

Editorial Notes

REFERENCES IN TEXT

The Communications Act of 1934, referred to in subsec. (d)(2)(A), is act June 19, 1934, ch. 652, 48 Stat. 1064. Title VIII of the Act is classified generally to subchapter VII (§641 et seq.) of chapter 5 of this title. For complete classification of this Act to the Code, see section 609 of this title and Tables.

The Rural Electrification Act of 1936, referred to in subsec. (d)(3)(D)(i)(I), is act May 20, 1936, ch. 432, 49 Stat. 1363. Title VI of the Act is classified generally to subchapter VI (§950b et seq.) of chapter 31 of Title 7, Agriculture. For complete classification of this Act to the Code, see section 901 of Title 7 and Tables.

Section 779 of division A of the Consolidated Appropriations Act, 2018, referred to in subsec. (d)(3)(D)(ii)(II), is section 779 of Pub. L. 115-141, div. A, title VII, Mar. 23, 2018, 132 Stat. 399, which is not classified to the Code.

The date of enactment of this Act, referred to in subsec. (e)(6)(B), (C), probably means the date of enactment of Pub. L. 117-58, which enacted subsec. (e)(6) of this section and was approved November 15, 2021.

Section 60201 of the Infrastructure Investment and Jobs Act, referred to in subsec. (e)(6)(C)(i), is section 60201 of Pub. L. 117-58, which amended this section.

CODIFICATION

Section was formerly set out as a note under section 1305 of this title.

AMENDMENTS

2021—Subsec. (c)(1)(B). Pub. L. 117-58, §60201(1)(A), struck out “during the COVID-19 pandemic” after “telehealth resources”.

Subsec. (c)(4)(A)(i). Pub. L. 117-58, §60201(1)(B)(i)(I), substituted “18 months after receiving an allocation of funds pursuant to a specific grant award” for “180 days after receiving grant funds”.

Subsec. (c)(4)(A)(ii). Pub. L. 117-58, §60201(1)(B)(i)(II), substituted “be made available to other eligible entities for the purposes provided in this subsection” for “revert to the general fund of the Treasury”.

Subsec. (c)(4)(B)(i). Pub. L. 117-58, §60201(1)(B)(ii)(I), substituted “4 years after receiving an allocation of funds pursuant to a specific grant award” for “1 year after receiving grant funds”.

Subsec. (c)(4)(B)(iii), (iv). Pub. L. 117-58, §60201(1)(B)(ii)(II), (III), added cl. (iii) and redesignated former cl. (iii) as (iv).

Subsec. (c)(4)(C). Pub. L. 117-58, §60201(1)(B)(iii), added subpar. (C).

Subsec. (c)(6). Pub. L. 117-58, §60201(1)(C), added par. (6) and struck out former par. (6). Prior to amendment, text read as follows: “An eligible entity may use not more than 2 percent of grant funds received under this subsection for administrative purposes.”

Subsec. (e)(6). Pub. L. 117-58, §60201(2), added par. (6).

SUBCHAPTER II—DIGITAL EQUITY ACT OF 2021

§ 1721. Definitions

In this subchapter:

(1) Adoption of broadband

The term “adoption of broadband” means the process by which an individual obtains daily access to the internet—

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

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

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

(B) with the digital skills that are necessary for the individual to participate online; and

(C) on a—

(i) personal device; and

(ii) secure and convenient network.

(2) Advanced telecommunications capability

The term “advanced telecommunications capability” has the meaning given the term in section 1302(d) of this title.

(3) Aging individual

The term “aging individual” has the meaning given the term “older individual” in section 3002 of title 42.

(4) Appropriate committees of Congress

The term “appropriate committees of Congress” means—

(A) the Committee on Appropriations of the Senate;

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

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

(D) the Committee on Energy and Commerce of the House of Representatives.

(5) Assistant Secretary

The term “Assistant Secretary” means the Assistant Secretary of Commerce for Communications and Information.

(6) Community anchor institution

The term “community anchor institution” means a public school, a public or multi-family housing authority, a library, a medical or healthcare provider, a community college or other institution of higher education, a State library agency, and any other nonprofit or governmental community support organization.

(7) Covered household

The term “covered household” means a household, the income of which for the most recently completed year is not more than 150 percent of an amount equal to the poverty level, as determined by using criteria of poverty established by the Bureau of the 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 1723 of this title and the Digital Equity Competitive Grant Pro-

gram established under section 1724 of this title.

(10) Digital equity

The term “digital equity” means the condition in which individuals and communities have the information technology capacity that is needed for full participation in the society and economy of the United States.

(11) Digital inclusion

The term “digital inclusion”—

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

- (i) reliable fixed and wireless broadband internet service;
- (ii) internet-enabled devices that meet the needs of the user; and
- (iii) applications and online content designed to enable and encourage self-sufficiency, participation, and collaboration; and

(B) includes—

- (i) obtaining access to digital literacy training;
- (ii) the provision of quality technical support; and
- (iii) obtaining basic awareness of measures to ensure online privacy and cybersecurity.

(12) Digital literacy

The term “digital literacy” means the skills associated with using technology to enable users to find, evaluate, organize, create, and communicate information.

(13) Disability

The term “disability” has the meaning given the term in section 12102 of title 42.

(14) Eligible State

The term “eligible State” means—

(A) with respect to planning grants made available under section 60304(c)(3), a State with respect to which the Assistant Secretary has approved an application submitted to the Assistant Secretary under section 1723(c)(3)(C) of this title; and

(B) with respect to capacity grants awarded under section 1723(d) of this title, a State with respect to which the Assistant Secretary has approved an application submitted to the Assistant Secretary under section 1723(d)(2) of this title, including approval of the State Digital Equity Plan developed by the State under section 1723(c) of this title.

(15) Gender identity

The term “gender identity” has the meaning given the term in section 249(c) of title 18.

(16) Indian Tribe

The term “Indian Tribe” has the meaning given the term in section 5304(e) of title 25.

(17) Institution of higher education

The term “institution of higher education”—

(A) has the meaning given the term in section 1001 of title 20; and

(B) includes a postsecondary vocational institution.

(18) Local educational agency

The term “local educational agency” has the meaning given the term in section 7801(30) of title 20.

(19) Postsecondary vocational institution

The term “postsecondary vocational institution” has the meaning given the term in section 1002(c) of title 20.

(20) Rural area

The term “rural area” has the meaning given the term in section 950bb(b)(3) of title 7.

(21) State

The term “State” means—

- (A) any State of the United States;
- (B) the District of Columbia; and
- (C) the Commonwealth of Puerto Rico.

(22) Veteran

The term “veteran” has the meaning given the term in section 101 of title 38.

(23) Workforce development program

The term “workforce development program” has the meaning given the term in section 3102(66) of title 29.

(Pub. L. 117–58, div. F, title III, § 60302, Nov. 15, 2021, 135 Stat. 1209.)

Statutory Notes and Related Subsidiaries

SHORT TITLE

For short title of this subchapter as the “Digital Equity Act of 2021”, see section 60301 of Pub. L. 117–58, set out as a note under section 1701 of this title.

§ 1722. Sense of Congress

It is the sense of Congress that—

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

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

(B) access health care and essential services, obtain education, and build careers;

(2) digital exclusion—

(A) carries a high societal and economic cost;

(B) materially harms the opportunity of an individual with respect to the economic success, educational achievement, positive health outcomes, social inclusion, and civic engagement of that individual; and

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

(3) achieving digital equity for all people of the United States requires additional and sustained investment and research efforts;

(4) the Federal Government, as well as State, tribal, territorial, and local governments, have made social, legal, and economic obligations that necessarily extend to how the citizens and residents of those governments access and use the internet; and