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Before the
Federal Communications Commission
Washington, DC 20054

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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	)	

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Reply Comments of the American Library Association

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The American Library Association (ALA)[1] files these Reply Comments on the critical issue of

the E-rate eligibility of advanced security tools. We filed initial comments on this issue on

February 13, 2023.[2] And as referenced in our initial comments, the association has long

supported allowing E-rate funds to be used to support the network security needs of our libraries

and schools.

Support for Advanced Security Tools. —In reviewing the comments filed on this topic we are

pleased to see very wide support for the eligibility of advanced security tools by both the

applicant and provider communities. To cite just three of the many supporting comments we

note that from the applicant perspective, the New York State E-rate Applicants "urge the

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[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] Comments filed by the American Library Association on *Use of E-rate Funds for Advanced or Next Generation
Firewalls....* WC Docket No. 13-184. Filed February 13, 2023.

Commission to permit funding for advanced firewalls…."[3] Funds For Learning cites a nationwide survey it did of E-rate applicants in 2022 in which 98% of respondents agreed that cybersecurity tools should be E-rate eligible.[4] And from providers, Fortinet states that, "The ESL should clarify that advanced network security solutions are E-rate eligible."[5]

Definition of Advanced Firewalls, Services and their Costs. —In our initial comments we stated our concern that the Commission should not establish a static list of components that define "advanced cybersecurity tools".[6] Rather, we encouraged the Commission "to develop a broad, flexible definition of eligible security tool[s]…."[7] There were comments filed by several other organizations that also recognize the need for flexibility. For example, the Consortium For School Networking (CoSN) et al., states the Commission, "should periodically review the new, expanded definition of advanced firewall and network security tools to ensure that it reflects technological changes… over time."[8] Crown Castle's comments state, "The Commission should define these eligible products with enough configuration flexibility to allow for customizations that best and most efficiently suit the needs of the school or library…."[9] And comments filed by the Illinois Office of Broadband notes that defining "basic" or "advanced" security services "is inherently a moving target as technology advances and any Bureau attempt to capture its essence today would become obsolete by tomorrow."[10] All these comments point to a need by the Commission to incorporate flexibility into any eligibility language defining security tools and services.

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[3] Comments filed by the New York State E-rate applicants, p. 2. WC Docket No. 13-184.

[4] Comments filed by Fund For Learning, p. 1. WC Docket No. 13-184.

[5] Comments filed by Fortinet, p. 15. WC Docket No. 13-184.

[6] We acknowledge that several parties submitted comments listing components they suggest be part of any advanced cybersecurity tool eligibility. For example, see E-Rate Provider Services comments, p. 3-4; and Cisco comments, p. 20-22.

[7] Comments filed by ALA, p. 3. WC Docket No. 13-184.

[8] Comments filed by CoSN et al., p. 10. WC Docket No. 13-184.

[9] Comments filed by Crown Castle, p. 5. WC Docket No. 13-184.

[10] Comments filed by the Illinois Office of Broadband, p 5. WC Docket No. 13-184.

Categorization of Firewall Services and Components. —In large part to control costs, our initial comments strongly encouraged the Commission to place the eligibility of *all* firewalls and security tools—basic or advanced—within the funding framework of Category 2. Doing this also supports program clarity and simplicity by eliminating any need to differentiate between C1 and C2 eligibility. [11] Our position is also supported by several other parties who filed initial comments. For example, the Council of Great City Schools states that the use of "Category Two budgets is a necessary, cost-effective, and logical decision"[12] to help safeguard the USF. We do have concerns with several commenters who propose that some security tools be eligible under Category 1, and some be eligible under Category 2. For example, NCTA urges the Commission to "classify Next-Generation Firewalls and DDoS mitigation as Category One supported services…, while funding other advanced and next-generation network security products and services under Category Two."[13] Likely most library and school staff lack sufficient Solomonic wisdom to make such a vague and confusing distinction between Category 1 and Category 2 eligibility. Implementing NCTA's recommendation will likely result in applications being subject to lengthy reviews by USAC's Program Integrity Assurance (PIA) unit. Doing this will certainly not be a step in the direction of program simplicity.

In advocating for funding under Category 2, our initial comments acknowledged that some libraries and schools may have already spent their C2 allocation, and thus we asked the Commission to consider a modest increase in the C2 fund allocation. The comments filed by CoSN et al., provide useful information on how the Commission can increase the C2 funding but

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[11] The current Category 1 and Category 2 distinction is made primarily to differentiate between basic firewalls which are C1 eligible, and "Firewall services and firewall components separate from basic firewall protection," which are C2 eligible. (See *2023 Eligible Services List*, p. 8.) Even within the narrow definition of what is now eligible, this current distinction is confusing.

[12] Comments filed by the Council of Great City Schools, p. 2. WC Docket No. 13-184.

[13] Comments filed by NTCA, p. 3. WC Docket No. 13-184. We also note that in page 5 of its comments that the Cybersecurity Coalition and the Information Technology Industry Council also propose that some advanced security tools be eligible under Category 1 and some under Category 2.

remain well within the overall program funding cap of $4,768,413,261.[14] ALA supports the CoSN request for increasing the library and school C2 funding allocation.

Legal Issues. —In its Notice, the Commission asked whether adding the E-rate eligibility of next-generation firewalls and related services are "within the scope of the Commission's legal authority."[15] In our comments, ALA clearly stated our position that the Commission has such authority. Of interest, in reviewing the comments filed, very few parties addressed this issue. We think the lack of comments on legal issues likely indicates that most parties agree that there is no question on the Commission's authority to make advanced security tools E-rate eligible. In one of the very few comments addressing the legal issues, Cisco stated that the Commission is well within its authority to make advanced firewalls and other cybersecurity protections E-rate eligible because these services are not "analytically distinct from the existing basic firewall support already offered by the Commission, and the agency may simply rely on its prior legal determinations."[16] We very much agree with this observation.

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In conclusion, it is clear in the initial comments filed that there is widespread support to make advanced firewalls and other cybersecurity tools eligible for E-rate program discounts. Thus, as we stated in our initial comments, the American Library Association strongly encourages the Commission to add next-generation firewalls and advanced security tools to the 2024 E-rate Eligible Services List. Thank you for reviewing our Reply Comments and considering our request.

Respectfully submitted,

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[14] CoSN et al., comments, p. 14-16. The $4.768 billion funding cap reflects the inflation-adjusted increase for the E-rate program released by the FCC on March 3, 2023.

[15] *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.

[16] Comments filed by Cisco, p. 23-24. WC Docket No. 13-184.

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