

December 19, 2025

The Honorable Howard Lutnick
Secretary
U.S. Department of Commerce
Herbert C. Hoover Building
1401 Constitution Ave. NW, Washington, DC
20230

The Honorable Arielle Roth
Administrator
National Telecommunications and
Information Administration
Herbert C. Hoover Building
1401 Constitution Ave. NW, Washington, DC
20230

Dear Secretary Lutnick and Administrator Roth,

As members of the New York congressional delegation, we write to strongly urge you to maintain congressional intent of the Broadband Equity Access and Deployment (BEAD) program and allow New York to retain and use BEAD non-deployment funds for broadband adoption. These funds are critical to ensuring New York communities have the support they need to fully participate in an increasingly digital society, and if the National Telecommunications and Information Administration (NTIA) restricts or reclaims these funds, New York stands to lose at least \$273.52 million in funding to support broadband deployment activities.¹

Congress was clear: BEAD funding is not limited to broadband infrastructure deployment. Federal statute explicitly authorizes funds for a broad range of non-deployment activities, including accessibility, affordability, and digital readiness. Additionally, the NTIA's May 2022 original guidance outlines acceptable non-deployment uses critical to digital inclusion and universal connection, including telehealth services, remote learning, digital literacy, direct broadband subscription subsidies, and cybersecurity education initiatives.² The NTIA's BEAD Restructuring Policy Notice in June 2025, however, strays from congressional intent by rescinding approval of all non-deployment activities approved in Initial Proposals, stating that they would "issue updated guidance in the future" to clarify allowable non-deployment purposes.³ As of today, the NTIA has still not issued guidance on how states may use non-deployment funds, nor have they clarified if states will be able to retain these funds after broadband deployment investments.

¹ "BEAD Tracker," Connect Nation, accessed November 2025, <https://app.powerbi.com/view?r=eyJrIjoiMTMyZmRhNzMtNWY5NC00OTlmLTgxNjEtZjA1OTFhZjE2IiwidCI6IjVhMjNkMTNlLTBhM2UtNDI5MS04ZDMzLTM5N2Y2YTEwZjEwYiJ9>.

² "Notice of Funding Opportunity, Broadband Equity, Access, and Deployment Program," National Telecommunications and Information Administration, Department of Commerce, issued May 12, 2022, <https://broadbandusa.ntia.gov/sites/default/files/2022-05/BEAD%20NOFO.pdf>.

³ "Broadband Equity, Access, and Deployment (BEAD) Program: BEAD Restructuring Policy Notice," National Telecommunications and Information Administration, Department of Commerce, June 6, 2025, <https://www.ntia.gov/sites/default/files/2025-06/bead-restructuring-policy-notice.pdf>.

Broadband connectivity is a critical determinant of economic independence in modern society. Across New York, gaps in broadband availability, device ownership, and digital literacy continue to leave countless New Yorkers on the wrong side of the digital divide. Approximately 1.83 million New Yorkers don't have broadband internet subscriptions in their homes.⁴ According to the New York State Public Service Commission, there are approximately 5,283 underserved wireless access points (WAPs) and 135,195 unserved WAPs across all 62 counties in New York in 2025.⁵ Western and Southern New York have the two largest shares of households without broadband subscriptions (14.6 percent and 13.8 percent of households, respectively), while New York City has the third highest number of unconnected households (11.8 percent).⁶ Data also shows that low-income households face the largest disparities due to barriers in affordability, with take up rates falling to just 72.4 percent for households with annual incomes below \$35,000.⁷

New York's BEAD proposal will bolster broadband infrastructure across the state and reach nearly 54,000 unserved and underserved communities.⁸ However, high-speed internet availability alone does not guarantee meaningful connectivity or participation in the digital economy. Broadband deployment can only deliver benefits to those who can connect to it, afford it, and know how to use it. While investments in broadband deployment may address the physical availability of internet service, there are still barriers in affordability, digital literacy, and device access that prevent millions of New Yorkers from making use of broadband infrastructure.

To fully ensure that all New Yorkers can participate in an increasingly digital era, they not only need access to broadband, but also access to affordable broadband, internet-enabled devices, and digital literacy programming to maximize internet connectivity. Broadband adoption projects play a crucial role in ensuring full participation in the digital economy by expanding access to affordable broadband internet services, digital literacy training, internet-enabled devices, and quality technical support.⁹ This is necessary because long-term American economic competitiveness relies on a digitally connected and skilled workforce.

With the loss of dedicated funding for digital inclusion and broadband adoption projects earlier this year, BEAD non-deployment funds are even more critical than ever for New Yorkers to have the tools, skills, and support they need to make use of broadband. BEAD non-deployment funds would benefit many more households than the one percent of households eligible for deployment

⁴ Russell Weaver, "Toward Digital Equity: New York State's Recent Progress On, and Remaining Barriers to, Universal Broadband Internet Access," Cornell University ILR Buffalo Co-Lab, May 2024, https://drive.google.com/file/d/1hh-WCbUG9vihhLP7_P3-boqLPvdv_zgW/view.

⁵ "2025 Report on the Availability, Reliability, and Cost of High-Speed Broadband Services in New York State," State of New York Public Service Commission, June 2025, [2025-NYS-Broadband-Report.pdf](https://www.psc.state.ny.us/2025-NYS-Broadband-Report.pdf).

⁶ Weaver, "Toward Digital Equity."

⁷ Weaver, "Toward Digital Equity"

⁸ Brander Group, "New York Broadband Awards Set to Close Digital Divide," September 13, 2025, <https://brandergroup.net/2025/09/new-york-governor-unveils-636-million-broadband-expansion/>.

⁹ Caroline Stratton, "Three Questions About BEAD Non-Deployment Funding," Benton Institute for Broadband and Society, June 24, 2025, <https://www.benton.org/blog/three-questions-about-bead-non-deployment-funding>.

funds and would help close the digital access divide for K-12 students, veterans, aging adults, rural communities, and families across New York state. Specifically, New York would be able to invest in increasing broadband affordability, expanding device distribution, and providing digital literacy programming. Residents in affordable housing units would have access to high-speed reliable internet. Veterans, aging adults, and people with disabilities would be able to not only afford internet-enabled devices at home, but they'd also have access specialized assistive devices to more effectively use the internet. New Yorkers looking to join the workforce would be able to participate in digital literacy-building job training programs to develop the skills needed to become marketable for employers.

BEAD non-deployment funds are meant to complement BEAD's universal connectivity goals and work in coordination with BEAD deployment projects to ensure that every person can participate in a digital society. If the NTIA unlawfully withholds these funds, broadband infrastructure investments risk creating a two-tiered system where broadband availability exists but remains out of reach for those who need it most.

Every New Yorker deserves affordable, high-speed internet, regardless of where they live. Workforce development, employment, digital safety education, support for remote learning, telehealth, and the other non-deployment activities approved under the NTIA's original 2022 guidance are foundational to delivering high-speed reliable internet to New York's most underserved communities.

We urge you to preserve the flexibility states retained prior to the issuance of the NTIA's June 2025 restructuring notice and allow states to use BEAD non-deployment funds for digital inclusion efforts.

We appreciate your attention to this urgent matter and respectfully request a response by January 15, 2026.

Sincerely,



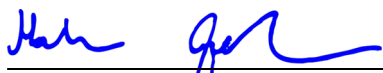
Kirsten Gillibrand
United States Senator



Grace Meng
Member of Congress



Charles E. Schumer
United States Senator



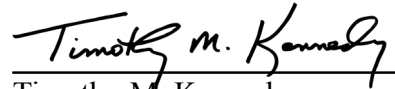
Hakeem Jeffries
Member of Congress



Dan Goldman
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Timothy M. Kennedy
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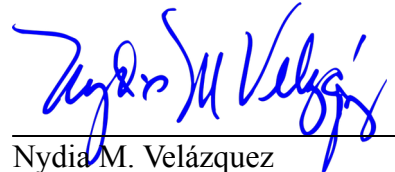
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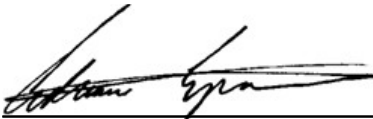
Nydia M. Velázquez
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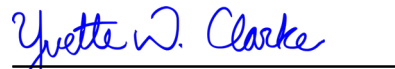
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