



# INFRASTRUCTURE INVESTMENT AND JOBS ACT

THE DIGITAL EQUITY ACT OF 2021



FEBRUARY 2022

# AGENDA



## Welcoming Remarks

Scott D. Woods, Director, Office of Minority Broadband Initiatives,  
NTIA

## Digital Equity Act Overview

Russ Hanser, Director, Communications Policy Initiatives, NTIA

Rafi Goldberg, Telecommunications Policy Specialist, NTIA

## Listening Session Logistics

Scott Woods, Director, Office of Minority Broadband Initiatives,  
NTIA

## Moderated Discussion

Karen Archer Perry, Senior Broadband Program Specialist, NTIA

*Note: This presentation only covers rules and requirements set by the Infrastructure Investment and Jobs Act (IIJA), Division F, Pub. L. 117-58 (Nov. 15, 2021).*



# DIGITAL EQUITY ACT OVERVIEW

**Russ Hanser**, Director, Communications Policy Initiatives, Office of Policy Analysis and Development NTIA

**Rafi Goldberg**, Telecommunications Policy Specialist, Office of Policy Analysis and Development, NTIA

# LISTENING SESSION DISCUSSION QUESTIONS

1. What are some of the most effective digital inclusion, equity, and adoption interventions states should include in their digital equity plans?
2. What types of assistance should NTIA provide to states, localities and community groups, and underrepresented populations to ensure that State Digital Equity Plans and states' use of Capacity Grants fully address equity gaps in broadband access, adoption and use, and promote digital skills?
3. NTIA believes that it is crucial for states' BEAD proposals to be as integrated as possible with their Digital Equity Plans, and that the two work in tandem. How should NTIA ensure that State Digital Equity Plans and states' BEAD program plans are integrated to address broadband access and adoption?
4. What best practices, if any, should states follow in developing measurable objectives for availability, affordability, accessibility, digital literacy, privacy, and cybersecurity?

# DIGITAL EQUITY ACT OF 2021 | STATUTORY DEFINITIONS

## DIGITAL EQUITY

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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.

## DIGITAL INCLUSION

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Digital inclusion refers to 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:

- Reliable fixed and wireless broadband internet service
- Internet-enabled devices that meet the needs of the user; and
- Applications and online content designed to enable and encourage self-sufficiency, participation, and collaboration.

Digital inclusion includes obtaining access to digital literacy training, the provision of quality technical support, and obtaining basic awareness of measures to ensure online privacy and cybersecurity

*Note: Definitions above are specific to the Digital Equity Act Programs. Definitions may vary across IJJA programs.*

# OVERVIEW | THE DIGITAL EQUITY ACT CREATES 3 SEQUENCED PROGRAMS TO PROMOTE DIGITAL INCLUSION

## OVERVIEW

### Official name

Title III – The Digital Equity Act of 2021

### Funding pool

\$2.75B

## OBJECTIVE

Support the closure of the digital divide & promote equity and digital inclusion, so that "individuals and communities have the information technology capacity that is needed for full participation in the society and economy of the United States."

## PROGRAMS CREATED

### State program

State Planning Grant Program (\$60M)



State Capacity Grant Program (\$1.44B)

### Competitive program

Competitive Grant Program (\$1.25B)

*Created once state implementation grants begin being awarded*

# STATE PROGRAMS | OVERVIEW OF FUNDING POOL, PROGRAM TYPES, AND PROGRAM OBJECTIVES

## State Digital Equity Planning Program

**Funding pool:** \$60M

**Type of program:** State and Territory formula program

**Program objective:**  
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

## State Digital Equity Capacity Program

**Funding pool:** \$1.44B

**Type of program:** State and Territory formula program

**Program objective:**  
To support the implementation of State Digital Equity Plans and digital inclusion activities

From amounts made available in a fiscal year for both grants, the following must be set aside:

At least 5% to award grants to Indian Tribes, Alaska Native entities, and Native Hawaiian organizations<sup>1</sup>

At least 1% to award grants to the US Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and any other territory or possession of the United States that is not a State<sup>1</sup>

1. Or enter into contracts or cooperative agreements with these entities, for the purpose of carrying out the goals of the program(s).

# PRIORITIES | THE DIGITAL EQUITY ACT ALSO ESTABLISHED PROGRAM PRIORITIES OR 'COVERED POPULATIONS'

## PROGRAM/S PRIORITIES

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- 1** Individuals living in households **earning at or below 150% of the poverty level<sup>1</sup>**
- 2** Individuals who are members of a **racial or ethnic minority group**
- 3** Individuals who primarily reside in a **rural area**
- 4** Individuals with a **language barrier<sup>2</sup>**
- 5** **Aging** individuals
- 6** Individuals with **disabilities**
- 7** **Incarcerated** individuals<sup>3</sup>
- 8** **Veterans**

*Note: Numbers do not represent a ranking*

1. Poverty level as determined by using criteria of poverty established by the Bureau of the Census, 2. Including individuals who are English learners and individuals who have low levels of literacy, 3. Other than individuals who are incarcerated in a Federal correctional facility

# STAGES | STATE PROGRAM HAS TWO DISTINCT FUNDING STREAMS – COMPLETING THE FIRST IS KEY FOR SECOND

Key: ■ Eligible entity activity ■ NTIA activity

## State Digital Equity Planning Program



**Eligible entities** decide whether to participate. If they choose to, they need to **submit an application to NTIA**

*NTIA reviews & approves participation, and awards planning grant*

**Eligible entities** use planning grant to develop a Digital Equity Plan (which is required to participate in the Capacity program)

## State Digital Equity Capacity Program



**Eligible entities** who completed the planning program can submit an application for the Capacity Grant (implementation) portion

*NTIA reviews & approves application. Funds are then awarded annually over 5 years based on each year's appropriation*

**Eligible entities** subgrant for implementation and regularly monitor progress

# ELIGIBLE COSTS | ELIGIBLE COSTS OF THE STATE PROGRAMS

## State Digital Equity Planning Program

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**Grant funds awarded for planning can only be used for the following purposes:**

- To develop the State Digital Equity Plan
- To award subgrants to any entities listed in section 60304(c)(1)(D) to assist in the development of the State Digital Equity Plan

## State Digital Equity Capacity Program

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**Funds awarded under this program can only be used for the following purposes:**

- To update or maintain the State's Digital Equity Plan (no more than 20% of amount awarded)
- To implement the State's Digital Equity Plan
- To award subgrants to entities listed in section 60305(b) and located in the State to: (a) assist in implementation of the State's Plan, (b) pursue digital inclusion activities in the State consistent with the Plan, and (c) report back to the State on its digital inclusion activities.
- To determine the efficacy of efforts above (no more than 5% of awarded funds can be used)
- To cover administrative costs incurred in carrying out the above activities (No more than 3% can be used for administrative purposes)

# ADMINISTRATION | THE STATE MUST SELECT AN ADMINISTERING ENTITY FOR THE STATE PROGRAMS

**The governor (or equivalent official) of a State that wishes to be awarded a Capacity Grant shall select an administering entity<sup>1</sup> for that State**

## ELIGIBLE ENTITIES

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

- The State<sup>2</sup> or any of the following located in the State: an Indian Tribe, an Alaska Native entity, or a Native Hawaiian organization
- A foundation, corporation, institution, association, or coalition that is (a) a not-for-profit entity, (b) providing services in the State, and (c) not a school
- A community anchor institution, other than a school<sup>3</sup>
- A local educational agency<sup>3</sup>
- An entity<sup>3</sup> that carries out a workforce development program
- An agency of the State that is responsible for administering or supervising adult education and literacy activities in the State
- A public or multi-family housing authority<sup>3</sup>
- A partnership between any of the entities above

## ENTITY RESPONSIBILITIES

The selected administering entity shall:

- Serve as the recipient of, and administering agent for, any grant awarded to the State
- Develop, implement, and oversee the State Digital Equity Plan for the State
- Make subgrants to any eligible entities (specific to the program) located in the State in support of:
  - The State Digital Equity Plan for the State
  - Digital inclusion activities in the State
- Serve as:
  - An advocate for digital equity policy and digital inclusion activities
  - A repository of best practice materials regarding such policies and activities

1. Administering entity must be selected from among eligible entities, 2. Including a political subdivision, agency, or instrumentality of the State, 3. That is located in the State.

# ASSURANCES | A STATE APPLYING FOR FUNDS MUST ALSO PROVIDE CERTAIN ASSURANCES

When applying for a grant, a State shall include in the application assurances that:

## COVERED RECIPIENTS & PROGRAMS

If an entity (referred to as a "covered recipient") is awarded grant funds:

- The covered recipient shall use the grant funds in accordance with any applicable statute, regulation, and procedure
- The administering entity shall adopt and use proper methods of administering any grant that the covered recipient is awarded, including by—
  - Enforcing any obligation imposed under law on any entity responsible for carrying out the program to which the grant relates
  - Correcting any deficiency in the operation of a program to which the grant relates, as identified through a monitoring or evaluation procedure
  - Adopting written procedures for the receipt and resolution of complaints alleging a violation of law with respect to a program to which the grant relates
- The administering entity shall cooperate in carrying out any evaluation—
  - Of any program that relates to a grant awarded to the covered recipient
  - That is carried out by or for the Assistant Secretary or another Federal official

## ADMINISTERING ENTITY

The administering entity for that State shall—

- Use fiscal control and fund accounting procedures that ensure the proper disbursement of, and accounting for, any Federal funds that the State is awarded under this section
- Submit to the Assistant Secretary any reports necessary to perform the duties of the Assistant Secretary
- Maintain any records and provide any information to the Assistant Secretary that the Assistant Secretary determines is necessary
- With respect to any significant proposed change or amendment to the State Digital Equity Plan for the State, make the change or amendment available for public comment

## STATE

The State, before submitting to the Assistant Secretary the State Digital Equity Plan of the State, has complied with all relevant requirements

# PLANNING GRANT | PLANNING GRANT MAY BE USED TO SUPPORT STATE DIGITAL EQUITY PLAN DEVELOPMENT

## APPLICATION TIMELINE & CONTENTS

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A state that wishes to be awarded a planning grant shall, *not later than 60 days after the notice of funding availability is released*, submit an application to the Assistant Secretary<sup>1</sup> that contains the following:

- A description of the entity selected to serve as the administering entity for the State
- A certification from the State that, not later than 1 year after the date on which the Assistant Secretary awards the planning grant to the State, the administering entity for that State shall develop a State Digital Equity Plan under this subsection, which—
  - The administering entity shall submit to the Assistant Secretary; and
  - Shall comply with all applicable requirements
- The required assurances discussed above.

In general, a State shall expend awarded planning grant funds during the 1-year period beginning on the date on which the State is awarded the grant funds.<sup>2</sup>

1. In a format determined by the Assistant Secretary, 2. The Assistant Secretary may grant an extension of not longer than 180 days

# DIGITAL EQUITY PLAN (I/II) | A STATE SEEKING A CAPACITY GRANT SHALL DEVELOP A STATE DIGITAL EQUITY PLAN

Note: Eligible entities are strongly encouraged to reference, reflect, and/or integrate any state broadband plan(s) developed for the BEAD program in the State Digital Equity Plan

## A State Digital Equity Plan 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 of a covered population located in that State:

- The availability of, and affordability of access to, fixed and wireless broadband technology
- The online accessibility and inclusivity of public resources and services
- Digital literacy
- Awareness and the use of measures to secure the online privacy of, and cyber security with respect to, an individual
- The availability and affordability of consumer devices and technical support for those devices

C

An assessment of *how the objectives described will impact and interact* with the State's:

- Economic and workforce development goals, plans and outcomes
- Educational outcomes
- Health outcomes
- Civic and social engagement
- Delivery of other essential services

# DIGITAL EQUITY PLAN (II/II) | A STATE SEEKING A CAPACITY GRANT SHALL DEVELOP A STATE DIGITAL EQUITY PLAN

Note: Eligible entities are strongly encouraged to reference, reflect, and/or integrate any state broadband plan(s) developed for the BEAD program in the State Digital Equity Plan

## **(Continued) A State Digital Equity Plan shall include--**

**D**

A description of how the State plans to *collaborate with key stakeholders in the State*, which may include--

- Community anchor institutions
- County and municipal governments
- Local educational agencies
- Where applicable, Indian Tribes, Alaska Native entities, or Native Hawaiian organizations
- Nonprofit organizations
- Civil rights organizations
- Entities that carry out workforce development programs
- State agencies that are responsible for administering or supervising adult education and literacy activities in the State
- Public housing authorities in the State
- Organizations that represent
  - Individuals with disabilities, including organizations that represent children with disabilities
  - Aging individuals
  - Individuals with language barriers, including English learners and individuals with low levels of literacy
  - Veterans
  - Individuals in that State who are incarcerated in facilities other than Federal correctional facilities
- A partnership between any of the entities described above

**E**

A *list of organizations* with which the administering entity for the State collaborated in developing and implementing the Plan

# CAPACITY GRANT | ONCE DIGITAL EQUITY PLAN HAS BEEN APPROVED, STATE MAY APPLY FOR A CAPACITY GRANT

## GRANT DISTRIBUTION & DURATION

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The distribution of the State Digital Equity Capacity Grants will begin no later than *2 years* after the Assistant Secretary begins awarding planning grants. Each year, the Assistant Secretary will award grants to eligible States to support:

- The implementation of the State's Digital Equity Plan
- Digital inclusion activities in those States

The eligible State shall expend the grant funds during *the 5-year period* beginning on the date on which the eligible State is awarded the grant funds.

## STATE CAPACITY GRANT APPLICATIONS

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A State that wishes to be awarded a Capacity Grant must submit an application<sup>1</sup> to the Assistant Secretary no later than 60 days after the date the notice of funding availability for this grant is released. This application must include:

- A description of the *administering entity* for the State
- The *State Digital Equity Plan*
- A *certification* that the State, acting via the administering entity for the State, shall:
  - Implement the State Digital Equity Plan
  - Make grants in a manner consistent with the goals of the State's Digital Equity Plan
- The required *assurances*
- Any *amendments to the State Digital Equity Plan*, in case the Assistant Secretary has previously awarded a capacity grant to that State

1. Application must be in a format determined by the Assistant Secretary

# ALLOCATION FORMULA | STATE DIGITAL EQUITY PLANNING AND CAPACITY GRANT ALLOCATION FORMULA

The Assistant Secretary shall calculate the amount of a grant awarded to an eligible State in accordance with the following criteria, using the best available data for all States for the fiscal year in which the grant is awarded:

**50%** of the total grant amount shall be based on the population of the eligible state in proportion to the total population of all eligible states

**25%** of the total grant amount shall be based on the number of individuals in the eligible state who are members of covered populations in proportion to the total number of individuals in all eligible states who are members of covered populations

**25%** of the total grant amount shall be based on the comparative lack of availability and adoption of broadband in the eligible state in proportion to the lack of availability and adoption of broadband of all eligible states<sup>1</sup>

The amount of a capacity grant awarded to an eligible State in a fiscal year shall be not less than 0.5 percent of the total amount made available to award grants to eligible States for that fiscal year.

Further detail on the allocation formula will be included in the official Notice of Funding Opportunity.

1. Shall be determined according to data collected from: (aa) the annual inquiry of the Federal Communications Commission conducted under section 706(b) of the Telecommunications Act of 1996 (47 U.S.C. 1302(b)); (bb) the American Community Survey or, if necessary, other data collected by the Bureau of the Census; (cc) the NTIA Internet Use Survey, which is administered as the Computer and Internet Use Supplement to the Current Population Survey of the Bureau of the Census; and (dd) any other source that the Assistant Secretary, after appropriate notice and opportunity for public comment, determines to be appropriate.

# DIGITAL EQUITY COMPETITIVE GRANT PROGRAM OVERVIEW



## COMPETITIVE GRANT PROGRAM

**Official Name:** State Digital Equity Competitive Grant Program

**Funding pool:** \$1.25B

**Program Type:** Competitive Grant

**Program Objective:** Support efforts to promote digital inclusion, achieve digital equity, and spur greater adoption of broadband among covered populations

## ELIGIBLE ENTITIES

**Any of the following, if they are not serving / have not served as administering entity under state program**

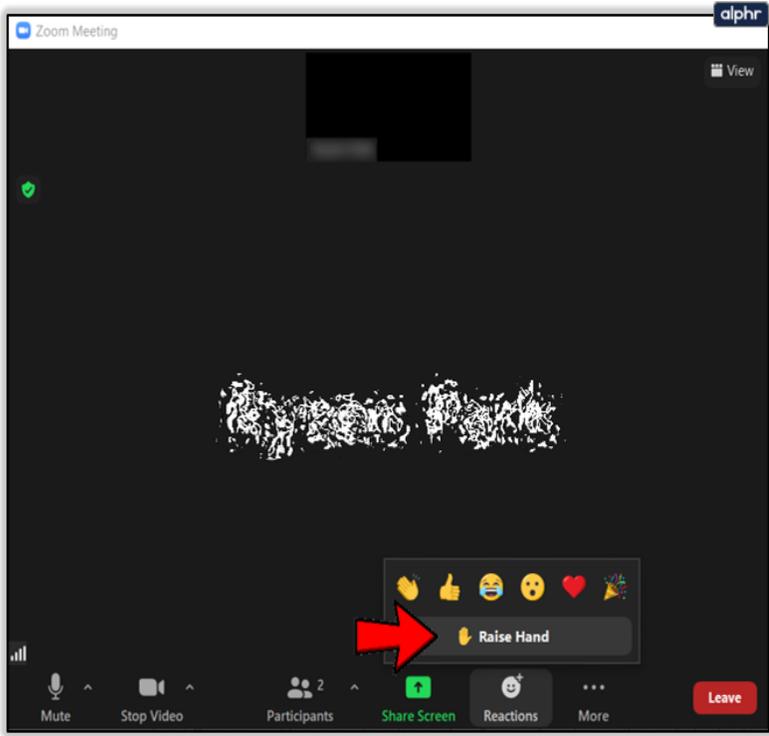
- A political subdivision, agency, or instrumentality of a State, including an agency of a State that is responsible for administering or supervising adult education and literacy activities, or for providing public housing, in State
- An Indian Tribe / Alaska Native entity / Native Hawaiian organization
- A foundation, corporation, institution, or association that is a not-for-profit and not a school
- A community anchor institution
- A local educational agency
- An entity that carries out a workforce development program
- A partnership between any of the entities described above, and any additional entities approved by NTIA



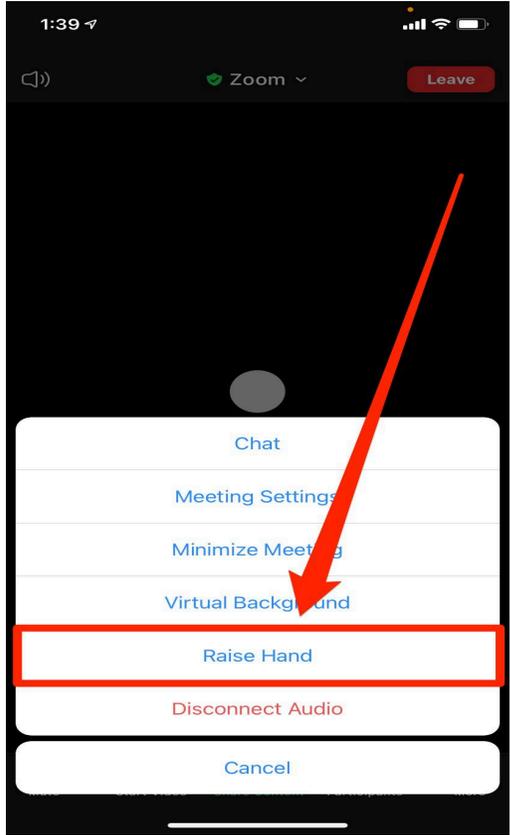
# LISTENING SESSION LOGISTICS

**Scott Woods**, Director, Office of Minority  
Broadband Initiatives, Office of Internet  
Connectivity and Growth, NTIA

# HOW TO RAISE HAND ON ZOOM



On desktop application



In Zoom phone application (in settings)

If audio/phone-call **ONLY**, dial \*9 to raise your hand



# MODERATED DISCUSSION

**Karen Archer Perry**, Senior Policy Analyst, Office of Internet Connectivity and Growth, NTIA

# LISTENING SESSION DISCUSSION QUESTIONS

1. What are some of the most effective digital inclusion, equity, and adoption interventions states should include in their digital equity plans?
2. What types of assistance should NTIA provide to states, localities and community groups, and underrepresented populations to ensure that State Digital Equity Plans and states' use of Capacity Grants fully address equity gaps in broadband access, adoption and use, and promote digital skills?
3. NTIA believes that it is crucial for states' BEAD proposals to be as integrated as possible with their Digital Equity Plans, and that the two work in tandem. How should NTIA ensure that State Digital Equity Plans and states' BEAD program plans are integrated to address broadband access and adoption?
4. What best practices, if any, should states follow in developing measurable objectives for availability, affordability, accessibility, digital literacy, privacy, and cybersecurity?

To ask questions about IJA broadband programs or provide additional feedback:

[BroadbandForAll@ntia.gov](mailto:BroadbandForAll@ntia.gov)

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Please join us for our upcoming broadband program Pre-NOFO Technical Assistance Webinars.

March 9, 2022

March 23, 2022

April 6, 2022

April 27, 2022

May 11, 2022

For more information about upcoming sessions:

<https://broadbandusa.ntia.doc.gov/events/latest-events>

THANK YOU FOR  
JOINING TODAY'S  
SESSION





# APPENDIX

# DIGITAL EQUITY ACT OF 2021 | STATUTORY DEFINITIONS



## DIGITAL LITERACY

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The skills associated with using technology to enable users to find, evaluate, organize, create, and communicate information

## COMMUNITY ANCHOR INSTITUTION

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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 non-profit or governmental community support organization

*Note: Definitions above are specific to the Digital Equity Act Programs. Definitions may vary across IIJA programs.*



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