

Commission to broaden the definition of E-rate eligibility to include all segments of network security.”² A year after this filing, in September 2020, we again encouraged the inclusion of cybersecurity tools.³ And we continued our quest for security tool eligibility in comments we filed on the Eligible Services List (ESL) for the 2023 E-rate funding year.⁴

In addition to the above referenced ALA comments, over the past several years many other organizations have also filed comments in support of making cybersecurity tools eligible for E-rate support. For example, in February 2021, the Consortium for School Networking (CoSN), et al., filed detailed comments with the Commission that provided considerable information on cybersecurity issues.⁵ While the CoSN filing focuses on schools, our nation’s libraries encounter the same security threats.⁶

In our September 2020 ESL comments, we—and other organizations⁷—requested that if the Commission did not view the ESL as the appropriate venue to request cybersecurity tool eligibility, that it open a separate proceeding to specifically address this issue. And the Commission did just this in December 2022 when it released a *Notice* seeking comments on the use of E-rate funds for “Next-Generation Firewalls And Other Network Security Services.”⁸ The American Library Association⁹ and a host of other organizations filed comments related to this notice.

² *Reply Comments* of the American Library Association in Response to Category 2. WC Docket No. 13-184. Page 4. September 3, 2019.

³ *Reply Comments* of the American Library Association in Response to the *Proposed E-rate Eligible Services List* for FY 2021. WC Docket No. 13-184. Page 3. September 4, 2020.

⁴ *Comments* of the American Library Association in Response to the *Proposed E-rate Eligible Services List for FY 2023*. WC Docket 13-184. Pages 1-2. September 21, 2022.

⁵ Consortium of School Networking, et al. WC Docket No. 13-184. February 8, 2021.

⁶ For example, see the Public Library Association’s article: “Ransomware Attacks at Libraries: How They Happen, What to Do” May 10, 2021. And more specifically, “Akron-Summit County Library: Ransomware behind cyberattack, hopes website fixed by Monday.” *Akron Beacon Journal*. May 31, 2023.

⁷ For a list of other organizations that advocated for cybersecurity eligibility, see Appendix A in the December 2022 Notice cited immediately below.

⁸ Wireline Competition Bureau Seeks Comment on *Next-Generation Firewalls And Other Network Security Services*. WC Docket No. 13-184. (December 14, 2022.)

⁹ *Comments* from the American Library Association on the FCC *Notice on Next-Generation Firewalls and Other Network Security Services*. WC Docket No. 13-184. (February 13, 2023.) (*ALA, February 2023*.)

We provide the above information to document the widespread support in the library and school communities for the E-rate eligibility of cybersecurity tools. ALA and the great majority of organizations who filed comments related to the December 2022 *Notice* hoped the Commission would release a follow-up Order making cybersecurity tools fully eligible for E-rate support. Unfortunately, the Commission did not take such action. Instead, it opted for a limited Cybersecurity Pilot Program. The ALA supports this pilot proposal but also calls for more serious and urgent action to address this crisis. The Background section of the November 2023 *Pilot Program NPRM* documents numerous security issues and network breaches our libraries and schools constantly confront; cybersecurity tools available through the E-rate program are needed now.

We offer the following comments and observations on various aspects of the *Pilot Program NPRM*.

Measuring the costs and effectiveness of Pilot-funded cybersecurity: The cost of making cybersecurity tools eligible for E-rate funding is a critical issue. As the Commission states, one of the key purposes of the Pilot is to "Determine the most cost-effective use of universal service funding...."¹⁰ And it further acknowledges that it "Must balance the benefits of particular services with the costs of adding them to the list of supported services."¹¹ We share concerns about the cost to the Universal Service Fund (USF) of adding any E-rate eligible services and have made recommendations to address this risk. For example, in comments we submitted in February 2023 we advocated for making all cybersecurity tools Category 2 (C2) eligible. Doing this then means that cybersecurity tools will be subject to an applicant's fixed C2 funding amount.¹² Regardless of the cost data the Commission collects as part of the Pilot Program, we think using Category 2 funding for cybersecurity tools will prevent an increase in the E-rate funding and thus should address the concerns some parties have about the impact on the USF.

¹⁰ *NPRM*, para 21.

¹¹ *Id.*, footnote 54.

¹² *ALA, February 2023*, p. 4.

Pilot program application process: We agree that the application process needs to be done outside of the normal E-rate application process, and we also agree that this process and other aspects of the Pilot Program should be administered by USAC. One concern we have is the detailed information the Commission proposes to require as part of the application process.¹³ For example, it wants applicants to describe, “Any incident of unauthorized operational access to the Pilot participant’s systems or equipment within a year of the date of its application; the date range of the incident; a description of the unauthorized access..., a description of the vulnerabilities exploited...[etc.]”¹⁴ We note that some applicants may be reluctant to publicly disclose their security breaches. It also proposes that applicants “Track the impact the Pilot funding has on its cybersecurity action plan....”¹⁵ It is likely most small libraries do not have an action plan and requiring this will prevent many of these libraries from applying.

Pilot program duration: The Commission proposes the Pilot Program last for three years. We think there is no need for a pilot to last this long and, instead, we propose a one-year timeframe. Having a single year should give the Commission the information it needs to evaluate the various cybersecurity service and tool options and how much they cost and allow it to move more quickly to address urgent needs in the field. The importance of timing was stated in a letter ALA and other parties filed with the Commission on August 7, 2023.¹⁶ This letter advocated for a shorter pilot so that a decision could be made to—hopefully—add cybersecurity tools to Category 2 prior to the next C2 five-year budget cycle, which starts in funding year 2026. And in more recent meetings with Commissioners’ staff several parties have also advocated for a one-year timeframe. For example, in a (virtual) meeting ALA staff attended on January 10, 2024, with staff from Commissioner Stark’s office, the participants all supported reducing the time for the pilot to one year.¹⁷

¹³ *NPRM*, para. 27.

¹⁴ *Id.* para. 27, iii.

¹⁵ *Id.* para. 27, v.

¹⁶ Letter to the Commission on the *Proposed FCC Schools and Libraries Cybersecurity Pilot Program*. ALA, et al. WC Docket 13-184. August 7, 2023.

¹⁷ *Notice of Ex Parte*, Schools and Libraries Cybersecurity Pilot Program, WC 23-234. January 10, 2024. Besides ALA other organizations attending this meeting included: the Consortium for School Networking; the Schools, Health & Libraries Broadband Coalition; and the State E-Rate Coordinators’ Alliance.

Pilot budget: It is understandable that there are no specific grant guidelines available and no maximum funding amount that applicants can request. Not knowing these factors makes it difficult to know—*a priori*—whether the proposed \$200 million budget will be sufficient. However, with our suggestion that the pilot be limited to just a single year, we think this amount will be sufficient. Or stated another way, we think the Commission can make the Pilot Program work with this amount. We are also pleased to see that whatever amount the Commission ultimately budgets that it is proposing the amount comes out of a separate USAC fund allocation and not from the \$4.768 billion E-rate fund. We appreciate and support the Commission’s desire to safeguard E-rate funding.

Selection of pilot participants: We propose that the Commission’s selection process be tailored to ensure participation from a variety of small, medium, and large libraries and school districts. Because libraries and schools in larger communities almost always have dedicated network staff with some degree of cybersecurity expertise, it is likely there will be a substantial number of applicants from this cohort. But we share the Commission’s concern on how it can “Ensure that schools and libraries that lack funding, expertise, or are otherwise under-resourced can meaningfully participate in the Pilot?”¹⁸ We think the Commission posits the right question on this issue when it asks if it should “Direct USAC to provide assistance to schools and libraries that are under-resourced and may lack experience to assist them throughout the Pilot?”¹⁹ Our answer to this question is a definite: Yes! Many libraries and schools in smaller, rural communities are chronically under-resourced and find it challenging just to meet day-to-day responsibilities. Therefore, it is not surprising that they often lack staff with detailed networking and cybersecurity expertise. We think that without considerable support from USAC the Commission will likely get a small number of applications from this group, or it will get applications of lower quality, when compared to larger libraries. A critical issue in this regard is that assistance from USAC must start early in the application process, well before the actual application filing deadline. Some may argue that such outreach compromises a desire to maintain a more “hands-off” objective process to select participants. But we say that for under-resourced applicants it is more important to get the right applicants and to do what is needed to ensure this,

¹⁸ *NPRM*, para. 34.

¹⁹ *Id.*, para. 36.

vs. a more independent selection process. To help identify prospective library applicants from small and rural communities, we suggest that USAC work with ALA and state library agencies. State libraries, in particular, are in a good position to help identify participants from under-resourced communities who are willing to apply and willing to commit the time needed to fully participate in the Pilot Program.

Eligible services and equipment/security measures: The Commission seeks input on how general, or specific, it should be in defining eligibility of services and hardware for the Pilot Program. Regarding this issue, it also references the position of the Schools, Health & Libraries Broadband (SHLB) Coalition that the Commission support a broad eligibility framework.²⁰ We agree with the SHLB position and are concerned that if the Commission adopts a too narrow definition of services and equipment it will miss key segments that constitutes a comprehensive set of cybersecurity tools.

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In conclusion, the American Library Association appreciates the opportunity to offer comments on this proposed Cybersecurity Pilot Program. We look forward to its implementation and working with the Commission to ensure it will have a good cross-section of library applicants from a variety of urban and rural communities. Ultimately, we hope the results of the Pilot Program will point to the need for the Commission to make robust cybersecurity tools fully eligible for E-rate support.

Respectfully submitted,

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²⁰ *Id.*, para. 40.