

# United States Senate

COMMITTEE ON COMMERCE, SCIENCE,  
AND TRANSPORTATION

WASHINGTON, DC 20510-6125

WEBSITE: <https://commerce.senate.gov>

LILA HARPER HELMS, MAJORITY STAFF DIRECTOR  
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October 31, 2024

The Honorable Alan Davidson  
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

The Honorable Robert L. Santos  
Director  
U.S. Census Bureau  
4600 Silver Hill Road  
Washington, D.C. 20233

Dear Mr. Davidson and Mr. Santos:

In yet another misstep from Vice President Kamala Harris in her role as Broadband Czar, it has come to our attention that this administration is manipulating census data to suppress the number of American households connected to high-speed internet via wireless and satellite technologies.<sup>1</sup> While millions of Americans rely on these technologies, particularly in rural and hard-to-reach areas and in times of disaster like the recent hurricanes, your agencies have deliberately excluded such households from a new census data project about U.S. broadband adoption.

This exclusion seems politically motivated to disenfranchise alternative satellite broadband providers—similar to this administration’s earlier decision to revoke \$885 million in funding from Elon Musk’s Starlink.<sup>2</sup> It underscores the current administration’s prioritization of politics over sound policy—an approach that has sabotaged the \$42.45 billion Broadband Equity, Access, and Deployment (BEAD) program—and perpetuates misinformation about broadband in America.

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<sup>1</sup> VP Harris was tasked with leading the administration on broadband efforts. See Bobby Allyn, *Harris’ Broadband Push Could Be Political Windfall or Pitfall*, NPR (May 6, 2021), <https://www.npr.org/2021/05/06/994017450/harris-broadband-push-could-be-political-windfall-or-pitfall>.

<sup>2</sup> Brendan Carr, *Statement: FCC Reaffirms Decision to Reject Starlink Application for Nearly \$900 Million in Subsidies*, Fed. Comm’n. Comm’n. (Aug. 10, 2023), <https://docs.fcc.gov/public/attachments/FCC-23-105A2.pdf>.

In multiple letters and a comprehensive oversight report, Republican members of this Committee have documented the administration's wasteful broadband spending and lack of measurable outcomes.<sup>3</sup> One of BEAD's most egregious policies is its blatant prioritization of funding wired internet service while almost entirely excluding other technologies—an approach that defies both common sense and the plain text of the Infrastructure Investment and Jobs Act (IIJA).<sup>4</sup>

A full year after the Committee's *Red Light Report* recommended the National Telecommunications and Information Administration (NTIA) revise BEAD guidance to eliminate the agency's extreme technology bias against satellite and fixed wireless broadband, NTIA has finally begun to recognize that discriminating against these technologies through the BEAD program was a recipe for disaster and waste.<sup>5</sup> Not only does an overemphasis of one technology diminish competition and innovation, but it can result in billions in over-spending—such as cases reported by the Wall Street Journal where the cost of an internet connection can exceed the value of the house.<sup>6</sup>

Furthermore, this policy is divorced from a reality where satellite internet provided critical, life-saving capability during recent disasters like Hurricanes Helene and Milton.<sup>7</sup> The administration's embarrassing record of denying consumers access to these technologies—seen in both NTIA's decision to shut out satellite from BEAD as well as the Federal Communications Commission's revocation of Starlink's \$885 million Rural Digital Opportunity Fund award—was always lawless and arbitrary.<sup>8</sup> Now, it has become apparent that these decisions, which delayed connectivity for communities in hurricane-affected areas, may have also come at a steep cost to public safety.<sup>9</sup>

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<sup>3</sup> See, e.g., Letter from Sen. Cruz, Ranking Member, S. Comm. on Com., Sci., & Transp., to Alan Davidson, Asst. Sec., Nat'l Telecomm. & Info. Admin. (Aug. 13, 2024); Letter from Sen. Cruz, Ranking Member, S. Comm. on Com., Sci., & Transp., & Sen. Thune, Ranking Member, Subcomm. on Commc'ns, Media, & Broadband of the S. Comm. on Com., Sci., & Transp., to Alan Davidson, Asst. Sec. Nat'l Telecomm. & Info. Admin., & Jessica Rosenworcel, Chairwoman, Fed. Commc'n. Comm'n. (Feb. 3, 2023); Letter from Sen. Cruz, Ranking Member, S. Comm. on Com., Sci., & Transp., et al., to Alan Davidson, Asst. Sec'y, Nat'l Telecomm. & Info. Admin. (Apr. 20, 2023); MINORITY STAFF, SENATE COMMITTEE ON COMMERCE, SCIENCE, & TRANSPORTATION, RED LIGHT REPORT: STOP WASTE, FRAUD, AND ABUSE IN FEDERAL BROADBAND FUNDING (2023) (*Red Light Report*).

<sup>4</sup> *Red Light Report* at 8-9.

<sup>5</sup> See *Red Light Report* at 14; *Proposed BEAD Alternative Broadband Technology Guidance*, NTIA, <https://www.ntia.gov/other-publication/2024/proposed-bead-alternative-broadband-technology-guidance> (last visited Oct. 8, 2024).

<sup>6</sup> Ryan Tracy, *The \$53,000 Connection: The High Cost of High-Speed Internet for Everyone*, WALL ST. J. (Aug. 15, 2023), <https://www.wsj.com/us-news/the-53-000-connection-the-high-cost-of-high-speed-internet-for-everyone-c903163f>.

<sup>7</sup> See Kanishka Singh, *Dozens of Starlink Systems Deployed for Hurricane Helene by Biden Administration*, REUTERS (Sept. 30, 2024), <https://www.reuters.com/world/us/trump-says-he-spoke-musk-about-getting-internet-areas-hit-by-hurricane-2024-09-30/>, and Starlink, Hurricane Relief (Helene and Milton), <https://www.starlink.com/support/article/58126733-e4d2-db62-b919-9da261a4e096> (last visited Oct. 11, 2024).

<sup>8</sup> See *Application for Review of Starlink Services, LLC*, Order on Review, File No. 0009395128, FCC 23-105 (Dec. 1, 2023).

<sup>9</sup> See Joe Nocera and Madeleine Rowley, *Elon Succeeded where FEMA Failed*, THE FREE PRESS (Oct. 7, 2024), <https://www.thefp.com/p/elon-starlink-fema-hurricane-helene>.

Despite the clear facts on the ground, NTIA, in collaboration with the Census Bureau, continues to misrepresent the American people's use of these technologies. Project LEIA (Local Estimates of Internet Adoption), developed by NTIA in partnership with the Census Bureau, aims to produce an experimental model estimating "broadband adoption" to increase understanding on internet issues.<sup>10</sup> Yet, upon inspection of the fine print, this model deliberately excludes wireless and satellite broadband users.<sup>11</sup> While the Project LEIA website claims its estimates offer reliable data on internet adoption for all U.S. counties, it fails to mention the exclusion of millions of American households who rely on wireless and satellite technologies for internet access.<sup>12</sup> This omission results in systemic undercounting and data bias. When the data are wrong, policy outcomes will inevitably suffer.

The entire Biden-Harris administration should learn from NTIA and the FCC's past mistakes and reverse course. If NTIA and the Census Bureau plan to continue using modeling as a technique to estimate broadband adoption, it is essential that they account for households that have adopted broadband through satellite and wireless technologies, in addition to those using wired services.

Although Vice President Harris has recently stated she will keep fighting to improve access to affordable, high-speed internet, her record shows that broadband initiatives under her watch have fallen short in delivering the necessary infrastructure to the American people.<sup>13</sup> Moving forward with misleading data will only compound these failures.

We urge you to make the necessary changes to ensure accurate representation of broadband adoption, or, lacking reliable data to do so, to abandon this flawed experimental data initiative altogether. The American public relies on accurate and reliable census information, and they deserve nothing less.

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<sup>10</sup> Request for Comment on Local Estimates of Internet Adoption, 89 Fed. Reg. 74220 (Sept. 12, 2024).

<sup>11</sup> "Specifically, this project models the proportion of households in a given county that have a subscription to one of these services, which we refer to collectively as wired Internet access services." BETHANY DESALVO, ET AL., U.S. CENSUS BUREAU, LOCAL ESTIMATES OF INTERNET ADOPTION: FEASIBILITY REPORT 3 (2024).

<sup>12</sup> *2022 Local Estimates of Internet Adoption (LEIA)*, U.S. CENSUS BUREAU, <https://www.census.gov/data/experimental-data-products/local-estimates-of-internet-adoption.html> (last visited Oct. 8, 2024).

<sup>13</sup> Kamala Harris, Vice President of the United States, Statement from Vice President Kamala Harris on New Administration Actions to Increase Access to Affordable High-Speed Internet (June 26, 2024), <https://www.whitehouse.gov/briefing-room/statements-releases/2024/06/26/statement-from-vice-president-kamala-harris-on-new-administration-actions-to-increase-access-to-affordable-high-speed-internet/>.

Please respond in writing by November 14, 2024, with an update on your plan to address our concerns with Project LEIA.

Sincerely,



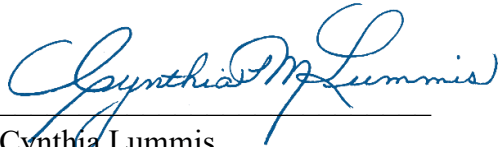
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Ted Cruz  
Ranking Member  
Committee on Commerce, Science,  
and Transportation



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Marsha Blackburn  
Ranking Member  
Subcommittee on Consumer Protection,  
Product Safety, and Data Security



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Cynthia Lummis  
United States Senator