cornell.edu/uscode/text/47/1702>

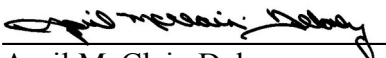
<sup>4</sup> <https://broadbandusa.ntia.gov/sites/default/files/2022-05/BEAD%20NOFO.pdf>

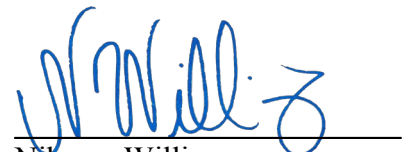
States' projects and holistic connectivity. Providing clear guidance about whether nondeployment activities are eligible uses of BEAD funding empowers States to make responsible, impactful decisions that advance the core objectives of the BEAD Program: digital equity, affordability, adoption, and access.


Given the broad statutory and administrative framework, we urge NTIA to issue formal clarification elucidating how States may use remaining BEAD funds for these nondeployment purposes in their new submissions.

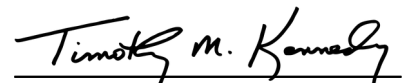
We appreciate your continued leadership and support in connecting all Americans to the opportunities of the digital economy. As States have been diligently developing their applications for years and the submission deadline is September 4th, we request a thorough response to this urgent inquiry by September 2, 2025.


Sincerely,


  
April McClain Delaney  
Member of Congress

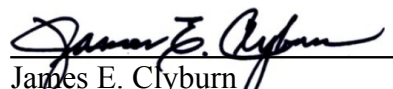
  
Nikema Williams  
Member of Congress

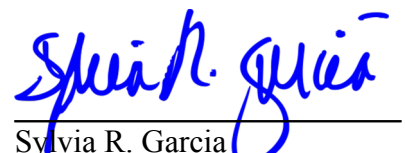
  
Rashida Tlaib  
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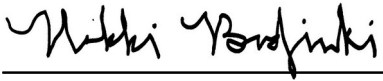
  
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