

117TH CONGRESS
1ST SESSION

H. R. 1841

To require the Assistant Secretary of Commerce for Communications and Information to establish a State Digital Equity Capacity Grant Program, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 11, 2021

Mr. MCNERNEY (for himself, Ms. CLARKE of New York, and Mr. TORRES of New York) introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To require the Assistant Secretary of Commerce for Communications and Information to establish a State Digital Equity Capacity Grant Program, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Digital Equity Act of
5 2021”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

8 (1) **ADOPTION OF BROADBAND.**—The term
9 “adoption of broadband” means the process by

1 which an individual obtains daily access to the inter-
2 net—

3 (A) at a speed, quality, and capacity—

4 (i) that is necessary for the individual
5 to accomplish common tasks; and

6 (ii) such that the access qualifies as
7 an advanced telecommunications capability;

8 (B) with the digital skills that are nec-
9 essary for the individual to participate online;
10 and

11 (C) on a—

12 (i) personal device; and

13 (ii) secure and convenient network.

14 (2) ADVANCED TELECOMMUNICATIONS CAPA-
15 BILITY.—The term “advanced telecommunications
16 capability” has the meaning given the term in sec-
17 tion 706(d) of the Telecommunications Act of 1996
18 (47 U.S.C. 1302(d)).

19 (3) AGING INDIVIDUAL.—The term “aging indi-
20 vidual” has the meaning given the term “older indi-
21 vidual” in section 102 of the Older Americans Act
22 of 1965 (42 U.S.C. 3002).

23 (4) APPROPRIATE COMMITTEES OF CON-
24 GRESS.—The term “appropriate committees of Con-
25 gress” means—

1 (A) the Committee on Appropriations of
2 the Senate;

3 (B) the Committee on Commerce, Science,
4 and Transportation of the Senate;

5 (C) the Committee on Appropriations of
6 the House of Representatives; and

7 (D) the Committee on Energy and Com-
8 merce of the House of Representatives.

9 (5) ASSISTANT SECRETARY.—The term “Assist-
10 ant Secretary” means the Assistant Secretary of
11 Commerce for Communications and Information.

12 (6) COMMUNITY ANCHOR INSTITUTION.—The
13 term “community anchor institution” means a pub-
14 lic school, a library, a medical or healthcare pro-
15 vider, a community college or other institution of
16 higher education, a State library agency, and any
17 other nonprofit or governmental community support
18 organization.

19 (7) COVERED HOUSEHOLD.—The term “covered
20 household” means a household, the taxable income
21 of which for the most recently completed taxable
22 year is not more than 150 percent of an amount
23 equal to the poverty level, as determined by using
24 criteria of poverty established by the Bureau of the
25 Census.

1 (8) COVERED POPULATIONS.—The term “cov-
2 ered populations” means—

3 (A) individuals who live in covered house-
4 holds;

5 (B) aging individuals;

6 (C) incarcerated individuals, other than in-
7 dividuals who are incarcerated in a Federal cor-
8 rectional facility;

9 (D) veterans;

10 (E) individuals with disabilities;

11 (F) individuals with a language barrier, in-
12 cluding individuals who—

13 (i) are English learners; and

14 (ii) have low levels of literacy;

15 (G) individuals who are members of a ra-
16 cial or ethnic minority group; and

17 (H) individuals who primarily reside in a
18 rural area.

19 (9) COVERED PROGRAMS.—The term “covered
20 programs” means the State Digital Equity Capacity
21 Grant Program established under section 4 and the
22 Digital Equity Competitive Grant Program estab-
23 lished under section 5.

24 (10) DIGITAL EQUITY.—The term “digital eq-
25 uity” means the condition in which individuals and

1 communities have the information technology capac-
2 ity that is needed for full participation in the society
3 and economy of the United States.

4 (11) DIGITAL INCLUSION.—The term “digital
5 inclusion”—

6 (A) means the activities that are necessary
7 to ensure that all individuals in the United
8 States have access to, and the use of, affordable
9 information and communication technologies,
10 such as—

11 (i) reliable broadband internet service;

12 (ii) internet-enabled devices that meet
13 the needs of the user; and

14 (iii) applications and online content
15 designed to enable and encourage self-suf-
16 ficiency, participation, and collaboration;
17 and

18 (B) includes—

19 (i) obtaining access to digital literacy
20 training;

21 (ii) the provision of quality technical
22 support; and

23 (iii) obtaining basic awareness of
24 measures to ensure online privacy and cy-
25 bersecurity.

1 (12) DIGITAL LITERACY.—The term “digital lit-
2 eracy” means the skills associated with using tech-
3 nology to enable users to find, evaluate, organize,
4 create, and communicate information.

5 (13) DISABILITY.—The term “disability” has
6 the meaning given the term in section 3 of the
7 Americans with Disabilities Act of 1990 (42 U.S.C.
8 12102).

9 (14) ELIGIBLE STATE.—The term “eligible
10 State” means—

11 (A) with respect to planning grants made
12 available under section 4(c)(3), a State with re-
13 spect to which the Assistant Secretary has ap-
14 proved an application submitted to the Assist-
15 ant Secretary under section 4(c)(3)(C); and

16 (B) with respect to capacity grants award-
17 ed under section 4(d), a State with respect to
18 which the Assistant Secretary has approved an
19 application submitted to the Assistant Secretary
20 under section 4(d)(2), including approval of the
21 State Digital Equity Plan developed by the
22 State under section 4(c).

23 (15) GENDER IDENTITY.—The term “gender
24 identity” has the meaning given the term in section
25 249(c) of title 18, United States Code.

1 (16) INDIAN TRIBE.—The term “Indian tribe”
2 has the meaning given the term in section 4(e) of
3 the Indian Self-Determination and Education Assist-
4 ance Act (25 U.S.C. 5304(e)).

5 (17) INSTITUTION OF HIGHER EDUCATION.—
6 The term “institution of higher education”—

7 (A) has the meaning given the term in sec-
8 tion 101 of the Higher Education Act of 1965
9 (20 U.S.C. 1001); and

10 (B) includes a postsecondary vocational in-
11 stitution.

12 (18) LOCAL EDUCATIONAL AGENCY.—The term
13 “local educational agency” has the meaning given
14 the term in section 8101(30) of the Elementary and
15 Secondary Education Act of 1965 (20 U.S.C.
16 7801(30)).

17 (19) POSTSECONDARY VOCATIONAL INSTITU-
18 TION.—The term “postsecondary vocational institu-
19 tion” has the meaning given the term in section
20 102(c) of the Higher Education Act of 1965 (20
21 U.S.C. 1002(c)).

22 (20) RURAL AREA.—The term “rural area” has
23 the meaning given the term in section 601(b)(3) of
24 the Rural Electrification Act of 1936 (7 U.S.C.
25 950bb(b)(3)).

1 (21) SOCIALLY AND ECONOMICALLY DISADVANTAGED SMALL BUSINESS CONCERN.—The term “socially and economically disadvantaged small business concern” has the meaning given the term in section 8(a)(4) of the Small Business Act (15 U.S.C. 637(a)(4)).

7 (22) STATE.—The term “State” means—

8 (A) any State of the United States;

9 (B) the District of Columbia; and

10 (C) the Commonwealth of Puerto Rico.

11 (23) VETERAN.—The term “veteran” has the meaning given the term in section 101 of title 38, United States Code.

14 (24) WORKFORCE DEVELOPMENT PROGRAM.—

15 The term “workforce development program” has the meaning given the term in section 3 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3102).

19 **SEC. 3. SENSE OF CONGRESS.**

20 It is the sense of Congress that—

21 (1) a broadband connection and digital literacy are increasingly critical to how individuals—

23 (A) participate in the society, economy, and civic institutions of the United States; and

1 (B) access health care and essential serv-
2 ices, obtain education, and build careers;

3 (2) digital exclusion—

4 (A) carries a high societal and economic
5 cost;

6 (B) materially harms the opportunity of an
7 individual with respect to the economic success,
8 educational achievement, positive health out-
9 comes, social inclusion, and civic engagement of
10 that individual; and

11 (C) exacerbates existing wealth and income
12 gaps, especially those experienced by covered
13 populations;

14 (3) achieving digital equity for all people of the
15 United States requires additional and sustained in-
16 vestment and research efforts;

17 (4) the Federal Government, as well as State,
18 tribal, territorial, and local governments, have made
19 social, legal, and economic obligations that nec-
20 essarily extend to how the citizens and residents of
21 those governments access and use the internet; and

22 (5) achieving digital equity is a matter of social
23 and economic justice and is worth pursuing.

1 **SEC. 4. STATE DIGITAL EQUITY CAPACITY GRANT PRO-**
2 **GRAM.**

3 (a) ESTABLISHMENT; PURPOSE.—

4 (1) IN GENERAL.—The Assistant Secretary
5 shall establish in the Department of Commerce the
6 State Digital Equity Capacity Grant Program (re-
7 ferred to in this section as the “Program”)—

8 (A) the purpose of which is to promote the
9 achievement of digital equity, support digital in-
10 clusion activities, and build capacity for efforts
11 by States relating to the adoption of broadband
12 by residents of those States;

13 (B) through which the Assistant Secretary
14 shall make grants to States in accordance with
15 the requirements of this section; and

16 (C) which shall ensure that States have the
17 capacity to promote the achievement of digital
18 equity and support digital inclusion activities.

19 (2) CONSULTATION WITH OTHER FEDERAL
20 AGENCIES; NO CONFLICT.—In establishing the Pro-
21 gram under paragraph (1), the Assistant Secretary
22 shall—

23 (A) consult with—

24 (i) the Secretary of Agriculture;

25 (ii) the Secretary of Housing and
26 Urban Development;

- 1 (iii) the Secretary of Education;
2 (iv) the Secretary of Labor;
3 (v) the Secretary of Health and
4 Human Services;
5 (vi) the Secretary of Veterans Affairs;
6 (vii) the Secretary of the Interior;
7 (viii) the Federal Communications
8 Commission;
9 (ix) the Federal Trade Commission;
10 (x) the Director of the Institute of
11 Museum and Library Services;
12 (xi) the Administrator of the Small
13 Business Administration;
14 (xii) the Federal Cochairman of the
15 Appalachian Regional Commission; and
16 (xiii) the head of any other agency
17 that the Assistant Secretary determines to
18 be appropriate; and

19 (B) ensure that the Program complements
20 and enhances, and does not conflict with, other
21 Federal broadband initiatives and programs.

22 (b) ADMINISTERING ENTITY.—

23 (1) SELECTION; FUNCTION.—The governor (or
24 equivalent official) of a State that wishes to be
25 awarded a grant under this section shall, from

1 among entities that are eligible under paragraph (2),
2 select an administering entity for that State, which
3 shall—

4 (A) serve as the recipient of, and admin-
5 istering agent for, any grant awarded to the
6 State under this section;

7 (B) develop, implement, and oversee the
8 State Digital Equity Plan for the State de-
9 scribed in subsection (c);

10 (C) make subgrants to any entity described
11 in subsection (c)(1)(D) that is located in the
12 State in support of—

13 (i) the State Digital Equity Plan for
14 the State; and

15 (ii) digital inclusion activities in the
16 State generally; and

17 (D) serve as—

18 (i) an advocate for digital equity pol-
19 icy and digital inclusion activities; and

20 (ii) a repository of best practice mate-
21 rials regarding the policies and activities
22 described in clause (i).

23 (2) ELIGIBLE ENTITIES.—Any of the following
24 entities may serve as the administering entity for a
25 State for the purposes of this section if the entity

1 has demonstrated a capacity to administer the Pro-
2 gram on a statewide level:

3 (A) The State, a political subdivision,
4 agency, or instrumentality of the State, an In-
5 dian tribe located in the State, an Alaska Na-
6 tive entity located in the State, or a Native Ha-
7 waiian organization located in the State.

8 (B) A foundation, corporation, institution,
9 association, or coalition that is—

10 (i) a not-for-profit entity;

11 (ii) located in the State; and

12 (iii) not a school.

13 (C) A community anchor institution, other
14 than a school, that is located in the State.

15 (D) A local educational agency that is lo-
16 cated in the State.

17 (E) An entity located in the State that car-
18 ries out a workforce development program.

19 (F) An agency of the State that is respon-
20 sible for administering or supervising adult edu-
21 cation and literacy activities in the State.

22 (G) A public housing authority that is lo-
23 cated in the State.

1 (H) A partnership between any of the enti-
2 ties described in subparagraphs (A) through
3 (G).

4 (c) STATE DIGITAL EQUITY PLAN.—

5 (1) DEVELOPMENT; CONTENTS.—A State that
6 wishes to be awarded a grant under subsection (d)
7 shall develop a State Digital Equity Plan for the
8 State, which shall include—

9 (A) the identification of the barriers to dig-
10 ital equity faced by covered populations in the
11 State;

12 (B) measurable objectives for documenting
13 and promoting, among each group described in
14 subparagraphs (A) through (H) of section 2(8)
15 located in that State—

16 (i) the availability of, and affordability
17 of access to, broadband technology;

18 (ii) the online accessibility and
19 inclusivity of public resources and services;

20 (iii) digital literacy;

21 (iv) awareness of, and the use of,
22 measures to secure the online privacy of,
23 and cybersecurity with respect to, an indi-
24 vidual; and

1 (v) the availability and affordability of
2 consumer devices and technical support for
3 those devices;

4 (C) an assessment of how the objectives
5 described in subparagraph (B) will impact and
6 interact with the State's—

7 (i) economic and workforce develop-
8 ment goals, plans, and outcomes;

9 (ii) educational outcomes;

10 (iii) health outcomes;

11 (iv) civic and social engagement; and

12 (v) delivery of other essential services;

13 (D) in order to achieve the objectives de-
14 scribed in subparagraph (B), a description of
15 how the State plans to collaborate with key
16 stakeholders in the State, which may include—

17 (i) community anchor institutions;

18 (ii) county and municipal govern-
19 ments;

20 (iii) local educational agencies;

21 (iv) where applicable, Indian tribes,
22 Alaska Native entities, or Native Hawaiian
23 organizations;

24 (v) nonprofit organizations;

25 (vi) organizations that represent—

- 1 (I) individuals with disabilities,
2 including organizations that represent
3 children with disabilities;
- 4 (II) aging individuals;
- 5 (III) individuals with language
6 barriers, including—
 - 7 (aa) individuals who are
8 English learners; and
 - 9 (bb) individuals who have
10 low levels of literacy;
- 11 (IV) veterans; and
- 12 (V) individuals in that State who
13 are incarcerated in facilities other
14 than Federal correctional facilities;
- 15 (vii) civil rights organizations;
- 16 (viii) entities that carry out workforce
17 development programs;
- 18 (ix) agencies of the State that are re-
19 sponsible for administering or supervising
20 adult education and literacy activities in
21 the State;
- 22 (x) public housing authorities in the
23 State; and

1 (xi) a partnership between any of the
2 entities described in clauses (i) through
3 (x); and

4 (E) a list of organizations with which the
5 administering entity for the State collaborated
6 in developing and implementing the Plan.

7 (2) PUBLIC AVAILABILITY.—

8 (A) IN GENERAL.—The administering enti-
9 ty for a State shall make the State Digital Eq-
10 uity Plan of the State available for public com-
11 ment for a period of not less than 30 days be-
12 fore the date on which the State submits an ap-
13 plication to the Assistant Secretary under sub-
14 section (d)(2).

15 (B) CONSIDERATION OF COMMENTS RE-
16 CEIVED.—The administering entity for a State
17 shall, with respect to an application submitted
18 to the Assistant Secretary under subsection
19 (d)(2)—

20 (i) before submitting the application—

21 (I) consider all comments re-
22 ceived during the comment period de-
23 scribed in subparagraph (A) with re-
24 spect to the application (referred to in

1 this subparagraph as the “comment
2 period”); and

3 (II) make any changes to the
4 plan that the administering entity de-
5 termines to be worthwhile; and

6 (ii) when submitting the application—

7 (I) describe any changes pursued
8 by the administering entity in re-
9 sponse to comments received during
10 the comment period; and

11 (II) include a written response to
12 each comment received during the
13 comment period.

14 (3) PLANNING GRANTS.—

15 (A) IN GENERAL.—Beginning in the first
16 fiscal year that begins after the date of enact-
17 ment of this Act, the Assistant Secretary shall,
18 in accordance with the requirements of this
19 paragraph, award planning grants to States for
20 the purpose of developing the State Digital Eq-
21 uity Plans of those States under this sub-
22 section.

23 (B) ELIGIBILITY.—In order to be awarded
24 a planning grant under this paragraph, a
25 State—

1 (i) shall submit to the Assistant Sec-
2 retary an application under subparagraph
3 (C); and

4 (ii) may not have been awarded, at
5 any time, a planning grant under this
6 paragraph.

7 (C) APPLICATION.—A State that wishes to
8 be awarded a planning grant under this para-
9 graph shall, not later than 60 days after the
10 date on which the notice of funding availability
11 with respect to the grant is released, submit to
12 the Assistant Secretary an application, in a for-
13 mat to be determined by the Assistant Sec-
14 retary, that contains the following materials:

15 (i) A description of the entity selected
16 to serve as the administering entity for the
17 State, as described in subsection (b).

18 (ii) A certification from the State
19 that, not later than 1 year after the date
20 on which the Assistant Secretary awards
21 the planning grant to the State, the ad-
22 ministering entity for that State shall de-
23 velop a State Digital Equity Plan under
24 this subsection, which—

1 (I) the administering entity shall
2 submit to the Assistant Secretary; and

3 (II) shall comply with the re-
4 quirements of this subsection, includ-
5 ing the requirement under paragraph
6 (2)(B).

7 (iii) The assurances required under
8 subsection (e).

9 (D) AWARDS.—

10 (i) AMOUNT OF GRANT.—A planning
11 grant awarded to an eligible State under
12 this paragraph shall be determined accord-
13 ing to the formula under subsection
14 (d)(3)(A)(i).

15 (ii) DURATION.—

16 (I) IN GENERAL.—Except as pro-
17 vided in subclause (II), with respect to
18 a planning grant awarded to an eligi-
19 ble State under this paragraph, the
20 State shall expend the grant funds
21 during the 1-year period beginning on
22 the date on which the State is award-
23 ed the grant funds.

24 (II) EXCEPTION.—The Assistant
25 Secretary may grant an extension of

1 not longer than 180 days with respect
2 to the requirement under subclause
3 (I).

4 (iii) CHALLENGE MECHANISM.—The
5 Assistant Secretary shall ensure that any
6 eligible State to which a planning grant is
7 awarded under this paragraph may appeal
8 or otherwise challenge in a timely fashion
9 the amount of the grant awarded to the
10 State, as determined under clause (i).

11 (E) USE OF FUNDS.—An eligible State to
12 which a planning grant is awarded under this
13 paragraph shall, through the administering en-
14 tity for that State, use the grant funds only for
15 the following purposes:

16 (i) To develop the State Digital Eq-
17 uity Plan of the State under this sub-
18 section.

19 (ii)(I) Subject to subclause (II), to
20 make subgrants to any of the entities de-
21 scribed in paragraph (1)(D) to assist in
22 the development of the State Digital Eq-
23 uity Plan of the State under this sub-
24 section.

1 (II) If the administering entity for a
2 State makes a subgrant described in sub-
3 clause (I), the administering entity shall,
4 with respect to the subgrant, provide to the
5 State the assurances required under sub-
6 section (e).

7 (d) STATE CAPACITY GRANTS.—

8 (1) IN GENERAL.—Beginning not later than 2
9 years after the date on which the Assistant Sec-
10 retary begins awarding planning grants under sub-
11 section (c)(3), the Assistant Secretary shall each
12 year award grants to eligible States to support—

13 (A) the implementation of the State Dig-
14 ital Equity Plans of those States; and

15 (B) digital inclusion activities in those
16 States.

17 (2) APPLICATION.—A State that wishes to be
18 awarded a grant under this subsection shall, not
19 later than 60 days after the date on which the notice
20 of funding availability with respect to the grant is
21 released, submit to the Assistant Secretary an appli-
22 cation, in a format to be determined by the Assist-
23 ant Secretary, that contains the following materials:

1 (A) A description of the entity selected to
2 serve as the administering entity for the State,
3 as described in subsection (b).

4 (B) The State Digital Equity Plan of that
5 State, as described in subsection (c).

6 (C) A certification that the State, acting
7 through the administering entity for the State,
8 shall—

9 (i) implement the State Digital Equity
10 Plan of the State; and

11 (ii) make grants in a manner that is
12 consistent with the aims of the Plan de-
13 scribed in clause (i).

14 (D) The assurances required under sub-
15 section (e).

16 (E) In the case of a State to which the As-
17 sistant Secretary has previously awarded a
18 grant under this subsection, any amendments
19 to the State Digital Equity Plan of that State,
20 as compared with the State Digital Equity Plan
21 of the State previously submitted.

22 (3) AWARDS.—

23 (A) AMOUNT OF GRANT.—

24 (i) FORMULA.—Subject to clauses (ii),
25 (iii), and (iv), the Assistant Secretary shall

1 calculate the amount of a grant awarded to
2 an eligible State under this subsection in
3 accordance with the following criteria,
4 using the best available data for all States
5 for the fiscal year in which the grant is
6 awarded:

7 (I) 50 percent of the total grant
8 amount shall be based on the popu-
9 lation of the eligible State in propor-
10 tion to the total population of all eligi-
11 ble States.

12 (II) 25 percent of the total grant
13 amount shall be based on the number
14 of individuals in the eligible State who
15 are covered populations in proportion
16 to the total number of individuals in
17 all eligible States who are covered
18 populations.

19 (III) 25 percent of the total
20 grant amount shall be based on the
21 comparative lack of availability and
22 adoption of broadband in the eligible
23 State in proportion to the lack of
24 availability and adoption of broadband
25 of all eligible States, which shall be

determined according to data collected
from—

(aa) the annual inquiry of
the Federal Communications
Commission conducted under sec-
tion 706(b) of the Telecommuni-
cations Act of 1996 (47 U.S.C.
1302(b));

(bb) the American Commu-
nity Survey or, if necessary,
other data collected by the Bu-
reau of the Census;

(cc) the Internet and Com-
puter Use Supplement to the
Current Population Survey of the
Bureau of the Census; and

(dd) any other source that
the Assistant Secretary, after ap-
propriate notice and opportunity
for public comment, determines
to be appropriate.

(ii) MINIMUM AWARD.—The amount
of a grant awarded to an eligible State
under this subsection in a fiscal year shall
be not less than 0.5 percent of the total

1 amount made available to award grants to
2 eligible States for that fiscal year.

3 (iii) ADDITIONAL AMOUNTS.—If, after
4 awarding planning grants to States under
5 subsection (c)(3) and capacity grants to el-
6 igible States under this subsection in a fis-
7 cal year, there are amounts remaining to
8 carry out this section, the Assistant Sec-
9 retary shall distribute those amounts—

10 (I) to eligible States to which the
11 Assistant Secretary has awarded
12 grants under this subsection for that
13 fiscal year; and

14 (II) in accordance with the for-
15 mula described in clause (i).

16 (iv) DATA UNAVAILABLE.—If, in a fis-
17 cal year, the Commonwealth of Puerto
18 Rico (referred to in this clause as “Puerto
19 Rico”) is an eligible State and specific data
20 for Puerto Rico is unavailable for a factor
21 described in subclause (I), (II), or (III) of
22 clause (i), the Assistant Secretary shall use
23 the median data point with respect to that
24 factor among all eligible States and assign
25 it to Puerto Rico for the purposes of mak-

1 ing any calculation under that clause for
2 that fiscal year.

3 (B) DURATION.—With respect to a grant
4 awarded to an eligible State under this sub-
5 section, the eligible State shall expend the grant
6 funds during the 5-year period beginning on the
7 date on which the eligible State is awarded the
8 grant funds.

9 (C) CHALLENGE MECHANISM.—The As-
10 sistant Secretary shall ensure that any eligible
11 State to which a grant is awarded under this
12 subsection may appeal or otherwise challenge in
13 a timely fashion the amount of the grant
14 awarded to the State, as determined under sub-
15 paragraph (A).

16 (D) USE OF FUNDS.—The administering
17 entity for an eligible State to which a grant is
18 awarded under this subsection shall use the
19 grant amounts for the following purposes:

20 (i)(I) Subject to subclause (II), to up-
21 date or maintain the State Digital Equity
22 Plan of the State.

23 (II) An administering entity for an el-
24 igible State to which a grant is awarded
25 under this subsection may use not more

1 than 20 percent of the amount of the
2 grant for the purpose described in sub-
3 clause (I).

4 (ii) To implement the State Digital
5 Equity Plan of the State.

6 (iii)(I) Subject to subclause (II), to
7 award a grant to any entity that is de-
8 scribed in section 5(b) and is located in the
9 eligible State in order to—

10 (aa) assist in the implementation
11 of the State Digital Equity Plan of
12 the State;

13 (bb) pursue digital inclusion ac-
14 tivities in the State consistent with
15 the State Digital Equity Plan of the
16 State; and

17 (cc) report to the State regarding
18 the digital inclusion activities of the
19 entity.

20 (II) Before an administering entity
21 for an eligible State may award a grant
22 under subclause (I), the administering en-
23 tity shall require the entity to which the
24 grant is awarded to certify that—

1 (aa) the entity shall carry out the
2 activities required under items (aa),
3 (bb), and (cc) of that subclause;

4 (bb) the receipt of the grant shall
5 not result in unjust enrichment of the
6 entity; and

7 (cc) the entity shall cooperate
8 with any evaluation—

9 (AA) of any program that
10 relates to a grant awarded to the
11 entity; and

12 (BB) that is carried out by
13 or for the administering entity,
14 the Assistant Secretary, or an-
15 other Federal official.

16 (iv)(I) Subject to subclause (II), to
17 evaluate the efficacy of the efforts funded
18 by grants made under clause (iii).

19 (II) An administering entity for an el-
20 igible State to which a grant is awarded
21 under this subsection may use not more
22 than 5 percent of the amount of the grant
23 for a purpose described in subclause (I).

24 (v)(I) Subject to subclause (II), for
25 the administrative costs incurred in car-

1 rying out the activities described in clauses
2 (i) through (iv).

3 (II) An administering entity for an el-
4 igible State to which a grant is awarded
5 under this subsection may use not more
6 than 3 percent of the amount of the grant
7 for a purpose described in subclause (I).

8 (e) ASSURANCES.—When applying for a grant under
9 this section, a State shall include in the application for
10 that grant assurances that—

11 (1) if an entity described in section 5(b) is
12 awarded grant funds under this section (referred to
13 in this subsection as a “covered recipient”), provide
14 that—

15 (A) the covered recipient shall use the
16 grant funds in accordance with any applicable
17 statute, regulation, and application procedure;

18 (B) the administering entity for that State
19 shall adopt and use proper methods of admin-
20 istering any grant that the covered recipient is
21 awarded, including by—

22 (i) enforcing any obligation imposed
23 under law on any agency, institution, orga-
24 nization, or other entity that is responsible

1 for carrying out the program to which the
2 grant relates;

3 (ii) correcting any deficiency in the
4 operation of a program to which the grant
5 relates, as identified through an audit or
6 another monitoring or evaluation proce-
7 dure; and

8 (iii) adopting written procedures for
9 the receipt and resolution of complaints al-
10 leging a violation of law with respect to a
11 program to which the grant relates; and

12 (C) the administering entity for that State
13 shall cooperate in carrying out any evaluation—

14 (i) of any program that relates to a
15 grant awarded to the covered recipient;
16 and

17 (ii) that is carried out by or for the
18 Assistant Secretary or another Federal of-
19 ficial;

20 (2) the administering entity for that State
21 shall—

22 (A) use fiscal control and fund accounting
23 procedures that ensure the proper disbursement
24 of, and accounting for, any Federal funds that
25 the State is awarded under this section;

1 (B) submit to the Assistant Secretary any
2 reports that may be necessary to enable the As-
3 sistant Secretary to perform the duties of the
4 Assistant Secretary under this section;

5 (C) maintain any records and provide any
6 information to the Assistant Secretary, includ-
7 ing those records, that the Assistant Secretary
8 determines is necessary to enable the Assistant
9 Secretary to perform the duties of the Assistant
10 Secretary under this section; and

11 (D) with respect to any significant pro-
12 posed change or amendment to the State Dig-
13 ital Equity Plan for the State, make the change
14 or amendment available for public comment in
15 accordance with subsection (c)(2); and

16 (3) the State, before submitting to the Assist-
17 ant Secretary the State Digital Equity Plan of the
18 State, has complied with the requirements of sub-
19 section (c)(2).

20 (f) TERMINATION OF GRANT.—

21 (1) IN GENERAL.—The Assistant Secretary
22 shall terminate a grant awarded to an eligible State
23 under this section if, after notice to the State and
24 opportunity for a hearing, the Assistant Secretary—

1 (A) presents to the State a rationale and
2 supporting information that clearly dem-
3 onstrates that—

4 (i) the grant funds are not contrib-
5 uting to the development or execution of
6 the State Digital Equity Plan of the State,
7 as applicable; and

8 (ii) the State is not upholding assur-
9 ances made by the State to the Assistant
10 Secretary under subsection (e); and

11 (B) determines that the grant is no longer
12 necessary to achieve the original purpose for
13 which Assistant Secretary awarded the grant.

14 (2) REDISTRIBUTION.—If the Assistant Sec-
15 retary, in a fiscal year, terminates a grant under
16 paragraph (1), the Assistant Secretary shall redis-
17 tribute the unspent grant amounts—

18 (A) to eligible States to which the Assist-
19 ant Secretary has awarded grants under sub-
20 section (d) for that fiscal year; and

21 (B) in accordance with the formula de-
22 scribed in subsection (d)(3)(A)(i).

23 (g) REPORTING AND INFORMATION REQUIREMENTS;
24 INTERNET DISCLOSURE.—The Assistant Secretary—

25 (1) shall—

1 (A) require any entity to which a grant, in-
2 cluding a subgrant, is awarded under this sec-
3 tion to publicly report, for each year during the
4 period described in subsection (c)(3)(D)(ii) or
5 (d)(3)(B), as applicable, with respect to the
6 grant, and in a format specified by the Assist-
7 ant Secretary, on—

8 (i) the use of that grant by the entity;

9 (ii) the progress of the entity towards
10 fulfilling the objectives for which the grant
11 was awarded; and

12 (iii) the implementation of the State
13 Digital Equity Plan of the State;

14 (B) establish appropriate mechanisms to
15 ensure that each eligible State to which a grant
16 is awarded under this section—

17 (i) uses the grant amounts in an ap-
18 propriate manner; and

19 (ii) complies with all terms with re-
20 spect to the use of the grant amounts; and

21 (C) create and maintain a fully searchable
22 database, which shall be accessible on the inter-
23 net at no cost to the public, that contains, at
24 a minimum—

1 (i) the application of each State that
2 has applied for a grant under this section;

3 (ii) the status of each application de-
4 scribed in clause (i);

5 (iii) each report submitted by an enti-
6 ty under subparagraph (A);

7 (iv) a record of public comments made
8 regarding the State Digital Equity Plan of
9 a State, as well as any written responses to
10 or actions taken in as a result of those
11 comments; and

12 (v) any other information that is suf-
13 ficient to allow the public to understand
14 and monitor grants awarded under this
15 section; and

16 (2) may establish additional reporting and in-
17 formation requirements for any recipient of a grant
18 under this section.

19 (h) SUPPLEMENT NOT SUPPLANT.—A grant or
20 subgrant awarded under this section shall supplement, not
21 supplant, other Federal or State funds that have been
22 made available to carry out activities described in this sec-
23 tion.

1 (i) SET ASIDES.—From amounts made available in
2 a fiscal year to carry out the Program, the Assistant Sec-
3 retary shall reserve—

4 (1) not more than 5 percent for the implemen-
5 tation and administration of the Program, which
6 shall include—

7 (A) providing technical support and assist-
8 ance, including ensuring consistency in data re-
9 porting;

10 (B) providing assistance to—

11 (i) States, or administering entities
12 for States, to prepare the applications of
13 those States; and

14 (ii) administering entities with respect
15 to grants awarded under this section; and

16 (C) developing the report required under
17 section 6(a);

18 (2) not less than 5 percent to award grants to,
19 or enter into contracts or cooperative agreements
20 with, Indian tribes, Alaska Native entities, and Na-
21 tive Hawaiian organizations to allow those tribes,
22 entities, and organizations to carry out the activities
23 described in this section; and

24 (3) not less than 1 percent to award grants to,
25 or enter into contracts or cooperative agreements

1 with, the United States Virgin Islands, Guam,
2 American Samoa, the Commonwealth of the North-
3 ern Mariana Islands, and any other territory or pos-
4 session of the United States that is not a State to
5 enable those entities to carry out the activities de-
6 scribed in this section.

7 (j) RULES.—The Assistant Secretary may prescribe
8 such rules as may be necessary to carry out this section.

9 (k) AUTHORIZATION OF APPROPRIATIONS.—There
10 are authorized to be appropriated—

11 (1) \$60,000,000 for the award of grants under
12 subsection (c)(3), and such amount is authorized to
13 remain available through fiscal year 2026; and

14 (2) \$625,000,000 for fiscal year 2022 for the
15 award of grants under subsection (d), and such
16 amount is authorized to remain available through
17 fiscal year 2026.

18 **SEC. 5. DIGITAL EQUITY COMPETITIVE GRANT PROGRAM.**

19 (a) ESTABLISHMENT.—

20 (1) IN GENERAL.—Not later than 30 days after
21 the date on which the Assistant Secretary begins
22 awarding grants under section 4(d), and not before
23 that date, the Assistant Secretary shall establish in
24 the Department of Commerce the Digital Equity
25 Competitive Grant Program (referred to in this sec-

tion as the “Program”), the purpose of which is to award grants to support efforts to achieve digital equity, promote digital inclusion activities, and spur greater adoption of broadband among covered populations.

(2) CONSULTATION; NO CONFLICT.—In establishing the Program under paragraph (1), the Assistant Secretary—

(A) may consult a State with respect to—

(i) the identification of groups described in subparagraphs (A) through (H) of section 2(8) located in that State; and

(ii) the allocation of grant funds within that State for projects in or affecting the State; and

(B) shall—

(i) consult with—

(I) the Secretary of Agriculture;

(II) the Secretary of Housing and Urban Development;

(III) the Secretary of Education;

(IV) the Secretary of Labor;

(V) the Secretary of Health and Human Services;

1 (VI) the Secretary of Veterans
2 Affairs;

3 (VII) the Secretary of the Inte-
4 rior;

5 (VIII) the Federal Communica-
6 tions Commission;

7 (IX) the Federal Trade Commis-
8 sion;

9 (X) the Director of the Institute
10 of Museum and Library Services;

11 (XI) the Administrator of the
12 Small Business Administration;

13 (XII) the Federal Cochairman of
14 the Appalachian Regional Commis-
15 sion; and

16 (XIII) the head of any other
17 agency that the Assistant Secretary
18 determines to be appropriate; and

19 (ii) ensure that the Program com-
20 plements and enhances, and does not con-
21 flict with, other Federal broadband initia-
22 tives and programs.

23 (b) ELIGIBILITY.—The Assistant Secretary may
24 award a grant under the Program to any of the following

1 entities if the entity is not serving, and has not served,
2 as the administering entity for a State under section 4(b):

3 (1) A political subdivision, agency, or instru-
4 mentality of a State, including an agency of a State
5 that is responsible for administering or supervising
6 adult education and literacy activities in the State.

7 (2) An Indian tribe, an Alaska Native entity, or
8 a Native Hawaiian organization.

9 (3) A foundation, corporation, institution, or
10 association that is—

11 (A) a not-for-profit entity; and

12 (B) not a school.

13 (4) A community anchor institution.

14 (5) A local educational agency.

15 (6) An entity that carries out a workforce devel-
16 opment program.

17 (7) A partnership between any of the entities
18 described in paragraphs (1) through (6).

19 (8) A partnership between—

20 (A) an entity described in any of para-
21 graphs (1) through (6); and

22 (B) an entity that—

23 (i) the Assistant Secretary, by rule,
24 determines to be in the public interest; and

25 (ii) is not a school.

1 (c) APPLICATION.—An entity that wishes to be
2 awarded a grant under the Program shall submit to the
3 Assistant Secretary an application—

4 (1) at such time, in such form, and containing
5 such information as the Assistant Secretary may re-
6 quire; and

7 (2) that—

8 (A) provides a detailed explanation of how
9 the entity will use any grant amounts awarded
10 under the Program to carry out the purposes of
11 the Program in an efficient and expeditious
12 manner;

13 (B) identifies the period in which the ap-
14 plicant will expend the grant funds awarded
15 under the Program;

16 (C) includes—

17 (i) a justification for the amount of
18 the grant that the applicant is requesting;
19 and

20 (ii) for each fiscal year in which the
21 applicant will expend the grant funds, a
22 budget for the activities that the grant
23 funds will support;

24 (D) demonstrates to the satisfaction of the
25 Assistant Secretary that the entity—

1 (i) is capable of carrying out—

2 (I) the project or function to
3 which the application relates; and

4 (II) the activities described in
5 subsection (h)—

6 (aa) in a competent manner;

7 and

8 (bb) in compliance with all
9 applicable Federal, State, and
10 local laws; and

11 (ii) if the applicant is an entity de-
12 scribed in subsection (b)(1), shall appro-
13 priate or otherwise unconditionally obligate
14 from non-Federal sources funds that are
15 necessary to meet the requirements of sub-
16 section (e);

17 (E) discloses to the Assistant Secretary the
18 source and amount of other Federal, State, or
19 outside funding sources from which the entity
20 receives, or has applied for, funding for activi-
21 ties or projects to which the application relates;
22 and

23 (F) provides—

24 (i) the assurances that are required
25 under subsection (f); and

1 (ii) an assurance that the entity shall
2 follow such additional procedures as the
3 Assistant Secretary may require to ensure
4 that grant funds are used and accounted
5 for in an appropriate manner.

6 (d) AWARD OF GRANTS.—

7 (1) FACTORS CONSIDERED IN AWARD OF
8 GRANTS.—In deciding whether to award a grant
9 under the Program, the Assistant Secretary shall, to
10 the extent practicable, consider—

11 (A) whether—

12 (i) an application shall, if approved—

13 (I) increase internet access and
14 the adoption of broadband among cov-
15 ered populations to be served by the
16 applicant; and

17 (II) not result in unjust enrich-
18 ment; and

19 (ii) the applicant is, or plans to sub-
20 contract with, a socially and economically
21 disadvantaged small business concern;

22 (B) the comparative geographic diversity of
23 the application in relation to other eligible ap-
24 plications; and

(C) the extent to which an application may duplicate or conflict with another program.

(2) USE OF FUNDS.—

(A) IN GENERAL.—In addition to the activities required under subparagraph (B), an entity to which the Assistant Secretary awards a grant under the Program shall use the grant amounts to support not less than 1 of the following activities:

(i) To develop and implement digital inclusion activities that benefit covered populations.

(ii) To facilitate the adoption of broadband by covered populations in order to provide educational and employment opportunities to those populations.

(iii) To implement, consistent with the purposes of this Act—

(I) training programs for covered populations that cover basic, advanced, and applied skills; or

(II) other workforce development programs.

(iv) To make available equipment, instrumentation, networking capability, hard-

1 ware and software, or digital network tech-
2 nology for broadband services to covered
3 populations at low or no cost.

4 (v) To construct, upgrade, expend, or
5 operate new or existing public access com-
6 puting centers for covered populations
7 through community anchor institutions.

8 (vi) To undertake any other project
9 and activity that the Assistant Secretary
10 finds to be consistent with the purposes for
11 which the Program is established.

12 (B) EVALUATION.—

13 (i) IN GENERAL.—An entity to which
14 the Assistant Secretary awards a grant
15 under the Program shall use not more
16 than 10 percent of the grant amounts to
17 measure and evaluate the activities sup-
18 ported with the grant amounts.

19 (ii) SUBMISSION TO ASSISTANT SEC-
20 RETARY.—An entity to which the Assistant
21 Secretary awards a grant under the Pro-
22 gram shall submit to the Assistant Sec-
23 retary each measurement and evaluation
24 performed under clause (i)—

1 (I) in a manner specified by the
2 Assistant Secretary;

3 (II) not later than 15 months
4 after the date on which the entity is
5 awarded the grant amounts; and

6 (III) annually after the submis-
7 sion described in subclause (II) for
8 any year in which the entity expends
9 grant amounts.

10 (C) ADMINISTRATIVE COSTS.—An entity to
11 which the Assistant Secretary awards a grant
12 under the Program may use not more than 10
13 percent of the amount of the grant for adminis-
14 trative costs in carrying out any of the activities
15 described in subparagraph (A).

16 (D) TIME LIMITATIONS.—With respect to
17 a grant awarded to an entity under the Pro-
18 gram, the entity—

19 (i) except as provided in clause (ii),
20 shall expend the grant amounts during the
21 4-year period beginning on the date on
22 which the entity is awarded the grant
23 amounts; and

24 (ii) during the 1-year period beginning
25 on the date that is 4 years after the date

1 on which the entity is awarded the grant
2 amounts, may continue to measure and
3 evaluate the activities supported with the
4 grant amounts, as required under subpara-
5 graph (B).

6 (e) FEDERAL SHARE.—

7 (1) IN GENERAL.—Except as provided in para-
8 graph (2), the Federal share of any project for
9 which the Assistant Secretary awards a grant under
10 the Program may not exceed 90 percent.

11 (2) EXCEPTION.—The Assistant Secretary may
12 grant a waiver with respect to the limitation on the
13 Federal share of a project described in paragraph
14 (1) if—

15 (A) the applicant with respect to the
16 project petitions the Assistant Secretary for the
17 waiver; and

18 (B) the Assistant Secretary determines
19 that the petition described in subparagraph (A)
20 demonstrates financial need.

21 (f) ASSURANCES.—When applying for a grant under
22 this section, an entity shall include in the application for
23 that grant assurances that the entity shall—

24 (1) use any grant funds that the entity is
25 awarded—

1 (A) in accordance with any applicable statute,
2 regulation, and application procedure; and

3 (B) to the extent required under applicable
4 law;

5 (2) adopt and use proper methods of administering
6 any grant that the entity is awarded, including
7 by—

8 (A) enforcing any obligation imposed under
9 law on any agency, institution, organization, or
10 other entity that is responsible for carrying out
11 a program to which the grant relates;

12 (B) correcting any deficiency in the operation
13 of a program to which the grant relates,
14 as identified through an audit or another monitoring
15 or evaluation procedure; and

16 (C) adopting written procedures for the receipt
17 and resolution of complaints alleging a
18 violation of law with respect to a program to
19 which the grant relates;

20 (3) cooperate with respect to any evaluation—

21 (A) of any program that relates to a grant
22 awarded to the entity; and

23 (B) that is carried out by or for the Assistant
24 Secretary or another Federal official;

1 (4) use fiscal control and fund accounting pro-
2 cedures that ensure the proper disbursement of, and
3 accounting for, any Federal funds that the entity is
4 awarded under the Program;

5 (5) submit to the Assistant Secretary any re-
6 ports that may be necessary to enable the Assistant
7 Secretary to perform the duties of the Assistant Sec-
8 retary under the Program; and

9 (6) maintain any records and provide any infor-
10 mation to the Assistant Secretary, including those
11 records, that the Assistant Secretary determines is
12 necessary to enable the Assistant Secretary to per-
13 form the duties of the Assistant Secretary under the
14 Program.

15 (g) DEOBLIGATION OR TERMINATION OF GRANT.—
16 In addition to other authority under applicable law, the
17 Assistant Secretary may—

18 (1) deobligate or terminate a grant awarded to
19 an entity under this section if, after notice to the en-
20 tity and opportunity for a hearing, the Assistant
21 Secretary—

22 (A) presents to the entity a rationale and
23 supporting information that clearly dem-
24 onstrates that—

1 (i) the grant funds are not being used
2 in a manner that is consistent with the ap-
3 plication with respect to the grant sub-
4 mitted by the entity under subsection (c);
5 and

6 (ii) the entity is not upholding assur-
7 ances made by the entity to the Assistant
8 Secretary under subsection (f); and

9 (B) determines that the grant is no longer
10 necessary to achieve the original purpose for
11 which Assistant Secretary awarded the grant;
12 and

13 (2) with respect to any grant funds that the As-
14 sistant Secretary deobligates or terminates under
15 paragraph (1), competitively award the grant funds
16 to another applicant, consistent with the require-
17 ments of this section.

18 (h) REPORTING AND INFORMATION REQUIREMENTS;
19 INTERNET DISCLOSURE.—The Assistant Secretary—

20 (1) shall—

21 (A) require any entity to which the Assist-
22 ant Secretary awards a grant under the Pro-
23 gram to, for each year during the period de-
24 scribed in subsection (d)(2)(D) with respect to
25 the grant, submit to the Assistant Secretary a

1 report, in a format specified by the Assistant
2 Secretary, regarding—

3 (i) the amount of the grant;

4 (ii) the use by the entity of the grant
5 amounts; and

6 (iii) the progress of the entity towards
7 fulfilling the objectives for which the grant
8 was awarded;

9 (B) establish mechanisms to ensure appro-
10 priate use of, and compliance with respect to all
11 terms regarding, grant funds awarded under
12 the Program;

13 (C) create and maintain a fully searchable
14 database, which shall be accessible on the inter-
15 net at no cost to the public, that contains, at
16 a minimum—

17 (i) a list of each entity that has ap-
18 plied for a grant under the Program;

19 (ii) a description of each application
20 described in clause (i), including the pro-
21 posed purpose of each grant described in
22 that clause;

23 (iii) the status of each application de-
24 scribed in clause (i), including whether the
25 Assistant Secretary has awarded a grant

1 with respect to the application and, if so,
2 the amount of the grant;

3 (iv) each report submitted by an enti-
4 ty under subparagraph (A); and

5 (v) any other information that is suf-
6 ficient to allow the public to understand
7 and monitor grants awarded under the
8 Program; and

9 (D) ensure that any entity with respect to
10 which an award is deobligated or terminated
11 under subsection (g) may, in a timely manner,
12 appeal or otherwise challenge that deobligation
13 or termination, as applicable; and

14 (2) may establish additional reporting and in-
15 formation requirements for any recipient of a grant
16 under the Program.

17 (i) SUPPLEMENT NOT SUPPLANT.—A grant awarded
18 to an entity under the Program shall supplement, not sup-
19 plant, other Federal or State funds that have been made
20 available to the entity to carry out activities described in
21 this section.

22 (j) SET ASIDES.—From amounts made available in
23 a fiscal year to carry out the Program, the Assistant Sec-
24 retary shall reserve—

1 (1) 5 percent for the implementation and ad-
2 ministration of the Program, which shall include—

3 (A) providing technical support and assist-
4 ance, including ensuring consistency in data re-
5 porting;

6 (B) providing assistance to entities to pre-
7 pare the applications of those entities with re-
8 spect to grants awarded under this section;

9 (C) developing the report required under
10 section 6(a); and

11 (D) conducting outreach to entities that
12 may be eligible to be awarded a grant under the
13 Program regarding opportunities to apply for
14 such a grant;

15 (2) 5 percent to award grants to, or enter into
16 contracts or cooperative agreements with, Indian
17 tribes, Alaska Native entities, and Native Hawaiian
18 organizations to allow those tribes, entities, and or-
19 ganizations to carry out the activities described in
20 this section; and

21 (3) 1 percent to award grants to, or enter into
22 contracts or cooperative agreements with, the United
23 States Virgin Islands, Guam, American Samoa, the
24 Commonwealth of the Northern Mariana Islands,
25 and any other territory or possession of the United

1 States that is not a State to enable those entities to
2 carry out the activities described in this section.

3 (k) RULES.—The Assistant Secretary may prescribe
4 such rules as may be necessary to carry out this section.

5 (l) AUTHORIZATION OF APPROPRIATIONS.—There
6 are authorized to be appropriated to carry out this section
7 \$625,000,000 for fiscal year 2022, and such amount is
8 authorized to remain available through fiscal year 2026.

9 **SEC. 6. POLICY RESEARCH, DATA COLLECTION, ANALYSIS**
10 **AND MODELING, EVALUATION, AND DISSEMI-**
11 **NATION.**

12 (a) REPORTING REQUIREMENTS.—

13 (1) IN GENERAL.—Not later than 1 year after
14 the date on which the Assistant Secretary begins
15 awarding grants under section 4(d)(1), and annually
16 thereafter, the Assistant Secretary shall—

17 (A) submit to the appropriate committees
18 of Congress a report that documents, for the
19 year covered by the report—

20 (i) the findings of each evaluation
21 conducted under subparagraph (B);

22 (ii) a list of each grant awarded under
23 each covered program, which shall in-
24 clude—

1 (I) the amount of each such
2 grant;

3 (II) the recipient of each such
4 grant; and

5 (III) the purpose for which each
6 such grant was awarded;

7 (iii) any deobligation, termination, or
8 modification of a grant awarded under the
9 covered programs, which shall include a
10 description of the subsequent usage of any
11 funds to which such an action applies; and

12 (iv) each challenge made by an appli-
13 cant for, or a recipient of, a grant under
14 the covered programs and the outcome of
15 each such challenge; and

16 (B) conduct evaluations of the activities
17 carried out under the covered programs, which
18 shall include an evaluation of—

19 (i) whether eligible States to which
20 grants are awarded under the program es-
21 tablished under section 4 are—

22 (I) abiding by the assurances
23 made by those States under sub-
24 section (e) of that section;

1 (II) meeting, or have met, the
2 stated goals of the Digital Equity
3 Plans developed by the States under
4 subsection (c) of that section;

5 (III) satisfying the requirements
6 imposed by the Assistant Secretary on
7 those States under subsection (g) of
8 that section; and

9 (IV) in compliance with any
10 other rules, requirements, or regula-
11 tions promulgated by the Assistant
12 Secretary in implementing that pro-
13 gram; and

14 (ii) whether entities to which grants
15 are awarded under the program established
16 under section 5 are—

17 (I) abiding by the assurances
18 made by those entities under sub-
19 section (f) of that section;

20 (II) meeting, or have met, the
21 stated goals of those entities with re-
22 spect to the use of the grant amounts;

23 (III) satisfying the requirements
24 imposed by the Assistant Secretary on

1 those States under subsection (h) of
2 that section; and

3 (IV) in compliance with any
4 other rules, requirements, or regula-
5 tions promulgated by the Assistant
6 Secretary in implementing that pro-
7 gram.

8 (2) PUBLIC AVAILABILITY.—The Assistant Sec-
9 retary shall make each report submitted under para-
10 graph (1)(A) publicly available in an online format
11 that—

12 (A) facilitates access and ease of use;

13 (B) is searchable; and

14 (C) is accessible—

15 (i) to individuals with disabilities; and

16 (ii) in languages other than English.

17 (b) AUTHORITY TO CONTRACT AND ENTER INTO
18 OTHER ARRANGEMENTS.—The Assistant Secretary may
19 award grants and enter into contracts, cooperative agree-
20 ments, and other arrangements with Federal agencies,
21 public and private organizations, and other entities with
22 expertise that the Assistant Secretary determines appro-
23 priate in order to—

1 (1) evaluate the impact and efficacy of activities
2 supported by grants awarded under the covered pro-
3 grams; and

4 (2) develop, catalog, disseminate, and promote
5 the exchange of best practices, both with respect to
6 and independent of the covered programs, in order
7 to achieve digital equity.

8 (c) CONSULTATION AND PUBLIC ENGAGEMENT.—In
9 carrying out subsection (a), and to further the objectives
10 described in paragraphs (1) and (2) of subsection (b), the
11 Assistant Secretary shall conduct ongoing collaboration
12 and consult with—

13 (1) the Secretary of Agriculture;

14 (2) the Secretary of Housing and Urban Devel-
15 opment;

16 (3) the Secretary of Education;

17 (4) the Secretary of Labor;

18 (5) the Secretary of Health and Human Serv-
19 ices;

20 (6) the Secretary of Veterans Affairs;

21 (7) the Secretary of the Interior;

22 (8) the Federal Communications Commission;

23 (9) the Federal Trade Commission;

24 (10) the Director of the Institute of Museum
25 and Library Services;

1 (11) the Administrator of the Small Business
2 Administration;

3 (12) the Federal Cochairman of the Appa-
4 lachian Regional Commission;

5 (13) State agencies and governors of States (or
6 equivalent officials);

7 (14) entities serving as administering entities
8 for States under section 4(b);

9 (15) national, State, tribal, and local organiza-
10 tions that provide digital inclusion, digital equity, or
11 digital literacy services;

12 (16) researchers, academics, and philanthropic
13 organizations; and

14 (17) other agencies, organizations (including
15 international organizations), entities (including enti-
16 ties with expertise in the fields of data collection,
17 analysis and modeling, and evaluation), and commu-
18 nity stakeholders, as determined appropriate by the
19 Assistant Secretary.

20 (d) TECHNICAL SUPPORT AND ASSISTANCE.—The
21 Assistant Secretary shall provide technical support and as-
22 sistance, assistance to entities to prepare the applications
23 of those entities with respect to grants awarded under the
24 covered programs, and other resources, to the extent prac-

1 ticable, to ensure consistency in data reporting and to
2 meet the objectives of this section.

3 (e) AUTHORIZATION OF APPROPRIATIONS.—There
4 are authorized to be appropriated such sums as may be
5 necessary to carry out this section, which shall remain
6 available until expended.

7 **SEC. 7. GENERAL PROVISIONS.**

8 (a) NONDISCRIMINATION.—

9 (1) IN GENERAL.—No individual in the United
10 States may, on the basis of actual or perceived race,
11 color, religion, national origin, sex, gender identity,
12 sexual orientation, age, or disability, be excluded
13 from participation in, be denied the benefits of, or
14 be subjected to discrimination under any program or
15 activity that is funded in whole or in part with funds
16 made available under this Act.

17 (2) ENFORCEMENT.—The Assistant Secretary
18 shall effectuate paragraph (1) with respect to any
19 program or activity described in that paragraph by
20 issuing regulations and taking actions consistent
21 with section 602 of the Civil Rights Act of 1964 (42
22 U.S.C. 2000d–1).

23 (3) JUDICIAL REVIEW.—Judicial review of an
24 action taken by the Assistant Secretary under para-
25 graph (2) shall be available to the extent provided in

1 section 603 of the Civil Rights Act of 1964 (42
2 U.S.C. 2000d-2).

3 (b) TECHNOLOGICAL NEUTRALITY.—The Assistant
4 Secretary shall, to the extent practicable, carry out this
5 Act in a technologically neutral manner.

6 (c) AUDIT AND OVERSIGHT.—Beginning in the first
7 fiscal year in which amounts are made available to carry
8 out an activity authorized under this Act, and in each of
9 the 4 fiscal years thereafter, there is authorized to be ap-
10 propriated to the Office of Inspector General for the De-
11 partment of Commerce \$1,000,000 for audits and over-
12 sight of funds made available to carry out this Act, which
13 shall remain available until expended.

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