

Emergency Connectivity Fund (FCC 21-58A1) Summary

The Emergency Connectivity Fund (ECF) is a \$7.1 billion initiative included in the American Rescue Plan passed by Congress in March 2021. It provides funding for schools and libraries for the purchase of connected devices and broadband connections for use by students, school staff and library patrons during the COVID19 pandemic.

On May 11, 2021, the FCC released their final rules related to ECF which are available at: <https://docs.fcc.gov/public/attachments/FCC-21-58A1.pdf>.

Following is a summary of the new ECF rules; this list is not intended to be a comprehensive list of every rule in the ECF order.

Funding Period & Application Windows

There will be an initial 45-day application window for purchases of eligible equipment/services between July 1, 2021 to June 30, 2022. If money remains, a retroactive window will be opened to reimburse eligible purchases that were made from March 1, 2020 through June 30, 2021.

Eligible Entities

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.

Eligible Locations

Any off-campus location where education is occurring, such as community centers, churches, etc. (not just the home) is eligible. Wireless service for school buses and bookmobiles to bring Internet to students and library patrons that lack sufficient broadband is also eligible. 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.

Eligible Students, Staff or Library

Students, staff or library patrons who otherwise do not have sufficient Internet access or access to a connected device to engage in remote learning. Library patrons must sign a statement attesting to this need.

Eligible Equipment

Laptops/tablets, Wi-Fi hotspots, modems and routers, including cellular air-cards. Components that are sold with the equipment such as cords and chargers are also eligible and do not require cost-allocation.

Eligible Services

DSL, cable modem, leased lit fiber, wireless services (e.g., fixed wireless, microwave, satellite and mobile wireless). Installation, activation and initial configuration costs, taxes, shipping charges and other reasonable fees incurred with the purchase of the eligible equipment and services are also eligible.

May 2021

Eligible Uses

Eligible equipment/services must be used primarily for educational purposes. Schools and libraries are permitted to allow the use of eligible equipment/services for other purposes when they are not needed for educational purposes in the first instance. Schools and libraries are required to restrict access to eligible connected devices to only those students, school staff and library patrons with appropriate credentials.

Equipment/Service Funding Caps

A \$400 cap on laptops/tablets and \$250 cap on Wi-Fi devices. If equipment costs more than these caps, ECF will pay up to the cap. Applicants may request a waiver of the \$400 cap for laptops/tablets for students with disabilities. All other equipment/services are proposed to be reimbursed at 100 percent (no funding caps or discount matrix applied). There is an expectation that Internet access service will generally cost between \$10 and \$25 per month.

Limitations on Number of Devices/Internet Connections

No more than one fixed broadband Internet access connection (such as a cable modem Internet) per location is permitted. No more than one laptop/tablet and no more than one Wi-Fi hotspot per student, school staff member or library patron is permitted. 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.

Construction of New Networks

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, 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.

Eligible costs are:

- 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.
- Special construction is defined as construction of network facilities, design and engineering and project management.
- Customer premises or end-user equipment to receive datacasting services.

Note: Dark fiber and electronics to light dark fiber are NOT eligible.

Ineligible Equipment/Services

Smartphones, desktop computers, spare equipment/parts, software, user licenses, filtering, firewalls, firewall services that are purchased separately and are not included in the base price for the equipment, back-up power equipment (e.g., back-up batteries, redundant power cords, uninterruptible power supply (UPS), generators and surge protectors, etc.), cybersecurity tools (including, for example, virtual private network (VPN) licenses), network monitoring, separate costs for non-connected accessories (e.g., headsets, cases, mouse pads, cable clips, laptop bags, tablet stands, wall mounts and charging stations, etc.), voice services, standalone cameras and microphones, technical support, maintenance costs, separate costs for warranties and protection plans, videoconferencing equipment and related software subscriptions (e.g., Zoom subscriptions) and learning management systems.

Competitive Bidding

No separate ECF competitive bidding requirements will be imposed (for retroactive or future purchases). Must comply with state and local bidding requirements.

Application & Reimbursement 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 (or forms similar to these). There will be no separate Form 486. The initial application window is expected to open in mid-late June. 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 or equipment and then submit reimbursement requests via the existing Form 472 (BEAR) system within 60 days of the FCDL date (or revised FCDL if there is a post-commitment change). 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 SP. 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.

CIPA Requirements

CIPA applies to the use of any computer owned by a school or library if the school or library receives ECF or E-rate funding for Internet access or internal connections. This is true even if the student or library patron does not use Internet access services provided by the school or library. This rule applies to all school- or library-owned computers regardless of where they are used – off campus or on campus. CIPA does not apply if the school/library does not receive ECF or E-rate funding for Internet access or internal connections, even if the computers were purchased with ECF funding. In addition, 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. If applicants are not yet CIPA compliant, they will be permitted to certify on their Form 471 that they are undertaking actions to become CIPA compliant.

Application Survey Questions for Students

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 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.

SAM.gov Registration

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.

Inventory Record Keeping Requirement Services

Applicants must maintain a record of services purchased with ECF support which includes:

- » Type of service provided (i.e., DSL, cable, fiber, fixed wireless, satellite, mobile wireless)
- » Service plan details, including upload and download speeds and monthly data cap
- » The name(s) of the person(s) to whom the service was provided
- » For fixed broadband service only:
 - o The service address
 - o The installation date of service
 - o The last date of service

Inventory Record Keeping Requirement Equipment

Applicants must maintain a record of equipment purchased with ECF support which includes:

- » Device type (i.e., laptop, tablet, mobile hotspot, modem/router)
- » Equipment make and model
- » Serial number
- » Name of the person to whom the device was provided
- » 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
- » 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).

10-year Document Retention Requirement

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.

National Supply Chain Risk

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 ZTE Corp., Hangzhou Hikvision Digital Technology Co. or Dahua Technology Co.