

**Before the
Federal Communications Commission
Washington, DC 20054**

In the Matter of:

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| Schools and Libraries Universal Support |) | CC Docket No. 02-6 |
| Mechanism |) | |
| |) | |

**Comments of the American Library Association and
the Association of Tribal Archives, Libraries and Museums**

The American Library Association (ALA) and the Association of Tribal Archives, Libraries and Museums (ATALM) commend the Federal Communications Commission for moving forward with a tribal library Notice of Proposed Rulemaking (NPRM) to address the long-standing barriers to tribal library participation in the E-rate program. Since the program’s inception, the definition of “library” has often been a barrier preventing many tribal libraries from participating in the program. Updating the definition to clarify that tribal libraries are eligible for the E-rate is obviously the most critical step the Commission can take to correct this issue. However, because there is a long history of confusion related to eligibility of tribal libraries and a basic lack of awareness of the E-rate program, ALA and ATALM also encourage the Commission to develop a robust outreach strategy to encourage their participation in the program. To ensure the success of any outreach initiative, we strongly encourage the Commission to work collaboratively with the Institute of Museum and Library Services (IMLS)—the federal agency with the most direct experience working with tribal libraries. This collaboration should be done in consultation with ATALM and the American Indian Library Association (AILA).

Specifically in relation to the NPRM, ALA and ATALM are pleased to provide the following comments and recommendations:

Tribal library eligibility

We have long advocated for the Commission to take action to ensure the E-rate eligibility of all tribal libraries.¹ And ALA and ATALM concur with the Commission that it can rectify this long-standing barrier to tribal libraries by adopting the amended definition of “library” included in the 2018 reauthorization of the Museum and Library Services Act.

Tribal libraries are most often formed through a formal resolution from a tribal council. And what constitutes a library is reflective of the cultural, educational, and social needs of each tribe. To ensure all tribal libraries can fully take advantage of the E-rate program, the Commission must confirm that the designation of a “tribal library” is under the authority of the tribe that governs the library. By clarifying that it is the tribe that designates its library, the Commission correctly recognizes the sovereign nation status of such tribe which is a critical step in advancing equity for tribal libraries and the communities they serve. This approach also aligns with the 2018 reauthorization of the Act.

We also urge the Commission to revisit the definition for tribal entities on the E-rate website.² It currently states, “An E-rate applicant may self-identify as a Tribal entity in their EPC entity profile if the majority of students or library patrons served are Tribal members; the entity is located partially or entirely on Tribal land; the entity is a school operated by or receiving funding from the Bureau of Indian Education (BIE); or the entity is a school or library operated by a

¹ For example, see ALA’s statement on the homework gap filed February 16, 2021. “We also take this opportunity to request that the Commission finally resolve the longstanding ineligibility of many tribal libraries that prevents them from participating in the E-rate program.” See *Addressing the Homework Gap through the E-rate Program*. WC Docket No. 21-31.

(https://ecfsapi.fcc.gov/file/10318390618596/ALA_Homework_Gap_Comments_02162021.pdf.)

² See <https://www.usac.org/e-rate/learn/tribal-training/>.

Tribal Nation.”³ ATALM and ALA recommend that the definition for tribal library on the E-rate application only include those libraries that are designated by a tribe as a library.

Tribal library participation

The NPRM states that approximately 15 percent of tribal libraries now participate in the E-rate program.⁴ According to preliminary results of a 2021 ATALM comprehensive digital inclusion survey, 38% of respondents had not heard of the E-rate program, 30% were unsure if they were eligible, 13% said the application was too complicated, and 39% would like to learn more about the program. Of those responding, only 12% reported that they had ever applied.⁵ These numbers indicate conclusively the Commission will need to dedicate significant time and resources to increase participation by tribal libraries.

Training and application support

ATALM and ALA acknowledge and appreciate the efforts that the Commission has already initiated to provide more training opportunities for tribal applicants. Yet it is still likely any increase in tribal library participation will be highly dependent on their staff meeting the challenge of familiarizing themselves with all facets of the E-rate program.⁶ ATALM’s digital inclusion work indicated that beyond lack of awareness of the E-rate program, a significant barrier for tribal libraries is the lack of staff time to manage the complex application process. To help address this, we request that the Commission to implement a more robust outreach and application support strategy. This should be developed in close cooperation with the key stakeholder organizations. In addition, the Universal Service Administrative Company (USAC)

³ Ibid.

⁴ See paragraph 6. NPRM, Adopted September 30, 2021.

⁵ The ATALM report will be available in early 2022. These statistics are currently unpublished and are used to inform a tribal library summit for “Improving Digital Inclusion and Broadband Infrastructure in Native Communities”.

⁶ Because of the difficulty they had with the E-rate, the Mississippi Band of Choctaw Indians hired a full-time grant writer to manage their E-rate application process. *Additional Coordination and Performance Measurement Needed for High-Speed Internet Access Programs on Tribal Lands*, page 14. GAO (16-222), January 2016.

must be adequately resourced with staff and other resources for outreach to provide any tribal training and application support as directed by the Commission.

Performance measures

We agree that the Commission should establish performance measures that can be used to indicate progress toward ensuring that all tribal libraries are able to participate in the E-rate program and by doing so increase their access to advanced telecommunications services.

Specifically on the critical issue of adequate broadband connectivity, ALA is not aware of any comprehensive data that indicates the broadband needs of tribal libraries.⁷ Thus, the Commission is, in effect, starting with a blank slate. To help determine broadband needs, we urge the Commission to collaborate with IMLS and consult with ATALM and other relevant tribal organizations to develop a strategy for providing technical assistance to tribal libraries in assessing their network capacity and broadband needs. This is especially critical for the many tribes in rural areas where the difficulties in providing sufficient, affordable broadband have been well documented.

Tribal representation and consultation

To ensure the needs of tribal libraries are acknowledged and addressed, we respectfully request the Commission to add a member to the USAC board with purview of tribal libraries and other tribal organizations that are beneficiaries of Universal Service Fund programs. Such a position would serve a dual purpose of being the conduit of information from the tribal library community directly to USAC, and, conversely, provide timely information from USAC to the field. We note that the current single library representative on the Board provides a valuable service to the library community and a tribal Board representative will do the same for tribal libraries. Given the dreadful state of broadband access on tribal lands, increased effort—and at

⁷ The library broadband benchmarks established in the *Modernization Order* may be relevant for tribal libraries, but ALA thinks the issue of determining what is sufficient broadband should be reviewed. See: *Modernizing the E-rate Program for Schools and Libraries*, WC Docket No. 13-184, para. 37 (July 2014).

the highest levels of the Universal Service Fund programs—is warranted to increase visibility of tribal concerns in decision making.

Conclusion

This Notice of Proposed Rulemaking represents a tremendous opportunity for tribal libraries and the communities they serve. ALA and ATALM fully support this effort by the Commission to ensure the eligibility of all tribal libraries to participate in the E-rate program and we hope the Commission will act in an expeditious manner to make this a reality.

Respectfully submitted,

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