

eRate Program Informational Notice on Newly Established E-rate Funding Program for Remote Learning

Broadband Law Group - March 30, 2021

Recently Congress passed legislation that allows for \$7.17 billion dollars to fund Remote Learning to K-12 schools and libraries through the E-rate Program. This is an historic event in that the current E-rate rules have rarely allowed for funding beyond the school walls. In the past decade there have been many calls from key E-rate stakeholders to fund the Homework Gap, and while the FCC has inched toward it, it has always taken the position that E-rate funding can only be used on campus or limited to library buildings, with the exception of book mobiles. This legislation addresses not only the needs of students, administrators, and library patrons as a result of the Covid-19 pandemic, but also sets the stage for funding to address the Homework Gap.

Congress provided the FCC with jurisdiction for this funding to be administered through the E-Rate Program. The FCC will need to put new rules in place by May 10, 2021 for the Remote Learning funding. It is expected that the new funding window for this new Program will open shortly after the FCC issues its Order outlining those rules. **Now is the time to begin to consider the needs of your students, administrators, or library patrons to be well-positioned to apply for the funding.**

Below, we outline some key features of the legislation.

EMERGENCY CONNECTIVITY FUND

On March 11, 2021, President Biden signed the \$1.9 trillion American Rescue Plan Act of 2021 that includes an Emergency Connectivity Fund (“ECF”) (see Appendix A, Sec. 7402, at pp 20-21) to provide over \$7.17 billion in additional E-rate funding appropriated from the U.S. Treasury and not the Universal Fund, so no pressure will be placed upon the current proposed 33.4% contribution factor for Q2 2021.

- Funding will be available to an eligible school or library, for the purchase during a **COVID–19 emergency period** of eligible equipment or advanced telecommunications and information services (or both), for use by—

- (1) in the case of a school, students and staff of the school at locations that include locations other than the school; and
- (2) in the case of a library, patrons of the library at locations that include locations other than the library.

- While the Fund remains available until September 30, 2030, the Act defines the **COVID–19 emergency period** as beginning on January 27, 2020, “and ending on the June 30 that first occurs after the date that is one year after the Secretary of Health and Human Services determines that a public health emergency no longer exists.”
- Eligible Equipment is defined as
 - (A) Wi-Fi hotspots.
 - (B) Modems.
 - (C) Routers.
 - (D) Devices that combine a modem and router.
 - (E) Connected devices (means a laptop computer, tablet computer, or similar end-user device that is capable of connecting to advanced telecommunications and information services)
- The costs are 100% reimbursable, as long as they meet the reasonable cost standard to be established by the FCC.
- The FCC is responsible for promulgating the regulations for the Emergency Connectivity Fund no later than May 10, 2021. USAC will administer the funds. Two percent of the funding is allocated to the Commission and USAC for administration.