

116TH CONGRESS  
1ST SESSION

# H. R. 4486

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

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## IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 25, 2019

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

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## 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 2019”.

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 capaci-  
2 ty 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 DISADVAN-  
2           TAGED SMALL BUSINESS CONCERN.—The term “so-  
3           cially and economically disadvantaged small business  
4           concern” has the meaning given the term in section  
5           8(a)(4) of the Small Business Act (15 U.S.C.  
6           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  
12           meaning given the term in section 101 of title 38,  
13           United States Code.

14           (24) WORKFORCE DEVELOPMENT PROGRAM.—

15           The term “workforce development program” has the  
16           meaning given the term in section 3 of the Work-  
17           force Innovation and Opportunity Act (29 U.S.C.  
18           3102).

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

20           It is the sense of Congress that—

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

23                   (A) participate in the society, economy,

24                   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



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 (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), 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 Cochairman 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 Cochairman of the Appa-
- 13 lachian 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 under 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.

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