



<p><b>Establishing Act</b></p>	<p>March 11, 2021. Section 7402 of the <a href="#">American Rescue Plan or Act</a>. Established a \$7.171 Billion Emergency Connectivity Fund in the U.S. Treasury.</p> <p>May 11, 2021, the FCC released their final rules related to the Emergency Connectivity Fund (ECF) <a href="https://docs.fcc.gov/public/attachments/FCC-21-58A1.pdf">https://docs.fcc.gov/public/attachments/FCC-21-58A1.pdf</a>.</p>
<p><b>When</b></p>	<p>First filing window opens June 24, 2021 and closes August 13, 2021</p>
<p><b>Resources</b></p>	<p>USAC: <a href="https://www.emergencyconnectivityfund.org/about/">https://www.emergencyconnectivityfund.org/about/</a></p> <p>FCC: <a href="https://www.fcc.gov/emergency-connectivity-fund">https://www.fcc.gov/emergency-connectivity-fund</a></p>
<p><b>Purpose</b></p>	<p>Allows eligible schools and libraries to first seek funding for purchases during the coming school year of eligible equipment and advanced telecommunications and information services to meet the needs of students, school staff, and library patrons who would otherwise lack access to basic educational opportunities and library services.</p>
<p><b>Program Goals</b></p>	<p>(1) connecting and facilitating remote learning for students, school staff, and library patrons who would otherwise lack adequate access to connected devices and broadband Internet access connectivity during the pandemic; (2) ensuring that USAC efficiently and effectively administers the Emergency Connectivity Fund Program; and (3) providing pricing transparency for eligible equipment and services to inform future policy and purchasing decisions.</p>
<p><b>Funding Period and Application Windows</b></p>	<p>Initial 45-day <u>prospective</u> application window for purchases of eligible equipment/services between July 1, 2021 to June 30, 2022.</p> <p>If money remains, retroactive window to reimburse eligible purchases that were made from March 1, 2020 through June 30, 2021.</p> <p><i>Note: The FCC retained the option to open a second “prospective” filing window in lieu of a retroactive window should demand from the first window be much lower than expected.</i></p>
<p><b>Eligible Entities</b></p>	<p>Schools and libraries eligible for E-rate will be eligible for ECF funding. Entities do not need to be currently participating in E-rate to apply for ECF.</p>

<p><b>Eligible Locations</b></p>	<p>Eligible schools and libraries can request and receive support for the purchase of eligible equipment and services for use by (1) in the case of a school, students and school staff at locations other than the school; and (2) in the case of a library, patrons of the library at locations other than the library. --- Service locations may include, but are not limited to, homes, community centers, churches, school buses, bookmobiles, and any other off-campus locations where students, school staff, and library patrons are engaged in remote learning activities. --- Equipment/services may not be purchased for use solely at the school or library, but students, staff, patrons are permitted to bring such devices to the school or library.</p>
<p><b>Eligible Users</b></p>	<p>Students, staff or library patrons with appropriate credentials. Unmet need - would otherwise lack access to connected devices or broadband connections sufficient to facilitate remote learning during the pandemic.</p>
<p><b>Eligible Equipment</b></p>	<p><b>Eligible Equipment includes:</b></p> <ul style="list-style-type: none"> <li>• Wi-Fi hotspots</li> <li>• Modems (e.g., air cards)</li> <li>• Routers</li> <li>• Devices that combine a modem and router</li> <li>• Connected devices (laptop computers and tablet computers)</li> </ul> <p>(1) Any components included by the manufacturer with eligible equipment, and necessary for the equipment to operate, for example cords and chargers, do not require cost allocation. (2) Smartphones and desktop computers are ineligible for support under this Program. (3) A manufacturer’s multi-year warranty for a period of up to three years that is provided as an integral part of an eligible component, without a separately identifiable cost, is also eligible.</p>
<p><b>Eligible Services</b></p>	<p>In general, eligible advanced telecommunications and information services include commercially available fixed or mobile broadband Internet access services.</p> <p><b>Eligible Services include:</b></p> <ul style="list-style-type: none"> <li>• Cable Modem</li> <li>• Digital Subscriber Line (DSL)</li> <li>• Leased Lit Fiber (e.g., fiber to the home or to the premises)</li> <li>• Satellite</li> <li>• Wireless (e.g., fixed wireless, microwave, or mobile broadband)</li> </ul> <p>Installation, activation, and initial configuration costs, taxes, shipping charges, and other reasonable fees incurred with the purchase of the eligible equipment and services are eligible for support under the Emergency Connectivity Fund Program</p>

<p><b>Educational Purpose</b></p>	<p>Must be used primarily for educational purposes. Limited to activities that are integral, immediate, and proximate to the education of students in the case of a school, and activities that are integral, immediate, and proximate to the provision of library services to library patrons in the case of a library.</p> <p>School staff is limited to school staff that will be providing (or provided) educational services during the relevant time periods. May use for other purposes when not needed for primary educational purpose.</p>
<p><b>Equipment/Service Funding Caps</b></p>	<p>\$400 cap on connected devices (laptops/tablets) and \$250 cap on Wi-Fi hot spots. If equipment costs more than these caps, ECF will pay up to the cap. Applicants may request a waiver of the \$400 cap for connected devices for students with disabilities if needed. All other equipment/services are proposed to be reimbursed at 100% (no funding caps or discount matrix applied). Internet access service will generally cost between \$10 and \$25 per month.</p>
<p><b>Limitations - number of Devices or Internet Connections</b></p>	<p>No more than 1 fixed broadband Internet access connection (such as a cable modem internet) per location is permitted. No more than 1 laptop/tablet and no more than 1 Wi-Fi hotspot per student, school staff member, or library patron is permitted.</p> <p>Schools and libraries must make this certification as part of their application for funding and must retain documentation of reasonable measures taken to determine who needed laptops/tablets and Internet.</p>
<p><b>Ineligible Costs</b></p>	<p><b>Examples of ineligible costs include:</b></p> <ul style="list-style-type: none"> <li>• Administrative costs, e.g., personnel expenses, consultant fees, payroll, training, customer service, project management, records management, etc.</li> <li>• Charges for termination liability, penalty surcharges, and other charges not associated with purchase of the eligible equipment and services.</li> <li>• Software, user licenses, filtering and firewall services that are purchased separately and are not included in the base price for the equipment.</li> <li>• Back-up power equipment, e.g., back-up batteries, redundant power cords, uninterruptible power supply (UPS), generators, and surge protectors, etc.</li> <li>• Cybersecurity tools (including, for example, virtual private network (VPN) licenses, firewall software, network monitoring, and filtering services).</li> <li>• Dark fiber.</li> <li>• Eligible equipment or services purchased before March 1, 2020.</li> <li>• Filtering services needed for Children’s Internet Protection Act compliance.</li> <li>• Headsets.</li> <li>• Learning management systems.</li> <li>• Separate costs for non-connected accessories, e.g., cases, mouse pads, cable clips, laptop bags, tablet stands, wall mounts, and charging stations, etc.</li> <li>• Mobile phones, including smartphones.</li> <li>• Standalone microphones.</li> <li>• Standalone cameras.</li> </ul>

	<ul style="list-style-type: none"> <li>• Technical support, maintenance costs, separate costs for warranties and protection plans.</li> <li>• Video conferencing equipment and related software subscriptions (e.g., Zoom subscriptions)</li> </ul>
<b>Construction of New Networks</b>	<p>Where applicants can prove there is no commercially available Internet access available, funding to build such networks is permitted. Applicants will have to provide clear evidence demonstrating how they determined that an existing fixed or mobile broadband network was not available, and that they sought service from existing providers, and that those providers were unable or unwilling to provide services sufficient to meet the remote learning needs.</p> <p><b>Eligible costs are:</b></p> <ul style="list-style-type: none"> <li>• Monthly charges, special construction, installation and activation charges, modulating electronics and other equipment necessary to make a broadband Internet access service functional (“Network Equipment”) and maintenance and operation charges.</li> <li>• Special construction is defined as construction of network facilities, design and engineering, and project management.</li> <li>• Customer premises or end-user equipment to receive datacasting services.</li> </ul> <p>Note: Dark fiber and electronics to light dark fiber are NOT eligible.</p>
<b>Competitive Bidding</b>	<p>No Erate Form 470 or competitive bidding requirement.</p> <p>Must CERTIFY that applicant complied with all applicable local, state, and Tribal procurement requirements for any equipment and services purchased, or that will be purchased, with Emergency Connectivity Fund Program support. Schools and libraries that are not subject to public procurement requirements must certify that they have complied with their own procurement processes and requirements, such as those included in a written charter.</p>
<b>CIPA Requirements</b>	<p>CIPA applies to the use of any computers owned by a school or library, including those purchased with Emergency Connectivity Fund support if the school or library receives Emergency Connectivity Fund or E-Rate support for Internet access or Internet services, or E-Rate support for internal connections. <b>**Regardless of where used – on or off campus.**</b></p> <p><b>This is true even if the student or library patron does not use Internet access services provided by the school or library.</b></p> <p>CIPA does not apply to computers not owned by the school/library, even if they receive ECF or E-rate funding for Internet or internal connections.</p>
<b>SAM.gov Registration</b>	<p>Applicants must be registered in the federal Sam.gov system to receive ECF reimbursements. SAM is a web-based, government-wide application that collects, validates, stores, and disseminates business information about the federal government’s partners in support of federal awards, grants, and electronic payment processes. This registration is not required to be completed at the Form 471 application stage but must be done before an ECF reimbursement can be received.</p> <p><a href="http://e-ratepa.org/wp-content/uploads/2021/05/SAM.gov-Registration-Guide.pdf">http://e-ratepa.org/wp-content/uploads/2021/05/SAM.gov-Registration-Guide.pdf</a></p>
<p>Kellogg and Sovereign Consulting  <a href="#">Contact us for assistance!</a></p> <p style="text-align: center;">ECF Reference Guide 6/15/2021</p> <p style="text-align: right;">Page 4</p>	

**Application and Payment Process**

Applications will be submitted in the E-rate EPC Portal and will utilize the Form 471, Form 472 BEAR, or Vendor Form 474 SPI. USAC will review applications and issue FCDLs. Appeals must be submitted within 30 days.

After receiving a funding commitment decision letter (FCDL), applicants will pay for services/equipment and then submit reimbursement requests via the existing Form 472 (BEAR) system within 60 days from the date of the funding commitment decision letter; a revised funding commitment decision letter approving a post-commitment change or a successful appeal of a previously denied or reduced funding commitment; or service delivery date, whichever is later.

Copies of detailed vendor invoices must be submitted with the BEAR form.

If an applicant cannot afford to pay the vendor in full and then seek reimbursement from ECF they have two options:

- a) The school/library may request a 'prepayment' through the BEAR process after which the ECF prepayment must be remitted to the vendor within 30 days. Applicants will be required to submit proof to USAC that the service provider has been paid.
- b) The school/library may request the service provider to seek reimbursement directly from the ECF fund using the Form 474 SPI Form. Service providers are not required to comply with this request. Applicants must specify on the Form 471 application whether the applicant or service provider will be doing the invoicing. If an applicant indicates that the service provider will be doing the invoicing, the applicant will have to submit evidence of the service provider's willingness to do so.

**Certifications and Unmet need**

Certify compliance with local, state and tribal procurement requirements

Certify equipment and services are being primarily used for educational purpose by students, school staff or library patrons and not willfully or knowingly requesting reimbursement for equipment or services not being used

Certify that are not planning to not use the equipment or services

Schools - Certify seeking funds only for eligible equipment and services provided to students and school staff who would otherwise lack access to connected devices or broadband services sufficient to engage in remote learning

Libraries – On a going forward basis, library must provide the patron a copy of an eligible use policy, which explains that the equipment or service is intended for library patrons who do not otherwise have access to equipment or services sufficient to meet the patron's educational needs. Require that the library patron sign and return a statement that the library patron would otherwise lack access to equipment or services sufficient to meet the patron's educational needs if not for the use of the equipment or service being provided by the library.

Certify will maintain an asset inventory, an inventory of services provided, and data regarding fixed broadband services

Certify will retain all program records for 10 years following the last date of service

**Prioritization if Demand > Available Funds**

Should demand exceed available funds in any filing window, applications will be prioritized based on the applicant’s E-rate discount, which is adjusted to be 5% greater in each discount band for rural applicants (see chart below). If there is not enough money to fund the entire discount band, then the applicants’ NSLP % will be used to allocate funds until depleted.

Note: These are not ECF discounts. This chart shows how funding will be allocated if demand exceeds available funds. For example, rural applicants with a 95% ECF discount would be funded first; urban applicants with a 90% ECF discount would be funded next and so on until all the money ran out.

Emergency Connectivity Fund Prioritization Matrix		
% of students eligible for National School Lunch Program	Urban Discount	Rural Discount
< 1.....	20	30
1-19.....	40	55
20-34.....	50	65
35-49.....	60	75
50-74.....	80	85
75-100.....	90	95

**Application Survey Questions for Schools**

The Form 471 will include a survey of schools seeking their best estimates of the total number of students who did not have access to adequate laptops/tablets, Internet access, or both when the pandemic began; the number of students who do not currently have access to these devices/services; and how they expect those numbers to change with receipt of requested ECF Program support.

No specific data collection requirements are imposed, but each school will be required to describe how and when they collected the information that they use for the estimates provided in their responses.

**Duplicate Funding Prohibition**

Applicants cannot seek ECF funding where equipment or services have been or will be purchased or reimbursed with other targeted (pandemic relief) federal funding, targeted state funding, other external sources of targeted funding, or targeted gifts. (May receive support for portion NOT previously paid for – example 40% paid by CARES can get 60% reimbursed by ECF)

**Keep Equipment 3 years**

Eligible equipment purchased using Emergency Connectivity Fund support shall be considered obsolete if the equipment is at least three years old. Obsolete equipment may be resold or transferred in consideration of money or any other thing of value, disposed of, donated, or traded.

**10-year Document Retention**

Applicants must retain all records related to ECF for at least (10) years from the last date of service or delivery of equipment. Records include asset inventories, vendor invoices, proof of vendor payment, contracts, etc.

<p><b>Inventory Record Keeping Requirement - Services</b></p>	<p>Applicants must maintain a record of services purchased with ECF support which includes (some, but not all of this data will be requested on the ECF application):</p> <ul style="list-style-type: none"> <li>✓ type of service provided (i.e., DSL, cable, fiber, fixed wireless, satellite, mobile wireless)</li> <li>✓ service plan details, including upload and download speeds and monthly data cap</li> <li>✓ the name(s) of the person(s) to whom the service was provided</li> <li>✓ For fixed broadband service only: <ul style="list-style-type: none"> <li>○ the service address;</li> <li>○ the installation date of service; and</li> <li>○ the last date of service</li> </ul> </li> </ul>
<p><b>Inventory Record Keeping Requirement - Equipment</b></p>	<p>Applicants must maintain a record of equipment purchased with ECF support which includes (some, but not all of this data will be requested on the ECF application):</p> <ul style="list-style-type: none"> <li>✓ device type (i.e., laptop, tablet, mobile hotspot, modem/router)</li> <li>✓ equipment make and model</li> <li>✓ serial number</li> <li>✓ name of the person to whom the device was provided</li> <li>✓ dates the device or other piece of equipment was loaned out/returned to the school or library, or the date the school or library was notified that the device or other piece of equipment was missing, lost, or damaged</li> <li>✓ For equipment located in school buses or bookmobiles, inventory also must include the name of the school or library employee responsible for that device; and the dates the device was in service (in addition to the device type, make/model and serial number).</li> </ul>
<p><b>Gift Rules</b></p>	<p>Adopts E-Rate gift rules for ECF. Applicants are not permitted to solicit or accept a gift or thing of value over \$20 from a service provider, and service providers are not permitted to offer or provide applicants a gift or thing of value over \$20. Includes waiver of the gift rule through June 30, 2021 to enable service providers to offer or provide, and E-Rate eligible schools and libraries to solicit or accept, broadband connections, devices, networking equipment, or other things of value that could help students, teachers, and patrons affected by school and library closures during the coronavirus pandemic</p>
<p><b>National Supply Chain Risk</b></p>	<p>ECF funding may not be used to obtain or maintain any communications equipment from the following companies deemed to post a national security risk: Huawei Technologies Co., ZTE Corp., Hytera Communications Corp., Hangzhou Hikvision Digital Technology Co., or Dahua Technology Co.</p>
<p><b>Performance Metric Targets</b></p>	<p>FCDLs will be issued for 50% of ‘workable’ applications within 60 day of the application window close, and 70% within 100 days of the application window close. The USAC invoicing system will be able to receive BEAR and SPI forms within 15 days of the first FCDL funding wave.</p>

## AMERICAN RESCUE PLAN – Section 7402

Bill Text: <https://www.congress.gov/bill/117th-congress/house-bill/1319/text>

SEC. 7402. FUNDING FOR E-RATE SUPPORT FOR EMERGENCY EDUCATIONAL CONNECTIONS AND DEVICES.

(a) Regulations Required.—Not later than 60 days after the date of the enactment of this Act, the Commission shall promulgate regulations providing for the provision, from amounts made available from the Emergency Connectivity Fund, of support under paragraphs (1)(B) and (2) of section 254(h) of the Communications Act of 1934 (47 U.S.C. 254(h)) 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.

(b) Support Amount.—In providing support under the covered regulations, the Commission shall reimburse 100 percent of the costs associated with the eligible equipment, advanced telecommunications and information services, or eligible equipment and advanced telecommunications and information services, except that any reimbursement of a school or library for the costs associated with any eligible equipment may not exceed an amount that the Commission determines, with respect to the request by the school or library for the reimbursement, is reasonable.

(c) Emergency Connectivity Fund.—

(1) ESTABLISHMENT.—There is established in the Treasury of the United States a fund to be known as the “Emergency Connectivity Fund”.

(2) APPROPRIATION.—In addition to amounts otherwise available, there is appropriated to the Emergency Connectivity Fund for fiscal year 2021, out of any money in the Treasury not otherwise appropriated—

(A) \$7,171,000,000, to remain available until September 30, 2030, for—

(i) the provision of support under the covered regulations; and

(ii) the Commission to adopt, and the Commission and the Universal Service Administrative Company to administer, the covered regulations; and

(B) \$1,000,000, to remain available until September 30, 2030, for the Inspector General of the Commission to conduct oversight of support provided under the covered regulations.

(3) LIMITATION.—Not more than 2 percent of the amount made available under paragraph (2)(A) may be used for the purposes described in clause (ii) of such paragraph.

(4) RELATIONSHIP TO UNIVERSAL SERVICE CONTRIBUTIONS.—Support provided under the covered regulations shall be provided from amounts made available from the Emergency Connectivity Fund and not from contributions under section 254(d) of the Communications Act of 1934 (47 U.S.C. 254(d)).

(d) Definitions.—In this section:

(1) ADVANCED TELECOMMUNICATIONS AND INFORMATION SERVICES.—The term “advanced telecommunications and information services” means advanced telecommunications and information services, as such term is used in section 254(h) of the Communications Act of 1934 (47 U.S.C. 254(h)).

(2) COMMISSION.—The term “Commission” means the Federal Communications Commission.

(3) CONNECTED DEVICE.—The term “connected device” means a laptop computer, tablet computer, or similar end-user device that is capable of connecting to advanced telecommunications and information services.

(4) COVERED REGULATIONS.—The term “covered regulations” means the regulations promulgated under subsection (a).

(5) COVID–19 EMERGENCY PERIOD.—The term “COVID–19 emergency period” means a period that—

(A) begins on the date of a determination by the Secretary of Health and Human Services pursuant to section 319 of the Public Health Service Act (42 U.S.C. 247d) that a public health emergency exists as a result of COVID–19; and

(B) ends on the June 30 that first occurs after the date that is 1 year after the date on which such determination (including any renewal thereof) terminates.

(6) ELIGIBLE EQUIPMENT.—The term “eligible equipment” means the following:

(A) Wi-Fi hotspots.

(B) Modems.

(C) Routers.

(D) Devices that combine a modem and router.

(E) Connected devices.

(7) ELIGIBLE SCHOOL OR LIBRARY.—The term “eligible school or library” means an elementary school, secondary school, or library (including a Tribal elementary school, Tribal secondary school, or Tribal library) eligible for support under paragraphs (1)(B) and (2) of section 254(h) of the Communications Act of 1934 (47 U.S.C. 254(h)).

(8) EMERGENCY CONNECTIVITY FUND.—The term “Emergency Connectivity Fund” means the fund established under subsection (c)(1).

(9) LIBRARY.—The term “library” includes a library consortium.

(10) WI-FI.—The term “Wi-Fi” means a wireless networking protocol based on Institute of Electrical and Electronics Engineers standard 802.11 (or any successor standard).

(11) WI-FI HOTSPOT.—The term “Wi-Fi hotspot” means a device that is capable of—

(A) receiving advanced telecommunications and information services; and

(B) sharing such services with a connected device through the use of Wi-Fi