

United States Senate

WASHINGTON, DC 20510

December 8, 2022

The Honorable Peggy E. Gustafson
Inspector General
U.S. Department of Commerce
1401 Constitution Avenue NW
Washington, D.C. 20230

Dear Inspector General Gustafson:

As you know, the National Telecommunications and Information Administration (NTIA), housed under the Department of Commerce, is a major driver in fulfilling the Department's mission to provide reliable broadband services to all Americans.

One of the numerous programs aimed at closing the digital divide is NTIA's Tribal Broadband Connectivity Program (TBCP). Established under the Consolidated Appropriations Act, 2021 (P.L.116-260), the TBCP has received nearly \$3 billion in funding to support broadband deployment, telehealth, distance learning, broadband affordability, and digital inclusion in Tribal areas. NTIA awarded its first grant under the program on November 16, 2021, and to date, the agency has provided roughly \$1.5 billion to over 100 projects.

To ensure taxpayer dollars are used in the most efficient manner possible, Congress required the Commerce Department's Inspector General (IG) to review TBCP grants awarded by NTIA and make recommendations to address any waste, fraud or abuse with respect to these grants. Specifically, the IG is required to provide its recommendations and report no later than six months after the first TBCP grant was awarded and every six months thereafter. Thus, based on the timing of TBCP grants awarded by NTIA, the first IG report was due on May 16, 2022, and a second report was due on November 16, 2022.

Contrary to the requirements of the law, you have failed to fulfill your duties required by Congress. This is deeply concerning for two reasons: 1) NTIA has a long and well-documented history of misusing federal dollars when attempting to expand broadband access; and 2) your office has had a significant and ongoing problematic history.¹ Further, Congress has recently heard testimony² of funds being used to overbuild existing broadband networks which makes it even more alarming your office would disregard its oversight responsibilities.

¹ <https://www.pogo.org/investigation/2020/02/upheaval-as-2020-census-looms-senate-chairmen-scrutinize-commerce-department-watchdog>; <https://www.commerce.senate.gov/services/files/C4ABC46A-7CB0-4D51-B855-634C26E7CF70>

² https://www.agriculture.senate.gov/imo/media/doc/Testimony_Law_11.15.2022.pdf

Please provide a specific timeline by Friday, December 16, 2022, as to when Congress will receive your recommendations as mandated by Congress. We urge you to carry out the duties Congress has entrusted to your office.

Thank you for your attention to this important matter.

Sincerely,

A handwritten signature in blue ink, appearing to read "John Thune".

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

A handwritten signature in blue ink, appearing to read "Roger F. Wicker".

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

Cc: The Honorable Gina M. Raimondo, Secretary, Department of Commerce
Cc: The Honorable Alan Davidson, Assistant Secretary of Commerce for Communications and Information, NTIA