National Telecommunications and Information Administration
1401 Constitution Ave, NW
Washington, DC 20230

February 4, 2022

Re: Request for Comments, Docket number: NTIA–2021– 0002

To whom it may concern:

We appreciate the opportunity to offer comments on the Digital Equity Act state planning process and related implementation.

Our organizations represent a range of immigrant advocacy groups serving people across the United States. **We are keenly interested in ensuring that implementation of the Digital Equity Act is responsive to the needs and abilities of immigrants and English learners.**

Research has shown that immigrants need investment in their digital skills. Happily, the Digital Equity Act recognizes the importance of this investment by designating "covered populations" whose digital equity needs should be placed front and center of states' efforts. Several of these populations overlap considerably with immigrant communities, including adults with limited English skills, racial and ethnic minorities, and people with low incomes.

For example, more than 20 million Americans are English learners, including 1 in 10 workers. Ensuring that these individuals have equitable opportunities to build their digital skills, as well easily accessible broadband internet and up-to-date digital devices, is crucial. While a handful of cities (such as Long Beach, St. Paul, and Philadelphia) have made initial steps toward closing equity gaps by investing one-time funds in digital navigation for immigrant community members, far more remains to be done as states embark on their Digital Equity Planning processes.

Below we have responded to some specific questions raised in your Request for Comment. We would be pleased to discuss these issues further with NTIA staff at your convenience. Please feel free to contact the Immigration & Federal Skills Policy workgroup co-convenor Amanda Bergson-Shilcock of National Skills Coalition if you wish to connect (amandabs@nationalskillscoalition.org; 215-285-2860).

Thank you in advance for your consideration.

American Immigration Council
Center for Law and Social Policy
Community College Consortium for Immigrant Education
National Immigration Forum
National Immigration Law Center
National Skills Coalition
ROC United
Upwardly Global

Welcoming America
World Education, Inc.
World Education Services

Bringing Reliable, Affordable, High Speed Broadband to All Americans

1. What are the most important steps NTIA can take to ensure that the Bipartisan Infrastructure Law's broadband programs meet their goals with respect to access, adoption, affordability, digital equity, and digital inclusion?

NTIA should:

- Draw on Presidential [Executive Order (EO) 14058,](#) *Transforming Federal Customer Experience and Service Delivery to Rebuild Trust in Government,* and [EO 13985,](#) *Advancing Racial Equity and Support for Underserved Communities Through the Federal Government,* to inform implementation. The principles outlined in these EOs, as well as the Sense of Congress spelled out in the law itself, provide a North Star and big-picture reminder of what the law can accomplish. Keeping these documents front and center as implementation decisions are made can help to **make sure that NTIA is designing for equity** – and to reduce administrative burdens and the "time tax" on individuals – from the very beginning.
- ***Involve covered populations*** -- such as English learners, people with low incomes, and racial and ethnic minorities -- early and thoroughly in the design of NTIA's guidance and technical assistance, and incorporate their input throughout the implementation period (see Question 2 below).

2. Obtaining stakeholder input is critical to the success of this effort. How best can NTIA ensure that all voices and perspectives are heard and brought to bear on questions relating to the Bipartisan Infrastructure Law's broadband programs? Are there steps NTIA can and should take beyond those described above?

Given the well-documented and concerning disproportionate impact of digital exclusion on immigrant communities, NTIA should make special efforts to obtain input from directly affected immigrants and English learners.

To do this, NTIA should hold listening sessions that focus specifically on the digital equity issues facing the covered populations of English learners and people of color. In conducting outreach for these sessions, NTIA should make special effort to connect with stakeholder groups that represent those populations – such as UnidosUS, Asian Americans Advancing Justice, the National Partnership for New Americans, and many others.

NTIA should also hold listening sessions in languages other than English. Consistent with how other federal agencies have approached this issue, sessions should have live interpretation (consecutive interpretation if they are virtual, and ideally simultaneous interpretation with appropriate technology if they are in-person) and should have a bilingual operator/moderator. At

a minimum these sessions should be held in the several of the most frequently spoken languages in the United States, which include Spanish, French, Korean, Tagalog, Arabic, Vietnamese, and Mandarin.

In addition to listening sessions, NTIA should pursue other formal and informal mechanisms for gathering immigrant stakeholder input, such as having NTIA staff attend key conferences or meetings such as the National Immigrant Integration Conferences at which they can hear directly from the field, and/or conducting short "pulse surveys" of stakeholders.

6. The Bipartisan Infrastructure Law requires states and territories to competitively select subgrantees to deploy broadband, carry out digital equity programs, and accomplish other tasks. How should NTIA assess a particular state or territory's subgrant award process? What criteria, if any, should NTIA apply to evaluate such processes? What process steps, if any, should NTIA require (e.g., Request for Proposal)? Are there specific types of competitive subgrant processes that should be presumed eligible (e.g., publicly released requests for proposals and reverse auctions)?

Bearing in mind the law's explicit focus on covered populations, it is especially important for NTIA to encourage and assess the degree to which the process for selecting subgrantees takes into account the landscape of *organizations* that serve these populations. Many immigrant-serving organizations that have earned the trust of immigrants and English learners and have a strong track record of success are themselves under-resourced and under-represented.

NTIA should encourage states to design competitive selection processes for subgrantees that are inclusive of these organizations. For example, this could include allowing for consortia of smaller immigrant-serving organizations to apply jointly for subgrants, or awarding additional points in an RFP selection process to organizations that can demonstrate a record of success in serving a covered population.

Regardless of the mechanisms used by a particular state, NTIA should annually assess how much funding is being allocated to under-resourced and under-represented organizations in each state and nationally. This can be done by reviewing SF424 (budget) documents, asking in the contractual line of the budget how states will ensure priority and assistance to under-resourced organizations, and/or reviewing partner commitments.

7. NTIA views the participation of a variety of provider types as important to achieving the overall goals of the Bipartisan Infrastructure Law broadband programs. How can NTIA ensure that all potential subrecipients, including small and medium providers, cooperatives, non-profits, municipalities, electric utilities, and larger for-profit companies alike have meaningful and robust opportunities to partner and compete for funding under the programs?

NTIA's guidance to states should include a robust and expansive definition of provider types that clearly includes adult education organizations, public libraries, immigrant-serving organizations, worker centers/day laborer centers, labor-management partnerships, and other organizations with a track record of success in serving English learners and people of color. Notably, some of these organizations have been at the forefront of advancing digital literacy during the pandemic, such as Building Skills Partnership. It is important for each of these provider types to be explicitly named, to ensure that states are not overly cautious or narrow in their interpretation of which provider types are eligible to be subgrantees or partners.

NTIA's guidance to states should also encourage states to use a broad variety of announcement tools to disseminate information about funding application opportunities (such as distributing a Request for Proposals via civil rights organizations and other racial equity stakeholders).

Ensuring the Future of America Is Made in America by All of America's Workers

11. One objective of the Bipartisan Infrastructure Law is to ensure American workers have access to high quality jobs, especially those who were impacted the most by the pandemic, including women and people of color. What federal policy tools can NTIA apply to help ensure that broadband funding is deployed in a way that maximizes the creation of good paying jobs and that women and people of color have full opportunity to secure those jobs.

NTIA has tremendous power to design broadband workforce initiatives that provide meaningful on-ramps for immigrants and English learners into well-paying jobs. When spending broadband funding on workforce-related activities, NTIA should:

- ***Reward hiring and training of underrepresented workers.*** Create preferences in federal infrastructure investments for projects that include explicit commitments around hiring and training for workers of color, including immigrants and English learners.
- ***Explicitly allow types of workforce training to include those shown to improve English learners' access to good jobs***, such as Integrated Education and Training models, bridge programs, and vocational/technical English that combines language learning with digital literacy skills.
- ***Measure outcomes.*** Provide transparency on the training and job placement of workers in broadband infrastructure-related jobs via the public release of data showing the demographics of who is placed in these jobs and how they progress over time.

State Digital Equity Plans

25. The Bipartisan Infrastructure Law includes historic investments in digital inclusion and digital equity, promising to bring all Americans the benefits of connectivity irrespective of age, income, race or ethnicity, sex, gender, disability status, veteran status, or any other characteristic. NTIA seeks to ensure that states use Digital Equity Planning Grants to their best effect. What are the best practices NTIA should require of states in building Digital Equity Plans? What are the most effective digital equity and adoption interventions states should include in their digital equity plans and what evidence of outcomes exists for those solutions?

NTIA should use guiding questions to encourage states to develop Digital Equity Plans that reflect the *intent* of the Bipartisan Infrastructure Law, not merely its requirements. Such questions could include:

- What data has the state gathered to better understand how digital equity needs and assets may differ across covered populations, including English learners and people of color?
- What stakeholder groups has the state consulted to develop its digital equity plan, including immigrant-serving organizations?
- How has the state capitalized on the digital literacy work already underway -- such as activities funded via Workforce Innovation and Opportunity Act (WIOA) Title II adult education -- to inform its digital equity planning?
- How has the state connected with its public library system to identify potential capacity and interest for carrying out digital equity activities?

29. The Bipartisan Infrastructure Law directs states and territories to include in their digital equity plans "measurable objectives for documenting and promoting: (i) The availability of, and affordability of access to, fixed and wireless broadband technology; (ii) the online accessibility and inclusivity of public resources and services; (iii) digital literacy; (iv) awareness of, and the use of, measures to secure the online privacy of, and cybersecurity with respect to, an individual; and (v) the availability and affordability of consumer devices and technical support for those devices." What best practices, if any, should states follow in developing such objectives? What steps, if any, should NTIA take to promote or require adoption of these best practices? What additional guidance and oversight about the content of the State Digital Equity Plans should NTIA provide?

NTIA's overarching goal should be to encourage the use of measurable goals and objectives ***as a tool to accomplish greater equity***, not as an end in themselves. Given the rapidity with which the digital equity field is evolving, NTIA should refrain from endorsing or promoting any single assessment or measurement tool. Instead, NTIA should foster an atmosphere of flexible experimentation and rigorous creativity among states and other stakeholders.

States should be strongly encouraged to balance the need for high-quality and meaningful data with the least burdensome and intrusive standard for data collection. This is consistent with the recent Presidential [Executive Order (EO) 14058](): *Transforming Federal Customer Experience and Service Delivery to Rebuild Trust in Government.* This EO emphasizes the urgent importance of reducing the "time tax" paid by members of the public to obtain publicly funded services.

For example, NTIA should heavily encourage states to use proxy measures (such as whether a person resides in a high-poverty zip code or receives SNAP benefits), rather than attempting to assess eligibility on a case-by-case basis (such as by asking digital literacy program participants to individually confirm their income eligibility).

This issue is especially urgent given the difficult circumstances faced by covered populations such as English learners. No data collection requirement should further burden already-marginalized groups with additional hoops to jump through before services can be obtained. Similarly, NTIA should follow best practices used in the public health and education fields and ensure that individuals born outside the United States are ***not*** required to demonstrate a specific immigration status in order to participate in digital equity programs or services. This flexibility in practice has already been adopted for the Emergency Broadband Benefit by major

Internet Service Providers, and is also used by Workforce Innovation and Opportunity Act Title II adult education programs.

Digital Equity Coordination Requirements

30. The Bipartisan Infrastructure Law requires state and territories to consult with historically marginalized and disadvantaged groups, including individuals who live in low-income households, aging individuals, incarcerated individuals (other than individuals who are incarcerated in a Federal correctional facility), veterans, individuals with disabilities, individuals with a language barrier (including individuals who are English learners and have low levels of literacy), individuals who are members of a racial or ethnic minority group, and individuals who primarily reside in a rural area. What steps should NTIA take to ensure that states consult with these groups as well as any other potential beneficiaries of digital inclusion and digital equity programs, when planning, developing, and implementing their State Digital Equity Plans? What steps, if any, should NTIA take to monitor and assess these practices?

NTIA should take all possible steps to ensure that states use their obligation to consult with historically marginalized populations as a meaningful tool to inform and shape their implementation of the Digital Equity Act, rather than a mere compliance requirement. To that end, NTIA should act on three fronts:

First, NTIA should provide specific and detailed **guidance** (via a Notice of Funding Opportunity or policy memorandum) to states about the variety of approaches that can satisfy this requirement. This guidance should illustrate a broad array of options regarding **format** (listening sessions, informal consultations, surveys, etc.), **outreach strategies**, and **best practices** regarding eliciting and utilizing stakeholder feedback.

Second, NTIA should require states to **report** on how they have tackled this consultation challenge by including questions about it in State Digital Equity Planning documents and NOFOs.

Finally, NTIA should **model** at the federal level the same process of using input from historically marginalized communities that is desired at the state level. In addition to gathering direct input from the field as described in Question #2 earlier in this document, NTIA should proactively seek out relevant existing literature written by people and organizations representing historically marginalized communities and should make every effort to institutionalize the lessons learned from these efforts as part of digital equity program design and implementation.

31. The Bipartisan Infrastructure Law also requires states and territories to coordinate with local governments and other political subdivisions in developing State Digital Equity Plans. What steps should states take to fulfill this mandate? How should NTIA assess whether a state has engaged in adequate coordination with its political subdivisions?

NTIA should ask states to describe the specific offices within local government that it has engaged with. For example, more than 30 localities have mayor Offices of Immigrant Affairs, and states should be encouraged to connect with those offices as part of their local government engagement efforts.