

117TH CONGRESS
1ST SESSION

S. 2018

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 SENATE OF THE UNITED STATES

JUNE 10, 2021

Mrs. MURRAY (for herself, Mr. PORTMAN, and Mr. KING) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

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.

(8) COVERED POPULATIONS.—The term “covered populations” means—

(A) individuals who live in covered households;

(B) aging individuals;

(C) incarcerated individuals, other than individuals who are incarcerated in a Federal correctional facility;

(D) veterans;

(E) individuals with disabilities;

(F) individuals with a language barrier, including individuals who—

(i) are English learners; and

(ii) have low levels of literacy;

(G) individuals who are members of a racial or ethnic minority group; and

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

(9) COVERED PROGRAMS.—The term “covered programs” means the State Digital Equity Capacity Grant Program established under section 4 and the Digital Equity Competitive Grant Program established under section 5.

(10) DIGITAL EQUITY.—The term “digital equity” 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 fixed and wireless
12 broadband internet service;

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

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

19 (B) includes—

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

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

1 (iii) obtaining basic awareness of
2 measures to ensure online privacy and cy-
3 bersecurity.

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

8 (13) DISABILITY.—The term “disability” has
9 the meaning given the term in section 3 of the
10 Americans with Disabilities Act of 1990 (42 U.S.C.
11 12102).

12 (14) ELIGIBLE STATE.—The term “eligible
13 State” means—

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

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

1 (15) GENDER IDENTITY.—The term “gender
2 identity” has the meaning given the term in section
3 249(c) of title 18, United States Code.

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

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

10 (A) has the meaning given the term in sec-
11 tion 101 of the Higher Education Act of 1965
12 (20 U.S.C. 1001); and

13 (B) includes a postsecondary vocational in-
14 stitution.

15 (18) LOCAL EDUCATIONAL AGENCY.—The term
16 “local educational agency” has the meaning given
17 the term in section 8101(30) of the Elementary and
18 Secondary Education Act of 1965 (20 U.S.C.
19 7801(30)).

20 (19) POSTSECONDARY VOCATIONAL INSTITU-
21 TION.—The term “postsecondary vocational institu-
22 tion” has the meaning given the term in section
23 102(c) of the Higher Education Act of 1965 (20
24 U.S.C. 1002(c)).

1 (20) RURAL AREA.—The term “rural area” has
 2 the meaning given the term in section 601(b)(3) of
 3 the Rural Electrification Act of 1936 (7 U.S.C.
 4 950bb(b)(3)).

5 (21) SOCIALLY AND ECONOMICALLY DISADVAN-
 6 TAGED SMALL BUSINESS CONCERN.—The term “so-
 7 cially and economically disadvantaged small business
 8 concern” has the meaning given the term in section
 9 8(a)(4) of the Small Business Act (15 U.S.C.
 10 637(a)(4)).

11 (22) STATE.—The term “State” means—

12 (A) any State of the United States;

13 (B) the District of Columbia; and

14 (C) the Commonwealth of Puerto Rico.

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

18 (24) WORKFORCE DEVELOPMENT PROGRAM.—

19 The term “workforce development program” has the
 20 meaning given the term in section 3(66) of the
 21 Workforce Innovation and Opportunity Act (29
 22 U.S.C. 3102(66)).

23 **SEC. 3. SENSE OF CONGRESS.**

24 It is the sense of Congress that—

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

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

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

7 (2) digital exclusion—

8 (A) carries a high societal and economic
9 cost;

10 (B) materially harms the opportunity of an
11 individual with respect to the economic success,
12 educational achievement, positive health out-
13 comes, social inclusion, and civic engagement of
14 that individual; and

15 (C) exacerbates existing wealth and income
16 gaps, especially those experienced by covered
17 populations;

18 (3) achieving digital equity for all people of the
19 United States requires additional and sustained in-
20 vestment and research efforts;

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

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

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

5 (a) ESTABLISHMENT; PURPOSE.—

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

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

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

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

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

25 (A) consult with—

- 1 (i) the Secretary of Agriculture;
- 2 (ii) the Secretary of Housing and
- 3 Urban Development;
- 4 (iii) the Secretary of Education;
- 5 (iv) the Secretary of Labor;
- 6 (v) the Secretary of Health and
- 7 Human Services;
- 8 (vi) the Secretary of Veterans Affairs;
- 9 (vii) the Secretary of the Interior;
- 10 (viii) the Federal Communications
- 11 Commission;
- 12 (ix) the Federal Trade Commission;
- 13 (x) the Director of the Institute of
- 14 Museum and Library Services;
- 15 (xi) the Administrator of the Small
- 16 Business Administration;
- 17 (xii) the Federal Co-Chair of the Ap-
- 18 palachian Regional Commission; and
- 19 (xiii) the head of any other agency
- 20 that the Assistant Secretary determines to
- 21 be appropriate; and
- 22 (B) ensure that the Program complements
- 23 and enhances, and does not conflict with, other
- 24 Federal broadband initiatives and programs.

25 (b) ADMINISTERING ENTITY.—

1 (1) SELECTION; FUNCTION.—The governor (or
2 equivalent official) of a State that wishes to be
3 awarded a grant under this section shall, from
4 among entities that are eligible under paragraph (2),
5 select an administering entity for that State, which
6 shall—

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

10 (B) develop, implement, and oversee the
11 State Digital Equity Plan for the State de-
12 scribed in subsection (c);

13 (C) make subgrants to any entity described
14 in subsection (c)(1)(D) that is located in the
15 State in support of—

16 (i) the State Digital Equity Plan for
17 the State; and

18 (ii) digital inclusion activities in the
19 State generally; and

20 (D) serve as—

21 (i) an advocate for digital equity pol-
22 icy and digital inclusion activities; and

23 (ii) a repository of best practice mate-
24 rials regarding the policies and activities
25 described in clause (i).

1 (2) ELIGIBLE ENTITIES.—Any of the following
 2 entities may serve as the administering entity for a
 3 State for the purposes of this section if the entity
 4 has demonstrated a capacity to administer the Pro-
 5 gram on a statewide level:

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

11 (B) A foundation, corporation, institution,
 12 association, or coalition that is—

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

14 (ii) located in the State; and

15 (iii) not a school.

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

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

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

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

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

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

6 (c) STATE DIGITAL EQUITY PLAN.—

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

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

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

18 (i) the availability of, and affordability
 19 of access to, fixed and wireless broadband
 20 technology;

21 (ii) the online accessibility and
 22 inclusivity of public resources and services;

23 (iii) digital literacy;

24 (iv) awareness of, and the use of,
 25 measures to secure the online privacy of,

1 and cybersecurity with respect to, an indi-
2 vidual; and

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

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

9 (i) economic and workforce develop-
10 ment goals, plans, and outcomes;

11 (ii) educational outcomes;

12 (iii) health outcomes;

13 (iv) civic and social engagement; and

14 (v) delivery of other essential services;

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

19 (i) community anchor institutions;

20 (ii) county and municipal govern-
21 ments;

22 (iii) local educational agencies;

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

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

1 determined according to data collected
2 from—

3 (aa) the annual inquiry of
4 the Federal Communications
5 Commission conducted under sec-
6 tion 706(b) of the Telecommuni-
7 cations Act of 1996 (47 U.S.C.
8 1302(b));

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

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

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

22 (ii) MINIMUM AWARD.—The amount
23 of a grant awarded to an eligible State
24 under this subsection in a fiscal year shall
25 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 (II) 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—

(A) require any entity to which a grant, including a subgrant, is awarded under this section to publicly report, for each year during the period described in subsection (c)(3)(D)(ii) or (d)(3)(B), as applicable, with respect to the grant, and in a format specified by the Assistant Secretary, on—

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

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

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

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

(i) uses the grant amounts in an appropriate manner; and

(ii) complies with all terms with respect to the use of the grant amounts; and

(C) create and maintain a fully searchable database, which shall be accessible on the internet at no cost to the public, that contains, at 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 as a result of those com-
11 ments; 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), which shall remain available until
 13 expended;

14 (2) for each of the first 5 fiscal years in which
 15 amounts are made available to award grants under
 16 subsection (d), \$125,000,000 for the award of those
 17 grants; and

18 (3) such sums as may be necessary to carry out
 19 this section for each fiscal year after the end of the
 20 5-fiscal year period described in paragraph (2).

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

22 (a) ESTABLISHMENT.—

23 (1) IN GENERAL.—Not later than 30 days after
 24 the date on which the Assistant Secretary begins
 25 awarding grants under section 4(d), and not before

1 that date, the Assistant Secretary shall establish in
 2 the Department of Commerce the Digital Equity
 3 Competitive Grant Program (referred to in this sec-
 4 tion as the “Program”), the purpose of which is to
 5 award grants to support efforts to achieve digital eq-
 6 uity, promote digital inclusion activities, and spur
 7 greater adoption of broadband among covered popu-
 8 lations.

9 (2) CONSULTATION; NO CONFLICT.—In estab-
 10 lishing the Program under paragraph (1), the As-
 11 sistant Secretary—

12 (A) may consult a State with respect to—

13 (i) the identification of groups de-
 14 scribed in subparagraphs (A) through (H)
 15 of section 2(8) located in that State; and

16 (ii) the allocation of grant funds with-
 17 in that State for projects in or affecting
 18 the State; and

19 (B) shall—

20 (i) consult with—

21 (I) the Secretary of Agriculture;

22 (II) the Secretary of Housing
 23 and Urban Development;

24 (III) the Secretary of Education;

25 (IV) the Secretary of Labor;

1 (V) the Secretary of Health and
2 Human Services;

3 (VI) the Secretary of Veterans
4 Affairs;

5 (VII) the Secretary of the Inte-
6 rior;

7 (VIII) the Federal Communica-
8 tions Commission;

9 (IX) the Federal Trade Commis-
10 sion;

11 (X) the Director of the Institute
12 of Museum and Library Services;

13 (XI) the Administrator of the
14 Small Business Administration;

15 (XII) the Federal Co-Chair of
16 the Appalachian Regional Commis-
17 sion; and

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

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

1 (b) ELIGIBILITY.—The Assistant Secretary may
 2 award a grant under the Program to any of the following
 3 entities if the entity is not serving, and has not served,
 4 as the administering entity for a State under section 4(b):

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

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

11 (3) A foundation, corporation, institution, or
 12 association that is—

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

14 (B) not a school.

15 (4) A community anchor institution.

16 (5) A local educational agency.

17 (6) An entity that carries out a workforce devel-
 18 opment program.

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

21 (8) A partnership between—

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

24 (B) an entity that—

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

3 (ii) is not a school.

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

7 (1) at such time, in such form, and containing
8 such information as the Assistant Secretary may re-
9 quire; and

10 (2) that—

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

16 (B) identifies the period in which the ap-
17 plicant will expend the grant funds awarded
18 under the Program;

19 (C) includes—

20 (i) a justification for the amount of
21 the grant that the applicant is requesting;
22 and

23 (ii) for each fiscal year in which the
24 applicant will expend the grant funds, a

1 budget for the activities that the grant
2 funds will support;

3 (D) demonstrates to the satisfaction of the
4 Assistant Secretary that the entity—

5 (i) is capable of carrying out—

6 (I) the project or function to
7 which the application relates; and

8 (II) the activities described in
9 subsection (h)—

10 (aa) in a competent manner;

11 and

12 (bb) in compliance with all
13 applicable Federal, State, and
14 local laws; and

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

21 (E) discloses to the Assistant Secretary the
22 source and amount of other Federal, State, or
23 outside funding sources from which the entity
24 receives, or has applied for, funding for activi-

1 ties or projects to which the application relates;
2 and

3 (F) provides—

4 (i) the assurances that are required
5 under subsection (f); and

6 (ii) an assurance that the entity shall
7 follow such additional procedures as the
8 Assistant Secretary may require to ensure
9 that grant funds are used and accounted
10 for in an appropriate manner.

11 (d) AWARD OF GRANTS.—

12 (1) FACTORS CONSIDERED IN AWARD OF
13 GRANTS.—In deciding whether to award a grant
14 under the Program, the Assistant Secretary shall, to
15 the extent practicable, consider—

16 (A) whether—

17 (i) an application shall, if approved—

18 (I) increase internet access and
19 the adoption of broadband among cov-
20 ered populations to be served by the
21 applicant; and

22 (II) not result in unjust enrich-
23 ment; and

1 (ii) the applicant is, or plans to sub-
2 contract with, a socially and economically
3 disadvantaged small business concern;

4 (B) the comparative geographic diversity of
5 the application in relation to other eligible ap-
6 plications; and

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

9 (2) USE OF FUNDS.—

10 (A) IN GENERAL.—In addition to the ac-
11 tivities required under subparagraph (B), an
12 entity to which the Assistant Secretary awards
13 a grant under the Program shall use the grant
14 amounts to support not less than 1 of the fol-
15 lowing activities:

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

19 (ii) To facilitate the adoption of
20 broadband by covered populations in order
21 to provide educational and employment op-
22 portunities to those populations.

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

1 (I) training programs for covered
2 populations that cover basic, ad-
3 vanced, and applied skills; or

4 (II) other workforce development
5 programs.

6 (iv) To make available equipment, in-
7 strumentation, networking capability, hard-
8 ware and software, or digital network tech-
9 nology for broadband services to covered
10 populations at low or no cost.

11 (v) To construct, upgrade, expend, or
12 operate new or existing public access com-
13 puting centers for covered populations
14 through community anchor institutions.

15 (vi) To undertake any other project
16 and activity that the Assistant Secretary
17 finds to be consistent with the purposes for
18 which the Program is established.

19 (B) EVALUATION.—

20 (i) IN GENERAL.—An entity to which
21 the Assistant Secretary awards a grant
22 under the Program shall use not more
23 than 10 percent of the grant amounts to
24 measure and evaluate the activities sup-
25 ported with the grant amounts.

1 (ii) SUBMISSION TO ASSISTANT SEC-
2 RETARY.—An entity to which the Assistant
3 Secretary awards a grant under the Pro-
4 gram shall submit to the Assistant Sec-
5 retary each measurement and evaluation
6 performed under clause (i)—

7 (I) in a manner specified by the
8 Assistant Secretary;

9 (II) not later than 15 months
10 after the date on which the entity is
11 awarded the grant amounts; and

12 (III) annually after the submis-
13 sion described in subclause (II) for
14 any year in which the entity expends
15 grant amounts.

16 (C) ADMINISTRATIVE COSTS.—An entity to
17 which the Assistant Secretary awards a grant
18 under the Program may use not more than 10
19 percent of the amount of the grant for adminis-
20 trative costs in carrying out any of the activities
21 described in subparagraph (A).

22 (D) TIME LIMITATIONS.—With respect to
23 a grant awarded to an entity under the Pro-
24 gram, the entity—

1 (i) except as provided in clause (ii),
2 shall expend the grant amounts during the
3 4-year period beginning on the date on
4 which the entity is awarded the grant
5 amounts; and

6 (ii) during the 1-year period beginning
7 on the date that is 4 years after the date
8 on which the entity is awarded the grant
9 amounts, may continue to measure and
10 evaluate the activities supported with the
11 grant amounts, as required under subpara-
12 graph (B).

13 (e) FEDERAL SHARE.—

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

18 (2) EXCEPTION.—The Assistant Secretary may
19 grant a waiver with respect to the limitation on the
20 Federal share of a project described in paragraph
21 (1) if—

22 (A) the applicant with respect to the
23 project petitions the Assistant Secretary for the
24 waiver; and

1 (B) the Assistant Secretary determines
2 that the petition described in subparagraph (A)
3 demonstrates financial need.

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

7 (1) use any grant funds that the entity is
8 awarded—

9 (A) in accordance with any applicable stat-
10 ute, regulation, and application procedure; and

11 (B) to the extent required under applicable
12 law;

13 (2) adopt and use proper methods of admin-
14 istering any grant that the entity is awarded, includ-
15 ing by—

16 (A) enforcing any obligation imposed under
17 law on any agency, institution, organization, or
18 other entity that is responsible for carrying out
19 a program to which the grant relates;

20 (B) correcting any deficiency in the oper-
21 ation of a program to which the grant relates,
22 as identified through an audit or another moni-
23 toring or evaluation procedure; and

24 (C) adopting written procedures for the re-
25 ceipt and resolution of complaints alleging a

1 violation of law with respect to a program to
2 which the grant relates;

3 (3) cooperate with respect to any evaluation—

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

6 (B) that is carried out by or for the Assist-
7 ant Secretary or another Federal official;

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

12 (5) submit to the Assistant Secretary any re-
13 ports that may be necessary to enable the Assistant
14 Secretary to perform the duties of the Assistant Sec-
15 retary under the Program; and

16 (6) maintain any records and provide any infor-
17 mation to the Assistant Secretary, including those
18 records, that the Assistant Secretary determines is
19 necessary to enable the Assistant Secretary to per-
20 form the duties of the Assistant Secretary under the
21 Program.

22 (g) DEOBLIGATION OR TERMINATION OF GRANT.—

23 In addition to other authority under applicable law, the
24 Assistant Secretary may—

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

5 (A) presents to the entity a rationale and
6 supporting information that clearly dem-
7 onstrates that—

8 (i) the grant funds are not being used
9 in a manner that is consistent with the ap-
10 plication with respect to the grant sub-
11 mitted by the entity under subsection (c);
12 and

13 (ii) the entity is not upholding assur-
14 ances made by the entity to the Assistant
15 Secretary under subsection (f); and

16 (B) determines that the grant is no longer
17 necessary to achieve the original purpose for
18 which Assistant Secretary awarded the grant;
19 and

20 (2) with respect to any grant funds that the As-
21 sistant Secretary deobligates or terminates under
22 paragraph (1), competitively award the grant funds
23 to another applicant, consistent with the require-
24 ments of this section.

1 (h) REPORTING AND INFORMATION REQUIREMENTS;
2 INTERNET DISCLOSURE.—The Assistant Secretary—

3 (1) shall—

4 (A) require any entity to which the Assist-
5 ant Secretary awards a grant under the Pro-
6 gram to, for each year during the period de-
7 scribed in subsection (d)(2)(D) with respect to
8 the grant, submit to the Assistant Secretary a
9 report, in a format specified by the Assistant
10 Secretary, regarding—

11 (i) the amount of the grant;

12 (ii) the use by the entity of the grant
13 amounts; and

14 (iii) the progress of the entity towards
15 fulfilling the objectives for which the grant
16 was awarded;

17 (B) establish mechanisms to ensure appro-
18 priate use of, and compliance with respect to all
19 terms regarding, grant funds awarded under
20 the Program;

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) a list of each entity that has ap-
 2 plied for a grant under the Program;

3 (ii) a description of each application
 4 described in clause (i), including the pro-
 5 posed purpose of each grant described in
 6 that clause;

7 (iii) the status of each application de-
 8 scribed in clause (i), including whether the
 9 Assistant Secretary has awarded a grant
 10 with respect to the application and, if so,
 11 the amount of the grant;

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

14 (v) any other information that is suf-
 15 ficient to allow the public to understand
 16 and monitor grants awarded under the
 17 Program; and

18 (D) ensure that any entity with respect to
 19 which an award is deobligated or terminated
 20 under subsection (g) may, in a timely manner,
 21 appeal or otherwise challenge that deobligation
 22 or termination, as applicable; and

23 (2) may establish additional reporting and in-
 24 formation requirements for any recipient of a grant
 25 under the Program.

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

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

9 (1) 5 percent for the implementation and ad-
10 ministration of the Program, which shall include—

11 (A) providing technical support and assist-
12 ance, including ensuring consistency in data re-
13 porting;

14 (B) providing assistance to entities to pre-
15 pare the applications of those entities with re-
16 spect to grants awarded under this section;

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

19 (D) conducting outreach to entities that
20 may be eligible to be awarded a grant under the
21 Program regarding opportunities to apply for
22 such a grant;

23 (2) 5 percent to award grants to, or enter into
24 contracts or cooperative agreements with, Indian
25 tribes, Alaska Native entities, and Native Hawaiian

1 organizations to allow those tribes, entities, and or-
 2 ganizations to carry out the activities described in
 3 this section; and

4 (3) 1 percent to award grants to, or enter into
 5 contracts or cooperative agreements with, the United
 6 States Virgin Islands, Guam, American Samoa, the
 7 Commonwealth of the Northern Mariana Islands,
 8 and any other territory or possession of the United
 9 States that is not a State to enable those entities to
 10 carry out the activities described in this section.

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

13 (l) AUTHORIZATION OF APPROPRIATIONS.—There
 14 are authorized to be appropriated to carry out this sec-
 15 tion—

16 (1) \$125,000,000 for each of the first 5 fiscal
 17 years in which funds are made available to carry out
 18 this section; and

19 (2) such sums as may be necessary for each fis-
 20 cal year after the end of the 5-fiscal year period de-
 21 scribed in paragraph (1).

22 **SEC. 6. POLICY RESEARCH, DATA COLLECTION, ANALYSIS**
 23 **AND MODELING, EVALUATION, AND DISSEMI-**
 24 **NATION.**

25 (a) REPORTING REQUIREMENTS.—

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

5 (A) submit to the appropriate committees
6 of Congress a report that documents, for the
7 year covered by the report—

8 (i) the findings of each evaluation
9 conducted under subparagraph (B);

10 (ii) a list of each grant awarded under
11 each covered program, which shall in-
12 clude—

13 (I) the amount of each such
14 grant;

15 (II) the recipient of each such
16 grant; and

17 (III) the purpose for which each
18 such grant was awarded;

19 (iii) any deobligation, termination, or
20 modification of a grant awarded under the
21 covered programs, which shall include a
22 description of the subsequent usage of any
23 funds to which such an action applies; and

24 (iv) each challenge made by an appli-
25 cant for, or a recipient of, a grant under

1 the covered programs and the outcome of
2 each such challenge; and

3 (B) conduct evaluations of the activities
4 carried out under the covered programs, which
5 shall include an evaluation of—

6 (i) whether eligible States to which
7 grants are awarded under the program es-
8 tablished under section 4 are—

9 (I) abiding by the assurances
10 made by those States under sub-
11 section (e) of that section;

12 (II) meeting, or have met, the
13 stated goals of the Digital Equity
14 Plans developed by the States under
15 subsection (c) of that section;

16 (III) satisfying the requirements
17 imposed by the Assistant Secretary on
18 those States under subsection (g) of
19 that section; and

20 (IV) in compliance with any
21 other rules, requirements, or regula-
22 tions promulgated by the Assistant
23 Secretary in implementing that pro-
24 gram; and

1 (ii) whether entities to which grants
 2 are awarded under the program established
 3 under section 5 are—

4 (I) abiding by the assurances
 5 made by those entities under sub-
 6 section (f) of that section;

7 (II) meeting, or have met, the
 8 stated goals of those entities with re-
 9 spect to the use of the grant amounts;

10 (III) satisfying the requirements
 11 imposed by the Assistant Secretary on
 12 those States under subsection (h) of
 13 that section; and

14 (IV) in compliance with any
 15 other rules, requirements, or regula-
 16 tions promulgated by the Assistant
 17 Secretary in implementing that pro-
 18 gram.

19 (2) PUBLIC AVAILABILITY.—The Assistant Sec-
 20 retary shall make each report submitted under para-
 21 graph (1)(A) publicly available in an online format
 22 that—

23 (A) facilitates access and ease of use;

24 (B) is searchable; and

25 (C) is accessible—

- 1 (i) to individuals with disabilities; and
- 2 (ii) in languages other than English.

3 (b) AUTHORITY TO CONTRACT AND ENTER INTO
4 OTHER ARRANGEMENTS.—The Assistant Secretary may
5 award grants and enter into contracts, cooperative agree-
6 ments, and other arrangements with Federal agencies,
7 public and private organizations, and other entities with
8 expertise that the Assistant Secretary determines appro-
9 priate in order to—

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

13 (2) develop, catalog, disseminate, and promote
14 the exchange of best practices, both with respect to
15 and independent of the covered programs, in order
16 to achieve digital equity.

17 (c) CONSULTATION AND PUBLIC ENGAGEMENT.—In
18 carrying out subsection (a), and to further the objectives
19 described in paragraphs (1) and (2) of subsection (b), the
20 Assistant Secretary shall conduct ongoing collaboration
21 and consult with—

22 (1) the Secretary of Agriculture;

23 (2) the Secretary of Housing and Urban Devel-
24 opment;

25 (3) the Secretary of Education;

- 1 (4) the Secretary of Labor;
- 2 (5) the Secretary of Health and Human Serv-
- 3 ices;
- 4 (6) the Secretary of Veterans Affairs;
- 5 (7) the Secretary of the Interior;
- 6 (8) the Federal Communications Commission;
- 7 (9) the Federal Trade Commission;
- 8 (10) the Director of the Institute of Museum
- 9 and Library Services;
- 10 (11) the Administrator of the Small Business
- 11 Administration;
- 12 (12) the Federal Co-Chair of the Appalachian
- 13 Regional Commission;
- 14 (13) State agencies and governors of States (or
- 15 equivalent officials);
- 16 (14) entities serving as administering entities
- 17 for States under section 4(b);
- 18 (15) national, State, tribal, and local organiza-
- 19 tions that provide digital inclusion, digital equity, or
- 20 digital literacy services;
- 21 (16) researchers, academics, and philanthropic
- 22 organizations; and
- 23 (17) other agencies, organizations (including
- 24 international organizations), entities (including enti-
- 25 ties with expertise in the fields of data collection,

1 analysis and modeling, and evaluation), and commu-
2 nity stakeholders, as determined appropriate by the
3 Assistant Secretary.

4 (d) TECHNICAL SUPPORT AND ASSISTANCE.—The
5 Assistant Secretary shall provide technical support and as-
6 sistance, assistance to entities to prepare the applications
7 of those entities with respect to grants awarded under the
8 covered programs, and other resources, to the extent prac-
9 ticable, to ensure consistency in data reporting and to
10 meet the objectives of this section.

11 (e) AUTHORIZATION OF APPROPRIATIONS.—There
12 are authorized to be appropriated such sums as may be
13 necessary to carry out this section, which shall remain
14 available until expended.

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

16 (a) NONDISCRIMINATION.—

17 (1) IN GENERAL.—No individual in the United
18 States may, on the basis of actual or perceived race,
19 color, religion, national origin, sex, gender identity,
20 sexual orientation, age, or disability, be excluded
21 from participation in, be denied the benefits of, or
22 be subjected to discrimination under any program or
23 activity that is funded in whole or in part with funds
24 made available to carry out this Act.

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

7 (3) JUDICIAL REVIEW.—Judicial review of an
8 action taken by the Assistant Secretary under para-
9 graph (2) shall be available to the extent provided in
10 section 603 of the Civil Rights Act of 1964 (42
11 U.S.C. 2000d–2).

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

15 (c) AUDIT AND OVERSIGHT.—Beginning in the first
16 fiscal year in which amounts are made available to carry
17 out an activity authorized under this Act, and in each of
18 the 4 fiscal years thereafter, there is authorized to be ap-
19 propriated to the Office of Inspector General for the De-
20 partment of Commerce \$1,000,000 for audits and over-
21 sight of funds made available to carry out this Act, which
22 shall remain available until expended.

○