



May 1, 2023

Alan Davidson  
Assistant Secretary of Commerce for Communications and Information  
Angela Thi Bennett  
Digital Equity Director  
National Telecommunications and Information Administration  
1401 Constitution Avenue NW  
Washington, DC 20230

Re: Digital Equity Act of 2021; Request for Comment

Dear Assistant Secretary Davidson and Director Bennett:

On behalf of The Leadership Conference on Civil and Human Rights, we write in response to the Request for Comment published in the Federal Register on March 2, 2023, titled “Digital Equity Act of 2021; Request for Comments.” The Leadership Conference is a coalition charged by its diverse membership of more than 230 national organizations to promote and protect the rights of all persons in the United States. We urge the National Telecommunications and Information Administration (NTIA) to center marginalized communities and the stakeholders who work most closely with them in the Digital Equity Act Program.<sup>1</sup>

The Leadership Conference’s Media/Telecommunications Task Force is committed to ensuring that all communities, particularly those who are underserved, have access to affordable, reliable, and high-quality advanced communications services and that workers in the industry have good jobs. High-speed broadband is the essential infrastructure of the 21<sup>st</sup> century. It provides the platform for economic development, jobs, education, health care, public safety, energy efficiency, civic participation, entertainment, and communications among friends and family. Lack of internet access among low-income people and communities of color is a critical equity and civil rights concern, and The Leadership Conference is well-positioned to offer civil rights perspectives on the issues presented for comment in the Federal Register notice.

These comments focus on the following areas: establishing strong partnerships between state, local, and tribal governments, and national, state, and local stakeholders; prioritizing groups who utilize culturally competent advocacy methods; learning from successful digital equity projects; considering intersectionality among covered populations and interconnected factors impacting access to broadband services; creating synergy between the Digital Equity Act programs, the Broadband Equity Access and Deployment Program, and the Federal

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<sup>1</sup> Digital Equity Act of 2021; Request for Comment, 88 Fed. Reg. 13101 (Mar. 2, 2023).

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Communications Commission's (FCC's) Affordable Connectivity Program; and developing workforce training programs.

## **Assessing State Digital Equity Plans Under the Digital Equity Planning Grant Program**

### *Question 1-2*

As we stated in our comments regarding the Infrastructure Investment and Jobs Act implementation,<sup>2</sup> collaboration with a wide range of stakeholders and empowering communities to review and provide actionable feedback will be critical to the success of the Digital Equity Act programs. Bringing together organizations who represent and work with people of color, immigrant and language minority communities, and low-income households will serve as a way to identify existing gaps and novel approaches in broadband programming.

NTIA must be proactive in soliciting feedback from these groups when designing the State Digital Equity Capacity Grant Program. We previously suggested that NTIA develop a rubric for measuring and achieving parity among various stakeholder groups to guide states and territories during the early planning stages. A similar rubric could also be used for tracking engagement with these throughout the grant process.

Other suggestions from our initial comments are applicable here as well. As part of the criteria for reviewing plans, grantees should be required to certify to NTIA that they have provided for timely and meaningful public participation in the development of the plan and any subsequent revisions to the plan after the plan is finalized and implemented. The certification for timely and meaningful public participation should be detailed and include:<sup>3</sup>

- A description of how input from the public was obtained in the development of the plan (e.g., tribal council meetings, public hearings, draft plan posted to website and available for comment, hard copy of plan available for public view and comment, request for comments is advertised, comments are recorded, stakeholder consultation meetings, comment solicitation during outreach activities, and a section for other public input activities);
- A list of the dates and locations of public hearings;
- A list of the number of parties commenting on the plan;
- A summary of the public comments on the plan at the public hearings and in written comments;
- A description of changes made to the plan as a result of public participation (both written and through hearings and outreach activities); and

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<sup>2</sup> Comments of The Leadership Conference on Civil and Human Rights, Infrastructure Investment and Jobs Act Implementation, Docket No. 220105-0002 (Feb. 4, 2022), [https://civilrights.org/resource/infrastructure-investment-and-jobs-act-implementation-docket-no-220105-0002/#\\_ftnref14](https://civilrights.org/resource/infrastructure-investment-and-jobs-act-implementation-docket-no-220105-0002/#_ftnref14).

<sup>3</sup> Comments of The Leadership Conference on Civil and Human Rights, Infrastructure Investment and Jobs Act Implementation, Docket No. 220105-0002 (Feb. 4, 2022), [https://civilrights.org/resource/infrastructure-investment-and-jobs-act-implementation-docket-no-220105-0002/#\\_ftnref14](https://civilrights.org/resource/infrastructure-investment-and-jobs-act-implementation-docket-no-220105-0002/#_ftnref14).

- A description of how stakeholders will continue to be consulted and engaged during the plan's implementation over the entire implementation period, particularly regarding implementation that directly impacts stakeholder groups.

NTIA should also note where the public notice was published, as this will help provide insight into the groups a grantee was trying to reach. These processes will ensure that NTIA is soliciting feedback from stakeholders who matter most to this process and enable these groups to fully participate in the development of the State Digital Equity Capacity Grant Program.

### **Digital Equity Competitive Grant Program**

#### *Questions 10-11*

NTIA must prioritize groups who root their advocacy in cultural competency, which focuses on understanding and respecting the values, attitudes, beliefs, and more that differ across cultures.<sup>4</sup> One example of this can be found in the work of Michigan's Detroit Community Technology Project, which was established to provide community-centered technology initiatives to Detroit's low-income communities.<sup>5</sup> The Detroit Community Technology Project centers cultural competency through a program bringing together youth, community organizers, media professionals, educators, artists, and neighborhood leaders to bring digital literacy to their community. They partner with different youth programs in Detroit to ensure K-12 schools have access to and understand technology. It is essential for NTIA to ensure that groups who take this approach to digital equity are considered eligible for the Competitive Grant Program.

### **Measuring for Success & Transformative Impact**

#### *Question 15*

There are several good examples of successful evidence-based digital equity projects that NTIA could showcase as part of its technical assistance efforts. One such example is in San Antonio, Texas. The city received a digital inclusion fellows grant in 2016, and from that grant grew the Digital Inclusion Alliance of San Antonio and SA Digital Connects.<sup>6</sup> Today they have a network of more than 140 partners, including schools, health care industry, city departments, county departments, military groups, banks, and other private-sector entities working together to close the digital divide.<sup>7</sup> SA Digital Connects has developed individualized segments of its digital equity plan for students, older adults, veterans, people

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<sup>4</sup> Symone Cambell, Beyond Broadband Access: The Need for Advocacy and Cultural Competency in the K-12 Digital Word, Next Century Cities (Nov. 2022), <https://nextcenturycities.org/beyondbroadbandaccessandadoption/>.

<sup>5</sup> Symone Cambell, Beyond Broadband Access: The Need for Advocacy and Cultural Competency in the K-12 Digital Word, Next Century Cities (Nov. 2022), <https://nextcenturycities.org/beyondbroadbandaccessandadoption/>.

<sup>6</sup> Zack Quaintance, "Digital Equity Takes Center Stage in U.S. Cities Post COVID," Government Technology (Mar. 2022), <https://www.govtech.com/civic/digital-equity-takes-center-stage-in-u-s-cities-post-covid>.

<sup>7</sup> Zack Quaintance, "Digital Equity Takes Center Stage in U.S. Cities Post COVID," Government Technology (Mar. 2022), <https://www.govtech.com/civic/digital-equity-takes-center-stage-in-u-s-cities-post-covid>.

living with disabilities, and more.<sup>8</sup> While San Antonio is still evaluating the results of its digital equity efforts,<sup>9</sup> a number of cities across the country, like Detroit, Michigan and Philadelphia, Pennsylvania, have seen significant growth in broadband adoption after developing and implementing digital equity plans.<sup>10</sup>

*Questions 16-18, 19-21*

When defining digital equity and assessing which digital equity strategies are appropriate for the different covered populations, it is important for NTIA to look at the data and consider what is necessary for all individuals and communities to have the information technology capacity needed for full participation in our society, democracy, and economy.<sup>11</sup> For example, only 86 percent of Latino households and 82 percent of Black households have internet access at home.<sup>12</sup> Further, 22 percent of Black adults and 35 percent of Hispanic adults are digitally literate.<sup>13</sup> These differences stem from historical inequities and systemic barriers,<sup>14</sup> along with a variety of other interconnected factors. Whether or not a household has a broadband internet connection is determined by income, age, geographic location, education level, race and ethnicity, and more.<sup>15</sup> Low-income individuals often choose essentials like food and housing over broadband services, while older individuals may be intimidated by the technology or feel as though it's not relevant to their daily lives.<sup>16</sup>

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<sup>8</sup> Digital Equity Community Plan, SA Digital Connects (last accessed Apr. 19, 2023),

<https://www.sadigitalconnects.com/roadmap>.

<sup>9</sup> Robert Rivard, "A Progress Report on Closing San Antonio's Digital Divide," San Antonio Report (Sept. 18, 2022), <https://sanantonioreport.org/san-antonio-digital-divide-progress-report/>.

<sup>10</sup> From Page to Progress: Bringing the Latimer Plan to Life through Infrastructure Investment and Jobs Act Funding, National Urban League (Feb. 4, 2022), <https://drive.google.com/file/d/1UNCbwjV2ZnSAl-DagEwM78Tqis-EOL4q/view>.

<sup>11</sup> Definitions, National Digital Inclusion Alliance (last accessed Apr. 19, 2023),

<https://www.digitalinclusion.org/definitions/>.

<sup>12</sup> Digital Equity Playbook: How City Leaders Can Bridge the Digital Divide, National League of Cities (2023), <https://www.nlc.org/resource/digital-equity-playbook-how-city-leaders-can-bridge-the-digital-divide/>.

<sup>13</sup> Kevin Schwartzbach, "Addressing Digital Literacy and Other Reasons for Non-Adoption of Broadband," Rockefeller Institute of Government (July 8, 2022), <https://rockinst.org/blog/addressing-digital-literacy-and-other-reasons-for-non-adoption-of-broadband/#:~:text=Assessing%20Digital%20Literacy%20and%20Knowledge%20in%20the%20US&text=Howeve>  
[r%2C%20the%20rate%20of%20digital,Hispanic%20adults%20\(35%20percent\)](https://rockinst.org/blog/addressing-digital-literacy-and-other-reasons-for-non-adoption-of-broadband/#:~:text=Assessing%20Digital%20Literacy%20and%20Knowledge%20in%20the%20US&text=Howeve).

<sup>14</sup> Digital Equity for Black Americans: A Racial Justice Issue, Community Tech Network (Feb. 6, 2023), <https://communitytechnetwork.org/blog/digital-equity-for-black-americans-a-racial-justice-issue/>.

<sup>15</sup> From Page to Progress: Bringing the Latimer Plan to Life through Infrastructure Investment and Jobs Act Funding, National Urban League (Feb. 4, 2022), <https://drive.google.com/file/d/1UNCbwjV2ZnSAl-DagEwM78Tqis-EOL4q/view>.

<sup>16</sup> From Page to Progress: Bringing the Latimer Plan to Life through Infrastructure Investment and Jobs Act Funding, National Urban League (Feb. 4, 2022), <https://drive.google.com/file/d/1UNCbwjV2ZnSAl-DagEwM78Tqis-EOL4q/view>.

NTIA must also consider ways in which the covered populations frequently intersect. For example, nearly 20 percent of Black adults live in a rural area,<sup>17</sup> and 30 percent of veterans report having a disability.<sup>18</sup> For these reasons, successful digital equity programs should be designed to address common issues across multiple intersecting groups.<sup>19</sup>

## **Ensuring That Equity Is Achieved in BEAD**

### *Question 22*

The FCC's Affordable Connectivity Program (ACP) has had massive success in getting people access to broadband services, and local digital equity organizations like SA Digital Connects have been a huge reason for that success.<sup>20</sup> More than 17 million consumers have signed up for the program since its inception,<sup>21</sup> and the FCC is in the process of rolling out funding for participants in four pilot programs aimed at increasing ACP enrollment even more.<sup>22</sup>

In our previous comments, we suggested NTIA should require that recipients of BEAD funds participate in ACP. A similar approach is warranted here as well. NTIA should require recipients of Digital Equity Act funds to provide information about the ACP and low-income broadband service options in their respective areas. Requiring this will help align not only BEAD and the Digital Equity Act, but also other low-income broadband programs intended to help close the digital divide.

## **Ensure Workforce and Subcontracting Opportunities Are Inclusive of Underrepresented Communities/Covered Populations**

### *Question 23-24*

Prioritizing a well-trained and qualified local workforce is particularly important for the successful implementation of the Digital Equity Act. Eligible entity plans must assess how the objectives will impact

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<sup>17</sup> Kiana Cox and Christine Tamir, "Race is Central to Identity for Black Americans and Affects How They Connect with Each Other," Pew Research Center (Apr. 14, 2022), <https://www.pewresearch.org/race-ethnicity/2022/04/14/black-americans-place-and-community/#:~:text=Roughly%20equal%20shares%20of%20Black,new%20Pew%20Research%20Center%20survey>.

<sup>18</sup> "Employment Data for Veterans With Disabilities," ADA National Network (2017), <https://adata.org/factsheet/employment-data-veterans-disabilities>.

<sup>19</sup> From Page to Progress: Bringing the Latimer Plan to Life through Infrastructure Investment and Jobs Act Funding, National Urban League (Feb. 4, 2022), <https://drive.google.com/file/d/1UNCbwjV2ZnSAI-DagEwM78Tqis-EOL4q/view>.

<sup>20</sup> Robert Rivard, "A Progress Report on Closing San Antonio's Digital Divide," San Antonio Report (Sept. 18, 2022), <https://sanantonioreport.org/san-antonio-digital-divide-progress-report/>.

<sup>21</sup> ACP Enrollment and Claims Tracker, Universal Service Administrative Company (last accessed Apr. 19, 2023), <https://www.usac.org/about/affordable-connectivity-program/acp-enrollment-and-claims-tracker/>

<sup>22</sup> Press Release, Federal Communications Commission, FCC Announces \$66M in Affordable Broadband Outreach Grants (Mar. 10, 2023), <https://www.fcc.gov/document/fcc-announces-66m-affordable-broadband-outreach-grants-0>.

the state's economic and workforce development goals, as well as include worker centered performance standards and metrics to measure the short and long term impact of digital equity investments. More and more employment opportunities — from job training to applying for work and, in many cases, performing one's job — require broadband. Studies have found that unemployed individuals using broadband at home or in a public place, such as a library, are 50 percent less likely to abandon their job search entirely than those who do not use the internet.<sup>23</sup> Additionally, promoting broadband device access and digital literacy training to households where an individual may have lost employment is crucial to ensuring people remain attached to the labor market following such an event. NTIA should ensure that plans target funding in areas with especially high poverty, disability, and unemployment levels so women and people of color have full opportunity to secure essential job training and employment opportunities.<sup>24</sup>

New programs created with Digital Equity Act funds must empower those who become underemployed or unemployed to train, search, apply, and interview for new jobs using the same online tools that have long since been adopted by higher-income workers. At the same time, learning and developing broadband skills should be a component of any workforce training program, and these programs should provide broadband access and devices for job seekers. NTIA should ensure states fund proposals that involve training programs, pre-apprenticeships, Registered Apprenticeships, and related approaches that promote meaningful skills development, technical training, and job placement opportunities for populations who are underemployed and unemployed. The jobs people obtain after participation in these programs should provide them with a meaningful increase in wages and benefits. Doing so will help ensure that broadband funding is deployed in a way that maximizes the creation of good paying jobs and that women and people of color have full opportunity to secure those jobs — a centerpiece of the Infrastructure Investment and Jobs Act.

Thank you for your consideration of our views. We look forward to working with you on these and other issues of importance to our country. If you have any questions, please contact Anita Banerji, media/tech senior program director, at [banerji@civilrights.org](mailto:banerji@civilrights.org), or Jonathan Walter, media/tech policy counsel, at [walter@civilrights.org](mailto:walter@civilrights.org).

Sincerely,



Jesselyn McCurdy  
Executive Vice President of Government Affairs

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<sup>23</sup> Comments of The Leadership Conference on Civil and Human Rights, Infrastructure Investment and Jobs Act Implementation, Docket No. 220105-0002 (Feb. 4, 2022), [https://civilrights.org/resource/infrastructure-investment-and-jobs-act-implementation-docket-no-220105-0002/#\\_ftnref14](https://civilrights.org/resource/infrastructure-investment-and-jobs-act-implementation-docket-no-220105-0002/#_ftnref14).

<sup>24</sup> Comments of The Leadership Conference on Civil and Human Rights, Infrastructure Investment and Jobs Act Implementation, Docket No. 220105-0002 (Feb. 4, 2022), [https://civilrights.org/resource/infrastructure-investment-and-jobs-act-implementation-docket-no-220105-0002/#\\_ftnref14](https://civilrights.org/resource/infrastructure-investment-and-jobs-act-implementation-docket-no-220105-0002/#_ftnref14).