

Congress of the United States
Washington, DC 20510

December 22, 2021

The Honorable Tom Vilsack
Secretary
U.S. Department of Agriculture
1400 Independence Avenue, S.W.
Washington, DC 20250

Xochitl Torres Small
Under Secretary of Agriculture for Rural
Development
U.S. Department of Agriculture
1400 Independence Avenue, S.W.
Washington, DC 20250

Secretary Vilsack and Under Secretary Torres Small:

Throughout the COVID-19 pandemic, Americans have relied on their high-speed broadband connections more than ever to work, educate their children, access health care, and connect with loved ones. Unfortunately, these benefits remain out of reach for millions of Americans, particularly those living in rural and remote areas, who continue to lack access to broadband connections.

Through the Coronavirus Aid, Relief, and Economic Security (CARES) Act¹, the Consolidated Appropriations Act of 2021 (the Act),² the American Rescue Plan Act (ARPA),³ and the Infrastructure Investment and Jobs Act,⁴ Congress provided billions of dollars for programs across federal agencies to bridge broadband connectivity gaps.

The U.S. Department of Agriculture (USDA) is one of the agencies charged by Congress with administering broadband funding under the COVID-19 recovery packages. USDA's ReConnect Program received over \$2.6 billion to fund grants and loans for broadband deployment in rural areas.

We are concerned that key policy decisions on how to distribute the \$1.15 billion dollars in the third round of the ReConnect Program will result in duplicative and inefficient use of taxpayer dollars. Unfortunately, USDA is planning to provide funding for communities that are served with internet speeds of greater than 25/3 Mbps, which could leave those in rural America still lacking such service further behind and exacerbate the digital divide. We urge you to focus funding for unserved communities that lack access to any broadband connection rather than toward duplicative or upgraded service for those communities which already have internet service of 25/3 Mbps.

¹ P.L. 116-136 at 138 Stat. 281 et seq.

² P.L. 116-260

³ P.L. 117-2

⁴ P.L. 117-58

Meeting the needs of these unserved communities first before addressing the needs of better served communities is essential to closing the digital divide. To help identify these communities, the Federal Communications Commission (FCC) is in the process of implementing the Broadband DATA Act, which will provide granular data on broadband service across the United States. We encourage USDA and every federal agency to utilize this data as it becomes available to assist in identifying unserved communities and streamlining the application process.

We also believe that forward-looking broadband service standards must be balanced by a technologically neutral approach. USDA must ensure that unserved communities gain broadband access as expeditiously and cost effectively as possible, while securing investments in broadband systems that will provide sufficient service far into the future.

As Republican leaders of the Committees on Agriculture, Appropriations, Energy and Commerce, and Oversight and Government Reform, we are focused on ensuring that the enormous federal investments in broadband are spent as efficiently as possible and targeted to those unserved communities that need it most. It is our responsibility to ensure that USDA's rural broadband activities are effectively managed and coordinated across the federal government.

To gain a better understanding of how the substantial changes made to the ReConnect Round 3 application were developed, we request responses to the following questions, no later than January 14, 2022:

1. Rounds 1 and 2 of ReConnect defined *sufficient access to broadband* as internet speeds of greater than 10/1 Mbps. Similarly, the 2018 Farm Bill established 25/3 Mbps as the minimum broadband speed threshold. Yet, in Round 3 of ReConnect *sufficient access to broadband* is redefined as internet speeds of greater than 100/20 Mbps, a significant increase over both the previous ReConnect rounds and recent legislative history.

What specific data and analysis did you and your staff rely on to determine that *sufficient access to broadband* should be defined as internet speeds of greater than 100/20 Mbps?

2. The radical shift in the definition of *sufficient access to broadband* shift will have the effect of significantly expanding the areas of eligibility under the program, including encompassing potentially any area with service speeds of less than 100/20 Mbps.

Please provide a map of what new areas have been made eligible under ReConnect Round 3 as compared to the areas eligible under ReConnect Round 1 and 2, and areas eligible under the requirements in the 2018 Farm Bill.

Under each map, how many additional communities will be competing for USDA's limited program resources compared to the previously eligible communities?

3. ReConnect Round 3 requires that funded projects be technically capable of provide symmetrical internet speeds of 100/100 Mbps. Please describe what currently available

technologies are capable of meeting these requirements in rural communities. How could this requirement exclude common broadband technologies utilized in rural communities?

What specific data and analysis did you and your staff rely on to determine that symmetrical broadband speeds were a necessary requirement to meet the needs of rural Americans?

4. Historically, USDA broadband programs have treated all potential broadband providers equally, and not advantaged or disadvantaged any type of provider. Yet, the rules for ReConnect Round 3 provide a clear preference for certain types of providers.

What specific data and analysis did you and your staff consider to justify this break from longstanding historical practice?

To gain a better understanding of your efforts to administer these funds, we request your response to the following questions no later than January 14, 2022:

1. What steps are you taking to coordinate USDA's broadband funding investments, including the recently announced third round of ReConnect funding, with those led by other federal agencies, including the FCC, the Department of the Treasury, the Department of Commerce, and the Department of Education?
2. How will you ensure that USDA does not invest in broadband projects that will compete with or undermine broadband projects funded by other agencies?
3. What is the Department's justification for not prioritizing funding for unserved areas before upgrading networks in areas that already have service?
4. What steps are you taking to avoid subsidized overbuilding of privately-owned networks, which has been shown to discourage broadband investment and exacerbate the digital divide?
5. How are you working to ensure that different technologies and types of providers are leveraged, so that the most remote areas get served expeditiously and cost-effectively?
6. What specific steps are you taking to track and report to the FCC and the National Telecommunications and Information Administration the locations where USDA is funding broadband projects, pursuant to section 904(b)(2) of Division FF of the Consolidated Appropriations Act of 2021?⁵

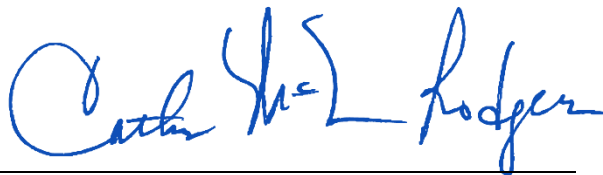
In addition, we request that you provide a detailed accounting of any CARES Act and Consolidated Appropriations Act of 2021 funds that you have awarded or allocated to support broadband connectivity. Specifically, we request the following information no later than January 14, 2022:

⁵ Pub. L No. 116-260, 134 Stat. 1182 (December 27, 2020).

7. A list of all funding awards that have been awarded or allocated to support broadband connectivity and the amount of each award.
8. For each award that will be used to fund broadband deployment or buildout:
 - a. The geographic area and/or location(s) that the project will cover and the level of service (bandwidth and latency, if available) that will be provided to the covered area and/or location(s);
 - b. Whether an existing provider already offers broadband service in the covered geographic area and/or location(s); and
 - c. Whether funds have been awarded through other federal programs (such as the FCC's Universal Service Fund, Emergency Connectivity Fund, or COVID-19 Telehealth Program; the Department of the Treasury's Coronavirus Relief Fund, Coronavirus State and Local Fiscal Recovery Fund, or Capital Projects Fund; the Department of Education's Education Stabilization Fund; and the Department of Commerce's Broadband Infrastructure Program, Tribal Broadband Connectivity Program, or Connecting Minority Communities Pilot Program) to provide broadband service to the covered geographic area and/or location(s).

Thank you for your attention, and we look forward to your timely responses. If you have any questions, please contact Kate O'Connor at (202) 225-3641 or Lamar Echols at (202) 225-5074.

Sincerely,



Cathy McMorris Rodgers
Ranking Member
Committee on Energy and Commerce



James Comer
Ranking Member
Committee on Oversight and Reform



Kay Granger
Ranking Member
Committee on Appropriations



Glenn "GT" Thompson
Ranking Member
Committee on Agriculture

Cc: The Honorable Frank Pallone, Jr.
Chairman, Committee on Energy and Commerce

The Honorable David Scott
Chairman, Committee on Agriculture

The Honorable Shalanda Young
Acting Director, Office of Management and Budget