



Emergency Connectivity Fund Newsletter

June 2024

June 4, 2024

Congressional Funding Rescission

The Federal Communications Commission (FCC) recently updated its [Emergency Connectivity Fund FAQs](#) to share more information regarding the recent Congressional funding rescission and its impact on the ECF program.

In Section 639 of Title VI, *General Provisions – This Act (Including Rescission of Funds) of Division B—Financial Services and General Government Appropriations Act, 2024*, contained in the [Further Consolidated Appropriations Act, 2024](#), Congress enacted a rescission of funds from the ECF program. Specifically, Congress provided in section 639 that “[o]f the unobligated balances of amounts made available under section 7402(c)(2)(A) of the American Rescue Plan Act of 2021 (Public Law 117-2), \$1,768,000,000 are hereby rescinded not later than September 30, 2024.” *Id.* Because of this rescission, the FCC is constrained in its ability to make changes to existing funding commitments and obligate any new funds for any reason, including to resolve an appeal.

We recognize that this law may result in funding challenges for applicants and service providers. Please review the FAQs posted below and contact us if you have further questions.

The FCC and USAC encourage all program participants to file all remaining forms related to their ECF funding requests as soon as feasible, including filing any necessary post-commitment requests and invoice reimbursement requests. If a participant knows that it will not be seeking reimbursement, we also recommend cancelling those commitments.

Q: What does the language in the Congressional government funding bill mean for the ECF program?

A: The government funding bill passed in March 2024 rescinds \$1.768 billion from the ECF program. This means that Congress has canceled part of the FCC's budget authority for the ECF program as a measure to reduce government spending. The FCC cannot make any new commitments from ECF funding until the rescission is satisfied and the full \$1.768 billion is returned by the FCC to the U.S. Treasury.

Q: What is a commitment and an obligation?

A: When USAC issues a funding commitment decision letter, the funding is *committed* for the services and equipment detailed in the terms of the letter (i.e., named service provider, dates, types of equipment, and services). At the same time, the FCC records an *obligation* in its books and records pursuant to the Recording Act, 31 U.S.C. § 1501.

Q: What impacts does rescission of unobligated funding have on ECF applicants and service providers?

A: In addition to requiring the FCC to return uncommitted funds, the rescission means that the FCC cannot make new commitments in the course of administering the ECF program. Because of the way that the obligation process

occurs, the FCC and USAC are therefore prevented by the March 23, 2024 law from: processing post-commitment requests to change service providers or invoicing methods; approving a commitment if an appeal or waiver is granted; or making upward commitment adjustments to resolve errors.

The following types of post-commitment requests will continue to be processed (as long as there is no increase in the committed amount) because they do not change the recorded obligation: service start and end dates; unique entity identifier (UEI) and taxpayer identification number (TIN) changes; service/equipment substitutions; commitment reductions and cancellations, and recovery of funds. Post-commitment requests with currently prohibited changes cannot be processed at this time.

Q: Will I need to return ECF disbursements I've already received?

A: No. The rescission does not impact previously obligated and disbursed ECF funds or our ability to reduce a commitment and/or to recover improperly disbursed funds. Program participants may also continue to voluntarily return funds if needed.

Q: If I already have a funding commitment, can I continue to submit invoices?

A: Yes. The rescission does not impact prior funding commitments. Program participants may submit invoices for eligible equipment and services purchased by June 30, 2024, the program's sunset date, and USAC may process invoices so long as the invoice filing deadline has not passed. However, certain changes (such as a request to change service providers or invoicing methods) are prohibited even with an existing funding commitment. See FAQs 15.3; 15.8.

Q: Are there any pending applications that will be affected?

A: No. All ECF funding applications submitted have been reviewed and processed (i.e., funded, cancelled, or denied).

Q: What happens if I have an appeal or waiver request?

A: The rescission does not impact the ability of participants to submit timely appeals or waivers pursuant to section 54.1718 of the program rules. However, the rescission means that the FCC cannot make new commitments in the course of administering the ECF program unless and until the full amount of the rescission is satisfied. If granting an appeal and/or waiver request would require making a new obligation, the FCC is prohibited by law from doing so unless it has unobligated funds. The FCC will not have unobligated funds available for new ECF commitments unless and until it satisfies the full amount of the rescission. See FAQ 15.3. If you have ECF funding or commitments that you know you will not be using, you can voluntarily return those funds to the program. See FAQ 5.9.

Q: Do any of the deadlines associated with the sunset of the ECF program change?

A: No. The ECF program service delivery and invoice filing deadlines will not change. June 30, 2024 is the final service delivery date for most remaining ECF funding requests. August 29, 2024 is the invoice filing deadline for ECF funding requests with June 30, 2024 as the service delivery date. Un-invoiced ECF funds will be de-obligated following the August 29, 2024 invoice filing deadline.

Q: How do I reduce a funding commitment or return funding if I no longer need it?

A: To reduce the funding amount on a committed request or to cancel a funding commitment, applicants should file a Post-Commitment Request with USAC. Instructions on how to file a Post-Commitment Request may be found here: <https://www.emergencyconnectivityfund.org/ecf-post-commitment-request-form/>. To return excess disbursed ECF dollars, applicants should call the ECF Customer Support Center (CSC) at (800) 234-9781.

Returning Funds (Cancelling or Reducing a Commitment vs. Voluntarily Returning Disbursed ECF Dollars)

Cancelling or Reducing a Commitment

Consistent with the FAQs above, USAC encourages applicants that do not plan to use all or part of their ECF funding commitment(s) to file Post-Commitment Requests to cancel or reduce those funding requests' commitments as soon as possible. Once these cancellations or reductions are processed, this funding can be de-obligated. Unless and until the FCC satisfies the \$1.768 billion rescission, USAC cannot make any new commitments, including those listed in the FAQs.

To reduce the funding amount on a committed request or cancel a committed funding request, applicants should file a Post-Commitment Request. Instructions on how to file are located here:

<https://www.emergencyconnectivityfund.org/ecf-post-commitment-request-form/>.

Reasons to cancel or reduce commitments include:

- Funding, or a portion thereof, is no longer needed from the ECF program.
- Funds have been received from other programs like the Affordable Connectivity Program (ACP) or another grant.
- Applicant's estimate of unmet need for connected devices and/or broadband connections was greater than its actual unmet need number.
- Request was filed in error or is a duplicate funding request.
- Services will not be used at all, or certain months/devices are no longer needed.

Voluntarily Returning Disbursed Funds

At times, applicants have notified USAC that ECF dollars were disbursed to them for equipment or services that was funded through other programs, or no tax ended up being collected by the applicable state and they needed to return funds to the program. To return excess disbursed ECF dollars, applicants should call the ECF CSC at (800) 234-9781.

Service Provider Solicitation

We have been alerted about service provider solicitation messages directed towards applicants. As a reminder, if you encounter any such unsolicited communication or receive requests suggesting you alter your service provider with a post-commitment change, please get in touch with USAC immediately.

Invoice Reminders

Invoice Filing Deadline

The invoice filing deadline for the majority of remaining funding requests is fast approaching on **August 29, 2024**. Applicants and service providers with upcoming invoice filing deadlines should submit reimbursement requests as soon as feasible to avoid delays surrounding invoice deadlines. USAC is unable to extend the invoice filing deadline in the ECF program.

Reimbursement Reminders

Each request for reimbursement must be accompanied by a vendor invoice supporting the amount requested. Vendor invoices must include the level of detail needed for USAC to validate the following information:

- The date of the service for non-recurring charges, or the bill date for recurring charges, is consistent with what was entered on the ECF FCC Form 472.
- The date of the service or bill is acceptable based on the relevant funding period.
- The equipment or services provided are the same as what was approved on the ECF FCC Form 471 and are at the same or lower price point approved on the ECF FCC Form 471.
- The service provider who provided the equipment or services is the same as who was approved on the ECF FCC Form 471.
- The date that the service or equipment is delivered or shipped.
 - Note - We encourage applicants to work with their service providers to include delivery information on the invoice and reduce delays.

Submitting entities will receive outreach from the USAC Invoice Team via the Communications tab of the ECF Portal if any of this required information is missing.

Payment Verification

If an applicant did not pay the service provider before it submits its reimbursement request, the applicant must pay the service provider within 30 days after receiving the disbursement.

Once this is complete, the applicant must also provide proof of payment to USAC. Applicants may upload documentation in the Communications tab of the ECF Portal. If documentation is not uploaded within 35 days, the USAC Invoice Team will request proof of payment via the Communications tab of the ECF Portal, so please continue to monitor your inbox for these messages. Acceptable documentation includes processed checks, bank statements with redacted information, credit card statements, ACH statements, and money orders.

Please note that the applicant's failure to provide proof of payment will result in the recovery of the disbursed ECF funds.

ECF Program Compliance and Other Friendly Reminders

Please continue to check the ECF Portal and your email communications, and keep your entity information up-to-date in the ECF Portal. It is crucial that your organization not miss any communication that comes from USAC. For example, the ECF program team may contact you for information and documentation for post-commitment- or request for reimbursement-related reviews. As a reminder, failure to respond to a USAC information request(s) may lead to denial or recovery of ECF support, so it is important to respond to these requests in a timely manner.

If your Account Administrator listed in the ECF Portal has changed or is no longer with your organization, call the ECF CSC at (800) 234-9781, and request to update your information to reflect the name and email address of the new Account Administrator.

For More Information

Please review the FCC's [Emergency Connectivity Fund FAQs](#) to learn more about the program's requirements and commonly asked questions, and in particular, the new section on the Rescission. The FAQs are frequently updated to reflect any program deadline extensions and provide other important details. Additional information is also available in the FCC's [ECF Program Report and Order](#) and in the [March 1, 2023, Public Notice on ECF Compliance Obligations](#).

You can also visit [EmergencyConnectivityFund.org](https://www.fcc.gov/emergencyconnectivityfund.org) and sign up for [Emergency Connectivity Fund Program emails](#) for more information about the ECF program.

Applicants and service providers can also contact the ECF CSC with questions at (800) 234-9781, Monday – Friday, from 8 a.m. to 8 p.m. ET, or submit a customer support request through the ECF Portal.

Need Help? Contact Us!

Call us at (800) 234-9781 or create a support ticket in the ECF Portal.