**HB 1841: The Digital Equity Act**

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**Introduction**

As technology becomes more involved in lives of average citizens, more policy will be needed to create a safe and even playing field for consumers. Often when we see technology-based policy, it is mainly regulation to uphold privacy and ensure safety for users. As technology is continually used for educational, personal or professional gain additional policy for equitable access is needed. The Digital Equity Act was a piece of legislation designed to tackle various policy needs and worked its way through the 117th Congress. First, we will cover what problem is being addressed, discuss related legislation, provide an analysis of the bill and conclude with an update of its current status.

**The Digital Equity Act**

The Digital Equity Act was introduced to the 117th Congress on March 11th of 2021 by Representative Jerry McNerney from California. The bill addresses the fact that technology is a necessity for many citizens to gain education, advance their careers and to connect with friends and family. There are two issues that Representative McNerney is addressing with this piece of legislation, first the fact that a broadband connection is still inaccessible to many underserved communities, and that these underserved communities do not have the resources or education to effectively utilize the internet. The Digital Equity Act website illustrates these inequities by discussing how the lack of technology affects various communities, and how these issues can be compounded through the COVID-19 Pandemic.

A few stats that are provided are, only 58% of Black adults and 57% or Hispanic adults have access to a laptop or desktop as compared to White adults, which comes in at 82%. Additionally, only 66% of Black adults and 61% of Hispanic adults have access to a broadband connection as compared to White adults at 79%. A broadband connection is defined by the Federal Communications Commission (FCC) as a connection that can provide adequate performance depending on the use case, the range is set between 3-25 megabytes per second. Looking at the disparity that exists, it is clear that Black and Brown communities have less access to needed forms of technology. To show the impacts of COVID-19 on this issue, the Digital Equity Act website shares that in 2019, 1 in 5 students were unable to complete homework due to an unreliable connection.

Additional data provided by The Digital Equity Act websites shows the monetary constraints that exist for a household trying to gain access. The site quotes the Pew Research Center saying that roughly a quarter of the population still does not have access to a broadband connection and 45% of that population cites the monthly cost of a connection as the biggest barrier. Another correlation showing the monetary barriers of entry to a connection is, that out of the population making less than $20,000 annually, roughly 36% of that group does not have access to a broadband connection. The amount that a family makes is an additional factor when trying to gain access to a reliable connection. Without this, citizens miss out on the ability to educate themselves and connect with people, which could lead them to more career options to thus make more money. Without this connection large populations of people are continually being left behind without necessary resources.

**Previous Legislation**

Through the congressional website, when searching for a specific bill it provides a list of related bills that are like the one searched. There are five bills listed as being related to H.R. 1841 and they are, H.R. 1783 Accessible, Affordable Internet for All, S. 745 Accessible, Affordable Internet for All, H.R. 1848 LIFT America Act, HR 3684 Infrastructure and Jobs Act, and lastly, S. 2018 Digital Equity Act. It should be noted that there some legislation is repeated here, Accessible Affordable Internet for All is seen twice once in the Senate and once in the House and the same thing can be said for S. 2018 the Senate counterpart to H.R. 1841. These pieces of legislation will be covered to understand previous iterations that attempted to address the same issue.

To begin with H.R. 1783 and S. 745 the Accessible, Affordable Internet for All Act. This is a bill that was organized and submitted to both the House and the Senate around the same time. H.R. 1783 being introduced on March 11th, 2021, and S. 745 being introduced on March 15th, 2021. Both bills read the same way, and their goal is to create new streams of revenue to support and expand broadband services through the FCC. Additionally, they ask for more rules for internet service providers to follow when advertising internet speeds and discussing a user’s data privacy. Looking at broadband expansion and support, the bill asks to create various grants controlled through the FCC, to support broadband for eligible houses, schools and tribal lands, and also asks for expansion in schools and libraries in underserved communities. The changes to internet service providers communication reads as “…FCC must (1) issue rules regarding the collection of pricing data and labels that disclose information about broadband plans to consumers, and (2) collaborate and share data with federal agencies and other stakeholders.” (Internet for All Act, 2021). This legislation attempts to address equity issues as is creates the opportunity for underserved communities to be supported and provides specific legislation to assist tribal lands. Asking for more rules for better communication between internet service providers and consumers is important so average citizens can understand what is involved when gaining access to broadband. Seeing the same bill being introduced into both House and Senate shows a double-barreled approach in hoping that one might make it through. This can also be a tactic to speed up the legislative process, as getting both passed at the same time would mean the bill would not have to transfer from house to senate. Sadly, both bills were left to die in a committee in their respective legislatures. H.R. 1783 made it through the Committee on Energy and Commerce, then moved to a Technology and Communication subcommittee, then to a Highway and Transit subcommittee then to a final subcommittee on Commodity Exchange, Energy and Credit where no further action was taken. S. 745 saw a much quicker fate in making it only to one committee on Commerce, Science, and Transportation being read twice and then no other actions being taken. This legislation offers to make subtle changes to broadband accessibility by providing more money to the issue and addressing advertising and privacy issues between internet service providers and consumers. To end, this bill would be a small step in addressing the issues of broadband accessibility.

Next will be a look at H.R. 1848 LIFT America which stands for Leading Infrastructure for Tomorrow. This bill addressed many infrastructural issues that exist in the United States covering transportation, communications, energy, drinking water, health care and more. For the sake of this section focusing on the communications aspect of this bill will suffice. The National Association of County Health Officials provided a summary of this bill and its total effects. Through this we see that most of the legislation is geared towards improving county health and emergency responders and communication is only a small factor of this bill. Additionally, it was noted that there is no specific goal within this legislation or specific communities to target. It was stated how this legislation could have a limited effect and potentially widen the rural urban divide. Similarly to our previous two bills, this also died in committee, being last seen in the subcommittee for Indigenous People of the United States and traveling through more than 15 different committees.

Probably the largest bill that has been associated with the Digital Equity Act is the Infrastructure Investment and Jobs Act. This bill is designed to cover a large grouping of infrastructural needs ranging from repairing bridges and roads to electrical vehicle charging to clean water ways. This bill is related to the H.R.1841, as it takes the writing from the Digital Equity Act and absorbs it with legislation on the other infrastructural needs that were previously noted. There are additional broadband based legislations that is provided here along with H.R 1841. Looking specifically at its effects on broadband this bill asks to connect underserve communities through multitude of ways like, connecting libraries or anchor institutions. This will provide a location that these underserved communities can utilize to gain access. Here people can utilize this connection for class, occupational support or connecting to various online communities. These libraires and anchor institutions provide a band aid to the issue as many people do not have access to broadband within their house or apartment. This solution is a great start by providing a place for communities to go but still does not eliminate the barrier as people still can have limitations to utilize these establishments. Before taking the on the writing of the Digital Equity Act the Infrastructure Investment and Jobs Act also provide resources to Tribal communities by modifying how grants are utilized and distributed through the National Telecommunications and Information Administration (NTIA). This alters deadlines for grants and asking that recipients gather 2.5% of the monetary allowance to be eligible. Language within these sections hope to improve connection access to tribal areas to support telework, telehealth and remote learning. As stated previously this bill adopted the language from the Digital Equity Act and was signed as a bill by President Biden on March 15th, 2022.

**Analysis of Past Efforts**

From the previous section it would appear that there were two ways to address the lack of equitability in broadband access, and in each way money was directed to a specific commission or agency. The differences in these efforts seemed to lie in how each bill specifically addressed the problem. The Infrastructure Investment and Jobs is a comprehensive bill which provides specifics on the community to aid and language on how. When looking at Accessible Affordable Internet for All and LIFT America, we see that they were more generalized concepts as opposed to actionable items.

To begin looking more in depth at Accessible, Affordable Internet for All and LIFT America, we can see how both attempt to generalize the issue of broadband accessibility. As noted previously LIFT was a large bill attempting to make change among many different areas, it was not very specific on how to address broadband accessibility. There was not writing that specified which communities needed the assistance or how they would alter current grants or programs to address this change. This fact was also mentioned through NACCHO and corroborated through the bills own writing. Similarly with Affordable Internet for all, they provide more insight on who needs the assistance yet, the legislation is thin in what programs can be created to accomplish this goal. It specifically mentions the need to provide resources to underserved locations and tribal communities but fails to provide any specifics on how it will obtain this. It is important to mention that this bill did attempt to create more transparency with how providers communicate broadband advertisements to their consumers. The bill fails to provide any specifics or actionable items to address these changes and would predominately leave discretion to the agency to provide the structure. With this lack of specificity, the fate of these bills was sealed in committee. Gathering more information on the content of those committee discussion would be needed in order to fully understand the hang ups that existed. It can be deduced that either, the bills lacked the specific goals to advance or the conversations held in the committees showed that the preferred outcome would not be obtained through these bills.

Now to look at the Infrastructure Investment and Jobs Act, a bill that made its way through multiple committees, passed in the house and the senate to then be signed by the president. There are two major differences when looking at the success of this bill compared to the last two that were mentioned. First, this bill was the product of bipartisan policy work and secondly, this bill provided specific items for change and the communities that would benefit. This bill was designed to be aggressive and provide large scale change in terms of updated infrastructure and investment in jobs, with the bipartisan support it was more likely to succeed through the various committees on its way to being passed. Additionally, the tangible changes that are noted in the bill provide a better picture on who can benefit and how. As mentioned previously the writing of the Digital Equity Act was absorbed into the Infrastructure Investment and Jobs Act, and the specific changes that will be implemented will now be mentioned here. It will create two major grants one titled “State Digital Equity Capacity Grant Program” given to states to increase broadband accessibility and the “Digital Equity Competitive Grant Program” designed to promote digital equity and broadband access (Infrastructure Investment and Jobs Act, 2021). Both of these grants will be organized and distributed through the NTIA.

This paragraph will provide more insight on the additionally broadband based laws in the Infrastructure Investment and Jobs Act. One section titled “Middle Mile Broadband Infrastructure” which is the equipment that is the in between from both the consumer and the internet service provider (Infrastructure Investment and Jobs Act, 2021). The next item to mention regarding this work is titled “Broadband Affordability.” This offers internet service providers the opportunity to be reimbursed by the federal government for providing discounts to citizens seeking to pay for an internet connection. Under this affordability section it requires the Government Accountability Office (GAO) to evaluate how the FCC determines the broadband speed threshold (Infrastructure Investment and Jobs Act, 2021). Finally, the last section regarding broadband in this bill is titled the “Telecommunications Industry Workforce.” This section creates a work group to understand the interagency needs of broadband service providers, focusing on safety. This also asks the GAO to submit a report to congress to estimate how many skilled workers is needed to maintain a future robust broadband network (Infrastructure Investment and Jobs Act, 2021).

Through this section we have analyzed the past and current bills that have attempted to address the issue of broadband accessibility. The Digital Equity Act was a small step to address this issue by creating specific grant program funded by the NTIA. By incorporating it into the Infrastructure Investment and Jobs Act, much more is being done to address this growing issue.

**Current State of Bill**

As stated previously, this bill was absorbed to be a part of the Infrastructure Investment Jobs Act. The bill as a stand-alone piece of legislation was seen in the subcommittee on Communications and Technology in the House of Representatives on March 12th of 2021. Being joined in the with Infrastructure Investments Jobs Act has allowed this bill to live on under a different umbrella. Realistically, seeing that the bill was creating two different grants under the NTIA, there was a limit on how much could be accomplished on its own. By tagging the Digital Equity Act into a larger bill, it is more likely that change will come to broadband accessibility. Seeing a bipartisan policy created to address infrastructure needs and broadband accessibility is a large step for equitable access. It will be interesting to see how this legislation benefits the United States moving forward.

**Conclusion**

The Digital Equity Act was a small bill designed to highlight the needs of broadband accessibility for underserved populations. It was a singular step to address a growing need in the United States. Its story is a fascinating one, as a bill that is left in committee is not always dead. Its language lives on in a larger bill that will hopefully provide more resources and equity for all citizens. Ideally with the Infrastructure Investment and Jobs Act we can see more tangible changes to the quality and access of a broadband connection.

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