



PUBLIC NOTICE

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DA 21-1119

Released: September 8, 2021

WIRELINER COMPETITION BUREAU EXPANDS EMERGENCY BROADBAND BENEFIT PROGRAM ELIGIBILITY

*Households that Participate in Free and Reduced Price School Lunch or Breakfast Programs
in the 2021-2022 School Year Are Eligible*

WC Docket No. 20-445

By this Public Notice, the Wireline Competition Bureau (Bureau) announces that it will expand the school years that will be acceptable for eligibility determination purposes for the Emergency Broadband Benefit Program (EBB Program). As a result of this change, households that can demonstrate participation in the free and reduced price school lunch program or school breakfast program for the 2021-2022 school year will now be eligible for the benefit.

The Consolidated Appropriations Act of 2021 (CAA or Act)¹ provides that households with members who are approved to participate in the free and reduced price school lunch program or school breakfast program are eligible for the EBB Program,² and the Commission's rules adopted this eligibility criteria.³ In the *EBB Program Order*, the Commission clarified that, in addition to households that apply for and are approved to receive benefits under the free and reduced price school lunch program or school breakfast program, households with students that are enrolled in schools that participate in the USDA Community Eligibility Provision will also be eligible for the EBB Program under the school lunch program or school breakfast program eligibility criteria.⁴ The Commission further agreed with commenters that proposed that the Commission allow proof of enrollment in these programs for either the 2019-2020 or 2020-2021 school year, "given that many schools have been closed since mid-March 2020 due to the pandemic and students may not be enrolled in the programs" in the 2020-2021 school year.⁵ Based on the *EBB Program Order*, the EBB Program application and other EBB program guidance specifically identify the 2019-2020 and 2020-2021 school years as eligible school years for purposes of qualifying for the EBB Program, but do not discuss any subsequent school years.

The Bureau takes action to clarify that, consistent with the Act, households are eligible for the EBB Program if they have "applied for and been approved to receive benefits under the free and reduced

¹ Consolidated Appropriations Act, 2021, Pub. L. No. 116-260, div. N, tit. IX, § 904(a)(6)(B), 134 Stat. 1182, 2130 (2020), available at <https://www.congress.gov/bill/116th-congress/house-bill/133/text> (Consolidated Appropriations Act).

² *Id.* § 904(a)(6)(B).

³ 47 CFR §§ 54.1600(h)(2); 54.1605(a)(3).

⁴ *Emergency Broadband Benefit Program*, WC Docket No. 20-445, Report and Order, 36 FCC Rcd 4612, 4638, para. 55 (2021) (*EBB Program Order*).

⁵ *Id.* at 4639, para. 56.

price lunch program under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.) or the school breakfast program under section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773)⁶ in the 2021-2022 school year. The Act did not limit participation in the school lunch program or school breakfast program to the school year in which the Act was enacted, and we interpret the Act to permit eligibility based on participation in the school lunch program or school breakfast program for any current school year in which the EBB Program is active. Thus, applicants will be eligible for the EBB Program if a member of the household applied for and received benefits under the free and reduced price school lunch program or school breakfast program, or was enrolled in a school participating in the Community Eligibility Provision, in school years 2019-2020, 2020-2021, or 2021-2022. The Bureau reminds program participants that they must inform their EBB service provider if they are no longer eligible for the EBB Program, such as if no member of the household qualifies for the free and reduced price school lunch or breakfast programs or no member of the household attends school.⁷

The Bureau directs the Universal Service Administrative Company (USAC), as the EBB Program administrator, to begin accepting proof of eligibility consistent with the Bureau's direction in this Public Notice, and to expeditiously update its systems and processes as needed to implement the change.

For further information, please contact Eric Wu of the Wireline Competition Bureau's Telecommunication Access Policy Division at (202) 418-1543 or Eric.Wu@fcc.gov.

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⁶ Consolidated Appropriations Act, div. N, tit. IX, § 904(a)(6)(B); *see also* 47 CFR §§ 54.1600(h)(2), 54.1605(a)(3).

⁷ *See* 47 CFR § 54.1605; *see also EBB Program Order*, 36 FCC Rcd at 4680, para. 146.