

United States Senate

WASHINGTON, DC 20510

April 29, 2021

The Honorable Gene L. Dodaro
Comptroller General of the United States
U.S. Government Accountability Office
441 G Street, Northwest
Washington, D.C. 20548

Dear Mr. Dodaro:

The COVID-19 pandemic has changed American lives, with more and more individuals relying on broadband internet services. In recognition of the importance of broadband services, the Consolidated Appropriations Act, 2021 (P.L. 116-260), established an Emergency Broadband Connectivity fund of \$3.2 billion at the Department of Treasury for use by the Federal Communications Commission (FCC). We write today to request that the Government Accountability Office (GAO) conduct an independent review of the FCC's Emergency Broadband Benefit (EBB) program to ensure its success.

The goals of the EBB program are laudable, but as responsible stewards of taxpayer dollars, it is imperative Congress and GAO conduct proper oversight. The FCC quickly adopted rules to establish the program, but despite the program not disbursing any funds to its intended recipients—consumers who are struggling to pay for their broadband service during the pandemic—there have already been calls for billions of dollars in additional support for the EBB program. Before additional funding is considered for this untested program, we believe proper oversight of this publicly funded program is critical to allowing Congress to thoroughly and carefully consider the program's benefits.

Therefore, we request that GAO undertake a comprehensive review of the EBB program to determine the effectiveness of the program. Additionally, we request GAO identify possible actions Congress may need to consider taking to address any deficiencies in the program identified by GAO. Specifically, we request that GAO examine the following issues and questions:

1. Waste, Fraud, and Abuse: When establishing the EBB program, what measures did the FCC take to prevent waste, fraud, and abuse?
 - a. Given the waste, fraud, and abuse found by GAO in the past in the FCC's Lifeline program, did the FCC include additional measures to correct those mistakes of past programs when establishing the EBB program?
 - b. Did the FCC's Office of Economic and Analytics conduct a cost/benefit analysis of the EBB rules?

2. Administrative Costs: Under the Consolidated Appropriations Act, 2021, the FCC was permitted to use not more than 2 percent of the \$3.2 billion fund to administer the EBB program.
 - a. Did the FCC adhere to this mandate? Is the FCC likely to fully comply with this mandate at the end of the program?
 - b. Did the FCC comply with all applicable contracting and acquisition requirements?
 - c. Were any contracting or acquisition requirements waived?
 - d. Of the amounts the FCC will expend to administer the program, what specific items will the funds be used for? What is the total for administrative costs? How did FCC staff bill their time when working on the initial rulemaking?
 - e. Were any of the funds to administer the program provided to the Universal Service Administrative Company? If so, what was the amount of those funds and for what specific purposes were the funds used?

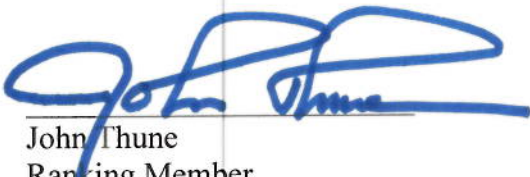
3. Eligibility Requirements: The Consolidated Appropriations Act, 2021, set specific requirements to determine eligibility for the EBB program.
 - a. Did the FCC adhere to the eligibility mandate?
 - b. In its order, the FCC stated that a “substantial loss of income’ includes the loss of a job, including a furlough, that is documented by a layoff or furlough notice, application for unemployment insurance benefits, or similar documentation.”
 - i. What guidance has the FCC provided regarding what constitutes “similar documentation,” and how was this guidance communicated to providers?
 - ii. What processes has the FCC established for review of “similar documentation?” How will the FCC review documentation to ensure fraudulent claims are caught?
 - iii. What processes has the FCC established for general review of the EBB program?
 - iv. What measures has the FCC taken to ensure that distinct program eligibility requirements are maintained in the National Verifier and appropriately enforced?
 - v. How did the FCC determine individual and joint filers’ income for the year 2020? Did they work with the other expert agencies in making those determinations?

- c. What steps did the FCC take to ensure timely termination of subsidies for service to individuals who are no longer able to use a qualifying service, for example due to death or incarceration?
- d. Did the FCC create a process to ensure that once the subsidies made available under the EBB program are no longer available, individuals who would not otherwise qualify for other programs, like Lifeline, would not continue to receive other subsidies provided by the FCC?
- e. Should Congress consider amending the eligibility requirements if additional funding to the program is considered?

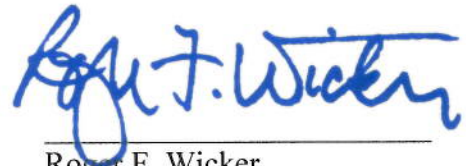
4. Other: Other items determined appropriated by the Comptroller General.

Thank you for your attention to this matter. GAO is an ally in Congress' work to protect taxpayer dollars from waste, fraud, and abuse. Please contact Alex Sachtjen with Senator Thune's staff at (202) 224-2321 or Oliva Trusty with Senator Wicker's staff at (202) 224-1251 with any questions.

Sincerely,



John Thune
Ranking Member
Subcommittee on Communications, Media,
and Broadband
U.S. Senate



Roger F. Wicker
Ranking Member
Committee on Commerce,
Science, and Transportation
U.S. Senate

Cc: The Honorable Jessica Rosenworcel
Acting Chairwoman
Federal Communications Commission