

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

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

(Pub. L. 117-58, div. F, title III, §60303, Nov. 15, 2021, 135 Stat. 1212.)

§ 1723. State Digital Equity Capacity Grant Program

(a) Establishment; purpose

(1) In general

The Assistant Secretary shall establish in the Department of Commerce the State Digital Equity Capacity Grant Program (referred to in this section as the “Program”)—

(A) the purpose of which is to promote the achievement of digital equity, support digital inclusion activities, and build capacity for efforts by States relating to the adoption of broadband by residents of those States;

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

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

(2) Consultation with other Federal agencies; no conflict

In establishing the Program under paragraph (1), the Assistant Secretary shall—

(A) consult with—

- (i) the Secretary of Agriculture;
- (ii) the Secretary of Housing and Urban Development;
- (iii) the Secretary of Education;
- (iv) the Secretary of Labor;
- (v) the Secretary of Health and Human Services;
- (vi) the Secretary of Veterans Affairs;
- (vii) the Secretary of the Interior;
- (viii) the Federal Communications Commission;
- (ix) the Federal Trade Commission;
- (x) the Director of the Institute of Museum and Library Services;
- (xi) the Administrator of the Small Business Administration;
- (xii) the Federal Co-Chair of the Appalachian Regional Commission; and
- (xiii) the head of any other agency that the Assistant Secretary determines to be appropriate; and

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

(b) Administering entity

(1) Selection; function

The governor (or equivalent official) of a State that wishes to be awarded a grant under this section shall, from among entities that are eligible under paragraph (2), select an administering entity for that State, which shall—

(A) serve as the recipient of, and administering agent for, any grant awarded to the State under this section;

(B) develop, implement, and oversee the State Digital Equity Plan for the State described in subsection (c);

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

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

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

(D) serve as—

(i) an advocate for digital equity policy and digital inclusion activities; and

(ii) a repository of best practice materials regarding the policies and activities described in clause (i).

(2) Eligible entities

Any of the following entities may serve as the administering entity for a State for the purposes of this section if the entity has demonstrated a capacity to administer the Program on a statewide level:

(A) The State, a political subdivision, agency, or instrumentality of the State, an Indian Tribe located in the State, an Alaska Native entity located in the State, or a Native Hawaiian organization located in the State.

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

(i) a not-for-profit entity;

(ii) providing services in the State; and

(iii) not a school.

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

(D) A local educational agency that is located in the State.

(E) An entity located in the State that carries out a workforce development program.

(F) An agency of the State that is responsible for administering or supervising adult education and literacy activities in the State.

(G) A public or multi-family housing authority that is located in the State.

(H) A partnership between any of the entities described in subparagraphs (A) through (G).

(c) State Digital Equity Plan

(1) Development; contents

A State that wishes to be awarded a grant under subsection (d) shall develop a State Digital Equity Plan for the State, which shall include—

(A) the identification of the barriers to digital equity faced by covered populations in the State;

(B) measurable objectives for documenting and promoting, among each group described in subparagraphs (A) through (H) of section 1721(8) of this title located in that State—

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

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