



THE UNITED STATES  
CONFERENCE OF MAYORS



July 22, 2021

The Honorable Charles E. Schumer  
Majority Leader  
United States Senate  
Washington, DC 20510

The Honorable Nancy Pelosi  
Speaker  
U.S. House of Representatives  
Washington, DC 20515

The Honorable Mitch McConnell  
Republican Leader  
United States Senate  
Washington, DC 20510

The Honorable Kevin McCarthy  
Republican Leader  
U.S. House of Representatives  
Washington, DC 20515

Dear Majority Leader Schumer, Minority Leader McConnell, Speaker Pelosi, and Minority Leader McCarthy:

On behalf of the nation's local leaders, we appreciate your ongoing work to pass a historic bipartisan infrastructure package. As our nation's counties, cities, towns and villages recover and rebuild from the COVID-19 pandemic, we stand ready to partner with federal leaders on this investment in the future of our infrastructure.

A key element of investment in this future is closing the digital divide. Businesses and residents need ubiquitous, affordable, future-proof broadband infrastructure to compete on a global scale. No one is more aware of the extent of this need than local leaders, who have prioritized connecting their residents before and throughout the pandemic emergency and continue to invest in connectivity locally. However, we need a strong local-federal partnership to fully close the digital divide.

We ask that Congress prioritize these principles as a final infrastructure package is negotiated:

- **Ensure that local governments can apply directly to the federal government for funding:** Funding for broadband should not be allocated only to states. Local governments should have the opportunity to compete directly for federal funding regardless of whether a state submitted a funding application. Local governments can often allocate funds to their unserved and underserved communities more immediately and successfully without going through state-level governments. Further, local governments have the responsibility of managing their roads, streets and other local infrastructure. Therefore, it is incongruous for states to have sole responsibility for allocating broadband funding in this proposal when the responsibility for managing the infrastructure needed for broadband deployment falls to local governments. Even in cases where local governments are not the grantee, there

should be strong requirements for coordination and consultation with affected local governments.

- **Increase the 25/3 speed bar, emphasizing upload speeds:** The current 25/3 capacity level is insufficient to ensure all family members can participate simultaneously in online learning and working. Symmetrical download and upload speeds of at least 100/100 Mbps, including incentives for scalability up to 1 Gbps, would be more effective in meeting families' needs now and into the future. Projects that emphasize scalability with increasing speeds overtime should be prioritized for funding. What was a sufficient speed five years ago is not sufficient today.
- **Prioritize affordability:** Affordability must be considered in determining what areas are served, unserved and underserved. Speed is important, but not at any cost. Any entity that receives federal funding must provide an affordable service tier while also attempting to deliver 21<sup>st</sup>-century speeds.
- **Eliminate limits on local permitting requirements:** There should not be any additional limitations on local governments' ability to manage the public rights-of-way or to require fair and reasonable compensation from providers, on a competitively neutral and nondiscriminatory basis, for the use of public rights-of-way on a nondiscriminatory basis, if the compensation required is publicly disclosed by such government. This local authority is protected in numerous provisions of the Communications Act, and an exception for the projects funded through this legislation would lead to disparate treatment of equivalent networks and services.
- **Ensure that funds can also be used for last mile, in addition to locally owned middle-mile infrastructure, especially for urban communities that have historically been left behind:** This includes funding for equitable access to and administration of affordable and sustainable connectivity, suitable devices, and digital literacy training. Funds are also critical to help staff and administer the program. Funding should be tied to clear metrics.
- **Include the provisions of the Community Broadband Act:** State laws that inhibit, condition or preempt municipal broadband projects remove what may be the best opportunity to ensure unserved and high-cost areas have access to affordable and reliable broadband services. Federal funding to close the digital divide will not go as far as it should if states retain these laws.
- **Provide additional funding for the Emergency Connectivity Fund (ECF) and Emergency Broadband Benefit (EBB) Programs:** Additional support for the Emergency Broadband Fund (EBB) and Emergency Connectivity Fund (ECF) programs are essential to ensure that all Americans have access to affordable, robust and equitable broadband service. Flexibility will be key in order to consistently meet the changing technological landscape. Further, we urge you to broaden the scope of the ECF program to authorize local governments to become "Billed Entities," which will lead to the better coordination of delivering services by all agencies of a government.

If you have any questions, please do not hesitate to contact us: USCM Chief of Staff Ed Somers at 202-744-9223 / esomers@usmayors.org; NLC Senior Executive and Director of Federal Advocacy Irma Esparza Diggs at 202-626-3176 / diggs@nlc.org; NATOA General Counsel Nancy Werner at 703.519.8035 / nwerner@natoa.org or NACo Director of Government Affairs Mark Ritacco at 202-942-4286 / mritacco@naco.org.

Sincerely,



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The U.S. Conference of Mayors



Nancy Werner  
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Cc: United States Senate  
United States House of Representatives