



Monday, May 16th, 2022

Ms. Marlene Dortch, Secretary
Federal Communications Commission
45 L Street NE
Washington, DC 20554

Re. Prevention and Elimination of Digital Discrimination (Docket 22-69)

Dear Ms. Dortch,

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. 22-21 Re. FCC Initiates Inquiry on Preventing Digital Discrimination. .

Asian Americans Advancing Justice | AAJC (“Advancing Justice | AAJC”) is dedicated to civil and human rights for Asian American 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 consumers.

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 interest 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.

Asian Americans and Pacific Islanders and the Digital Divide

Last year as Covid-19 forced 42 states and territories¹ to issue mandatory stay-at-home orders, forcing millions of people to live, work, and learn from home, our need for quality broadband service grew. While the pandemic heightened our awareness of the digital divide and the staggering number of households unable to benefit from digital services and opportunities, AAPI communities around the nation have been fighting to gain access for years.

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.

¹ <https://www.cdc.gov/mmwr/volumes/69/wr/mm6935a2.htm>

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.²
- 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.³

Moreover, AAPI enrollment in welfare programs that can qualify a household for Lifeline, such as SNAP and Medicaid, represents another digital divide indicator illustrating the potential gap in broadband access. In 2015, 2.6% of SNAP recipients were categorized as Asian American⁴. However, the divide between certain ethnic groups was stark: 2.38% of Thai Americans were enrolled in the program, compared with 67.3% of Bhutanese Americans. Furthermore, in 2016, 26% of Asian Americans and 37% of Pacific Islanders were enrolled in Medicaid⁵ or some other public insurance program.

These statistics not only illustrate striking disparities within the AAPI community, but also allow us to project a potential lack of broadband access for a substantial proportion of it. Therefore, advocacy organizations and direct service providers that work on the community's behalf should recognize that the Lifeline program is a critical tool for expanding broadband access and advancing racial and socioeconomic equity.

Parts of rural Hawaii that have long experienced a digital divide⁶ and a lack of broadband access saw the direct impact of distance learning on the education of students. With schools closed, administrators had to act quickly to ensure students were able to continue to participate in class, but not every district or state was successful. As students left their schools and attempted to get

² <https://www.advancingjustice-aajc.org/sites/default/files/2020-02/Lifeline%20Backgrounder.pdf>

³ <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%3A-Race%20and%20Ethnicity&tid=ACSSPPIY2019.S0201&hidePreview=true>

⁴ <https://www.urban.org/urban-wire/asian-americans-are-falling-through-cracks-data-representation-and-social-services>

⁵ <https://censuscounts.org/wp-content/uploads/2019/03/Fact-Sheet-AA-NHPI-HTC.pdf>

⁶ https://www.salon.com/2019/11/15/how-native-hawaiians-are-taking-internet-access-into-their-own-hands_partner/

online from home, their need for quality broadband access grew exponentially, but the infrastructure and the services provided remained insufficient.

Even when families have access to devices at home there are barriers to broadband infrastructure which can impact a student's ability to get online. One school administrator in Wailuku reported that while the school distributed Chromebooks to students, 29% of students were unable to get online due to limited broadband bandwidth at home⁷. Unreliable internet prevents students from actively participating in class, leading to lower engagement and attendance⁸. In some cases students were forced to seek digital access outside of their home⁹, further putting their families at risk during a public health crisis.

In San Jose, California, a city with a population of just over one million people, nearly 36% of whom are Asian American¹⁰, it's estimated that 100,000 residents¹¹ lack internet access at home. This means that once the stay-at-home order was implemented and people were no longer permitted to attend school or go to work, people without broadband access at home faced increased difficulties in accessing work, school, and healthcare services. While conversations around the digital divide are largely centered around rural communities, we can't assume that living in an urban environment automatically means you have access to quality and affordable broadband service. The reality is, there are communities across the nation still experiencing the negative consequences of historical digital redlining.¹²

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 a lack of or insufficient access to broadband. The FCC should consider how funds can be allocated to address racial

⁷<https://www.civilbeat.org/2020/08/doe-struggles-to-get-students-the-technology-they-need-for-online-learning/>

⁸<https://www.hawaiitribune-herald.com/2020/06/28/hawaii-news/survey-many-e-hawaii-students-were-mia-during-distance-learning/>

⁹ <https://www.hawaiibusiness.com/todays-lesson-no-wi-fi-no-learning/>

¹⁰ <https://datausa.io/profile/geo/san-jose-ca/>

¹¹<https://www.sanjoseca.gov/your-government/departments-offices/office-of-the-city-manager/civic-innovation/digital-inclusion-and-broadband-strategy>

¹²<https://www.eff.org/deeplinks/2021/01/fcc-and-states-must-ban-digital-redlining>

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.

Fear and lack of trust can also discourage individuals from getting online. South Asian American Policy and Research Institute noted that some of their elderly clients were unwilling to learn how to use the internet because they were fearful of new technology or intimidated by the learning process. Asian Community and Cultural Center in Nebraska shared a similar concern, explaining that many elderly clients became confused and would eventually give up because they found the process frustrating, irrelevant, and uninteresting. The Center is the only agency in the area with staff members who speak the native language of clients, making them the only organization in the area that can provide these services in language, which makes it difficult for staff to stay diligent in encouraging clients to continue digital literacy programming.

Families and individuals' personal circumstances can also make it difficult for them to find the time, effort, and resources to get connected. Boat People SOS explained that even though broadband access is beneficial, to overextended families it can feel like an additional burden. Attempting to secure access when devices are scarce and connections are unreliable exacerbates stress, pushing many families to give up. Families and individuals are often preoccupied with other more immediate priorities.

The Arab American Association of New York also explained that clients who grew up without technology have a more difficult learning and retaining the ability to use new technology compared to clients who had basic access to technology in their upbringing. Mobile apps and other computer programs may not be intuitive and may be uncomfortable to use. Many of the Association's clients are refugees from rural Yemen who grew up without technology access in their homes or schools. Consequently, these clients have more difficulty growing accustomed to new technologies. These challenges are compounded by the fact that the majority of resources to learn how to use the technologies are only available online and in English

Persistent Historical Redlining and Other Infrastructure Issues

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 displacement made its mark on the very physical landscape and infrastructure of areas like Chinatown, impacting residents to this day.¹³ 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 residents 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 have been 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 connectivity is spotty, and users are kicked off several times a day which makes the internet unusable.¹⁴ 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."¹⁵ Businesses are also repeatedly excluded from programs that are designed to assist them because they are unable to access them online. For example, in San Francisco's Chinatown some family-owned small businesses looked to install security cameras following the increase in violent attacks targeting the AAPI community but were unable to do so because the low-speed internet connections available did not support these services.

AAPI communities in California have also experienced an increasingly difficult time accessing in-language media as Cable companies remove in-language channels from their platforms. As these channels are removed from cable services these channels are forced to move to digital platforms where community members may not have the accessibility or the digital literacy to access critical information. This means that community members who rely on in-language media must resort to international media outlets that report on American news as their source of information, as they are no longer able to access in-language media through their local channels. For example, in San Francisco, KDSF (Cantonese News Channel) was removed from cable packages, forcing community members that relied on this channel for their source of information to install antennas or use an iPad, if they have access to devices, to be able to access news in their

¹³ <https://journals.uic.edu/ojs/index.php/fm/article/view/6196/5187>

¹⁴ <https://www.bostonglobe.com/2021/01/24/metro/digital-divide-remains-wide-some/>

¹⁵ <https://www.cnbc.com/2021/03/03/asian-owned-small-businesses-saw-an-outsized-pandemic-impact-last-year-.htm>

spoken language. During the pandemic this meant that families that relied on these services were prevented from knowing about what was happening in their communities.

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.¹⁶ 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 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.¹⁷

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 have moved 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.¹⁸

Language Access

One of the challenges of getting Asian Americans and Pacific Islander 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 American and 27% of Indian Americans have LEP.¹⁹
- 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.²⁰

¹⁶<https://slate.com/technology/2012/05/internet-access-and-cost-in-american-samoa-northern-marianas-islands-guam.html>

¹⁷ <https://pacificbasindevelopment.org/wp-content/uploads/2020/02/2019-U.S.-Pacific-Islands-CEDS.pdf>

¹⁸<https://www.guampdn.com/story/news/2015/07/07/thousands-ite-telecommunications-cnmi-guam-customers-lose-service/29844973/>

¹⁹ <https://aapidata.com/infographic-aa-limited-english-proficiency-2015/>

²⁰Ibid.

Community groups have expressed concern that many programs designed to bridge the Digital Divide fail to provide accessible translations, making it challenging for immigrant communities to participate. Even in rare instances where translated informational materials are provided, they may not be corrected for cultural context or have quality issues making them difficult to decipher. Additionally, live support lines may not support AAPI language translators. Together, this can make it difficult to sign up and pay for broadband, but also makes it nearly impossible for individuals to troubleshoot technical issues. Technical assistance is rarely provided in AAPI languages.

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 experiences online. This is especially important when it comes to accessing government services and relief programs. The Federal Communications Commission should 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 require additional in-language audiovisual support. Translations should also include PSAs on local ethnic broadcast stations and resources that community organizations can distribute directly to clients. The FCC should ensure that programs require 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 most by the pandemic, including women and people of color”, the FCC 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 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 programs, 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 worked for.

Digital Literacy

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 Asians Americans and Pacific Islanders also vary significantly:

- Among Asian Americans, nearly 80% of Bhutanese Americans have LEP while 27% of Indian Americans have LEP.²¹
- 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.²²

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. For example, none of the financial relief services offered by the Small Business Association provide translations into Asian or Pacific Islander languages on their websites.

Digital literacy training is necessary to ensure individuals are able to access internet services and programs. Granting access to devices and broadband alone is insufficient, as many are unfamiliar with how to use the technology in an effective and safe way. Training can protect users from online risks such as scams, security threats, and privacy issues. Online safety is a growing concern of community leaders, especially since these populations already tend to be vulnerable.

²¹Ibid.

²²Ibid.

Asian Americans Advancing Justice | AAJC, OCA - Asian Pacific Advocates (OCA), and the National Council of Asian Pacific Americans (NCAPA) thank you for your attention 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-ajc.org and/or Michael Nguyen, Associate Manager of Policy & Advocacy at OCA - Asian Pacific Americans Advocates at michael.nguyen@ocanationa.org.

Sincerely,
Asian Americans Advancing Justice | AAJC
OCA - Asian Pacific Americans Advocates (OCA)
National Council of Asian Pacific Americans (NCAPA)