



February 7, 2014

VIA ELECTRONIC FILING

Marlene H. Dortch
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re: *Modernizing the E-Rate Program for Schools and Libraries*, WC Docket No. 13-184

Dear Ms. Dortch:

The U.S. Institute of Museum and Library Services (IMLS) is pleased to provide comments to the Federal Communications Commissions (FCC) in support of its efforts to modernize the E-rate program for schools and libraries. IMLS provides financial assistance for libraries throughout the country, and, within the Executive Branch, has primary responsibility for the development and implementation of policy to ensure the availability of museum, library, and information services adequate to meet the essential needs of the people of the United States. See 20 U.S.C. § 9101, *et seq.* In addition to updating the FCC on IMLS's current priorities and activities that advance the E-rate program, IMLS submits these comments to clarify the information in the Notice of Proposed Rulemaking (NPRM) regarding unique identifiers for public libraries and to underscore a process issue affecting tribal library eligibility.

Leveraging Federal Resources to Meet National Goals

In 1996, in addition to passing the Telecommunications Act, Congress established IMLS and enacted the Library Services and Technology Act (LSTA), which is administered by the agency. As the legislative history reflects, Congress recognized that access to information technology requires both the library infrastructure supported by IMLS and the telecommunications support provided by the E-rate program. Under the Telecommunications Act, library eligibility for the E-rate program is established through the LSTA. See 47 U.S.C. § 254(h)(4) ("Eligibility of users"). Libraries provide safe environments for the type of high-speed connectivity and infrastructure that are crucial to a digital society. Indeed, libraries (and museums) are very often the only public option for communities that lack the resources to serve those areas where private access is not affordable for a large portion of patrons. Together with the Bill and Melinda Gates Foundation, IMLS has supported research that demonstrates the essential role of the library in providing access to the Internet. In 2009, 77 million people, aged 14 and older, used library computers to connect to the Internet. They used these computers to access employment or work-related training (30 million people), to further education (32.5 million people), to access health and wellness information (28 million) and for other purposes. See *Opportunity for All: How the American Public Benefits from Internet Access at U.S. Libraries*. (IMLS-2010-RES-01).

IMLS has long coordinated with the FCC to maximize the impact of the E-rate program in support of the Nation's information and education infrastructures. The 2010 *National Broadband Plan* recommended that IMLS have a leading role in supporting libraries and community-based organizations as they seek to improve public access to technology and information.

IMLS's Current Priorities and Projects Support the E-rate Program

IMLS has a primary goal to support digital literacy programs - helping people learn how to navigate and use the Internet. The E-rate program has had a profound impact in delivering on that goal by making essential underlying telecommunications services in libraries available at a much needed discount that supports greater access for users of the Internet.

In furtherance of its goal, IMLS has supported many key digital inclusion projects, including several studies. For example, IMLS funded the "[Digital Inclusion Survey](#)," a national survey of public libraries conducted by the American Library Association and the Information Policy & Access Center at the University of Maryland, in partnership with the International City/County Management Association; IMLS also supported a national survey on "[Digital Inclusion in Indian Country](#)," conducted by the Association of Tribal Archives, Libraries, and Museums. IMLS provided support to the [University of Illinois at Urbana-Champaign](#) to examine how libraries can use next-generation Internet networks and develop innovative applications to address social inclusion through the US Ignite initiative. IMLS also funded a cooperative agreement with the University of Washington and the International City/County Management Association to develop a "[Building Digital Communities](#)" framework, which has been used in a number of communities and States to initiate the dialog on becoming a digitally inclusive community.

Through its grant programs, IMLS also has supported a number of digital literacy projects, including the Public Library Association and its [DigitalLearn.org project](#), an "online hub for digital literacy support and training;" Portland State University's continued work on [Learner Web](#), a learning support system for adults; and Florida State University's [Web2MARC](#) tool, which automatically generates library records from the URLs of online resources, allowing school librarians to integrate open-source science, technology, engineering, and mathematics (STEM) materials into their collections and services. IMLS, in partnership with the John D. and Catherine T. MacArthur Foundation, has also jointly-funded a grant program to develop [21st Century Learning Labs](#) in museums and libraries based on the YouMedia digital lab at the Chicago Public Library.

IMLS can provide the FCC with additional information regarding any of these projects and initiatives.

IMLS's Data Collection Can Help Inform the E-rate Program

As part of its statutory mission, IMLS also undertakes policy research and data collection to identify national needs and trends in libraries and museums and to measure and report on the impact and effectiveness of museum, library, and information services throughout the United States, including the impact of Federal programs.

Most relevant to the E-rate program is the Institute's Public Libraries Survey (PLS), which is an annual survey of all public libraries in the United States as identified by state library agencies in

the 50 states, the District of Columbia, and the outlying areas of Guam, the Northern Mariana Islands, Puerto Rico and the U.S. Virgin Islands. The purpose of this survey is to provide statistics on the status of public libraries in the United States. It provides information to policymakers and practitioners, enabling them to make informed decisions about the support and strategic management of these valuable local assets.

The PLS survey contains information on approximately 9,000 public library systems and 17,000 individual public library outlets, or branches, in the 50 states, the District of Columbia, and outlying territories. The PLS is designed to be a universe survey and contains 98% of public libraries across the country. Its data includes information about visits, circulation, size of collections, service hours, staffing, electronic resources, operating revenues and expenditures, number of service outlets, name, location, and population of legal service area.

In the NPRM, you ask whether there are unique persistent identifiers for libraries. See NPRM, p. 18. Yes, there is a unique identifier for public libraries and it is called the Federal-State Cooperative System (FSCS) code. Under the PLS, IMLS assigns each public library (administrative entity) a unique identifier called the FSCSKEY. Public library outlets are also assigned a unique identifier called the FSCS_SEQ which is a unique three-digit suffix appended to FSCSKEY. FSCS codes are not reused. These unique identifiers are currently collected through the E-rate application process (i.e. under Block 4 of Form 471).

Since 2008, IMLS has assigned Department of Education's National Center for Education Statistics (NCES) "[locale codes](#)" to public libraries under the PLS. These codes are assigned to public libraries using the same methodology that is used to assign public schools locale codes in NCES's Common Core of Data datasets. They are added during post-processing. Outlets are assigned locale codes based on the geocoded latitude and longitude values of their street addresses. Administrative entities are assigned locale codes based on the modal locale codes among central and branch libraries of that library system. Locale codes allow users to identify whether or not library outlets and administrative entities are located in cities, suburbs, towns, or rural areas. Thus, not only are unique identifiers available, but notwithstanding the statement in Paragraph 280 of the NPRM, these include urban-centric locale codes.

Access for Native American Communities

Finally, you have asked whether there are any unique circumstances on Tribal lands that would necessitate a different approach for modernizing the E-rate program. While we recognize that this may require legislative action, we want to bring to your attention an E-rate program eligibility requirement that provides some uncertainty in the ability of tribal entities to access funds.

The Telecommunications Act establishes library eligibility for the E-rate program by reference to a provision in the Library Services and Technology Act. To be eligible for E-rate support, a library must be eligible for funding from a State Library Administrative Agency (SLAA) under the LSTA. See 47 U.S.C. § 254(h)(4). The LSTA, however, has two library grant programs that relate primarily to governmental entities: one through which funding is provided to each SLAA to support libraries throughout the state; and one through which funding is provided to federally recognized Native American tribes and organizations that primarily serve and represent Native Hawaiians to support library services in these entities. See 20 U.S.C. § 9141 and 20 U.S.C.

§ 9161. As the LSTA includes separate provisions for funding to Native American tribes, tribal libraries do not necessarily receive funds through an SLAA, and may not be eligible for support under some laws governing state library programs.¹ See, e.g. Okla. Admin. Code 405:25-1-3 (2013) (limiting eligibility for state funding from an SLAA to certain “public libraries”). See also H.R. 98-168, p. 12 (recognizing that “Indian tribes are generally considered to be separate nations and are seldom eligible for direct allocations from states”).

The U.S. Government Accountability Office (GAO) considered the practical implications of applying the eligibility criterion to Native American tribes in a report entitled, “Challenges to Assessing and Improving Telecommunications for Native Americans on Tribal Lands.” See GAO-06-189 (Jan. 2006) (“GAO Report”). *Id.* pp. 31-32. As reflected in comments submitted to the FCC by the Navajo Nation Telecommunications Regulatory Commission, the National Congress of American Indians, and the Association of Tribal Archives, Libraries, & Museums, among others, the current eligibility requirement continues to be a challenge for Native American tribes seeking access to the E-rate program. The GAO Report reflects the possibility of expanding E-rate eligibility to libraries eligible for funding either from an SLAA or tribal government under the LSTA. *Id.* p. 32. Such a modification would not only facilitate access to the E-rate program for tribal libraries, but also address concerns raised about potential Federal or state infringement on tribal sovereign authority.²

IMLS’s Ongoing Support of the E-rate Program

Connecting the nation’s schools and libraries to next generation broadband networks, fiber wherever feasible, is critical to enabling students and workers of all ages to develop the skills necessary to be competitive now and in the future. The investment in high-speed broadband and wireless connectivity will pay off by making the United States more competitive globally, and more capable of meeting the economic, public safety and emergency services, healthcare, and education needs of engaged 21st century world citizens. IMLS is committed to continuing to coordinate with the FCC to advance the nation’s capacity to achieve these goals.

If you have any questions, please contact me at (202) 653-4711.

Sincerely yours,



Susan H. Hildreth,

Director

¹ We note that the uncertainty with respect to tribal library eligibility may have been inadvertent and carried over from ambiguity in references to the Library Services and Construction Act -- the predecessor to the LSTA -- which appeared in Section 254(h) of the Telecommunications Act of 1996, Pub. L. 104-104, before the Act was subsequently amended by Pub. L. 104-208 (1996).

² See 20 U.S.C. § 9161, authorizing funds for Indian tribes to support library services.