

July 31, 2025

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, D.C. 20230

Dear Ms. Roth:

Now that you have been confirmed as Administrator of the National Telecommunications and Information Administration (NTIA), I urge you to fulfill your commitments to Congress that you will "follow the law," "act impartially," and "deliver the best broadband service possible for all Americans."¹

This responsibility includes fully implementing programs authorized and funded by Congress under the Bipartisan Infrastructure and Investment and Jobs Act (IIJA), specifically the Digital Equity Act and the Broadband Equity, Access, and Deployment (BEAD) Program. Your first act as Administrator should be to immediately restore the suspended digital equity grants and swiftly approve and release BEAD funding to states like New Mexico.

The Digital Equity Act represents a Congressionally mandated \$2.75 billion investment to advance digital inclusion for historically underserved populations across this country. New Mexico, a state with deep rural divides, Tribal lands, and persistent poverty, was awarded more than \$8 million to launch programs such as digital navigators, workforce development, and cybersecurity training. These funds were designed to reach nearly two million residents who still face significant barriers that prevent them from fully participating in the digital world.

As you noted, "[m]aking sure Americans have the resources and skills they need to participate in the digital economy was part of the IIJA and I will follow the law."² You also stated that once confirmed you would "commit to implementing NTIA's statutory requirements, including with

¹ See Arielle Roth, Democratic Questions for the Record, Senate Committee on Commerce, Science and Transportation, March 27, 2025. <https://www.commerce.senate.gov/services/files/6AB68173-C593-4D55-99F0-944961C9E15D> (Roth QFRs).

² *Id.*

respect to the Digital Equity Act.”³ Distribution of these digital equity funds is not a discretionary choice, it is a statutory obligation. You must uphold your commitment to follow the law by immediately reinstating and resuming the disbursement of funds awarded under the Digital Equity Act.

Congress also created the \$42.45 billion BEAD Program to finish the job of connecting nearly 25 million Americans that continue to wait for affordable, high-speed, reliable internet service. The BEAD program is our once-in-a-century opportunity to finish closing the digital divide and states have already invested years in developing implementation plans tailored to local needs, technical realities, and the bipartisan intent of Congress.

As NTIA Administrator you must uphold the statutory flexibility given to the states. This includes:

- (a) No new delays. The BEAD Restructuring Policy Notice⁴ should not be used to further delay approvals or revisit established allocations—such as the over \$675 million allocated to New Mexico.
- (b) A meaningful low-cost service option. Internet service providers that win BEAD funding must offer a low-cost service option that is affordable and high-speed,⁵ not just a box checking exercise.
- (c) Deference for local expertise. States are best suited to determine what technology is appropriate for their terrain and therefore must be afforded deference on priority project determinations, so long as they meet the speed, latency and scalability requirements of IIJA.

Failing to adhere to these statutory requirements and current approval timeline risks setting broadband deployment back by years.

Moreover, Congress also explicitly authorized states to use BEAD funding for a variety of uses beyond deployment. These uses include data collection, broadband mapping, planning, installation of Internet connections within multifamily residential buildings where low-income residents live, broadband adoption efforts, including programs to provide affordable internet-

³ *Id.*

⁴ BEAD Restructuring Policy Notice, June 6, 2025, <https://www.ntia.gov/sites/default/files/2025-06/bead-restructuring-policy-notice.pdf>

⁵ See NTIA Frequently Asked Questions and Answers Version 12, Broadband Equity, Access, and Deployment, Item 3.29, (the low-cost option should be “an offering with a lower rate, or additional benefits, compared to what the subgrantee is currently offering to all potential subscribers. As required by IIJA and the NOFO, the LCSO must offer speeds of at least 100/20 Mbps and latency performance of no more than 100 milliseconds.”) https://broadbandusa.ntia.gov/sites/default/files/2025-07/BEAD_FAQs_v12_7182025.pdf

capable devices, and other uses as determined by the Assistant Secretary. It is important to follow the law and release non-deployment guidance as soon as possible.

I request that you respond to these questions by August 15, 2025.

1. The IIJA included \$2.75 billion to support three grant programs under the Digital Equity Act to equip individuals and communities with the skills and tools needed for full participation in all aspects of society. Earlier this year, the states' Capacity Grants were wrongfully terminated as were the Competitive Grant grantees and the others recommended for an award. In accordance with the law, when will you reinstate the grant programs under the Digital Equity Act? Please provide a specific date.
2. States would already have shovels in the ground if not for the delays this administration introduced with the initial 90 day extension and subsequent June 6th Public Notice. Will you commit to no further delays and approve States' BEAD Plans within 90 days of submission?
3. Congress authorized BEAD funds for non-deployment uses, including affordability and adoption. Further guidance from NTIA should not hinder states' ability to exercise discretion granted by statute to use funds for non-deployment. When will you release the updated guidance for these uses? Please provide a specific date.

We share the goals of connecting every American to broadband and ensuring that broadband is affordable to low-income Americans.⁶ Congressionally appropriated funds for the Digital Equity Act and the BEAD program are not optional – they are essential. They represent not only a historic investment in our infrastructure, but a statutory obligation to the people of New Mexico and every unserved and underserved community across this country.

I look forward to your response.

Respectfully,



Ben Ray Luján
United States Senator

⁶ See Roth QFRs, “Connecting every American to broadband expeditiously is my top priority” and “I support ensuring that broadband is affordable for low-income Americans.”