



Thursday, February 16, 2023

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

Re. Infrastructure Investment and Jobs Act Broadband Consumer Labels Notice of Proposed Rulemaking (Docket No. 22-2)

Dear Ms. Dortch,

On behalf of OCA - Asian Pacific American Advocates, Asian Americans Advancing Justice | AAJC, and the National Council of Asian Pacific Americans (NCAPA), we submit our views on Docket No. 22-2 Re. "Infrastructure Investment and Jobs Act Broadband Consumer Labels Notice of Proposed Rulemaking (NPRM)".

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 Asian Americans & Native Hawaiians/Pacific Islanders(AANHPIs). OCA strongly believes that as our country continues to digitize and create modern communications networks, it is pivotal that AANHPIs shape the policies and regulations that create the framework for that innovation.

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 consumers.

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 DC, 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, Native Hawaiian, and Pacific Islander issues.

Our organizations co-chair the Asian American (AsAm) Tech Table, which was created to facilitate a more unified voice and presence in national tech and telecom policy debates. The Table regularly convenes with its members to discuss relevant policy concerns, while also engaging with industry and other stakeholders to raise the visibility of the AAPI 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, Sikh American Legal Defense and Education Fund, and National Queer Asian Pacific Islander Alliance.

Background and Issues

A study by Pew Research shows that among Asian Americans *who speak English*, 95% use the internet, 84% have broadband service at home, and 91% own a smartphone.¹ However, this statistic ignores both the disparity (i.e., the digital divide) between ethnic groups within the AANHPI community and those who are limited English proficient (LEP). For LEP individuals, getting reliable internet access at home can be especially difficult because of a myriad of factors, including language barriers, desires to be self-sufficient, and lack of knowledge regarding the existence of resources.

A study by the Urban Institute shows that 1 in 3 Asian Americans and 1 in 8 Native Hawaiian/Pacific Islanders are LEP. An estimated 14.9% of Asian American adults live in a household in which all members ages 14 and older reported having LEP. This is compared to 32.9% of Hispanic adults, 3.1% of Black adults, and 1.4% of white adults.² Furthermore, the languages that AANHPI adults speak are varied (e.g., Chinese, Vietnamese, Hawaiian, Bangla, etc.). Therefore, addressing the language needs of AANHPI communities requires a multipronged approach.

While Section 75 requirement that internet service providers (ISPs) provide labels in the languages in which they advertise is helpful to a certain degree, it still leaves significant gaps in language representation. For example, AT&T has customer representatives who speak Vietnamese, Korean, Tagalog, Japanese, and Chinese, including dialects, but does not advertise in these languages, meaning the company would not need to translate the broadband label into these languages.³ Speakers of less prominent Asian languages are neglected altogether.

Individuals who have LEP or speak primarily in another language are at a disadvantage because they may have a limited understanding of the content that the broadband labels display. Digital illiteracy and inaccessibility exacerbate the issue; many individuals may have trouble accessing the broadband label altogether, whereas others may only be able to access the label through a phone or other mobile device.

¹<https://www.pewresearch.org/fact-tank/2016/02/18/english-speaking-asian-americans-stand-out-for-their-technology-use/>

²<https://www.urban.org/research/publication/many-asian-american-and-native-hawaiian-pacific-islander-adults-may-face-health>

³https://about.att.com/pages/diversity/community/asian_pacific_islander

The U.S. Government Accountability Office (GAO) recently reviewed the FCC's implementation of the Affordable Connectivity Program (ACP) and published a report.⁴ In its review of five non-English languages (Chinese, French, Vietnamese, Korean, and Spanish), GAO found that the translations were sometimes unclear, inaccurate, or incomplete. Translated text lacked practicality or fell short of user expectations; issues included failure to inform users that they could access additional assistance or that they would be navigating to an English-only area. Translated materials also neglected to inform users that they could access non-English languages (up to 200 other languages) when calling the ACP Support Center. This report highlights the disparity between the FCC's stated goals and their implementation. Given the similar nature of the ACP and the broadband label, and their shared goal of expanding access to LEP individuals, the concerns of the report are also relevant to the broadband label.

Creating a label that streamlines broadband information for consumers will improve digital equity, but barriers remain for the AANHPI community. The Asian American community consists of 22 million members of 48 different sub-ethnicities and is among one of the fastest-growing ethnic populations in America.⁵ The FCC acknowledges the need for language-specific services in the creation of a broadband label to lower barriers to internet adoption by historically marginalized communities. Still, there is a disparity between the language needs of AANHPI communities and how the broadband label addresses these needs.

Recommendations

Because of these barriers to digital equity and accessibility within the AANHPI community, we are making three recommendations to the FCC:

- (1) Ensure broadband labels are compatible with mobile devices;
- (2) Allow text from the broadband label to be easily copied and pasted;
- (3) Require physical copies of labels wherever broadband services are offered.

We also support GAO's Recommendation 2 in its ACP report, which lists steps that the FCC should take in revising the language translation process for developing non-English materials. These recommendations will be instrumental in creating a consumer-friendly label that addresses the language needs of all communities.

Making broadband labels compatible with mobile devices allows consumers to easily access broadband labels without any external pressures that may arise because of a language barrier. This will allow members of the AANHPI with limited or no English-language ability consumers to review and research the label without time constraints; this removes the pressure of communicating with a customer representative or ISP in English. They can reach out to a trusted English proficient speaker to ask questions about the label. Alternatively, they can use a translation application to review the broadband label and follow up with concerns and inquiries via email or phone with an ISP.

⁴<https://www.gao.gov/assets/gao-23-105399.pdf>

⁵<https://www.govinfo.gov/content/pkg/FR-2022-12-16/pdf/2022-26854.pdf>

Allowing content from the broadband label to be easily copied and pasted increases the ease by which an LEP individual can use a translation application (e.g., Google Translate, Apple Translate) when they do not understand certain words. Doing so will allow LEP users to receive the information in their native language and improve comprehension, digital literacy, and digital equity within the AANHPI community.

Providing physical copies of the broadband label where broadband services are offered would be beneficial for those who do not have access to the internet, but it would also be helpful for individuals who are unfamiliar or uncomfortable with digital technologies, such as older adults. The broadband labels should be virtually provided in several languages and printed on-site upon request; users should be informed of this option. This would help minimize the effect of the digital divide by providing ease of access to LEP individuals who are unfamiliar with technology or are unable to access a virtual broadband label.

Finally, the most convenient option would have the FCC provide broadband labels in non-English languages to accommodate LEP individuals, as well as individuals who prefer another language. To pursue this option, the FCC should follow GAO's recommendations concerning translation for non-English outreach materials⁶: (1) develop a plan for designing and producing translated products; (2) incorporate review and quality assurance steps into the translation process and document completion of these steps during each process; (3) develop and test the products with others who represent the intended audience; and (4) update and finalize the products based on development and testing results. The FCC should ensure that the English materials are written in simple English that can easily be translated and that only native-level speakers with deep knowledge of the community, cultural context, and familiarity with the vernacular should be utilized for translations. 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 and audiovisual support. Following these recommendations will require additional time and energy, but they are necessary to ensure that translated materials retain the quality, message, and purpose for which they were created.

Many of those with LEP have faced barriers to resources, one of which is accessibility to reliable high-speed internet. Providing mobile-friendly access to the label, copyable text and content on the label, and physical and mobile versions both in English and non-English languages will improve the convenience and rate at which AANHPI minorities can engage with the broadband label, and subsequently gain access to high-speed broadband internet. Following these recommendations will enable the FCC broadband label to increase digital equity for everyone and will be especially beneficial for those with LEP consumers within the AANHPI community.

OCA - Asian Pacific Advocates (OCA), Asian Americans Advancing Justice | AAJC, and the National Council of Asian Pacific Americans (NCAPA) thank you for your attention and examination of this critical issue.

⁶<https://www.gao.gov/products/gao-23-105399>

Please contact Emily Chi, Director for Telecommunications, Technology and Media at Asian Americans Advancing Justice | AAJC at echi@advancingjustice-aaajc.org or Yen Jeong, Broadband Access and Digital Equity Fellow at OCA - Asian Pacific Americans Advocates at yen.jeong@ocanational.org.

Sincerely,

OCA - Asian Pacific Americans Advocates (OCA)

Asian Americans Advancing Justice | AAJC

National Council of Asian Pacific Americans (NCAPA)

Asian and Pacific Islander American Vote (APIAVote)

National Asian/Pacific Islander American Chamber of Commerce and Entrepreneurship (National ACE)

National Queer Asian Pacific Islander Alliance (NQAPIA)

Council for Native Hawaiian Advancement (CNHA)

Japanese American Citizens League (JAACL)

Asian Real Estate Association of America (AREAA)

The Center for Asian Pacific American Women (CAPAW)