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November 13, 2026

Arielle Roth
Assistant Secretary of Commerce for Communications and Information
National Telecommunications and Information Administration
1401 Constitution Avenue, NW
Washington, D.C. 20230

Dear Assistant Secretary Roth,

Congratulations on completing the approval of all 56 state and territorial Broadband Equity, Access, and Deployment (BEAD) Program Final Proposals.[1] Your implementation of Secretary Lutnick's Benefit of the Bargain reforms, which is projected to save approximately $21 billion, is a prime example of how the government should operate programs and allocate taxpayer dollars responsibly. It appropriately refocused the program on its statutory purpose: supporting deployment to connect unserved locations with reliable, high-speed broadband. I appreciate NTIA's efforts to ensure that federal resources are used transparently, efficiently, and for their intended purpose.

Under President Biden's original Notice of Funding Opportunity in 2022[2], the BEAD Program authorized certain non-deployment activities ranging from digital equity plans to direct subsidies for use toward broadband subscriptions. I remain concerned that funds directed to non-deployment activities, without clear, auditable, location-specific deployment outcomes, can be extremely difficult to track and measure creating heightened opportunities for waste, fraud, abuse.

Recent federal enforcement actions alleging fraud in subsidized day care services[3], autism services[4], and hospice programs[5] illustrate the risks that arise when taxpayer-funded programs

[1] National Telecommunications and Information Administration. "Closing the Digital Divide Once and for All: NTIA Announces All 56 BEAD Final Proposals Now Approved." *U.S. Department of Commerce*, 25 Aug. 2026, https://www.ntia.gov/press-release/2026/closing-digital-divide-once-and-for-all-ntia-announces-all-56-bead-final-proposals-now-approved.
[2] National Telecommunications and Information Administration. *Notice of Funding Opportunity: Broadband Equity, Access, and Deployment Program*. U.S. Department of Commerce, 13 May 2022, https://broadbandusa.ntia.gov/sites/default/files/2022-05/BEAD%20NOFO.pdf
[3] Raiche, Ryan. "Minnesota Sent $67 Million to 9 Daycare Centers Raided by Federal Agents, Records Show." *KSTP 5 Eyewitness News*, 4 May 2026.
[4] United States Department of Justice, Office of Public Affairs. "Minnesota Health Care Fraud Takedown Results in Charges Against 15 Defendants for Over $90M in Fraud." *U.S. Department of Justice*, 21 May 2026. https://www.justice.gov/opa/pr/minnesota-health-care-fraud-takedown-results-charges-against-15-defendants-over-90m-fraud
[5] United States Attorney's Office, Central District of California. "8 Arrested in Health Care Fraud Takedown, Including Owners of Hospices That Billed Taxpayers Millions of Dollars to Serve the 'Dying.'" *U.S. Department of Justice*, 2 Apr. 2026. https://www.justice.gov/usao-cdca/pr/8-arrested-health-care-fraud-takedown-including-owners-hospices-billed-taxpayers

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lack clear objectives, strong performance standards, verifiable requirements, and strong oversight. If as much as $21 billion is directed to states for broadly defined "non-deployment" activities, there is no reliable way to determine what tangible, durable results those expenditures produce. Especially in light of the massive fraud rings that have been uncovered recently, federal funds must be tied to specific, auditable deliverables that directly advance the connection of unserved locations to broadband.

Unfortunately, the Infrastructure, Investment, and Jobs Act created and funded the BEAD Program utilizing emergency appropriations, blocking NTIA's ability to return any savings you have realized to taxpayers. After all eligible unserved locations have been identified and addressed, I urge you to support enacting the bill I led alongside Commerce, Science, and Technology Chairman Cruz, the RECAPTURE Act (S.3259), to rescind any funds utilized in states' Final Proposals and put those savings towards reducing our nation's $40 trillion debt.

According to USTELECOM, the Broadband Association, the United States broadband industry invested $92.6 billion last year alone[6] into strengthening our communications infrastructure and connecting more Americans to broadband. With such robust private sector investment, it is clear tax dollars for BEAD can be used more effectively elsewhere, or ideally returned.

Given this cannot be accomplished administratively, I appreciate your efforts to direct "BEAD savings toward newly identified unserved locations not previously included in the FCC's broadband map. Every Iowan needs access to affordable and reliable broadband in today's digital age.

States could complement BEAD-funded deployment if they were allowed to use excess funds to cover costs associated with implementing streamlined permitting processes, such as hiring additional temporary personnel, modernizing permitting systems, and "batch processing" of similar permit applications for BEAD projects. Some state and local permitting offices may not be fully prepared to handle the amount of upcoming BEAD permits, delaying projects and increasing costs. By some estimates[7], the almost 7,000 terrestrial BEAD-funded projects could require almost 90,000 distinct permits. Allowing states to mitigate these points of friction will reduce the delays that households in unserved and underserved areas will otherwise face before broadband service becomes available.

In NTIA's Supplemental Deployment Policy Notice, the notice states "some of the participating providers in those programs defaulted on their existing buildout and/or performance commitments". This is not a new problem, with providers defaulting on 36% of Rural Digital Opportunity Fund obligations.[8] I appreciate the work NTIA has done to prevent defaults in BEAD—including holding true to the statutory requirement to put up a 25 percent match and requiring companies to certify that they can stand on their bids and do not plan to come back and

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[6] USTelecom. "2025 Broadband Capex Report." *USTelecom: The Broadband Association*, 16 Sept. 2026, https://ustelecom.org/research/2025-broadband-capex/.

[7] Alex Karras and Michael Santorelli. "BEAD Broadband Builds Must Clear a Thicket of Overlapping Permits." Broadband Expanded, 5 Aug. 2026, https://broadbandexpanded.com/posts/beadpermitting.

[8] Garner, Drew, Janie Dunning, and Reid Sharkey. "New Dataset Reveals Impact of RDOF Defaults on Each State." *Benton Institute for Broadband & Society*, 18 Feb. 2025, https://www.benton.org/blog/new-dataset-reveals-impact-rdof-defaults-each-state.

request additional funding from the federal government. These provisions, as well as your process to backfill locations when providers do withdraw from the program, will ensure that BEAD gets the job done and closes broadband gaps once and for all.

I also appreciate the Supplemental Deployment Policy Notice's efforts to remove locations "subject to state enforceable commitments or other planned service". Federal dollars should not be going to build out infrastructure where states have already committed to doing the same thing!

Accordingly, I request responses to the following questions by December 9, 2026:

1. How will NTIA ensure awards made under the Supplemental Deployment Policy Notice prevent overbuilding and prioritize connecting truly unserved locations?

2. How is NTIA coordinating with other relevant federal agencies and states to ensure BEAD awards under the BEAD Supplemental Deployment Policy Notice do not overlap with existing awards from other programs and grants?

3. What steps is NTIA taking to ensure supplemental funding is awarded cost-effectively, prevent excessive per-location deployment costs, and maximize the number of unserved locations connected with available federal resources?

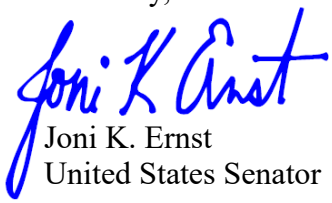
4. Will providers who have defaulted on previous obligations to states or the federal government receive additional scrutiny if they participate in the new round of funding?

5. What steps is NTIA taking to address permitting delays and other regulatory barriers that could increase deployment costs or prevent providers from fulfilling their commitments? What flexibility exists under the BEAD Program to allow states to use available funding to streamline permitting processes and accelerate broadband deployment?

6. Do you have recommendations for Congress to address any deficiencies in the maps to ensure all unserved locations are reflected in the Broadband Serviceable Location Fabric?

Thank you for your attention to this important matter, and for your NTIA's continued work to ensure BEAD funding reaches truly unserved Americans, protects taxpayers, and supports efficient deployment of reliable broadband infrastructure. If you have any questions, please do not hesitate to contact my office at (202) 224-3254.

Sincerely,



Joni K. Ernst
United States Senator