

ONE HUNDRED NINETEENTH CONGRESS
Congress of the United States
House of Representatives
COMMITTEE ON ENERGY AND COMMERCE
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WASHINGTON, DC 20515-6115

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Minority (202) 225-2927

March 10, 2026

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

Dear Administrator Roth:

On November 25, 2025, we wrote to express our deep concerns with the implementation of the Broadband Equity, Access, and Deployment (BEAD) Program under the Trump Administration's National Telecommunications and Information Administration (NTIA) and requested responses to a series of important oversight questions. To date, after more than three months, we have not received a response.

Congress established the BEAD Program on a bipartisan basis to ensure that every American household has access to fast, reliable, and affordable internet service. However, the actions taken by the Trump NTIA, including those outlined in the BEAD Restructuring Policy Notice and accompanying public statements, raise serious concerns that the program has been redirected in ways that undermine those statutory objectives and congressional intent.¹ Given the Trump Administration's track record of disregarding the law, we remain deeply concerned that NTIA's long-anticipated, yet now-delayed, guidance on states' use of their non-deployment funds will be inconsistent with the statutory language and intent of the Bipartisan Infrastructure Law.

In crafting the Bipartisan Infrastructure Law, Congress clearly identified eligible uses for each state's remaining BEAD funds beyond their deployment activities.² It goes without saying that the sum of the BEAD Program's non-deployment funds is much higher today than originally anticipated. That is the direct result of the Trump NTIA's shortsighted imposition of cheap, ephemeral, and less reliable broadband technologies onto states and communities that spent years

¹ National Telecommunications and Information Administration, *Broadband Equity, Access, and Deployment (BEAD) Program: BEAD Restructuring Policy Notice* (June 6, 2025); *NTIA Wants to Claim Leftover BEAD Funds as Taxpayer Savings*, StateScoop (Sept. 10, 2025); National Telecommunications and Information Administration, *Remarks as Prepared for Delivery of Assistant Secretary Arielle Roth at the Hudson Institute* (Oct. 28, 2025).

² Infrastructure Investment and Jobs Act of 2021, Pub. L. No. 117-58. § 60102(f).

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planning generational infrastructure investments using faster, more reliable, and longer-lasting broadband technologies.

Consequently, in planning for the use of the non-deployment funds, states will have to balance numerous priorities, such as addressing inevitable defaults, filling in widespread gaps in connectivity, and ensuring residents have the skills and means to get online. We remind you that Congress intentionally envisioned a broad range of acceptable uses of BEAD funds and provided states the flexibility on how best to use those funds because barriers to connectivity are different in every community. As a result, NTIA cannot prohibit or limit a state's use of the non-deployment funds, so long as that use is consistent with the broad parameters outlined in the Bipartisan Infrastructure Law.

We also remind you that executive orders issued by the President do not supersede federal law. They certainly do not empower NTIA to impound billions of dollars—in full or on a state-by-state basis—that Congress authorized and appropriated to achieve specific policy outcomes, including universal connectivity, affordability, scalable infrastructure, and broadband adoption. Any effort to restrict or withhold funds because a state or territory has adopted laws or regulations to protect against harms from artificial intelligence is blatantly unlawful and a clear impoundment of appropriated funds. NTIA should not risk tying up the BEAD Program in years of legal challenges and further delaying its already overdue implementation.

Given the importance of this program and the lack of response to our prior letter, we request that NTIA provide a briefing immediately to the Committee on how the Trump Administration intends to treat any remaining state program funds before issuing public guidance. We look forward to your timely response to this request and to our November 2025 letter. If you have any questions, please contact the Democratic Committee staff at (202) 225-2927.

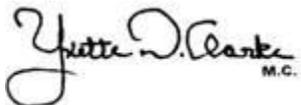
Sincerely,



Frank Pallone, Jr.
Ranking Member



Doris Matsui
Ranking Member
Subcommittee on Communications and
Technology



Yvette D. Clarke
Ranking Member
Subcommittee on Oversight and
Investigations