



MISSOURI HOUSE OF REPRESENTATIVES  
**WITNESS APPEARANCE FORM**

|  |             |  |                      |
|--|-------------|--|----------------------|
| BILL NUMBER:<br><b>HCR 38</b>  |             | DATE:<br><b>4/1/2026</b>                 |                      |
| COMMITTEE:<br><b>Special Committee on Rural Issues</b>   |             |  |                      |
| <b>TESTIFYING:</b> <input checked="" type="checkbox"/> IN SUPPORT OF <input type="checkbox"/> IN OPPOSITION TO <input type="checkbox"/> FOR INFORMATIONAL PURPOSES |             |  |                      |
| <b>WITNESS NAME</b>  |             |  |                      |
| <b>BUSINESS/ORGANIZATION:</b>  |             |  |                      |
| WITNESS NAME:<br><b>ARNIE C. A.C. "HONEST-ABE" DIENOFF</b>   |             | PHONE NUMBER:                            |                      |
| BUSINESS/ORGANIZATION NAME:<br><b>STATE PUBLIC ADVOCACY</b>  |             | TITLE:<br><b>STATE PUBLIC ADVOCATE</b>   |                      |
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| CITY:<br><b>O'FALLON</b>   |             | STATE:<br><b>MO</b>                      | ZIP:<br><b>63366</b> |
| EMAIL:   | ATTENDANCE: | SUBMIT DATE:<br><b>4/1/2026 12:00 AM</b> |                      |
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| <b>WITNESS NAME</b>  |                               |  |                      |
| <b>BUSINESS/ORGANIZATION:</b>  |                               |  |                      |
| WITNESS NAME:<br><b>KATHRYN DE WIT</b>   |                               | PHONE NUMBER:<br><b>412-979-0714</b>                                   |                      |
| BUSINESS/ORGANIZATION NAME:<br><b>PEW CHARITABLE TRUSTS</b>  |                               | TITLE:<br><b>PROJECT DIRECTOR,<br/>BROADBAND ACCESS<br/>INITIATIVE</b> |                      |
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| CITY:<br><b>WASHINGTON, DC</b>   |                               | STATE:<br><b>DC</b>  | ZIP:<br><b>20004</b> |
| EMAIL:<br><b>kdewit@pewtrusts.org</b>  | ATTENDANCE:<br><b>Written</b> | SUBMIT DATE:<br><b>4/1/2026 1:01 PM</b>                                |                      |
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Dear Chair Schoiack, Vice-Chair Kalberloh, and members of the committee,

I am submitting this testimony in support of House Committee Resolution 38 (HCR 38). My name is Kathryn de Wit, and I am the project director of The Pew Charitable Trusts’ broadband access initiative (BAI). The Pew Charitable Trusts is a nonpartisan, non-profit organization that applies a rigorous analytical approach to solving public policy problems. Since 2021, BAI has provided research to state and federal policymakers, researchers, and other partners to inform policy efforts designed to accelerate the nation’s progress toward universal, affordable high-speed internet service.

Thank you for your attention to the need for the NTIA to release all funds from the Broadband Equity, Access, and Deployment (BEAD) program. On June 26, 2023, the National Telecommunications and Information Administration (NTIA) announced that Missouri would receive \$1.7 billion of BEAD’s total \$42 billion to connect Missouri homes and businesses.

On June 6, 2025, NTIA announced new rules for the BEAD program, rescinding previous guidance and conditional approvals for funding. This had two immediate effects: first, it established a new process for selecting deployment projects to connect unserved communities. The new guidance gave states 90 days to integrate updated requirements and finalize their projects. Missouri completed every step of the updated process, and in January 2026, received NTIA’s approval for 42 provisional projects that would serve nearly 214,000 locations with \$770 million of its total allocation.

NTIA’s updated guidance also placed a pause on all use of “nondeployment” funds – funds remaining from a state’s allocation after satisfying NTIA’s deployment requirements—noting that new guidance would be forthcoming. Missouri has nearly \$1 billion available to the state for nondeployment activities, however, NTIA has yet to release additional guidance on how states can utilize their remaining funds.

In February 2025, Pew offered two recommendations to NTIA regarding the future of nondeployment funding. First, NTIA should define allowable uses of funds to accelerate BEAD deployment and protect the long-term viability of networks. Second, NTIA should issue guidance that is decisive and clear to facilitate each state’s ability to invest these dollars to address their needs, thereby avoiding delays and promoting successful program implementation. The timely release of all BEAD funds, and in a manner

that allows the state to pursue the connectivity priorities identified by the Missouri Department of Economic Development (DED) is vital for the state's efforts to connect unserved communities.

In addition to calling on NTIA to release Missouri's full allocation of BEAD funds, HCR 38 also states that the Office of Broadband Development (OBD) be allowed to continue managing grants "as previously required." OBD, which is housed within the Missouri DED, is responsible for a range of activities, including a state deployment program that is scheduled to sunset in 2027. Extending the operating period of this program would also extend the DED's authority to lead other activities – including monitoring the implementation of federally funded broadband projects, which will be critical to ensuring meeting the funding requirements set forth by the BEAD program.

BEAD requires that service be available on all funded networks within four years of internet service providers receiving awards, and states are required to oversee the performance of these networks for an additional ten years. BEAD-funded projects in Missouri are tentatively scheduled to begin construction in 2026, meaning that the state could have a role in monitoring BEAD projects beyond 2040.

As state broadband offices continue to administer both federal and state funding, their functional capacity and authority are key factors in their ability to successfully administer these complex programs. By affirming the OBD's authority to manage the grants as previously required, the Missouri legislature will protect the state's authority to administer federal funds, monitor the progress of awards, and assess remaining gaps in availability, per BEAD's eligibility requirements.

Pew applauds Missouri's continued commitment to achieve universal access to high-speed internet infrastructure and ensure the effective administration of both state and federal funds. This resolution aligns with Congress's original intent for the BEAD program to be in the hands of state leaders to ensure no homes and businesses are left without access to high-speed internet.

Thank you for the opportunity to submit this testimony. We welcome members of the Committee to reach out with any questions or additional research needs.

Sincerely,  
Kathryn de Wit  
Project Director, Broadband Access Initiative  
The Pew Charitable Trusts



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| <b>REGISTERED LOBBYIST:</b>  |             |  |                      |
| WITNESS NAME:<br><b>MARK FIEGENBAUM</b>  |             | PHONE NUMBER:<br><b>573-690-8580</b>     |                      |
| REPRESENTING:<br><b>MISSOURI FARM BUREAU</b>   |             | TITLE:                                   |                      |
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| CITY:<br><b>JEFFERSON CITY</b>   |             | STATE:<br><b>MO</b>                      | ZIP:<br><b>65102</b> |
| EMAIL:   | ATTENDANCE: | SUBMIT DATE:<br><b>4/1/2026 12:00 AM</b> |                      |
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| <b>WITNESS NAME</b>  |             |  |
| <b>REGISTERED LOBBYIST:</b>  |             |  |
| WITNESS NAME:<br><b>MIKE SUTHERLAND</b>  |             | PHONE NUMBER:                            |
| REPRESENTING:<br><b>MISSOURI ELECTRIC COOPERATIVES</b>   |             | TITLE:                                   |
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| CITY:<br><b>JEFFERSON CITY</b>   |             | STATE:<br><b>MO</b>                      |
|  |             | ZIP:<br><b>65101</b>                     |
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| <b>WITNESS NAME</b>   |                               |   |      |
| <b>INDIVIDUAL:</b>  |                               |   |      |
| WITNESS NAME:<br><b>SARAH BERRY</b>   |                               | PHONE NUMBER:                           |      |
| BUSINESS/ORGANIZATION NAME:   |                               | TITLE:                                  |      |
| ADDRESS:  |                               |   |      |
| CITY:   |                               | STATE:                                  | ZIP: |
| EMAIL:  | ATTENDANCE:<br><b>Written</b> | SUBMIT DATE:<br><b>4/1/2026 8:38 AM</b> |      |

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HCR 38 urges federal authorities to release Broadband Equity, Access, and Deployment (BEAD) Program funds to the State of Missouri while maintaining prior administrative structures for distribution, raising constitutional and structural concerns regarding federal conditional funding and the shifting balance of state control.

While the resolution seeks access to previously allocated funds, it does not address the legal implications of accepting federal funding subject to evolving conditions imposed by the National Telecommunications and Information Administration (NTIA). Under the Spending Clause of the United States Constitution, federal funds may be conditioned upon compliance with federal policy objectives, creating a framework in which acceptance of funding may carry ongoing obligations that extend beyond initial program parameters.

By urging release of funds while simultaneously advocating for continuation of prior administrative practices, the resolution reflects a structure in which financial reliance and regulatory compliance may become misaligned, raising concerns regarding the state’s ability to maintain independent control over program implementation once funds are accepted.

Additionally, the scale of the funding—approximately \$1.7 billion—introduces a level of dependency that may function as a mechanism for indirect policy influence, where evolving federal requirements shape state-level infrastructure priorities, administrative processes, and long-term program design. Such conditions may not operate as direct mandates, but may nonetheless influence state action through funding-linked compliance expectations.

The resolution further does not address whether existing administrative frameworks remain compatible with updated federal requirements, creating a risk that continued reliance on prior processes may conflict with current or future compliance standards, potentially exposing the state to funding disruption, clawback risk, or federal enforcement actions.

Finally, the absence of clearly defined safeguards or transparency mechanisms regarding the allocation and oversight of these funds raises concerns related to accountability and equitable distribution, particularly where federally conditioned funding intersects with state-managed implementation.

Bottom line:  
HCR 38 advances access to substantial federal funding without fully addressing the conditions,

**obligations, and long-term governance implications tied to that funding.**

**The General Assembly is hereby placed on notice that acceptance and administration of such funds may give rise to constitutional and structural concerns, including those related to federal conditional spending, indirect policy influence, and the potential erosion of state-level control over program execution.**