



February 4, 2022

Alan Davidson, Assistant Secretary of Commerce for Communications and Information
Douglas Kinkoph, Associate Administrator, Office of Internet Connectivity and Growth
National Telecommunications and Information Administration
1401 Constitution Ave., NW
Washington, DC 20230

Re: Infrastructure Investment and Jobs Act Implementation, Docket No. 220105-0002

Dear Assistant Secretary Davidson and Administrator Kinkoph:

On behalf of Asian Americans Advancing Justice | AAJC, OCA – Asian Pacific American Advocates, and the National Council of Asian Pacific Americans, we submit our views on Docket No. 220105-0002 re: “Infrastructure Investment and Jobs Act Implementation”.

Asian Americans Advancing Justice | AAJC (“Advancing Justice | AAJC”) is dedicated to civil and human rights for Asian Americans and to promoting a fair and equitable society for all. We provide the growing Asian American community with multilingual resources, culturally appropriate community education, and public policy and civil rights advocacy. In the communications field, Advancing Justice | AAJC works to promote access to critical technology, services, and media for our communities.

OCA – Asian Pacific American Advocates (“OCA”) is a national membership-driven organization of community advocates dedicated to advancing the social, political, and economic well-being of AAPIs. OCA strongly believes that as our country continues to digitize and create modern communications networks, it is pivotal that Asian Americans and Pacific Islanders shape the policies and regulations that create the framework for that innovation.

The National Council of Asian Pacific Americans (“NCAPA”) is a coalition of 38 national Asian American Pacific Islander (AAPI) organizations around the country. Based in Washington D.C.,

NCAPA serves to represent the interests of the greater AANHPI communities, the fastest growing racial group in the nation, and to provide a national voice for Asian American and Native Hawaiian Pacific Islander issues.

Our organizations co-chair the Asian American Tech Table, which was created to facilitate a more unified voice and presence in national tech and telecom policy debates. The Table convenes regularly with its members to discuss relevant policy concerns, while also engaging with industry and other stakeholders to raise the visibility of the Asian American community in tech policy and digital civil rights issues. Members of the Asian American Tech Table include The Center for Asian Pacific American Women, Filipina Women's Network, Japanese American Citizens League, Asian Pacific American Institute for Congressional Studies, Council of Korean Americans, Asian/Pacific Islander American Chamber of Commerce and Entrepreneurship, South Asian Americans Leading Together, and National Queer Asian Pacific Islander Alliance.

Bringing Reliable, Affordable, High-Speed Broadband to All Americans (Questions 1, 2)

The pandemic has demonstrated how critical internet access is for communities to be able to survive and thrive. High quality and reliable broadband is necessary to keep immigrant families connected to their in-language communities both in the U.S. and abroad, provide the elderly with more accessible health care, give students access to English as a Second Language homework assistance and other learning programs, and connect refugee populations to job training programs. Many jobs and opportunities will remain remote and only accessible online, health services will be made more affordable and easy to schedule online, and special programming that has been developed for youth, the elderly, and others will continue to take place online. Broadband access and online services were essential before the pandemic, and communities expect to rely even more heavily on technology and remote solutions after the pandemic subsides.

Communities of color are disproportionately negatively impacted by lack of or insufficient access to broadband. The NTIA must consider how funds can be allocated specifically to address racial barriers such as infrastructure issues that exist because of historical redlining and other profit-driven decisions, ensuring there is access in non-English languages for those who are not English proficient, working closely with trusted messengers and community groups to adequately publicize the program, providing necessary equipment and trainings, and expanding benefits to immigrant populations, including those that may be differently documented.

Historical redlining continues to pose a structural barrier for communities that face the digital divide. For example, in San Francisco's Chinatown, racial, economic, and environmental inequalities contribute to digital inequality and redlining for the largely working class and immigrant population. 2015 data found that only 56% of San Francisco Chinatown residents had

Internet access at home, compared to the city-wide average of 88%. Historic Chinatowns and other ethnic enclaves all over the United States were born out of housing and labor discrimination and racially motivated exclusionary policies. This history of neglect, disinvestment, and displacement made its mark on the very physical landscape and infrastructure of areas like Chinatown, impacting residents to this day.¹ 40% of housing in San Francisco's Chinatown is single-room occupancy, meaning that many only have a general address and not one that points to their specific room, disqualifying them from getting Wi-Fi access if someone else already has an account using that same general address. The decades-old concrete flooring and walls in many buildings in the area also make the penetration and transmission of Wi-Fi signals through the building almost physically impossible. Moreover, these residences lack the infrastructure to install hard-wired internet or other connections. Residents' only option is lower quality and speed hotspot devices. Community partners working with residents of San Francisco have reiterated that these barriers have persisted and exacerbated through the pandemic.

Even in neighborhoods where low-income communities are able to access the internet, the quality and consistency of the connections vary, making them unreliable and disruptive for essential uses like logging in to school, working, or applying for government assistance programs. For example, in Boston's Chinatown, immigrant neighborhoods, and public housing, digital connections are spotty, and users are kicked off several times a day which makes the internet unusable.² Without adequate access to broadband, communities are unable to apply for or benefit from important government services and programs. For example, in San Francisco Chinatown, "the pandemic has shown the digital divide in people who have access and have the skill set to apply for PPP, which is not an easy thing to do, and those that maybe got left out."³ Businesses and communities members alike are repeatedly excluded from programs that are designed to assist them because they are unable to access them online.

Broadband access and affordability in the Pacific Islands has also long been a challenge. In 2012, American Samoa had the dubious distinction of having America's most expensive Internet.⁴ Since then, broadband connectivity has improved in the Pacific Islands but costs remain among the highest in the nation. Thousands of miles away from the continental U.S., internet connections are especially slow and prices are often unaffordable in American Samoa and Northern Mariana Islands. An undersea cable linking American Samoa to Hawaii was laid in

¹ <https://journals.uic.edu/ojs/index.php/fm/article/view/6196/5187>

² <https://www.bostonglobe.com/2021/01/24/metro/digital-divide-remains-wide-some/>

³

<https://www.cnbc.com/2021/03/03/asian-owned-small-businesses-saw-an-outsized-pandemic-impact-last-year-.html>

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<https://slate.com/technology/2012/05/internet-access-and-cost-in-american-samoa-northern-marianas-islands-guam.html>

2009, but BlueSky, the telecommunications company that bore costs along with the American Samoa government, charges \$115 a month for speeds of 383 kilobytes per second.⁵

Greater infrastructure investment in the region is necessary to ensure that everyone can access the internet and fully participate in our society as more and more of our lives, work, and essential services move online. In 2015, the only undersea fiber-optic cable servicing the Northern Mariana Islands was damaged in a storm, disconnecting nearly 60,000 residents from telephone, internet, banking, and other services for days. This prompted the construction of a second fiber-optic cable, but such vulnerabilities reveal the challenges to getting Pacific Islanders connected to the rest of the world.⁶

The NTIA should permit and encourage eligible applicants to use funding for digital literacy, devices and tools, and investments in infrastructure projects that directly serve and prioritize neighborhoods and communities that have been and continue to face historical structural inequalities that have exacerbated the digital divide's effects on communities of color, immigrants, LEP individuals, and other historically marginalized groups.

Stakeholder Input and Community Engagement

(Questions 1, 2, 3, 4, 14, 19, 27, 30)

Solutions must be localized and tailored to the precise populations they seek to target. Even amongst AAPI and immigrant populations, cultures and lifestyles vary significantly. Funding should be allocated to conducting community-based research to better understand the needs of real people and update the needs assessments regularly as populations and situations change. Online training and digital literacy programs need to be facilitated with community groups to make sure they are customized to be most useful for communities. Local organizations are already trusted by communities, have the necessary language skills, and can more effectively promote messages and important information. At every step, NTIA should convene stakeholders, set guidelines for state and other entities to conduct outreach and research with community leaders, require projects to document engagement with community groups, and directly fund community projects and anchor institutions like schools and libraries. Projects should not be approved without applicants thoroughly demonstrating that they have consulted and incorporated the input and expertise of local leaders and communities.

Where some entities lack pre-existing relationships with certain communities and stakeholders, the NTIA should provide a suggested consultation process for applicants to begin building such relationships before launching their projects. Many local community organizations work directly

⁵ <https://pacificbasindevelopment.org/wp-content/uploads/2020/02/2019-U.S.-Pacific-Islands-CEDS.pdf>

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<https://www.guampdn.com/story/news/2015/07/07/thousands-ite-telecommunications-cnmi-guam-customers-lose-service/29844973/>

with national networks such as NCAPA, Advancing Justice | AAJC, and OCA. Each of our organizations consults, convenes, provides resources and briefings to, and supports local organizations and communities directly. Our community partner networks provide local groups with necessary information about federal programs and policies, organize nationally, and provide infrastructure to launch programs with the necessary cultural competency, language skills, and trust. Working directly with national organizations such as ours can provide states and other applicants with diverse local stakeholders and begin the process of relationship building and information sharing that can better inform projects to better serve marginalized and disadvantaged groups. NTIA can become a convener to connect these networks with local government, ISPs, and other types of grantees. Working directly with national organizations will also allow NTIA funded programs to become scalable and for the learnings to be shared across the broadband accessibility advocacy community.

Translations and Language Access

(Questions 1, 11, 14, 18, 27, 30)

Another dimension to the challenge of getting Asian Americans and Pacific Islanders connected is cultivating digital literacy and skills in a population where approximately 34% of individuals have limited English proficiency (LEP). Disaggregated data shows that LEP rates among Asian Americans and Pacific Islanders also vary significantly:

- Among Asian Americans, nearly 80% of Bhutanese Americans have LEP while 27% of Indian Americans have LEP.⁷
- The average LEP rate among Pacific Islanders is 8.5%, but these numbers also vary among different ethnic groups, from 41% of Marshallese Americans to 2% of Native Hawaiians.⁸

Language access and accessibility is critical to ensuring that Asian Americans and Pacific Islanders, once connected to broadband, can get the most out of their experience online. This is especially important when it comes to accessing government services and relief programs. The NTIA should authorize and prioritize funding for outreach, education, engagement, marketing, testing, and feedback in non-English languages. English materials must be written in simple English that can be easily translatable. Only native-level speakers with deep knowledge of the community, cultural context, and familiarity with the vernacular should be utilized for translations. Community groups and leaders should be consulted before translations are published to ensure they are actually accessible and understandable to the target audience. Furthermore, some languages do not have written alphabets, posing unique challenges for groups like Rohingya refugees who do not have a universally accepted script and who require additional

⁷ <https://aapidata.com/infographic-aa-limited-english-proficiency-2015/>

⁸ <https://aapidata.com/infographic-nhpi-limited-english-proficiency-2015/>;
https://advancingjustice-la.org/sites/default/files/A_Community_of_Contrasts_NHPI_US_2014.pdf

in-language audiovisual support. Translations should also include PSAs on local ethnic broadcast stations and resources that community organizations can distribute directly to clients. NTIA should ensure that programs require language access provisions, compensate translators and other stakeholders who assist with language access, and include ongoing in-language feedback and help mechanisms.

To ensure all “American workers have access to high quality jobs, especially those who were impacted the most by the pandemic, including women and people of color”, NITA should seek opportunities to train and employ workers who can provide essential services for women, people of color, and other underrepresented and marginalized communities. For example, community groups are often unable to meet the troubleshooting needs of community members. This leaves many users with technical issues, broken devices, or underused equipment that limits their productive use of technology even if they have managed to secure access. Organizations often become overwhelmed answering the technical questions and problems that their clients call them with, especially because they lack the technical expertise to correctly diagnose and address the issues. While many companies offer help desks online and on the phone for their customers, these services are not always made available in non-English languages. Automated systems or English-only services are very difficult for many AAPI communities to navigate. Without call center agents with the language and cultural competency needed to effectively communicate with non-English speakers on complex and often very technical issues that are foreign to users, any small tech issues can render broadband connections, devices, and programs useless. Some ISPs are beginning to employ native-level speakers to address this gap, but more support is needed to make a meaningful impact. Funding workers to bridge this gap could empower both workers and communities. Individuals who are trusted members of the community, understand the context of digital divide challenges, and speak the language of underserved groups will be the most qualified and effective in these roles. This and many other essential roles such as translation services, digital literacy programming, researchers/data collectors, and other adoption efforts will require projects to employ people of color who are from the community. Maximizing opportunities for people of color to secure these jobs will also contribute to the success of the programs they work for.

Data and Research (Question 3, 14, 26)

There are very few digital divide studies that include AAPIs in their analysis; the few that do include AAPIs fail to address the needs and challenges that lower income and non-English speaking groups face, excluding them from the data altogether. In addition to collating anecdotal evidence and lived experiences at the community level, more research must be conducted to better understand the unique needs and challenges that the AAPI community faces in achieving digital literacy and empowerment.

Although a few studies have suggested English-speaking Asian Americans use the Internet proficiently and at high rates, all of these studies are limited in scope and obscure key inequities within our communities. Surveys that are conducted only in English and online and that aggregate data of over 20 different ethnicities provide a heavily skewed and misrepresentative perspective on broadband access in our communities. Many LEP individuals are some of the most vulnerable in our community, who rely on services like broadband to complete essential tasks. By design, studies and statistics that exclude these communities assume the AAPI community is monolith, erase the most critical needs, and perpetuate structural inequalities.

Despite the lack of disaggregated and inclusive data, digital divide indicators—educational attainment, income level, and English proficiency—suggest that a gap in access exists among different ethnic groups in the AAPI community:

- For example, 4.6% of Japanese Americans have less than a high school diploma, compared with 53.6% of Burmese Americans.
- The median household income of Indian Americans is \$114,261, that of Samoan Americans and Burmese Americans is \$54,193 and \$39,730, respectively.
- In 2016, 26% of Asian Americans and 37% of Pacific Islanders were enrolled in Medicaid or some other public insurance program.⁹
- In 2019, 7% of the AAPI community was enrolled in SNAP benefits. However, the divide between certain ethnic groups was stark: 1.4% of Taiwanese Americans were enrolled in SNAP, compared with 21.9% of Native Hawaiians, and 29.0% of Burmese Americans.¹⁰

Despite the lack of disaggregated and inclusive data, these tangential digital divide indicators suggest that significant disparities between different ethnic groups exist and that various communities within the AAPI community continue to fall behind in the digital divide.

NTIA should pursue opportunities to engage in data collection with states and territories to gain a better assessment of the unique needs of different communities. Such studies must be comprehensive and intentionally designed to include historically marginalized and underserved communities, oversampling underrepresented populations as necessary, providing in-language means to engage in and participate in studies, and working directly with trusted messengers. This data should be used to contribute to improving the FCC's broadband coverage mappings, better allocate resources, and identify the areas of greatest need. In turn, this data can be utilized by NTIA and other stakeholders to determine the areas of greatest need.

⁹ <https://www.advancingjustice-ajjc.org/sites/default/files/2020-02/Lifeline%20Backgrounder.pdf>

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<https://data.census.gov/cedsci/table?t=-04%20-%20All%20available%20detailed%20Asian%20races%3A-05%20-%20All%20available%20detailed%20Native%20Hawaiian%20and%20Other%20Pacific%20Islander%20races%3ARace%20and%20Ethnicity&tid=ACSSPP1Y2019.S0201&hidePreview=true>

NTIA should also use data reporting as an accountability tool for funding recipients. Recipients should be required to provide quantifiable information about how their projects successfully engaged input and feedback from underserved community representatives, prioritized the needs of those communities, and provided meaningful impact to them. Making this a reporting requirement will ensure all entities who receive funding from NTIA will include and prioritize historically excluded populations.

While the NTIA should use its engagement with states and other entities to improve data and understanding of digital divide needs, it must also prioritize data privacy. Sensitive data can be especially harmful to vulnerable groups such as communities of color. All data should be de-identified to protect the privacy of individuals and communities, access to such data should be limited to authorized stakeholders who have demonstrated their commitment to serving such communities, and subjects should have meaningful and exercisable rights to abstain from data collection or opt-out retroactively. Subjects should also be notified in-language about what kind of data will be collected, how it will be used, who will have access to it, and how it will be de-identified and stored.

Asian Americans Advancing Justice | AAJC, OCA – Asian Pacific Advocates (OCA), and the National Council of Asian Pacific Americans (NCAPA) thank you for your attention to and examination of this critical issue. Please contact Emily Chi, Director for Telecommunications, Technology and Media at Asian Americans Advancing Justice | AAJC at echi@advancingjustice-ajjc.org; Michael Nguyen, Senior Policy & Advocacy Associate at OCA - Asian Pacific American Advocates at michael.nguyen@ocanational.org; or Annie Yang, Policy and Communications Associate at annie@ncapaonline.org for any inquiries.

Sincerely,

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