February 21, 2023

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, 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 furthering civil and human rights for Asian Americand 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.

Section A2: Other Components of the Definition - Critical Demographic Considerations

The pandemic has demonstrated how critical internet access is for communities 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.

There are very few digital divide studies that include AAPIs in their analysis, and the few that do fail to address the needs and challenges that lower income and non-English speaking groups face, excluding them from the data altogether. 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 Limited English Proficiency (LEP) individuals are some of the most vulnerable in our community, who rely on services like broadband to complete essential taste. By design, studies and statistics that exclude these communities assume the AAPI community is a monolith, erase the most critical needs, and perpetuate structural inequalities. This is an important demographic category that must be accounted for.

Household income is historically one of the most significant factors in determining if a household adopts fixed broadband, and according to the 2023 Handbook for the Effective Administration of State and Local Digital Equity Programs, "broadband adoption declines with poverty rates in a linear fashion."[1] While this study does not include the AANHPI (Asian American, Native Hawaiian, and Pacific Islander) community, we know that communities of color and low-income families are disproportionately negatively impacted by a lack of or insufficient access to broadband. 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.

- 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.

As household income is one of most significant factors in broadband access, the FCC should include income as one of the main characteristics of digital discrimination. Unfortunately, income is not the only barrier to access. The FCC should further consider how funds can be allocated 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.

Section A2: Other Components of the Definition - Algorithmic Bias

Algorithmic bias–whether in the form of facial recognition technology or online advertising–is well documented across emerging technology.[2] Sadly, this bias also negatively impacts broadband accessibility.[3] For most consumers, purchasing broadband involves entering an address into an ISP

---

[1] Id.

[2] https://www.brookings.edu/research/algorithmic-bias-detection-and-mitigation-best-practices-and-policies-to-reduce-consumer-harms/

[3] https://anchor.fm/how-tech-becomes-law/episodes/1--How-can-tech-address-inequality--Talking-about-algorithmic-discrimination-and-broadband-access-with-Dr--Nicol-Turner-Lee-of-the-Brookings-Institution-e1a9p1a

website to see the price, speed, and availability of service based on geographic area; however, there exists little publicly available data on the algorithms or methodologies used to determine this information.[4] Outside of ISPs themselves, visibility into the information flowing into the formulas and algorithms used by these companies is nonexistent. Consumers only see the final numbers calculated. This lack of transparency and pricing data makes it easier for companies to cover up discriminatory pricing, with AAPI and other communities of color often unknowingly receiving the worst deals.[5] Furthermore, the limited research that *does* exist about disparities in broadband speed and price across communities either excludes AAPI communities altogether or falsely portrays them as a monolith. Additional research must be conducted to study how algorithmic bias and other structural issues impact AAPI access to broadband.

Conversely, personal data collected unfairly and unnecessarily from AAPI communities allows companies to target these consumers with advertisements for broadband and other services. AAPIs, and particularly those with limited English proficiency, experience difficulties navigating English-only cookie notices. As a result of unwittingly "accepting" cookies that will track their browsing practices across the internet, AAPI consumers receive targeted advertisements for broadband that may falsely promise the best or most cost-effective services. Comprehensive privacy legislation would limit the ability of companies to collect and exploit the data of AAPI and other communities of color.

Section A2: Other Components of the Definition - Structural Barriers

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.[6] 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

---

[4] https://themarkup.org/newsletter/hello-world/broadband-bias

[5] https://themarkup.org/still-loading/2022/10/19/dollars-to-megabits-you-may-be-paying-400-times-as-much-as-your-neighbor-for-internet-service

[6] https://journals.uic.edu/ojs/index.php/fm/article/view/6196/5187

Chinatown, immigrant neighborhoods, and public housing, digital connectivity is spotty, and users are kicked off several times a day which makes the internet unusable.[7] 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."[8] 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.

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.[9] 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.[10]

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.[11]

Section B: Prioritizing Language Access in the Commission's Informal Consumer Complaint Process

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 LEP. Disaggregated data shows that LEP rates among Asians Americans and Pacific Islanders also vary significantly:

---

[7] https://www.bostonglobe.com/2021/01/24/metro/digital-divide-remains-wide-some/
[8] https://www.cnbc.com/2021/03/03/asian-owned-small-businesses-saw-an-outsized-pandemic-impact-last-year-.html
[9] https://slate.com/technology/2012/05/internet-access-and-cost-in-american-samoa-northern-marianas-islands-guam.html
[10] https://pacificbasindevelopment.org/wp-content/uploads/2020/02/2019-U.S.-Pacific-Islands-CEDS.pdf
[11] https://www.guampdn.com/story/news/2015/07/07/thousands-ite-telecommunications-cnmi-guam-customers-lose-service/29844973/

- Among Asian Americans, nearly 80% of Bhutanese Americans have LEP while 27% of Indian Americans have LEP.[12]
- 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.[13]

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, yet many existing programs such as ACP and Lifeline only have applications available in English and Spanish. Financial relief services offered by the Small Business Association (SBA) also lack Asian- or Pacific Islander-language translations on the SBA website. Without in-language applications and outreach materials, community members with LEP have a harder time accessing government services and without additional support may be prohibited from enrolling in programs they are eligible for.

To ensure that the consumer complaint form is accessible to all consumers, the FCC should prioritize making it accessible to the least connected consumers and on a mobile device. The mobile version should be easy to read, written in simple English, and allow consumers to copy and paste the text for easy translation. Additionally, the FCC should allow trusted community partners and third-party organizations to complete this form on their constituent's behalfs. Community partners working to enroll AANHPI communities in ACP have explained how essential it has been to have someone familiar with the forms and registration walk community members throughout the application process. For this consumer complaint form to be a resource for communities, it's important that the FCC allow both individuals and trusted partners to file complaints.

While in-language applications and resources are essential to ensuring communities have access to these services, automated systems and/or English-only services can additionally be very difficult or even impossible 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 issues can render broadband connections, devices, and programs useless. While some ISPs are beginning to employ native-level speakers to address this gap, more support is needed at all points of contact, including the FCC, to make a meaningful impact. When contacting ISPs for support, troubleshooting, or signing up for service users are often greeted by automated prompts in English or Spanish that often do not recognize other spoken languages. These prompts – frustrating for even native English speakers – may prevent a LEP user from reaching representatives at all, even if there are multilingual staff on hand to answer questions. Furthermore, most ISP websites are only available in English and Spanish, serving as an additional barrier if LEP users simply want to look up an answer to a question rather than calling. Without proper support and resources from ISPs and the FCC, users are left with disconnected devices, increased costs, and unusable service.

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

---

[12] https://aapidata.com/infographic-aa-limited-english-proficiency-2015/
[13] Ibid.

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.

Section C4: Other Record Proposals - Outreach

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 FCC should ensure that outreach efforts include targeted in-language outreach that promotes the existence of a consumer complaint platform, explains the purpose and the types of complaints that consumers can file, and the legal protections that consumers have.

When creating outreach materials the FCC should follow the Government Accountability Office[14] recommendations and prioritize funding for outreach, education, engagement, marketing, testing, and feedback in non-English languages. Outreach materials should be written in simple English that can be easily translated and only native-level speakers with deep knowledge and understanding 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 accessible and understandable. 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. It's important that the FCC recognizes that the AANHPI community is an extremely diverse group of people that possess a distinct culture, history, and language that defies easy categorization and generalization, and therefore requires a critical eye towards language access and accessibility.

<div align="center">*****</div>

Advancing Justice | AAJC thanks you for the opportunity to provide comments related to this rulemaking. For more information, please contact Emily Chi, Director for Telecommunications, Technology, and Media at Asian Americans Advancing Justice | AAJC at echi@advancingjustice-aajc.org.

Sincerely,
Asian Americans Advancing Justice - AAJC

---

[14] https://www.gao.gov/products/gao-23-105399