

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

In the Matter of:

Schools and Libraries Universal Support Mechanism)	
)	CC Docket No. 02-6
)	
Federal-State Joint Board on Universal Service)	
)	CC Docket No. 96-45
Changes to the Board of Directors of the National Exchange Carrier Association, Inc.)	
)	CC Docket No. 97-21
)	
)	

Comments of the American Library Association

The American Library Association (ALA), which represents the nation's 123,000 libraries of all types, commends the Federal Communications Commission (FCC) 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. ALA acknowledges the FCC and Universal Service Administrative Company (USAC)'s commitment to digital equity for Tribal libraries and commends the Tribal Library Pilot Program and the explicit outreach targeting Tribal libraries. The Tribal Library Order that updates the definition of library and clarifies that Tribal libraries are eligible for E-rate are critical steps to providing inclusive funding opportunities. When Tribal libraries are eligible for E-rate funding, comprehensive and efficient investments in broadband are possible.

Tribal libraries serve some of the most underrepresented and underconnected communities in the country. With digital equity and inclusion as the overarching goals, this NPRM serves as a significant step toward achieving these goals and acknowledging the ways in which Tribal communities face unique connectivity challenges. The regulations resulting from this NPRM will not only support Tribal libraries in receiving vital E-rate support; small and rural libraries across the country will benefit from these changes. Small and rural libraries also serve underrepresented and underconnected communities and are critical access points for educational, economic, and civic participation for their communities. Reliable broadband is imperative.

With these changes, many more Tribal libraries will now be eligible for E-rate funding. Many tribal libraries have not participated in the E-rate program; therefore, outreach to them will be a critical factor in ensuring successful E-rate applications. We strongly encourage the Commission to work collaboratively with USAC and the Institute of Museum and Library Services (IMLS)—the federal agency with the most direct experience working with Tribal libraries—to ensure the success of any outreach initiative. This collaboration should be done in consultation with the Association of Tribal Archives, Libraries, and Museums (ATALM), the American Indian Library Association (AILA), state library agencies, and library E-rate coordinators. These collaborative working relationships will bolster the program and advance the goals of digital equity with effective implementation and key stakeholder involvement.

The ALA has a well-documented interest in this issue and has long advocated for changes to the program to simplify, streamline, and be more inclusive of small entities, especially Tribal libraries. Small and rural libraries face unique challenges related to capacity, geography, and available resources, among others. These challenges are similar, but not identical, to the

challenges faced by Tribal libraries, many of whom have been excluded from the E-rate conversation for a long time. Bold action is needed to address these historic gaps in broadband equity and access for Tribal libraries and many other small libraries.

This NPRM offers this opportunity for action, and ALA makes the following recommendations in our response:

- Expand E-rate eligibility for more Tribal libraries who serve as the public or community library, including Tribal college libraries. We agree with the proposed language stating that a “Tribal college or university library that acts as a public library by having dedicated public library staff, regular hours, and a collection for public use in its community shall be eligible for discounts.”¹ More information on Tribal college libraries is in our comments below.
- Streamline and simplify the E-rate process to make it viable for more Tribal libraries. We propose simplifying the process by clarifying the Eligible Services List, reducing forms, enabling flexibility for competitive bidding for small dollar amounts, and providing guidance and structure for navigating the process for applicants.
- Ensure changes to E-rate eligibility and processes apply to all small and rural libraries. Furthermore, solutions that bring high-speed internet access to libraries on Tribal lands also can benefit public libraries in rural and remote locations facing similar broadband access challenges. Special construction through E-rate—though far from a simple or standard solution—may be the only cost-effective option for small, rural, and remote communities that struggle with limited, expensive, or unavailable broadband access.

¹ § 54.501 Eligible recipients paragraph (b)(4)

- Collaboration with local and state stakeholders is critical to success. Many Tribal libraries are unaware of the E-rate program or do not know if they are eligible. Outreach will be instrumental in reaching underserved communities and will be most successful in collaboration with ATALM, AILA, local state library agencies, state broadband offices, library E-rate coordinators, and the IMLS.

A. Tribal College Libraries

Tribal college libraries serve the public in a variety of ways including: providing summer and after-school reading programs, intergenerational programming, help with job-seeking, resume-building, and Native language programming. Tribal college libraries serve as the community library in most cases and, thus, should qualify for E-rate. For example, the Tuzzy Consortium Library at Ilisagvik College in Alaska serves students, faculty, staff, and the public throughout the area, with “an emphasis on information relating to the Arctic, polar regions, the North Slope, and Inupiat history, language, and culture.”² Workforce and career programs are also available to the public. These Tribal college libraries provide library services to everyone in their community, and often they are the only library available to that particular community. Thus, their purpose is consistent with the purpose of E-rate, in that they provide public library services including public access to the internet and critical online information resources.

To demonstrate that the Tribal college library is supporting the community and address the Commission’s concerns about E-rate funding being diverted to other higher education purposes, a certification provided by the college or university could serve as a record of their service to the community and the public. As the NPRM notes, IMLS grants to some of these institutions could

² <https://www.ilisagvik.edu/tuzzy-library/>

also demonstrate their eligibility but should not be the only indicator considered. To provide further safeguards for funding going toward the intended purposes, eligibility requirements could include, as the NPRM notes, that a library be open a set number of hours to the public each week.

Considering the goal of simplifying E-rate and creating more opportunities for Tribal libraries to receive E-rate funding, we therefore recommend that Tribal college libraries that serve the public should not have to cost-allocate services. Cost-allocation would add unnecessary complications for Tribal college library applicants and severely hinder program participation. There are very few Tribal colleges meaning this exception will have almost no impact on funding demand. With the Commission's intention of equity and inclusion for Tribal communities in mind, acknowledging that these communities have unique needs, challenges, and overall structures will go a long way in advancing equity and promoting good faith in the E-rate program.

B. Simplifying and Improving the E-rate Application Process to Help Tribal and Other Small Libraries

It is no secret that smaller libraries find the whole E-rate process difficult, resulting in few of them applying. This is clearly documented in research conducted by the University of Washington Information School that showed that smaller libraries do not apply at nearly the same percentage as larger libraries. For example, the research indicated that 61% of libraries serving a population greater than 100,000 apply for the E-rate. However, this number steadily declines to the point that for libraries in communities with a population under 5,000, only 21% apply.³ This also is consistent with the 2020 Public Library Technology Survey, which found a

³ Using USAC's Open Data on FY23 data from the 471 open data form. April 11, 2023

20-point difference between city and town/rural libraries applying for E-rate.⁴ As ALA and ATALM previously noted in our 2021 comments, only 12% of Tribal libraries have ever applied for E-rate funding because the complexity of the process and E-rate application is daunting to many Tribal entities given their capacity and limited staff and resources.⁵

We applaud the FCC's initiation of the Tribal Libraries E-rate Pilot Program. This pilot will be a beneficial way to gather feedback. Additionally, the Commission should consider ways to streamline the administration of the E-rate program for Tribal libraries and for small/rural libraries to ease some of the burden on these applicants. Many small, rural, and Tribal libraries don't participate in E-rate due to lack of staff capacity to complete the application and the discount was not worth the time necessary to participate.⁶ In New Mexico, for example, the majority of the Tribal, small, and rural libraries are operated by a single employee. ALA has long called for simplification of the application process to improve library participation and increase equity and inclusion in the E-rate program.

These efforts are critical in particular for Tribal and other small and rural library applicants. Specifically, to streamline the administration of the E-rate program, we recommend the following:

Streamline the review process for applicants requesting a modest amount (e.g., de minimus) of funding. An additional exemption to the FCC's competitive bidding rules for small dollar

⁴ 2020 Public Library Technology Survey Summary Report. *Public Library Association*. The referenced data is found in Table 20 on page 23. <https://www.ala.org/pla/sites/ala.org.pla/files/content/data/PLA-2020-Technology-Survey-Summary-Report.pdf>

⁵ Comments of the ALA and ATALM on CC Docket No. 02-6, November 12, 2021

⁶ 2020 Public Library Technology Survey Summary Report. *Public Library Association*. The referenced data is found in Table 20 on page 23. <https://www.ala.org/pla/sites/ala.org.pla/files/content/data/PLA-2020-Technology-Survey-Summary-Report.pdf>

funding amounts would benefit Tribal libraries and other small library applicants. ALA has previously suggested that the exemption dollar threshold be increased to \$10,000 as we consider inflation and prepare for the future. Of the 3,646 libraries and library systems that submitted Form 471s for the 2023 funding year, 62.3% of these (2,272) requested under \$10,000. And even if the Commission reduced this exemption to \$5,000, this will still exempt 45.7% of applicants (1,667 libraries).⁷ For de minimus funding amounts, small and Tribal libraries should not be required to complete all the voluminous details now required when completing a form 470 and 471. This would simplify the process immensely and result in an efficient and timely approval process and encourage Tribal, small, and rural entities to participate. In the rural state of Montana, for example, there were only 12 E-rate applicants total in FY23, and all requests were under \$10,000.

Replace E-rate program procurement rules with those of the applicable locality or state. The E-rate program is extremely proscriptive when it comes to procurement policies, and this is unnecessary as libraries already have procurement rules for almost everything else they need to purchase to operate. These state and local requirements ensure that applicants purchase cost-effective equipment and services. It should be noted that libraries routinely procure goods and services costing far more than they receive in E-rate funds. If state or local procurement processes are acceptable for these purchases, they should be good enough for the E-rate. The great majority of public libraries follow the generally accepted accounting principles (GAAP) for government entities, and they are audited on a regular basis to ensure compliance with these

⁷ Using USAC's Open Data on FY23 data from the 471 open data form. April 11, 2023

principles. With all these safeguards, we think a de minimus funding request as described above should address any Commission concerns about waste, fraud and abuse.

Speed the application review process. Adopting the de minimus application process we describe above also will help speed the application review process and ensure that even more applications are approved before the July 1 start of the funding year.

Simplify and eliminate forms to reduce administrative burdens and make it easier for Tribal libraries to apply and navigate the E-rate application process. This includes:

- Allow applicants to rely on a price quote and selection of the most cost-effective bid. Do not mandate a signed contract prior to submitting Form 471. This has worked for the Emergency Connectivity Program (ECF).
- Clarify the Eligible Services List and allow applicants to file an “evergreen” Form 471 for multi-year contracts. By considering eligible services, allow for multi-year licenses to be requested and approved in the first year of an application. This would subsequently mean that no further Program Integrity Assurance (PIA) review would be necessary.
- Remove the three subcategories under Category Two. This change would simplify the process and reduce denials. The Eligible Services List does not provide enough guidance on the subcategories for applicants without technical expertise to know the difference, and this may result in applicants selecting all three if they are unclear in what subcategory a service or product will fall.
- Create a 486 and Children’s Internet Protection Act (CIPA) compliance check box option on Form 471.

- Clarify transition of services procedures. Currently, there is no straightforward way to request post-commitment changes to accommodate the transition of services taking longer than planned. We understand that the Commission has been working on this issue, but there needs to be clear guidance and a simple method to make this request. When upgrading a connection or switching providers, the transition rarely goes as planned; the added administrative burden of updating schedule changes to the transition of services in the E-rate process is overwhelming to many applicants.
- Create an “EZ” form with simple to understand language that also includes context-sensitive guidance and best practices to support applicants, such as including checklists and prompts to help users navigate and raise any flags for potentially incorrect entry of information. These guardrails would provide assurance checks that they have entered information correctly and ask questions that help to find the information they need.
- Eliminate (or greatly reduce) form 470 for applicants requesting less than the de minimus amount. The Commission has adopted the practice of exempting commercially available internet services that cost \$3,600 or less per year from the competitive bidding rules. We encourage the FCC to expand this practice for amounts under \$10,000.

Provide support and outreach during the E-rate Productivity Center (EPC) Administrative Window. Require USAC to identify all first-time billed entity filers and provide additional outreach to these applicants concerning the PIA process to improve the applicants’ chance of success. This contact is critical to helping ameliorate some burden and confusion that Tribal library applicants and other new and limited-capacity applicants confront when applying for the first time. Use lessons learned from the Tribal Libraries pilot to inform direct outreach and assist new Tribal libraries in successfully establishing their EPC profiles. It is not always easy to

identify the Billed Entity, Eligible Entity, and the documentation required to give the library the authority to file for E-Rate if they apply as part of Tribal government.

C. Cost Allocation Rules and Procedures

While some Tribal libraries are stand-alone entities, others operate within schools, colleges or universities or serve multiple functions as community centers, museums, or archives. As a result, they often serve geographically large areas and perform diverse functions. At the same time, Tribal libraries share many commonalities with public libraries. And like public libraries, Tribal libraries have a vital role in providing internet access.

To ensure that E-rate funding is used for intended purposes, the Commission must consider situations in which library buildings may serve multiple purposes. This is certainly true for Tribal libraries, which may share a building that has other functions, or whose internet service is provided as part of the nation's overall broadband contract. As noted above, cost allocation rules and procedures could be burdensome to many Tribal libraries applying for E-rate and would be counterproductive to the goals of simplifying the process for small funding amounts. ALA again encourages the Commission to not cost allocate for Tribal college libraries; with a limited number of Tribal college libraries, the impact of this on the funding would be minimal.

Beyond Tribal college libraries, plain language guidance with scenarios of what different types of cost allocation would require will be critical to building capacity in Tribal library applicants. In addition, the Commission should seek input from Tribal applicants on the necessary guidance. We recommend allowing Tribes to certify that a library building's use is primarily educational so that no cost-allocation would be needed.

In our conversations with Tribal libraries, including libraries participating in a technology cohort with ATALM, we have discerned that Tribal libraries believe the E-rate process to be an

overwhelming burden not worth the effort of the process. The IT Department at the Aaniiih Nakoda College in Montana could not separate the costs for the library from the rest of campus; therefore, the Tribal college library could move forward with E-rate.

E. Tribal Representation on Universal Service Administrative Company (USAC) Board of Directors

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. This 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. A Tribal library representative should serve on the Schools and Libraries subcommittee. The Tribal community representative director would provide expertise on a variety of programs, including E-rate, Lifeline, Rural Health Care, and the appropriated programs. 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; additional library representation on the board is also needed. Given the dreadful state of broadband access on Tribal lands, increased effort—and at the highest levels of the Universal Service Fund programs—is warranted to increase visibility of Tribal concerns in decision-making.

F. Other Program Improvements

ALA acknowledges and appreciates the efforts the Commission has initiated to increase training opportunities and application support for Tribal applicants. However, more work will need to be done to significantly increase Tribal library participation. 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 the Commission implement a more robust outreach and application support strategy. Disseminating information about E-rate to the Tribal library community is essential, along with associated technical training to address the complicated application process. This should be developed in close cooperation with the key stakeholder organizations. In addition, USAC must have adequate staff with expertise on challenges unique to Tribal library applications and other resources for outreach to provide any Tribal training and application support as directed by the Commission.

Similarly, small and rural libraries face barriers building robust, high-speed, broadband networks and connecting their communities. The community uses their library's public computers and internet access to search and apply for jobs, communicate with family and friends, and receive training, education, and even medical services. These small libraries often have a very small staff and do not have the time to engage with the E-rate process effectively. Many are unaware they are eligible for E-rate discounts or how to apply. Many of the program changes and simplifications ALA has documented would also benefit small and rural libraries, which will be applying for small dollar amounts. Examples include:

- Simplify the process and eliminate form 470 for applicants requesting less than the de minimus amount;
- create an "EZ" form with context-specific guidance;
- provide support and outreach to first time applicants during the E-rate Productivity Center administrative window; and
- replace E-rate program procurement rules with those of the applicable locality or state

Additionally, **provide training and support for state E-rate coordinators.** State E-rate coordinators play an essential role in building strong applicants and robust broadband networks. These E-rate coordinators need regular training to be effective, especially when considering turnover in this role and the additional need to support Tribal libraries. For this, training and resources are needed to ensure that E-rate state coordinators have the information they need to support library applicants across their state with E-rate applications, securing, and using their funding. In-person training should be a priority to ensure that each state is equipped with support and expertise. The coordinator's role is critical in connecting small, rural, Tribal, and underrepresented libraries and library districts and building capacity in these areas.

USAC is urged to convene in-person workshops and increase support for Tribal, small, and rural libraries to learn from and share experiences of the benefits of increased broadband connectivity to better leverage broadband opportunities at the federal and state levels. These trainings and outreach events should be done collaboratively with E-rate state coordinators.

To the extent possible, the FCC should **encourage states to explicitly include Tribal libraries in state-level initiatives and funding opportunities**, as well as by lending technical and administrative assistance to Tribal library E-rate application processes and procedures.

Incentivize consortium applications where libraries can add capacity and share resources. For example, this was successful for Tribal libraries in northcentral New Mexico, who joined together to address broadband connectivity challenges in their respective communities. Forming the Middle Rio Grande Pueblo Tribal Consortium, composed of four Tribal libraries in the Pueblos of Santa Ana, San Felipe, Santo Domingo, and Cochiti, the Consortium aggregated demand for broadband, increasing purchasing power and efficiencies in the network. It also

benefited from rule changes to the E-rate program (in 2018) and qualified for construction of a fiber-optic network that proved to be the most cost-effective option. Applying as consortia yielded far greater results than operating alone. The tribes were able to share resources, such as IT expertise, as well as allocate rights-of-way and codify their legal agreements. These types of arrangements could be incredibly beneficial to small applicants. Providing accommodations in the E-rate process for consortia applications will encourage small, rural, and Tribal libraries to collaborate and participate in the program.

G. Digital Equity and Inclusion

Libraries are critical institutions for advancing equity, diversity, inclusion, and access in the United States. By offering access to technology, internet, online and print resources, and specialized programming, libraries cultivate informed communities equipped with digital literacy and foster digital resilience and other 21st century skills for workforce, education, and civic responsibilities.

Community public libraries across the country provide access to technology, broadband, and information resources that allow community members to engage with education, including English language learning, college preparation, GED preparation and Adult Basic Education, and K-12 resources to complete homework and engage with assignments.

Community libraries advance digital skill building for workforce readiness, job searching, small business ownership, and entrepreneurship. Libraries provide access to emerging technologies as well as training in digital skills to ensure that underrepresented groups are supported and have access to economic opportunities. For example, the Yakama Nation Library in Washington offers a makerspace and center for makers, tradespeople, and entrepreneurs in the Tribal community. Community members can work on their crafts and trades at the library with public computers,

printers, and other technology, as well as training on available resources. Similarly, the Topsham Public Library in rural Maine offers connection points for job seekers and entrepreneurs who want to speak with career counselors and work on their business.

Increasingly, community libraries also promote health and well-being by offering secure places to engage with telehealth appointments and medical resources; this is especially critical in rural areas where hospitals and clinics might be far away or transportation to appointments might be limited. In some rural areas, travel to appointments can be burdensome, especially for underresourced communities that may lack reliable transportation. For example, in the small, rural community of Pottsboro, Texas, the local public library has created a well-equipped, dedicated space for conducting private telehealth appointments.

Finally, digital equity is vital for civic participation and engagement, including filling out forms, learning about the news, and getting involved in local and national political topics. Libraries provide this access, and especially in rural or Tribal communities where broadband may be unreliable or unavailable, libraries are a critical connection point.

For these reasons, ALA celebrates the Commission's acknowledgement of historically underrepresented communities and shares these examples to demonstrate the ways critical E-rate funding can be leveraged for digital equity and inclusion, providing access for libraries and ensuring reliable funding for these vital services.

As the FCC recognizes the historic and unique challenges faced by Tribal communities in this country, proposed changes to the E-rate program provide relevant and effective supports to advance equity in Tribal, rural, and low-income communities. With more outreach to Tribal communities and proposed changes to the E-rate program, Tribal libraries can leverage this

important funding to provide the necessary access to high-speed broadband for college and career.

In conclusion, E-rate funding is imperative to close the digital divide and advance digital equity across the nation. Simplifying and streamlining the E-rate process would remove barriers to access for Tribal libraries and other small and rural libraries. Thus, the American Library Association strongly encourages the Commission to advance these new regulations. Thank you for reviewing our comments.

Respectfully submitted,

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