National Telecommunications and Information Administration
U.S. Department of Commerce
1401 Constitution Avenue NW
Washington, DC 20230

Re: Docket No. NTIA-2023-0002 - Digital Equity Act of 2021; Request for Comments

To: Director Angela Thi Bennett and staff:

The EveryLibrary Institute NFP is pleased to respond to docket number NTIA-2023-0002 regarding the Digital Equity Act of 2021 Program. EveryLibrary Institute is a public policy non-profit with an alignment toward sustaining libraries as they evolve and grow in the 21st century. Our organization is a member of the Schools, Health, and Libraries Broadband Coalition (SHLB) and the National Digital Inclusion Alliance (NDIA), whose comments to NTIA we joined. We are submitting these additional comments with further recommendations.

Section B: State Digital Equity Capacity Grant Program

Question 3: How should NTIA define success for the Capacity Grant Program? What outcomes are most important to measure? How should NTIA measure the success of the Capacity Grant Program, including measures and methods?

Although NTIA must define success, states should have the flexibility to show alignment in the same language they may have used in their own plans. This accommodation is necessary because of divisive political rhetoric that state offices across the country must navigate. An increasing number of states have administrative rules or even statute forbidding state employees from using specific vocabulary found frequently in the Digital Equity Act.

For instance, South Carolina’s lawmakers recently passed legislation restricting any discussion of topics of race or diversity. Both Planning Grant requirements and Capacity Grant requirements include specific outreach to covered populations, including racial and ethnic minorities and English language learners, to identify barriers to digital equity. Even the word “equity” is often on the list of phrases no longer allowed in state-sponsored events. Were NTIA to strictly require that applicants define success with the same language as the Digital Equity Act, state agencies would be unable to participate in certain outreach and engagement activities and would be unable to report their own compliance with Capacity Grant Program requirements. States should have the flexibility to demonstrate substantially similar activities to those specified in the eventual Capacity Grant Program NOFO, without a requirement for exact adherence to Digital Equity Act language.
**Recommendation:** Define success for the Capacity Grant Program at the state level, allowing states to use vocabulary appropriate for their political climate and appetites.

**Question 4:** How should NTIA design the Capacity Grant Program to ensure equity is achieved? Please explain. NTIA encourages stakeholders to provide the rationale for their comments, including available examples of studies, measures, outcomes, assessments and supporting information.

States will necessarily use the Capacity Grant awards to fund innovative activities in emerging programs. The success of some will set best practices industry will likely follow for years; others will be failures chalked up to lessons learned. This is a strength of the Capacity Grant Program, not a threat. When states identify programs which are successful and replicable, they should have the flexibility to direct subsequent funding toward those projects. Similarly, programs which meet their proposed **deliverables** (e.g., number of outreach events) but not their proposed **objectives** (e.g., number of new ACP enrollments) should not be funded in subsequent years even if the state originally intended to do so. In these instances, states should not be penalized for conducting an honest assessment and pivoting in response. NTIA should allow the state to reallocate its Capacity Grant award use through a simple and flexible process without impact or delay on other projects.

On the other hand, programs should be expected to perform their activities as proposed throughout the period they are funded, even if their outcomes are weak. NTIA and state administering entities should retain the right to withdraw funding for failures to launch, i.e., projects which never achieve their most basic proposed deliverables. In these cases, a formal clawback or prohibition on future funding to the organization may be appropriate. However, liability should end with the organization which failed to implement its proposed program, not with the state administering entity. Administering entities should be encouraged to innovate, not penalized for doing so.

**Recommendation:** NTIA should create a process by which a state administrative entity can adjust funding within their Capacity Grant award in response to a project not meeting expected outcomes. This will prevent Digital Equity Act funding from being locked into ineffective projects and ensure both NTIA and state entities can correct funding decisions in favor of proven successes.

**Question 6:** What reporting requirements should NTIA establish for grantees to ensure that the voices of those most impacted by the digital divide are reflected in the implementation and updates of the Digital Equity Plans? What steps, if any, should NTIA take to monitor and evaluate implementation practices? From a sustainability perspective, what role can collaborations, partnerships, and coalitions play? Please share examples of any existing impactful collaborations, partnerships, and/or coalitions.

Reporting requirements should be clear and stable. NTIA must decide the data collection expectations that will be placed on state administrative entities and their subgrantees prior to the release of the Capacity Grant NOFO. If interviews or focus groups with covered populations will be required, those expectations must be published immediately. Retroactive data collection to
measure program impacts will paint a picture which is incomplete at best, and, at worst, misleading or completely wrong. Report templates and forms should be available as soon as possible during the pre-funding phase. If any additional data collection requirements are announced after awards have already been made, NTIA must be realistic about how accurate retrospective data collection may be. This is particularly true for data points or information which states were not required to include in the state digital equity plans, but which NTIA may decide to require during mid-project reporting.

Regarding sustainability, one of the most critical collaborations will be that of state agencies. Once federal funding expires, state agencies who have already shown leadership on digital inclusion initiatives will be the natural successors to oversee longer term efforts towards digital equity. This was demonstrated during the BTOP era, when many states shuttered their broadband offices or drastically reduced organizational capacity. Since 2020, states which retained a state broadband chief and/or office appear to be the ones most prepared to administer planning grants for both BEAD and Digital Equity. We will no doubt see the same phenomenon a decade from now. States where a coalition of government agencies have been involved in the implementation will be most prepared for a transition of responsibility from federal funding to state and local revenue.

**Recommendation:** NTIA should not require retroactive data gathering for statistics not previously requested prior to program funding. State agencies should be key collaborators throughout the Capacity Grant Program in order to maximize sustainability.

**Section C: Digital Equity Competitive Grant Program**

**Question 8:** How should NTIA define success for the Competitive Grant Program? What outcomes are most important to measure? How should NTIA measure the success of the Competitive Grant Program, including specific measures? Are the measures of success the same or different from the Capacity Grant Program? If so, please elaborate.

Where the broad goal of the Competitive Grant Program is to “achieve digital equity,” acceptable outcomes must include addressing barriers to digital equity in the built environment. For instance, in the same way digital redlining prevents low income neighborhoods from receiving fiber build outs on the same timeline as adjacent neighborhoods with higher incomes, communities of color and neighborhoods with housing projects are less likely to be within walking distance of a library, the place where a third of Americans access computers. Although there is not an existing metric for digital access in the built environment, a comparable one exists in the way USDA defines food deserts. Similarly, many Americans live in digital connectivity deserts.

The Competitive Grant Program lists six specific purposes. Purpose five (5) specifically addresses the need for improvements to the built environment (construct, upgrade, expend, or operate new or existing public access computing centers for covered populations through community anchor institutions). Projects with this focus will significantly improve the accessibility of digital connectivity resources. However, long design and construction times mean these projects will necessarily allow for fewer external, finite metrics such as those easily found in programs in established spaces such as ACP enrollment or number of public programs.
offered. The true impact of reducing digital connectivity deserts will become visible over time, as the value these facilities bring to their communities is slowly shown in economic development and property values, education rates, and even health outcomes. In these cases, it is in the best interest of NTIA and Congress to recognize improvements in the built environment as program success.

Recommendation: Establish a definition for digital connectivity deserts. Accept projects which propose impacts to the built environment to reduce or eliminate these deserts as their measure of success.

Question 9: What kind of activities or projects should the Assistant Secretary consider for inclusion in eligible projects and activities for the Competitive Grant Program?

Under purpose five (5), it is clear that projects to increase community access to computer labs and other digital equity resources and programs through anchor institutions are eligible costs. Libraries have long been the foundation of digital equity. Library branch locations are the single most reliable source of free public wifi, more prevalent even than McDonald’s locations nationwide. Thus, digital inclusion focused library capital projects should be explicitly listed as presumptively eligible. This should also include innovative, 21st century projects such as library-housed business incubators, after-hours or 24/7 library access, virtual library kiosks, and more.

Federal funding such as LSTA via IMLS typically restricts grant recipients from giving away devices. This means device distribution efforts often turn to refurbishment, and sometimes to low-cost sales instead of giveaways. Unfortunately, manufacturers say laptops have a useful life of only 3-5 years, and with refurbished devices the clock has already started. The situation is primed for a poor customer experience. Individuals are convinced to spend money on a device, they purchase the cheapest available, the low quality device fails quickly, and the individual is left disconnected and burnt by the experience. The solution is to allow device giveaways, although additional rules will be necessary. It may be reasonable to target devices valued above a certain dollar amount, such as requiring the giveaway to be tied to other project activities such as digital skill building or efforts to increase awareness and use of cybersecurity measures.

Additional costs which should be presumptively eligible are device lending programs, monthly recurring charges (MRCs) for connected devices such as hotspots or LTE laptops, subscription costs for curriculum or learning materials, and staff professional development. Applicants should be encouraged to point to over-the-horizon failures of existing services, such as defunding of public entities, and propose solutions as program activities. Because libraries are already the most highly trusted government entity, partnerships with organizations focused on specific covered populations will likely be highly effective. These programs in partnership should be presumptively eligible.

In the State Digital Equity Planning Grants, administrative entities learned the burdensome requirements around Human Subjects Research (HSR) and its implications on subgrantee activities. Now, states are more prepared to manage HSR requirements or IRB approval while managing the Capacity Grant. However, community organizations and local services likely to apply for the Competitive Grant are less prepared for HSR issues. Working with an IRB to approve even simple activities such as survey questions or focus group topics will be an
unnecessary impediment to program activities. To reduce HSR liability, NTIA can restrict research activities as ineligible for Competitive Grant funds. Subgrantees should be prohibited from using personally identifiable information to produce results which are intended to be generalized, the main concern of HSR review. With such a rule in place, subgrantees could be free from IRB protocols and associated delays and complications. Note that this would not preclude states from funding research activities under the Capacity Grant.

**Recommendation:** Under purpose five (5), list as presumptively eligible library capital builds which increase access and reduce digital connectivity deserts. Allow no-cost device distribution but prefer combinations with other programming. To reduce HSR liability, restrict research activities as ineligible except under the Capacity Grant.

**Question 11:** What rules, if any, should the Assistant Secretary develop to ensure that digital equity is achieved in the Competitive Grant Program?

As mentioned in answer to question 4, some efforts will not be effective. There is no need to keep funding locked into projects which are not achieving their intended outcomes. Similar to the process for states, NTIA should allow funded projects to pivot while still in the performance period if needed. Prior approval from administrators should be required, but the process should not be punitive. NTIA should also consider establishing metrics for success in achieving digital equity which projects must meet in order to be awarded funding for multiple years or multiple phases. This will protect organizations from the risk of clawback procedures while still allowing them to propose bold ideas. Occasional failure is the cost of success.

**Recommendation:** Allow funded projects to pivot mid performance period if needed to ensure the best use of Digital Equity Act funds.

**Question 12:** How should NTIA design a scoring rubric system to ensure that digital equity will be achieved in the Competitive Grant Program? What factors, elements, and/or criteria should NTIA consider to ensure that funding is equitably distributed to serve the Covered Populations, e.g., by geography, covered population, project type, etc.?

As states create their BEAD and Digital Equity plans, a trend has emerged: organizations are proposing services for communities with which they have no relationship. This is happening in national, state, and local conversations. Municipalities routinely consider themselves experts in serving each covered population, simply because members of those covered populations reside in their legal boundaries and receive municipal utility services. This shows a lack of understanding of unique needs facing covered populations, the entire point Congress made by identifying those eight demographies in the Digital Equity Act. Organizations which have never before offered direct services are proposing to stand up massive public resources with no indication they are prepared to offer programming. This type of overconfidence can be hard to separate in application review from grassroots organizations or government departments with real expertise, who have served covered populations with successful programs for years.

Similarly, groups claiming a statewide or national presence often apply for funding like the Competitive Grant Program by claiming they will cover every single resident; in our experience,
their programs never go beyond a handful of dense, urban areas. Large programs are often unprepared for the realities of rural communities and unable to adapt, so their activities are misguided and ineffective. This is particularly problematic with organizations claiming to serve Tribal members without any expertise on local issues, cultural competencies, or even a basic relationship with the Tribal community. In both such cases, distributing grant funding to these organizations in an attempt to cover rural areas or Tribal households would be neither equitable nor responsible.

NTIA can address these problems in the rubric. The Competitive Grant Program should require evidence of past success in any area where an applicant claims expertise. For ability to conduct proposed activities, organizations should show similar past activities, although this should be interpreted broadly. For instance, partnerships with VITA for tax services could be considered equivalent to partnerships for ACP enrollment; device lending could be comparable to device distribution; previous tutoring could be an indicator of competency in standing up digital literacy programs.

Applicants should also demonstrate past services in any geographic areas they propose to cover; they should also demonstrate past success reaching any covered population they propose to serve. This will help achieve equity in rural or isolated communities and covered populations because it will benefit applications from organizations familiar with their unique needs. It also means applications from organizations based in urban areas proposing to cover everywhere would not be automatically scored as though they will successfully reach rural residents, unless they show past history of doing so or partner with another organization which does. This also protects Tribal communities from money being awarded to non-Native groups claiming the ability to encompass their needs in a wider program, rather than awards going directly to Tribal organizations for local projects.

Recommendation: The rubric should include evidence of past success, both in serving any geography or covered population the organization proposes to serve, and in completing activities which are comparable to those proposed.

**Question 13:** Should NTIA use weighted scoring? If so, are there specific evaluation criteria to which NTIA should provide more weight or value in the evaluation criteria for the Competitive Grant Program (i.e., place more weight on collaborations that support building the capacity of local, community-based organizations that are delivering meaningful and impactful services to the Covered Populations, provide more than 10% of matching funds or resources, or intend to provide project benefits to multiple communities or Covered Populations)? NTIA encourages stakeholders to provide the rationale for their comments, including available examples of studies, measures, outcomes, assessments and supporting information.

When Digital Equity Act funding expires, many of the projects being dreamed up now will lose support and shutter. The nation’s investment in digital equity will only endure if NTIA prioritizes projects with a clear plan for sustainability after the grant performance period. This is most likely in the cases of incumbent organizations, such as government departments with dedicated tax revenue or long-established nonprofits with strong community ties. As mentioned in answer to the previous question, a major factor should be evidence of past success.
Applications showing expertise with a covered population should be scored highly, and multiple covered populations should be weighted additionally. This also applies to success in securing stable funding: an organization with longevity in paid staff is more likely to find avenues to retain new, grant-funded staff than an organization which needed grant funding to launch initial services. The scoring rubric should reward projects with clear plans for ongoing services.

Additional weight should also be given to organizations which can provide matching funds at any level, including in-kind match. NTIA should allow organizations to declare obligation of a future match after the performance period has ended as a sustainability measure. This is similar to the Carnegie Library model, which funded 50% of the nation’s early libraries. Carnegie provided the initial capital investment on the condition the municipality maintain it with staffing and a budget. Particularly in the case of projects under purpose five (public computer labs), ongoing maintenance should be considered a viable match and weighted as such on the rubric.

**Recommendation:** Weighted scoring should be used to favor incumbent organizations with a higher likelihood for success and responsible use of Digital Equity Act funds. Maintenance commitments should be considered a match.

**Question 14:** What additional weight, if any, should NTIA give to proposed projects that align with the State, Territory, and/or Tribal entity Digital Equity Plans?

Proposed projects should attempt to align with their state digital equity plan. This allows Capacity Grant Program dollars to stretch further towards accomplishing state goals, while also ensuring Competitive Grant Program dollars share objectives. However, in order to accomplish this NTIA must make the same accommodations for vocabulary as in the state grant program. Organizations may propose projects which do not use specific language found in the Digital Equity Act. This could be to satisfy stakeholders such as governing boards, lawmakers, and community groups, or it could simply be an attempt to align with their state plan and its political vocabulary. Alignment with a state plan should outweigh concerns such as not using the word “equity.”

**Recommendation:** Prioritize applications which align with their state plans, and do not disadvantage applications which use language appropriate for their political situation.

**Section D: Measuring for Success & Transformative Impact**

**Question 15:** What are examples of past or current evidence-based or evidence-informed digital equity and/or inclusion projects or other relevant or similar projects that NTIA can showcase as a part of its technical assistance efforts to support applicants in identifying promising or evidence-based project models, partnerships, activities, and strategies to consider, replicate, and leverage lessons learned as applicable?

The most successful digital inclusion efforts are those which create transformative impact on systems. Repeatedly, these programs do three things: 1) minimize system friction, 2) provide a clear benefit, and 3) create self-sufficiency for the individual to access resources in the future.
Libraries demonstrated transformative thinking with the Emergency Connectivity Fund (ECF). Years of rigid E-Rate rules have created a model which supports a critical anchor institution need, but is inflexible for modern challenges. When ECF was announced, libraries quickly worked past invasive reporting requirements to defend patron privacy (1, minimize system friction). They went a step further in program design to increase the impact of device lending. ECF didn’t allow devices to be given away, so libraries created three year circulation periods, exactly the amount of time ECF mandated the library retain the device. This allows the library to “donate” the device at the end of the program, essentially never requiring the patron to bring the computer back after the initial checkout (2, clear benefit). Some ECF libraries even tied the computers with a brief digital skills training (3, self-sufficiency). This required more effort and greater staff resources, compared to simple compliance with ECF’s K-12 focused policies. However, the result of the extra effort is that the patron didn’t experience privacy violations, unfamiliarity with their device, or a burdensome requirement to frequently check in with the library in order to keep using the device. Transformative thinking enhanced the value of ECF dollars.

Systems thinking can also answer short term problems. In the Jordan School District in Utah, administrators struggled with students whose parents lacked both digital skills and a device at home. Library media specialists and faculty created a class just for parents which taught basic digital skills first (2, clear benefit), and then taught specifics like accessing their child’s grades or lunch account and signing permission forms digitally (1, minimize system friction). At the end of the training course, the library used the district’s regular device replacement cycle to give used computers to the parents, ensuring they had the tools at home to continue to apply what they learned throughout their child’s education, long after the program ended (3, self-sufficiency).

Government itself can improve with transformative thinking as well. The Grand County Public Library System has loaned hotspots and Chromebooks since before the pandemic. They also followed the library trend of removing overdue fines or user fees, evolving beyond a penal mindset around library services. Studies show overdue fees impact low income families the most, reducing library use for generations. When the library applied the new ethic to lost circulating technology, the transformation was on the system. Removing this fine meant library users most in need of connectivity did not have a negative experience when reporting a lost device (1, minimize system friction) and they continued to use the library afterwards (2, clear benefit). Most rewarding to the library, this trusting relationship with their users seems to encourage better return rates. Where other libraries report losses of anywhere from 10% to 75% on circulating devices, the Grand County Library has a minimal loss rate. Their replacement costs are cheaper than maintaining an account with a collections agency (3, budget self-sufficiency).

Recommendation: NTIA should highlight these and other examples which demonstrate the three hallmarks of transformational success: 1) minimize system friction, 2) provide a clear benefit, and 3) create self-sufficiency for the future.

**Question 18:** NTIA will require regular grantee performance and progress reporting, e.g., semi-annually, project close out to monitor grantee implementation of funded projects and capture metrics, outcomes, and impact. How should NTIA measure grantees
implementation of such metric tracking? To what extent should NTIA require standardized inputs, metrics, and measures in order to facilitate nationwide insights?

NTIA should create standardized categories for outcomes, as well as lists of sample metrics for each output category. However, the applying organization should define in its project proposal the specific metrics they will use for each output category. This allows applicants to propose their own implementation deliverables appropriate for the needs of those they plan to serve. For instance, both a library and a job center might propose economic development programs like the Broward County Library’s. Where the job center’s metrics might include hours spent teaching or number of students enrolled, the library would propose to measure their reach among entrepreneurs from low income and underrepresented backgrounds. Because the impacts and expertise will be different between programs, the metrics should be as well.

Not all proposed projects which otherwise score highly will also propose acceptable metrics. In such cases, NTIA should work with the applicant to provide guidance and technical assistance in submitting revised metrics until NTIA can approve the project plan. This would allow NTIA to gather nationwide insights, generalizable data, and specific use case data to inform future efforts. It also ensures organizations are accountable for human-centered deliverables they design, not ones imposed upon them. In this type of environment, programs can meet unique local needs and still align with congressional priorities for Digital Equity Act funding.

**Recommendation**: Create standardized categories for outcomes, but allow organizations to define their own metrics within each category.

**Question 21**: To ensure all learners (youth, adult, incarcerated, etc.) have access to the opportunities that technology unlocks, how should NTIA promote a baseline or fundamental standard for digital literacy for all learners? What kind of baselines should NTIA’s grant programs strive to achieve and should the intended outcomes be based on a type of standard which includes varying levels of digital skills, such as pre-basic, basic, intermediate and advanced? If so, please elaborate.

There are two outcomes which NTIA should support in programs funded. The first is concrete skills, or the ability to complete any specific or definite task which can be learned (National Skills Coalition). The second is independence, the ability to use concrete skills and a learning mindset to approach new challenges (Lexia Learning). Both are required for true access to digital opportunity, and for both outcomes, libraries are the experts.

NTIA should develop standards for three concrete skill levels based on the expectation for a 21st century labor market. Data from the Federal Reserve Bank and the National Skills Coalition shows that 92% of jobs require some level of concrete digital skills. Foundational skills are those which the majority of employers expect all workers to have, and which are required to navigate the modern world. These may include turning equipment on and off, using a login or password, email, basic file management, information literacy, etc. Libraries have supported foundational digital skills for two decades, and they should continue to be the cornerstone and template. Once the Digital Equity Act funding has been fully deployed, residents anywhere in the nation should have free and accessible options to build these skills. NTIA should prioritize programs which build foundational skills.
Workplace skills are those which an employer might reasonably be expected to teach to a new hire. This could include point-of-sale interface, timecard management, data entry, spreadsheets, etc. Some of these skills involve proprietary systems or workplace-specific deployments, which are the responsibility of the employer to train. However, many are generalizable to new systems or interfaces, so that experience with one platform helps quickly learn a new platform. These are the types of skills needed to find better jobs, particularly remote jobs. Transferable workplace skills align with workforce development, libraries, and continuing education. NTIA should allow programs which provide these skills to be eligible under the Digital Equity Act, though at a lower priority than foundational skills.

Specialized skills require more time to develop and they are not generalizable beyond the original platform. Examples include graphics software, programming languages, industry specific tools, etc. Technical colleges, higher ed, and apprenticeships may teach these skills. Although access to these learning opportunities is not always equitable, this goes beyond the purpose of the Digital Equity Act. NTIA should not consider programs which teach specialized skills. The first digital literacy outcome NTIA should support, concrete skills, should include only the lower two skill levels, foundational and workplace.

The second digital literacy outcome is independence, and it is critical for learners of all ages. Digital navigator programs and digital literacy classes which focus on building one-on-one relationships with participants are the most effective at encouraging this growth mindset. An independent learner has the ability to solve problems, find their own learning resources, identify help options, and ultimately learn new concrete skills. Programs like Tooele City Library’s Digital Me encourage independence and self-direction in learners, but also allow learners to direct the curriculum and decide the topics of future classes. Outcomes are striking: participants become teachers for their own social circles, bringing even more people into the digital age. Especially in programs where the goal is not to prepare an individual for a specific task but to make them more competitive and empowered in the job market, independence must be the outcome.

Recommendation: Digital Equity Act funding should focus on two digital literacy outcomes: concrete skills and independence. NTIA should define three concrete skill levels: foundational skills (presumptively eligible), workplace skills (eligible), and specialized skills (ineligible). NTIA should look to libraries for model digital literacy programming and leadership.

The EveryLibrary Institute expresses its appreciation to NTIA for dedicating significant staff time and resources to inviting public comment on these two Digital Equity Act programs. Libraries must continue to be a presumptive partner in both the ongoing planning work and the upcoming implementation work. NTIA is invited to contact EveryLibrary Institute for clarification on any point or to request additional information.

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