

National Telecommunications and Information Administration
1401 Constitution Ave, NW
Washington, DC 20230

February 4, 2022

Re: Request for Comments, Docket number: NTIA–2021– 0002

To whom it may concern:

We appreciate the opportunity to offer comments on the Digital Equity Act state planning process and related implementation.

[National Skills Coalition](#) is a national nonprofit organization fighting for inclusive, high-quality skills training so that people have access to a better life, and local businesses see sustained growth. We engage in analysis and technical assistance, organizing, advocacy, and communications to improve state and federal skills policies.

We build networks representing businesses, workers, colleges, community organizations, public officials, and advocates. We engage these networks to craft policy proposals and mobilize them to win concrete policy change. Our networks include SkillSPAN (20 state affiliate coalitions), Business Leaders United for Workforce Partnerships (thousands of small and medium-sized business owners and 14 state affiliates), and Voices for Skills (tens of thousands of workers and grassroots skills advocates).

Our broad-based, bipartisan coalition is keenly interested and already enthusiastically engaged in Digital Equity work. Our members have seen firsthand how vital digital inclusion and equity are – especially when it comes to helping people realize their educational and vocational aspirations. The pandemic has vividly illustrated how crucial digital skills are to nearly every aspect of daily life, from staying employed to participating in education to accessing telehealth and so much more.

NTIA’s role in implementing this legislation is fundamental in ensuring that governors and state officials embrace the overarching vision behind the Digital Equity Act and the Bipartisan Infrastructure Legislation. We appreciate your consideration in reviewing these comments, and stand ready to work with you in making this groundbreaking law a reality on the ground.

Sincerely,

Amanda Bergson-Shilcock
Senior Fellow
National Skills Coalition
215-285-2860 (mobile)
amandabs@nationalskillscoalition.org

Bringing Reliable, Affordable, High Speed Broadband to All Americans

1. What are the most important steps NTIA can take to ensure that the Bipartisan Infrastructure Law's broadband programs meet their goals with respect to access, adoption, affordability, digital equity, and digital inclusion?

NTNIA should:

- Draw on Presidential [Executive Order \(EO\) 14058](#), *Transforming Federal Customer Experience and Service Delivery to Rebuild Trust in Government*, and [EO 13985](#), *Advancing Racial Equity and Support for Underserved Communities Through the Federal Government*, to inform implementation. The principles outlined in these EOs, as well as the Sense of Congress spelled out in the law itself, provide a North Star and big-picture reminder of what the law can accomplish. Keeping these documents front and center as implementation decisions are made can help to *make sure that NTIA is designing for equity* – and to reduce administrative burdens and the “time tax” on individuals and organizations – from the very beginning.
- Provide robust and ongoing *guidance* to states and localities about effective implementation (see Questions 5 and 7 below).
- Invest in high-quality *technical assistance* and maintain a *clearinghouse* of promising practices and other information to aid in effective implementation (see Question 5 below).
- *Involve covered populations* early and thoroughly in the design of NTNIA's guidance and technical assistance, and incorporate their input throughout the implementation period (see Question 2 below).
- *Guard against the potential for states to outsource* digital planning to an external consultant or purchase prepackaged digital equity “solutions” that are not responsive to on-the-ground needs. NTNIA can do this by designing digital equity planning processes and Notices of Funding Opportunity that *reward* applicants who engage deeply with stakeholders (especially covered populations) and set meaningful goals and objectives that connect to documented local priorities and needs.
- *Invest in digital inclusion organizations with a proven record of successfully serving communities*. To date, most of the digital inclusion work throughout the country has been led by community-based organizations, libraries, and local governments. NTNIA should ensure the IJA funds are invested in increasing the capacity of trusted community-based organizations and community anchor institutions to provide digital inclusion services.

2. Obtaining stakeholder input is critical to the success of this effort. How best can NTNIA ensure that all voices and perspectives are heard and brought to bear on questions relating to the Bipartisan Infrastructure Law's broadband programs? Are there steps NTNIA can and should take beyond those described above?

Given the well-documented and concerning disproportionate impact of digital exclusion on marginalized communities, **NTIA should make special efforts to obtain input from directly affected individuals and stakeholder groups.** To do this, NTIA should continue to hold regular listening sessions to obtain input from members of the public.

To the greatest extent possible, NTIA should announce specific topics from these sessions at least a month in advance so that stakeholders have time to share information about the opportunity broadly throughout their networks. Some sessions should focus specifically on the digital equity issues facing each group of people who fall under the law's definition of "covered populations." In those cases, NTIA should make special effort to connect with stakeholder groups that represent those populations – such as RespectAbility, the Association of Rural and Small Libraries, the National Urban League, UnidosUS, Asian Americans Advancing Justice, the National Coalition for Literacy, the Coalition for Adult Basic Education, the National Partnership for New Americans, and many others.

NTIA should also hold listening sessions in languages other than English. Consistent with how other federal agencies have approached this issue, sessions should have live interpretation (consecutive interpretation if they are virtual, and ideally simultaneous interpretation with appropriate technology if they are in-person) and should have a bilingual operator/moderator. At a minimum these sessions should be held in the several of the most frequently spoken languages in the United States, which include Spanish, French, Korean, Tagalog, Arabic, Vietnamese, and Mandarin.

In addition to listening sessions, NTIA should pursue other formal and informal mechanisms for gathering stakeholder input, such as having NTIA staff attend key conferences or meetings at which they can hear directly from the field, and/or conducting short "pulse surveys" of stakeholders.

3. Transparency and public accountability are critical to the success of the Bipartisan Infrastructure Law's broadband programs. What types of data should NTIA require funding recipients to collect and maintain to facilitate assessment of the Bipartisan Infrastructure Law programs' impact, evaluate targets, promote accountability and/or coordinate with other federal and state programs? Are there existing data collection processes or templates that could be used as a model? How should this information be reported and analyzed, and what standards, if any, should NTIA, grant recipients, and/or sub-grantees apply in determining whether funds are being used lawfully and effectively?

NTIA should strike a balance between collecting sufficient data to inform and improve implementation of the law, while not overburdening states and other stakeholders with intrusive requirements.

Crucially, NTIA should make aggregate information publicly available as rapidly as possible (quarterly or semi-annually if possible, annually if not), to aid digital equity advocates,

policymakers, and members of the press in understanding the impact of the law in real time. NTIA can do this by creating an online repository of state reports or a data dashboard showing key indicators.

Designing a standardized reporting format will make it easier for states to report and easier for stakeholders to interpret data. NTIA can look to the Department of Labor's [WIOA Participant Individual Record Layout \(PIRL\)](#) as one example, though the PIRL is *far* more complicated than anything that NTIA should require. (A possibility might be to use data sampling to collect more detailed data from a subset of Digital Equity Act grantees, thus allowing for nuanced analysis without overly burdening *every* grantee.)

To the greatest extent practical, data should be broken down by category to allow for easy cross-tabulation by geographic area served, demographics of people served (by covered population category), type of service provided, etc.

NTIA should also consider strategies for making *raw* data available to researchers for deeper analysis. This could include basic tools such as Memorandums of Understanding that stipulate confidentiality and other requirements for how a researcher can use a dataset, or more sophisticated tools such as an Application Programming Interface (API) to make raw data electronically accessible (with appropriate safeguards) for download and analysis.

Supporting States, Territories, and SubGrantees To Achieve the Goal

5. In implementing the Bipartisan Infrastructure Law's programs, NTIA will offer technical assistance to states, localities, prospective sub-grantees, and other interested parties. What kinds of technical assistance would be most valuable? How might technical assistance evolve over the duration of the grant program implementation?

NTIA should offer technical assistance in a variety of *formats* to ensure access for the widest possible range of stakeholders. These should include virtual and in-person convenings with technical experts and peer leaders from the state and local level; synchronous and asynchronous online conversations; template or exemplar documents; policy memoranda and toolkits highlighting promising practices; and dissemination of data relevant to digital equity planning processes.

The *content* of NTIA's technical assistance should be responsive to the current and emerging needs of the field. In order to achieve this goal, NTIA should use informal, low-cost ways to gather regular quarterly input from stakeholders about the areas of greatest interest. (See answer to Question 2 above.)

NTIA's technical assistance should help stakeholders take advantage of *complementary resources* available through other federal agencies, such as Department of Education resources on digital literacy instruction and assessment and Department of Labor resources on digital

literacy skill needs and training opportunities. NTIA should model cross-agency collaboration by holding joint informational webinars and/or issuing joint policy guidance with these and other federal agencies as appropriate.

NTIA's technical assistance should be *broadly available* not just to state agencies that are direct recipients of NTIA funds, but also to sub-grantees and community stakeholders who are engaged in some aspect of digital equity work. To ensure widespread awareness of technical assistance opportunities, NTIA should share announcements via proven modes of dissemination, through partners such as state workforce boards, state adult education agencies, state library associations, and state broadband offices.

6. The Bipartisan Infrastructure Law requires states and territories to competitively select subgrantees to deploy broadband, carry out digital equity programs, and accomplish other tasks. How should NTIA assess a particular state or territory's subgrant award process? What criteria, if any, should NTIA apply to evaluate such processes? What process steps, if any, should NTIA require (e.g., Request for Proposal)? Are there specific types of competitive subgrant processes that should be presumed eligible (e.g., publicly released requests for proposals and reverse auctions)?

Bearing in mind the law's explicit focus on covered populations, it is especially important for NTIA to encourage and assess the degree to which the process for selecting subgrantees takes into account the landscape of *organizations* that serve these populations. Many organizations that have earned the trust of vulnerable communities and have a strong track record of success are themselves under-resourced and under-represented.

NTIA should encourage states to design competitive selection processes for subgrantees that are inclusive of these organizations. For example, this could include allowing for consortia of smaller organizations to apply jointly for subgrants, or awarding additional points in an RFP selection process to organizations that can demonstrate a record of success in serving a covered population.

Regardless of the mechanisms used by a particular state, NTIA should annually assess how much funding is being allocated to under-resourced and under-represented organizations in each state and nationally. This can be done by reviewing SF424 (budget) documents, asking in the contractual line of the budget how states will ensure priority and assistance to under-resourced organizations, and/or reviewing partner commitments.

7. NTIA views the participation of a variety of provider types as important to achieving the overall goals of the Bipartisan Infrastructure Law broadband programs. How can NTIA ensure that all potential subrecipients, including small and medium providers, cooperatives, non-profits, municipalities, electric utilities, and larger for-profit companies alike have meaningful and robust opportunities to partner and compete for funding under the programs?

NTIA's guidance to states should include a **robust and expansive definition of provider types** that clearly includes adult education organizations, public libraries, immigrant-serving organizations, and other organizations with a track record of success in serving covered populations. It is important for each of these provider types to be explicitly named, to ensure that states are not overly cautious or narrow in their interpretation of which provider types are eligible to be subgrantees or partners.

In addition, NTIA should specify that businesses *do* qualify as eligible entities for the Digital Equity Act grants *if they are part of an industry or sector partnership*. This would recognize the robust interest that businesses -- especially small businesses -- have in digital equity. Research has found that small businesses are more likely to employ workers who need digital skills.¹ NTIA could use the industry or sector partnership definition from the [Workforce Innovation and Opportunity Act](#), Sec. 3(26). This would serve as a quality-control mechanism to ensure that businesses participating in digital equity activities have a meaningful commitment to workforce development and skill-building. Explicitly confirming that businesses are eligible will help states to reach the populations targeted by the Digital Equity Act, especially since many small businesses are owned by entrepreneurs of color and/or are based in rural areas.

Finally, NTIA's guidance to states should also encourage states to use a broad variety of announcement tools to disseminate information about funding application opportunities (such as distributing a Request for Proposals via the state workforce development board and local boards and providers, the state adult education agency and local providers, the state library system and local libraries, etc.).

8. States and regions across the country face a variety of barriers to achieving the goal of universal, affordable, reliable, high-speed broadband and broadband needs, which vary from place to place. These challenges range from economic and financial circumstances to unique geographic conditions, topologies, or other challenges that will impact the likelihood of success of this program. In implementing the Bipartisan Infrastructure Law's broadband programs, how can NTIA best address such circumstances?

Given the diversity of circumstances faced by each state, NTIA should focus its energies more on supporting and monitoring states' *achievement of digital equity goals and outcomes* rather than policing the exact details of *how* states choose to go about achieving those outcomes.

For example, some states have established a broadband office, while others have not. NTIA should not dictate whether or not a state broadband office should be in charge of leading digital equity planning and implementation efforts. Rather, **NTIA should provide a rubric or checklist to help governors identify vital characteristics for an administering entity**. These characteristics could include whether an agency: 1) has experience overseeing a broad and inclusive planning process [on any topic]; 2) was established by statute or otherwise has proven

¹ [The New Landscape of Digital Literacy](#) (National Skills Coalition, 2020).

durability across administrations [so that the agency is not vulnerable to abolishment or substantial reconfiguration when a new governor is elected]; 3) has sufficient budgetary and staffing resources to responsibly administer a large federal grant program; 4) has staff with subject-matter expertise in all aspects of digital inclusion, especially digital skills, education, and workforce development; and 5) has established, trusted relationships with stakeholder groups representing the law's "covered populations."

Ensuring the Future of America Is Made in America by All of America's Workers

11. One objective of the Bipartisan Infrastructure Law is to ensure American workers have access to high quality jobs, especially those who were impacted the most by the pandemic, including women and people of color. What federal policy tools can NTIA apply to 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.

NTIA has tremendous power to design broadband workforce initiatives that provide meaningful on-ramps for women workers and workers of color into well-paying jobs. When spending broadband funding on workforce-related activities, NTIA should:

- ***Replicate the successful industry sector partnership model for workforce training.*** These are partnerships among businesses, education providers, the public workforce system, and community organizations to create a "talent pipeline" of workers for a specific occupation or industry. Such partnerships should be encouraged to explicitly focus on diversifying pipelines into broadband-related occupations, which will address equity gaps and strengthen business competitiveness. Importantly, these partnerships should be designed to ensure not only opportunities for *initial* employment, but also support services and career *advancement* training over time, including through apprenticeship and other work-based learning models. (Commerce has recently supported the industry sector partnership approach through the Economic Development Administration's Good Jobs Challenge.)
- ***Ensure essential supports.*** Ensuring that broadband infrastructure spending on workforce explicitly allows for supportive service funds. These provide training participants with time-limited financial assistance to ensure that unexpected expenses (such as childcare or transportation emergencies) don't prevent qualified workers from continuing in their training. This is especially important for under-represented workers who may face greater barriers due to the racial wealth gap or other structural factors.
- ***Reward hiring and training of underrepresented workers.*** Create preferences in federal infrastructure investments for projects that include explicit commitments around hiring and training for workers who have been most impacted by the current economic downturn – Black, Latino, and other workers of color, particularly women – and eliminate regulatory and administrative restrictions on local hiring provisions for

infrastructure projects. (An example of a similar effort is the [San Francisco Public Utilities Commission's workforce training programs](#), which provide an on-ramp into good infrastructure jobs for local workers, many of whom are people of color.) In addition, NTIA should explicitly emphasize that allowable types of workforce training include approaches proven to improve underrepresented workers' access to good jobs, such as Integrated Education and Training models, bridge programs, and vocational/technical English that combines language learning with digital literacy skills.

- **Measure outcomes.** Provide transparency on the training and job placement of workers in broadband infrastructure-related jobs via the public release of data showing the demographics of who is placed in these jobs and how they progress over time.

The questions below are specific to the Digital Equity Planning Grant Program.
State Digital Equity Plans

25. The Bipartisan Infrastructure Law includes historic investments in digital inclusion and digital equity, promising to bring all Americans the benefits of connectivity irrespective of age, income, race or ethnicity, sex, gender, disability status, veteran status, or any other characteristic. NTIA seeks to ensure that states use Digital Equity Planning Grants to their best effect. What are the best practices NTIA should require of states in building Digital Equity Plans? What are the most effective digital equity and adoption interventions states should include in their digital equity plans and what evidence of outcomes exists for those solutions?

NTIA should use guiding questions to encourage states to develop Digital Equity Plans that reflect the *intent* of the Bipartisan Infrastructure Law, not merely its requirements. Such questions could include:

- How is the state planning to align other major investments to support digital equity goals? For example, using state TANF or SNAP program data to identify and respond to digital equity needs among low-income individuals.
- How has the state capitalized on the digital literacy work already underway -- such as activities funded via Workforce Innovation and Opportunity Act (WIOA) Title II adult education -- to inform its digital equity planning?
- How has the state connected with its public library system to identify potential capacity and interest for carrying out digital equity activities?
- How has the state taken advantage of existing state datasets to inform its digital equity planning? For example, reviewing Unemployment Insurance claimant data to identify zip codes where people are more likely to contact the UI office by phone versus using the website (a proxy indicator of poor digital access).
- How has the state taken advantage of previously planned surveys to gather new information about digital equity? For example, adding a question about telehealth access to a survey of state residents on health issues.

- How has the state sought input from small businesses, industry or sector partnerships, and chambers of commerce about their vision for and investment in digital equity? This is especially important in cases where the business community represents a covered population under the law (e.g., a minority-owned business association; a rural chamber of commerce).
- How has the state identified opportunities to use its digital equity activities to support (and be supported by) other state mandates and goals, such as a governor's postsecondary attainment goal? To date, 43 states have set such goals² and it is clear that no state will achieve their goal unless adult students have access to the digital technology and skills necessary to succeed in higher education today.

In addition, NTIA should require states to outline strategies for how they intend to implement the plan, achieve its goals and objectives, and sustain the efforts beyond the life of the funds provided through the DEA. The strategies should be holistic and address all barriers to participation in the digital world for covered populations including affordability, devices, digital skills, technical support, and digital navigation. In addition, NTIA should require states to outline how the planned strategies will integrate and complement or sustain efforts established or funded through other federal programs. Plans should be required to address the challenge of sustainability.

NTIA should strongly encourage states to allocate a portion of their planning funds to financially compensate residents of the covered populations, particularly individuals from historically disconnected communities with direct, lived experience of being disconnected, to join the planning team for the entire planning process. Including these 'lived experts' will provide a viewpoint and expertise to the team that cannot otherwise be obtained. Several National Digital Inclusion Alliance affiliates, such as the [Franklin County Digital Equity Coalition](#), have begun incorporating this practice in their community-based coalition work and digital inclusion work. The practice is radically humanizing and would enable the states to tangibly demonstrate respect for the residents they serve.

NTIA should require states to create and design a robust stakeholder engagement plan that weaves stakeholder engagement throughout the entire planning process and elevates the voices of those who directly work with or who themselves have direct lived experience of being disconnected. Ensuring the voices of covered populations and underrepresented groups are built into the planning process is essential to ensure the plan is comprehensive and truly addresses the concerns and needs of the state's disconnected residents. Stakeholder engagement should not be a one-time occurrence, but rather be baked in throughout the entire planning process with multiple permeable pathways for residents and trusted community based organizations to participate in the process. After the plans are complete, states should continually engage with stakeholders as new ideas are developed to implement the plans.

² See details at the Lumina Foundation's website of state postsecondary goals: <https://www.luminafoundation.org/stronger-nation/report/#/predictive>

Whenever possible, new innovative strategies should be piloted as soon as possible, lessons learned should be documented and strategies iterated before full plan roll out. NTIA should require states who utilize CBOs and CAIs to conduct stakeholder outreach and engagement for the planning process to financially compensate the CBOs and CAIs for their time, expertise, and resource allocation.

26. Some states and territories will benefit from technical assistance in preparing Digital Equity Plans. What types of technical assistance, support, data, or programmatic requirements should NTIA provide to states and territories to produce State Digital Equity Plans that fully address gaps in broadband adoption, promote digital skills, advance equitable access to education, healthcare and government services, and build information technology capacity to enable full participation in the economy for covered populations? What steps, if any, should NTIA take to monitor and assess these practices?

See answer to Question #5 above.

In addition, NTIA should establish a clearinghouse on its website with links to available public datasets and other useful data resources relevant to states' digital equity planning processes. This should include the Census Bureau's American Community Survey, the Internet and Computer Use Survey, the National Digital Inclusion Alliance's [State Digital Equity Scorecard](#), the OECD Survey of Adult Skills (PIAAC) U.S. data, and examples of state and local digital equity data surveys (such as [Hawaii](#) and [Philadelphia](#)).

The clearinghouse should be regularly updated to include policy guidance, template documents, case studies of promising practices, and research/studies that can inform and improve states' digital equity work.

27. Equity is also a named goal of the BEAD program described above. How should NTIA ensure that State Digital Equity Plans and the plans created by states and territories for the BEAD program are complementary, sequenced and integrated appropriately to address the goal of universal broadband access and adoption?

NTIA should consider strategies for encouraging states to align their BEAD programming with the digital equity goals and activities laid out in their Digital Equity Plans. In particular, because some states may not need to spend all of their BEAD program dollars on broadband per se, aligning BEAD with Digital Equity Plans will help states identify opportunities for innovation in using BEAD funds to advance digital equity goals, especially digital skill-building and broadband workforce development. NTIA should foster such innovation and should seek out input from states and other stakeholders about specific mechanisms for doing so as the implementation of both programs moves forward.

In particular, guidance for both programs should specifically note that BEAD resources can be used to support DEA state plan strategies for increasing equitable access and adoption of digital resources, through digital skill building and digital navigation services for covered populations through community anchor institutions.

In addition, NTIA should highly encourage states to establish a formal and direct communication and collaboration pathway between the DEA planning team and BEAD planning team that remains in place throughout the entire planning process and especially in regards to stakeholder engagement. It's essential that information gathered from stakeholders that may impact the DEA plan that is uncovered during the BEAD stakeholder engagement be shared with the DEA planning team and vice versa.

Ensuring this direct communication pathway would benefit both BEAD and DEA planning and would reduce the burden and confusion on community stakeholders, especially should the states interface directly with residents through surveys, focus groups, or town halls during the planning processes. Given the interconnected nature of broadband availability and broadband adoption, a resident's experience with broadband and being disconnected is typically a mix of factors. As such, when asked about broadband, information about a lack of access to their household or neighborhood is as likely to be discussed as a household's inability to adopt the service if it's available to them because of adoption barriers. Collecting all the experiences of the disconnected could robustly inform each plan. The burden of repeating their lived experiences, should not be placed on the residents engaging in the planning process. Instead, the DEA and BEAD planning teams should share relevant information between themselves.

Finally, NTIA should develop optional templates, models and standard benchmarks to make connected planning between Broadband and Digital Equity simple for states.

28. How should NTIA ensure that State Digital Equity Plans impact and interact with the State's goals, plans and outcomes related to: (i) Economic and workforce development; (ii) education; (iii) health; (iv) civic and social engagement; (v) climate and critical infrastructure resiliency; and (vi) delivery of other essential services, especially with respect to covered populations mentioned in Bipartisan Infrastructure Law § 60303(2)(C)?

NTIA should explicitly design questions for states to describe how their Digital Equity Plan is **coordinated** and **aligned** with state-approved plans in related areas, such as the Workforce Innovation and Opportunity Act (WIOA) State Plan, SNAP Employment & Training State Plan, and the Strengthening Career and Technical Education for the Twenty-First Century Act (Perkins V) State Plan.

NTIA should consider borrowing some of the language used in WIOA state planning guidance ([TEGL 04-21](#) & [ETA ICR](#)) to encourage states to describe how their Digital Equity Plans will advance equity for covered populations.

For example, NTIA could ask states to:

- *Please describe coordination, collaboration, and alignment efforts between the Digital Equity Plan and the state's Unified or Combined WIOA and Perkins V state plans, to address the following goals related to: (i) Economic and workforce development; (ii) education; (iii) health; (iv) civic and social engagement; (v) climate and critical infrastructure resiliency; and (vi) delivery of other essential services, especially with respect to covered populations described in Bipartisan Infrastructure Law § 60303(2)(C)*
- *Please describe how the state's digital equity plan will align and support **sector strategy** and **advancement** for historically underserved communities described in the Bipartisan Infrastructure Law § 60303(2)(C)*

As practical, NTIA should also consider inviting other federal stakeholders such as the Employment and Training Administration, Office of Career, Technical and Adult Education, or Rehabilitation Services Administration to participate in plan reviews and approvals, to ensure coordination and alignment across the system.

29. The Bipartisan Infrastructure Law directs states and territories to include in their digital equity plans “measurable objectives for documenting and promoting: (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; (iii) digital literacy; (iv) awareness of, and the use of, measures to secure the online privacy of, and cybersecurity with respect to, an individual; and (v) the availability and affordability of consumer devices and technical support for those devices.” What best practices, if any, should states follow in developing such objectives? What steps, if any, should NTIA take to promote or require adoption of these best practices? What additional guidance and oversight about the content of the State Digital Equity Plans should NTIA provide?

NTIA's overarching goal should be to encourage the use of measurable goals and objectives *as a tool to accomplish greater equity*, not as an end in themselves. Given the rapidity with which the digital equity field is evolving, NTIA should refrain from endorsing or promoting any single assessment or measurement tool. Instead, NTIA should foster an atmosphere of flexible experimentation and rigorous creativity among states and other stakeholders.

In recent years, some municipalities and states have already begun to identify measures and design measurement tools to assess progress toward digital equity objectives.³ NTIA should use its technical assistance resources to illuminate these emerging efforts and provide opportunities for peer learning among states as they develop, test, and iterate their approaches. The federal government's unique convening power and its ability to disseminate information and promising practices rapidly across the country are significant assets that NTIA should capitalize on, rather than attempting to completely centralize the process of defining objectives and measures.

³ For example, [Colorado's digital skills framework](#) and the [Northstar Digital Literacy Assessment](#), developed by the nonprofit Literacy Minnesota.

States should also be encouraged to adopt objectives that are *qualitative* as well as quantitative. Extensive research has shown that people care deeply about the kinds of life improvements and expanded opportunities that can be best measured through qualitative data – and this is just as true in the field of digital equity as any other. To help states and other stakeholders determine the most useful way to gather such data, NTIA should consider commissioning a brief from and/or hosting as guest speakers one or more experts in qualitative research who have experience in the digital equity field.

Most importantly, states should be strongly encouraged to balance the need for high-quality and meaningful data with the least burdensome and intrusive standard for data collection. This is consistent with the recent Presidential [Executive Order \(EO\) 14058: Transforming Federal Customer Experience and Service Delivery to Rebuild Trust in Government](#). This EO emphasizes the urgent importance of reducing the “time tax” paid by members of the public to obtain publicly funded services.

For example, NTIA should heavily encourage to use proxy measures (such as whether a person resides in a high-poverty zip code or receives SNAP benefits), rather than attempting to assess eligibility on a case-by-case basis (such as by asking digital literacy program participants to individually confirm their income eligibility).

This issue is especially urgent given the difficult circumstances faced by many of the Act’s covered populations. People with very low incomes, those who are incarcerated or recently returned from incarceration, and people with limited English or literacy skills are disproportionately likely to lack government-issued identification. No data collection requirement should further burden already-marginalized groups with additional hoops to jump through before services can be obtained. Similarly, NTIA should follow best practices used in the public health and education fields and ensure that individuals born outside the United States are *not* required to demonstrate a specific immigration status in order to participate in digital equity programs or services. This flexibility in practice has already been adopted for the Emergency Broadband Benefit by major Internet Service Providers, and by the Department of Education for its Workforce Innovation and Opportunity Act Title II adult education programs.

Digital Equity Coordination Requirements

30. The Bipartisan Infrastructure Law requires state and territories to consult with historically marginalized and disadvantaged groups, including individuals who live in low-income households, aging individuals, incarcerated individuals (other than individuals who are incarcerated in a Federal correctional facility), veterans, individuals with disabilities, individuals with a language barrier (including individuals who are English learners and have low levels of literacy), individuals who are members of a racial or ethnic minority group, and individuals who primarily reside in a rural area. What steps should NTIA take to ensure that states consult with these groups as well as any other potential beneficiaries of

digital inclusion and digital equity programs, when planning, developing, and implementing their State Digital Equity Plans? What steps, if any, should NTIA take to monitor and assess these practices?

NTIA should take all possible steps to ensure that states use their obligation to consult with historically marginalized populations as a meaningful tool to inform and shape their implementation of the Digital Equity Act, rather than a mere compliance requirement. To that end, NTIA should act on three fronts:

First, NTIA should provide specific and detailed *guidance* (via a Notice of Funding Opportunity or policy memorandum) to states about the variety of approaches that can satisfy this requirement. This guidance should illustrate a broad array of options regarding *format* (listening sessions, informal consultations, surveys, etc.), *outreach strategies*, and *best practices* regarding eliciting and utilizing stakeholder feedback.

Second, NTIA should require states to *report* on how they have tackled this consultation challenge by including questions about it in State Digital Equity Planning documents and NOFOs.

Finally, NTIA should *model* at the federal level the same process of using input from historically marginalized communities that is desired at the state level. In addition to gathering direct input from the field as described in Question #2 earlier in this document, NTIA should proactively seek out relevant existing literature written by people and organizations representing historically marginalized communities⁴ and should make every effort to institutionalize the lessons learned from these efforts as part of digital equity program design and implementation.

31. The Bipartisan Infrastructure Law also requires states and territories to coordinate with local governments and other political subdivisions in developing State Digital Equity Plans. What steps should states take to fulfill this mandate? How should NTIA assess whether a state has engaged in adequate coordination with its political subdivisions?

States should use a *checklist* or similar tool to approach this process in a standardized way. In particular, state leaders should: 1) connect with multiple representatives of each local jurisdiction (ideally representing education, workforce, and technology agencies); 2) ascertain whether there are existing local digital equity activities or plans that can inform the state plan; 3) seek input from local leaders about the state plan.

NTIA can support this process by developing such a checklist and by asking questions in its State Digital Equity Planning guidance to prompt states to follow it.

⁴ For example, the Joint Center's [Affordability and Accessibility in the Black Rural South](#); the work of the [Digital Compañero program](#); and the digital literacy efforts of the [Building Skills Partnership](#), just to name a few.

NTIA should also explore potential ways to track and publicize which local jurisdictions have already developed their own digital equity plans. For example, [BAND-NC has been providing mini-grants](#) to help North Carolina counties develop their own local digital inclusion plans. Capturing this kind of information and sharing it publicly via a clearinghouse website or similar landing page will be helpful to local and state leaders across the country.