



August 5, 2021

The Honorable Janet Yellen
Secretary of the Treasury
1500 Pennsylvania Avenue, NW
Washington, DC 20220

Dear Secretary Yellen:

We are grateful for the Administration's work to pass and implement the vitally needed American Rescue Plan (ARP) and to you and your team at the Treasury Department for your efforts to support state and local elected officials across the country in maximizing the impact of the Coronavirus State and Local Fiscal Recovery Funds. We appreciate that the Treasury has made it a priority to seek feedback on the Interim Final Rule for use of these funds to help ensure that they are used efficiently and effectively.

As co-chairs of the NewDEAL Forum's Broadband Task Force, we applaud the specific recognition of broadband-related projects as eligible for investment with these funds amid a pandemic that has underscored and exacerbated the digital divide that leaves so many Americans behind in our modern economy. [The NewDEAL Forum](#) is a non-profit organization which identifies and promotes innovative, future-oriented state and local pro-growth progressive policies that can improve the lives of all Americans. Its [Broadband Task Force](#), which brings together state and local officials with policy experts and private sector leaders, was created to identify major obstacles limiting access to high-speed internet, develop state and local solutions, and advocate for a strong federal-state-local partnership.

We have heard repeatedly from Task Force participants and from our constituents across urban, suburban, and rural communities about the serious challenges caused by the digital divide and we are excited by the potential of the ARP to allow us and our colleagues throughout the country to make investments that address the many barriers to high-speed internet access. Even in "normal" times, students and workers without high-speed internet suffer from a huge disadvantage, and this disadvantage is disproportionately felt among historically marginalized groups. Students are unable to participate in school fully or, in some cases during the pandemic, at all, and families lack access to telehealth appointments and job opportunities.

One crucial part of solving this challenge is to build the necessary infrastructure for the many communities where no options exist for accessing a high-speed connection. However, as our friends at EducationSuperHighway emphasized in [their comments on the Interim Final Rule](#), two thirds of households without broadband, "which are located in urban, suburban, small town and rural areas, are unconnected because they cannot afford an available Internet access connection."

We are concerned that the interim rule, as initially drafted, limits the use of funds on broadband to investment in areas that lack access to a wireline connection capable of reliably delivering at least minimum speeds of 25 Mbps download and 3 Mbps upload. This would seem to prevent state and local governments from pursuing solutions for millions of Americans in communities that technically have access to broadband infrastructure but where people are not online due to affordability or other barriers.



In addition, we know, and the Administration has acknowledged, that 25/3 speeds are not adequate for our rapidly changing economy. The definition of broadband should go beyond 25/3, with the ultimate goal being to provide 100/100 speeds.

As we work to tackle the idea of getting everyone connected, we have to walk and chew gum at the same time – we both have to build out the physical connections and also ensure that we’re keeping our eye on the ultimate ball of getting people online. It does not matter if you move into a residence that is fully wired-up for fiber if you can’t afford to turn it on and use it.

That is why we support the following recommendations regarding questions 25 and 26 of the Interim Final Rule, as proposed by EducationSuperHighway and allied organizations:

1. The Treasury’s Final Rule should remove the 25/3 Mbps limitation on broadband projects and not set a speed threshold for determining where states and municipalities may invest.
2. The Treasury’s Final Rule needs to acknowledge the affordability aspects of the digital divide and provide maximum latitude on how states and municipalities can leverage funds and support their communities.

Thank you for your consideration of this urgently needed improvement to the Interim Final Rule. We are excited to work with the Administration on the implementation of the ARP and to take full advantage of the unique opportunity created by the Administration’s leadership to expand high-speed internet access across the country. Please reach out to NewDEAL Forum Vice President Jonathon Dworkin at jonathon@newdealleaders.org, or to us any time we can be of service, and we look forward to continuing to work with you to advance this crucial mission.

Garlin Gilchrist, II
Lieutenant Governor, Michigan

Sam Liccardo
Mayor, San José, California

Lorraine Ausley
State Senator, Florida