

## FCC Waiver of Gift Rules

<https://docs.fcc.gov/public/attachments/DOC-363137A1.pdf>

On March 18, 2020, the FCC waived certain rules as they relate to accepting gifts by participants in the E-Rate and Rural Health Care programs through September 30, 2020. The FCC ruling states, “We waive the RHC and E-Rate program gift rules to permit service providers to offer, and eligible RHC and E-Rate entities to solicit and accept, improved capacity, Wi-Fi hotspots, networking gear, or other things of value to assist health care providers, schools, and libraries as well as doctors and patients, teachers, students, school administrators, and librarians and patrons during the coronavirus outbreak. These gifts could include but are not limited to free upgrades to connections, connected devices, equipment, and other services for RHC program participants who provide care via telemedicine and free broadband connections, devices, or other services that support remote learning for students and teachers who will be taking classes at and providing instruction from home as a result of COVID-19.”

What does this mean for schools and libraries?

1. In this Order, we waive, on our own motion, the Commission’s gift rules applicable to the Rural Health Care (RHC) and E-Rate programs,<sup>1</sup> to assist rural health care providers and schools and libraries affected by the coronavirus disease, also known as COVID-19.
2. You may ask providers to help your school, library, health clinic, and community, to stay connected during this time of trying to mitigate and control the spread of the virus.
  - a. Increased Internet Speeds
  - b. Burstable Internet Speeds
  - c. Networking equipment to handle increased demand
3. You may ask for and receive outdoor wireless hotspots for community use
4. We recommend maintaining CIPA compliance when deploying community services
5. It is okay to setup password protected wireless networks
6. A good faith should be made to keep the signal on school and library property
7. This is only for broadband services and equipment to schools, libraries, and health care clinics

Footnote 41 provides an excellent summary below. The waiver applies to community anchor facilities including schools, libraries, and rural health care facilities. The FCC determined that discounts and donations directly to students, parent, patients, and health care providers do not require a waiver since there is no program violation involved.

To the extent service providers are willing to offer free or reduced-cost Internet access service directly to families with school-aged children, rather than to eligible E-Rate schools and libraries on behalf of students, we find no need to waive our gift rules, which only apply to eligible entities and service providers participating in or seeking to participate in the E-Rate program. Likewise, we find no need to waive our gift rules for the RHC program to permit service providers to offer free or reduced-cost Internet access service directly to patients of health care providers participating in the RHC program and commend any service provider making this offer.

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<sup>1</sup> E-Rate is more formally known as the schools and libraries universal support mechanism.

Please contact the New Mexico E-Rate Coordinator for Schools, [John.Chadwick@state.nm.us](mailto:John.Chadwick@state.nm.us) if you have questions or concerns. The E-Rate Coordinator for Libraries is [Richard.Govea@state.nm.us](mailto:Richard.Govea@state.nm.us).

**Revised March 20, 2020**