

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

In the Matter of:

**Allowing Use of E-rate Funds for Advanced)
or Next Generation Firewalls and Other) WC Docket No. 13-184
Network Security Services)**

Comments of the American Library Association

The American Library Association (ALA)¹ appreciates the Commission releasing a Public Notice seeking comments on allowing E-rate funds to be used for next generation firewalls and other advanced network security services.² The association has long supported expanding E-rate eligibility to address the network security needs of our libraries and schools. For example, in eligible services list (ESL) comments ALA filed on September 3, 2019, we stated, “Considering how essential robust network security is to our libraries (and schools)... we strongly encourage the Commission to broaden the definition of E-rate eligibility to include all segments of network security.”³ And in ineligible services comments the ALA filed on September 4, 2020, we also advocated for the eligibility of security tools.⁴ Finally, we again advocated for making

¹ The American Library Association (ALA) is the foremost national organization providing resources to inspire library and information professionals to transform their communities through essential programs and services. For more than 140 years, ALA has been the trusted voice for academic, public, school, government and special libraries, advocating for the profession and the library's role in enhancing learning and ensuring access to information for all. ALA represents the nation's 123,000 libraries, which includes 16,557 public libraries.

² *Wireline Competition Bureau Seeks Comment on Requests To Allow The Use Of E-Rate Funds For Advanced Or Next-Generation Firewalls And Other Network Security Services*. WC Docket No. 13-184. December 14, 2022.

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

⁴ 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.

comprehensive security tools eligible for E-rate support in comments filed in September 2022.⁵ As shown immediately below, ALA is by no means alone in our position.

The Petitions and ESL Filings. —In addition to the above referenced ALA comments, the record is replete with filings by numerous other organizations in support of making advanced security tools E-rate eligible. (Many of these are listed in Appendix A in the Notice.) We especially call the Commission’s attention to the detailed February 8, 2021, filing by the Consortium for School Networking (CoSN), et al., which provides considerable information on cybersecurity issues. And while the CoSN filing focused on schools, our nation’s libraries confront the same security threats. These threats were specifically addressed by the Public Library Association, a division of ALA, in a May 2021 article, for instance.⁶

The Notice calls specific attention to the *Ex Parte* letter filed on September 22, 2022, by several education organizations.⁷ This letter states that E-rate funding should not be “repurposed/redirected” to address cybersecurity concerns. Instead, the letter proposes that more coordination is needed between federal agencies to address the cybersecurity threats challenging schools. We note that such coordination efforts are already underway. In February 2022, the FCC announced that it will relaunch the Cybersecurity Forum, an executive branch agency group focusing on critical cybersecurity concerns.⁸ And more specifically, in July 2022 the Commission indicated it was initiating a process to better coordinate with the federal Department of Education, the FBI and other agencies regarding cybersecurity issues and the E-rate program.⁹ The ALA supports such efforts at greater coordination and believes they are necessary. At the same time, we are concerned about how long these efforts will take to result in meaningful

⁵ Comments of the American Library Association in Response to the Proposed E-rate Eligible Services List for FY 2023. WC Docket No. 13-184, September 21, 2022.

⁶ See, "Ransomware Attacks at Libraries: How They Happen, What to Do" May 10, 2021. <https://publiclibrariesonline.org/2021/05/ransomware-attacks-at-libraries-how-they-happen-what-to-do/>.

⁷ AASA, et al., *Ex Parte* Letter. September 22, 2022. The letter also states that the “E-Rate alone cannot defray the costs of the technology and training necessary to secure school and library networks and data.” We note that the E-rate does not fully defray the cost of any current eligible services, but it helps to defray such costs and can do the same for cybersecurity tools.

⁸ *Chairwoman Rosenworcel to Lead Relunched Federal Interagency Cybersecurity Forum*. FCC press release, February 3, 2022.

⁹ GAO, Critical Infrastructure Protection Additional Federal Coordination is Needed to Enhance K-12 Cybersecurity (October 2022), page 20. (<https://www.gao.gov/assets/gao-23-105480.pdf>).

recommendations and follow-up actions. Even as the FCC coordinates with other federal stakeholders, the agency can and should take swift steps within its authority to help libraries and schools. This need is urgent, and thus any efforts at greater interagency cybersecurity coordination should *not in any way preclude the Commission from moving forward now on the need to make all firewalls and cybersecurity tools E-rate eligible*. We encourage the Commission to adopt a final Order in this proceeding by the end of this summer, so that applicants have an opportunity to seek E-rate support for cybersecurity expenses in the 2024 funding year.

Definition of Advanced Firewalls, Services and their Costs. —While not experts in this area, we note that the Notice itself (p. 5) lists several components of advanced security tools.¹⁰ Because the technology frequently changes, however, we have concerns about creating a static list of eligible services and a similar list of ineligible services. Rather, we ask the Commission to develop a broad, flexible definition of eligible security tools with the primary qualification being that the services requested improve network security. We also note that since applicants will be using their limited Category 2 funding, this will help ensure they make prudent purchases.

Categorization of Firewall Services and Components. —An important question the Commission asks is: Should advanced network security tools and services be considered eligible in Category One (C1) and/or Category Two (C2)? This question is of interest because network security often occurs at many different physical areas. For example, a simple firewall is often located in the library at the edge of its local network. Being an on-premises location, this would then be eligible as Category Two. And while more advanced security tools can also be located on-premises, they are often higher in the network (i.e., clouded-based) and thus located off-site.¹¹ In such cases, these security tools would ordinarily be eligible as a Category One service. The reality is that many libraries and schools have a hybrid security environment where some security tools are on-premises, and some are off-premises. Trying to determine what constitutes firewall and cybersecurity eligibility as C1 and C2 would be complicated; making all basic and

¹⁰ The Commission acknowledges that some of these components are listed in a January 2021 report issued by Funds for Learning (FFL). This report was appended to comments submitted on February 8, 2021, by CoSN, et al. These comments are cited in Appendix A in the Notice.

¹¹ The Commission acknowledges this in footnote 39 in the Notice.

advanced firewalls and cybersecurity tools and services C2-eligible removes this complexity. We explain this in more detail in the next paragraph.

Cost-Effective Purchases. —The Commission is rightly concerned about the cost of making advanced network security tools E-rate eligible and the impact this would have on the Universal Service Fund (USF).¹² With the Universal Service contribution factor for the first quarter of 2023 at 32.6%¹³, this is not just a concern of the Commission but is shared by ALA and many others in the E-rate community.¹⁴ The Universal Service Fund’s outdated revenue collection system must be addressed, but the longstanding failure to update it should not be the basis for determining the essential components of the E-rate ESL. As we reference above, a straightforward way to address the cost issue and the impact on the USF is to make *all* basic and advanced firewalls and security tools and services Category Two-eligible and thus subject to an applicant’s C2 funding cap. Category Two eligibility would apply regardless of where the firewall or security tools reside in the network. Thus, an off-premises service, which normally would fall under C1 eligibility, will be eligible only as C2.¹⁵ We believe making this exception to the current regulations of defining C1 and C2 eligibility based on location is justified to address cost issues and thus this will address the Commission’s concerns about the impact on the USF. An additional important factor is that making all firewalls and security tools and services C2-eligible will simplify the program because applicants with some security off-premises and some on-premises will not need to allocate their funding request between C1 and C2. Requiring such allocation will result in greater scrutiny of applications and needlessly result in more program complexity. Another program simplification is that making all firewalls and security tools C2-eligible also eliminates any need to classify or define some firewalls and cybersecurity tools as “basic” and some as “advanced.”

¹² The petition that CoSN, et al., filed on Feb. 8, 2021, has considerable data on cost issues including an estimate that making comprehensive cybersecurity tools E-rate eligible could cost \$2.389 billion annually.

¹³ See *Proposed First Quarter 2023 Universal Service Contribution Factor*, released December 9, 2022. (<https://docs.fcc.gov/public/attachments/DA-22-1286A1.pdf>.)

¹⁴ The ALA would be remiss if it did not take this opportunity to note that the issue of a sustainable Universal Service Fund has become increasingly critical for many years. We implore the Commission to take action on this issue.

¹⁵ We note there is no statutory language related to establishing funding categories. This was an administrative decision made by the Commission early in the program to address insufficient funding. See paragraph 34 in the *Fifth Order on Reconsideration and Fourth Report and Order* (June 22, 1998).

On the timing of eligibility, we think the Commission has sufficient time to conduct all the necessary background work to make all security tools eligible for the July 1, 2024, funding year.¹⁶ We recognize that this is in the middle of the current five-year C2 funding cycle that runs through the 2025 E-rate funding year (i.e., ends June 30, 2026). Some parties may raise concerns that libraries have already spent their C2 allocations and thus will not have funds remaining in the current C2 cycle to purchase advanced security tools. However, a review of the C2 funding tool indicates that as of early February 93% of the C2 library allocation nationwide remains unspent.¹⁷ This review clearly indicates that there is no need to delay until the start of the next C2 funding cycle on July 1, 2026, to make advanced security tools eligible for program discounts. At the same time, we ask the Commission to consider a modest increase in the C2 allocation, especially for those libraries and schools who have no C2 funds remaining.

Legal Issues. —The Commission asks whether adding E-rate eligibility of next-generation firewalls and related services is “within the scope of the Commission’s legal authority?”¹⁸ We very much believe they are, and thus see no legal issues to impede such an addition to the ESL. *It is important to note that basic firewalls have been eligible since the program’s inception.* Thus, from this perspective, we see adding the eligibility of next-generation firewalls and services as just an extension of the current firewall eligibility. In addition, we think there is clear statutory language allowing the Commission to take this action. For example, in addition to the eligible services described in 47 U.S.C. §§ 254(h)(1)(B), section 254(c)(3) states that “The Commission may designate *additional services* for such support mechanisms for schools, libraries...”¹⁹ (emphasis added). And section 254(h)(2) refers to making “Access to *advanced telecommunications and information services* for all...”²⁰ libraries and schools (emphasis added).

¹⁶ Following usual practices, the Commission would include advanced security tools in the draft 2024 Eligible Services List (ESL). The draft ESL is often released in August before the start of the next funding year. This means the inclusion of advanced security tools in the draft ESL released in August 2023. If this time frame is too restrictive, we suggest the Commission wait until late September or October to publish the draft ESL. An alternative is to publish the draft ESL in August and then reference in the draft that advanced security tools will be eligible and an addendum with more details will be published later (e.g., October).

¹⁷ Numbers are from the E-rate C2 Budget Tool. February 7, 2023.

¹⁸ Notice, p. 7.

¹⁹ 47 U.S.C. §§ 254(c)(3).

²⁰ 47 U.S.C. §§ 254(h)(2).

In conclusion, everyday secure and reliable internet access in our libraries and schools is threatened by malicious parties intent on preventing library staff and patrons, and school staff and students, from accessing the online resources that are critical to their information and educational needs. Thus, the American Library Association strongly encourages the Commission to help protect such access by making next generation firewalls and advanced security tools and services eligible for E-rate Category 2 support for the July 1, 2024, funding year; providing this limited E-rate cybersecurity support in a manner that is minimally burdensome to applicants and permits libraries and schools to select the modern firewall technology they need; and considering an increase in Category 2 funding levels within existing caps to cover modern firewalls. Thank you for reviewing our comments and considering our request.

Respectfully submitted,

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