RESOLUTION OF THE NAABIK'ÍYÁTI' STANDING COMMITTEE 25th NAVAJO NATION COUNCIL -- Second Year, 2024

AN ACTION RELATING TO THE NAABIK'ÍYÁTI' COMMITTEE; SUPPORTING U.S. CONGRESS EXTENDING FOR THE AFFORDABLE CONNECTIVITY PROGRAM TO PROVIDE INTERNET ACCESS TO NAVAJO FAMILIES

WHEREAS:

- A. The Navajo Nation Council is the governing body of the Navajo Nation is entrusted with the responsibility to safeguard the interests, rights, and traditions of the Navajo People. 2 N.N.C. § 102(A),
- B. The Navajo Nation Council established the Naabik'íyáti' Committee and empowered the Naabik'íyáti' Committee to coordinate and facilitate communication regarding proposed county, state, and federal legislation impacting the Navajo Nation. N.N.C. §§ 700(A), 701(A)(6).
- C. The Federal Infrastructure Investment and Jobs Act ("Infrastructure Act"), known as H.R. 3684 the Bipartisan Infrastructure Law ("BIL"), was enacted by the 117th United States Congress and signed into law by President Joe Biden on November 15, 2021. see https://www.congress.gov/bill/117th-congress/house-bill/3684.
- D. The Infrastructure Act provided \$14.2 billion to modify and extend the Emergency Broadband Benefit Program to a longer-term broadband affordability program called the Affordable Connectivity Program ("ACP"), a United States government-sponsored program that provides subsidies for wireless internet to low-income households.
- E. Based upon estimates from the Benton Institute for Broadband and Society and the Information Technology and Innovation Foundation, as well as Common Sense Media, the ACP program has \$4.7 billion in remaining funds which will be depleted sometime in 2024 if Congress does not take action to re-fund the program. If funding lapses, many low-income American families will lose affordable access to Internet services including many on the Navajo Nation. See https://www.benton.org/headlines/acp-uptake-strongest-places-where-its-needed-most and Exhibit A.
- F. Since its inception, there have been more than 20 million households enrolled in the ACP which provides a discount of up

to \$30 per month for broadband services for eligible consumer households with the provider of their choice. Consumers who live on qualifying Tribal lands can receive enhanced support of up to \$75 per month toward broadband services. Exhibit B.

- G. To be eligible for the ACP subsidy a household income must be at or below 200% of the Federal Poverty Guidelines, or meets at least one of the criteria below:
 - a. Received a Federal Pell Grant during the current award year.
 - b. Meets the eligibility criteria for a participating provider's existing low-income internet program.
 - c. Participate in one of these assistance programs: SNAP, Medicaid, Federal Public Housing Assistance, Supplemental Security Income, WIC, Veterans Pension or Survivor Benefits or Lifeline.
 - d. Participates in one of these assistance programs and lives on Qualifying Tribal lands: Bureau of Indian Affairs General Assistance, Tribal TANF, Food Distribution Program on Indian Reservations, or Tribal Head Start (income-based)
- H. Qualifying households within the Navajo Nation may receive the ACP subsidy through any local internet provider that is certified by the FCC. Any household currently receiving the Lifeline subsidy for phone service from a local provider automatically qualifies for the ACP.
- I. Based upon the State Digital Equity Scorecard compiled by the Microsoft Airband Initiative, attached as Exhibit C, the Navajo Nation ranked relatively high in digital inequity compared to most census tracts within Arizona, New Mexico, and Utah.
- J. During the past three years of the COVID pandemic, more than 40,000 Navajo Tribal members and their families utilized the ACP program for free Internet services. Exhibit D.
- K. In 2024, it is estimated that more Navajo families will utilize and heavily rely on their ACP benefits for reliable Internet access. Navajo students K-12 and those in college depend on the Internet made possible through ACP to attend school remotely. Through telehealth services, Navajo members in remote regions have access to healthcare resources made available through Internet connectivity. Navajo families can

contend for remote work opportunities, which would not otherwise be feasible without reliable Internet access.

L. The Navajo Nation Council acknowledges the significance of ensuring digital equity for Navajo families and urges Congress to extend the ACP and other broadband programs to ensure that America's mobile and regional carriers have the spectrum and other resources needed to expand access and meet the needs of all Navajo members, as well as other Tribal Communities.

THEREFORE, BE IT RESOLVED:

- A. The Navajo Nation Council supports the reauthorization and funding of the Affordable Connectivity Program for the low-income Americans families, and Tribal Communities, including the Navajo Nation.
- B. The Navajo Nation Council recognizes the program's vital role in strengthening Digital Equity and empowering citizens by providing affordable high-speed internet service without sacrificing other necessities.
- C. The Navajo Nation Council hereby authorizes the Speaker of the Navajo Nation Council, the President of the Navajo Nation, and their designees, to advocate for advance appropriations and mandatory funding to the U.S. Congress and appropriate federal agencies. This advocacy aims to ensure that all Navajo families enjoy equal access to broadband services, aligning with the equitable standards provided to all other Americans.

CERTIFICATION

I, hereby certify that the foregoing resolution was duly considered by the Naabik'íyáti' Committee of the 25th Navajo Nation Council at a duly called meeting in Tse Bonito, New Mexico, at which a quorum was present and that the same was passed by a vote of 11 in Favor, and 00 Opposed, on this 05th day of January 2024.

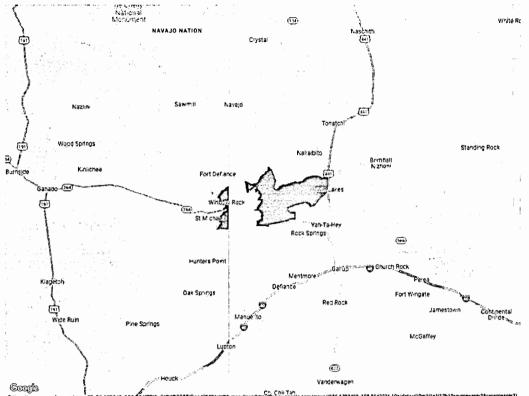
Honorable Crystalyne Curley, Chairwoman Naabik'íyáti' Committee

> 1/5724 Date

Motion: Honorable Vince R. James Second: Honorable Brenda Jesus

Chairwoman Crystalyne Curley not voting

The Affordable Connectivity Program Enrollment Performance Tool







Performance Category: HIGHEST

Total Households: 994

Eligible Households: 642

Predicted vs. Actual ACP Enrollment: 320 / 610

% Households with Wireline Broadband: 47%

% Households with Cellular Data Only:

% Households without a computer: 27%

% Households with annual income under \$15,000: 21%

% Rent Burdened: 5%

% Population 65+: 14%

% Foreign Born: 0%

April 2023 Actual Enrollment: 581

December 2022 Actual Enrollment: 548

July 2022 Actual Enrollment: 541

January 2022 Actual Enrollment: 0

ACP enrollment data is current through October 2023

Highest performers

High performers

Between 10% and 40% better than expected

Average performers

Low performers

Between -10% and -40% of expected

Lowest performers
Less than -40% of expected



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What Congress Needs to Know About ACP Funding

How long would the \$6 billion in emergency funding allow the ACP to keep providing high-speed connectivity to the families who need it?

By Drew Garner | November 14, 2023

Topics:

Digital Divide

Federal Legislation



Roughly one in seven Americans have come to rely on the Affordable Connectivity Program (ACP) since it was created almost exactly two years ago by the 2021 bipartisan infrastructure law (IIJA). Among them are millions of children and families for whom the ACP means stronger digital skills, improved grades, higher annual incomes, and better access to the essential services and innovative tools that are increasingly (and often exclusively) available online. The ACP has already become the most effective tool ever when it comes to closing the digital divide, one of our top priorities at Common Sense Media. Unfortunately, as successful as the ACP is, the program may soon come to an end.

As of November 1, 2023, the ACP had roughly \$4.7 billion in remaining funds (official sources may show a different number because the underlying data is delayed). If the current rate of program uptake continues, April 2024 will be the last full month of funding for the ACP. Ending or limiting the ACP would be a terrible loss for vulnerable households that are just now getting to see the benefits of fast internet at home, which so many of us take for granted.

To avoid this problem, the White House recently asked Congress for an additional \$6 billion for the ACP. This funding would:

- Extend the ACP, allowing the Federal Communications Commission (FCC) to continue meeting its commitments to enrollees and providers
- Give Congress and the FCC time to find a permanent source of funding for affordable connectivity in lower-income households.

The White House's request is vital, but it also raises a key question: How long would the \$6 billion for ACP last?

To arrive at an estimate, we have to make assumptions about the two main variables that will determine the ACP's end date: the rate of new enrollment, and average cost per enrollee. If both variables continue moving at their 2023 pace, \$6 billion will keep the ACP running through November 2024. If the pace of these variables decreases, then \$6 billion could last through December. If the pace increases, then \$6 billion may only last through October.

Given this range of outcomes, it's critical to understand how these two variables may change the ACP's future timeline.

Variable 1: The rate of new enrollment

The "rate of new enrollment" represents the net change in total enrollment from one month to the next. In the past, this number has moved dramatically and unpredictably. In August 2023, net new enrollment was 818,547, making it one of the highest months on record. But by October, that number had fallen to 375,356, making it the lowest month on record. Such swings, whether month to month or over seasons, are not uncommon for the ACP, and they can occur in either direction.

At some point, a slowdown in enrollment will be inevitable. The remaining pool of unenrolled households will get smaller and harder to reach, and ISPs may be less willing to promote the program if they are uncertain about the ACP's future. But there are also reasons to think enrollment could remain strong, at least for the foreseeable future: There are still more than 30 million

households left to enroll; the FCC is issuing grants from IIJA-appropriated funds to support ACP advertising and enrollment campaigns; and upcoming federally funded networks (which require ACP participation) will make the ACP available to more people.

Variable 2: The average cost per enrollee

"Cost per enrollee" represents the average ACP outlays for each participating household. It is calculated by taking total expenditures for a month and dividing them by the total number of enrollees. Over the life of the ACP, this value has ranged from \$26.75 to \$30.46. Multiplied across millions of enrollees, small differences in this number can have a meaningful impact on the ACP's expected timeline.

Two main factors cause this number to fluctuate: inconsistencies in the rate at which enrollees use their device benefits (\$100 per device per household), and inconsistencies in the rate at which ISPs seek reimbursement for providing service. Both of these rates have steadily increased over time. In May 2022, the device benefit was used 225,986 times, but a year later it was used 680,810 times, despite comparable levels of new enrollment. Similarly, in early 2022, ISPs only requested reimbursement for 85% of enrollees. More recently, that number has climbed to 94%.

What would it take for the ACP to last through 2024?

For \$6 billion to sustain the ACP through December 2024, one of two things would have to occur: Either new enrollment would have to decline by over 30%, or the cost per enrollee would have to decline to about \$29. (Or some combination of the two.)

Our recommendation to Congress

While \$6 billion might be enough to last through the year, data indicates that it could also fall short, with a devastating impact on participating households. Therefore, we suggest Congress appropriate \$7 billion in additional ACP funds. Based on our analysis, this amount would allow the ACP to continue growing at an average rate while still giving confidence to enrollees and ISPs that the program will be available for the entirety of 2024. Moreover, \$7 billion is in line with what the FCC has requested, and it would give the agency more time to develop a permanent funding source for affordable high-speed internet.

If the ACP ends, even for a short period of time, millions of households that trust the program will not only lose critical internet service, they will also get hit with an unexpected bill hike that they would not be able to afford. Asking them to sign up again in the future (or to trust other government benefit programs) will become much more difficult.

When Congress passed the IIJA, it agreed with us and many other experts that high-speed internet is as essential to daily modern life as running water and electricity. The ACP was the lynchpin Congress created to ensure that everyone can have affordable high-speed internet. By providing adequate short-term funding to the ACP now, Congress can keep tens of millions of children and families connected while simultaneously providing the time needed to secure a sustainable funding mechanism.

If you are interested in understanding or discussing our analysis, or in conducting similar analyses yourself, please reach out to advocacy@commonsense.org.

The data source for our analysis is the USAC ACP Enrollment and Claims Tracker. USAC provides two types of data: total enrollment and claimed enrollment. Both are necessary for this analysis, but claims data is reported on a lag, so any conclusions drawn using claims data (e.g., USAC's Remaining Appropriations Available for Disbursement) must be adjusted.



Drew Garner is the state broadband policy fellow at Common Sense. He works to help state, local, and federal policymakers design and implement programs that close the digital divide.

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Media Contact: Paloma Perez Paloma.Perez@fcc.gov

For Immediate Release

MORE THAN 20 MILLION HOUSEHOLDS ENROLL IN NATION'S LARGEST BROADBAND AFFORDABILITY PROGRAM

FCC Highlights Historic Number of Low-Income Households Enrolled in Affordable Connectivity Program

WASHINGTON, August 14, 2023—Today, Federal Communications Commission Chairwoman Jessica Rosenworcel announced more than 20 million households have enrolled in the agency's Affordable Connectivity Program (ACP), the nation's largest broadband affordability program. Thanks to funding support in the bipartisan Infrastructure Investment and Jobs Act, millions of families who previously could not get online or struggled to pay for this modern-day necessity are now connected. Eligible low-income households can receive a discount of up to \$30 per month toward internet service and up to \$75 per month for eligible households on qualifying Tribal lands. Eligible households can also receive a one-time discount of up to \$100 to purchase a laptop, desktop computer, or tablet from participating providers if the household contributes more than \$10 and less than \$50 toward the purchase price.

"For a long time, closing the digital divide focused on one part of the equation—the lack of physical infrastructure to get online. But we know that for many people, even when there was technically access, the cost to get online was too high. Thanks to investments from Congress, we have new tools to tackle both challenges, including the Affordable Connectivity Program that is helping struggling families to get or stay online to pay for this modern-day necessity," said Rosenworcel. "Enrolling more than 20 million eligible households is no small feat—and wouldn't be possible without the partnership of organizations in rural, suburban, and urban communities across the country who are getting the word out about this powerful program. We've made too much progress in helping families get online to turn back now."

A household is eligible for the Affordable Connectivity Program if:

- Their household income is at or below 200% of the Federal Poverty Guidelines, about \$60,000 a year for a family of four or \$29,000 a year for an individual;
- Anyone in the household, including children or dependents, participates in certain government assistance programs like SNAP, Medicaid, WIC, Federal Housing Assistance or others;
- Anyone in the household participates in the National School Lunch Program or the School Breakfast Program;
- Anyone in the household received a Federal Pell Grant during the current award year;
- Anyone in the household already receives a Lifeline benefit; or
- A household may also qualify for the ACP through a participating provider's existing low-income program.

In order to reach today's enrollment milestone, the FCC heavily engaged local, state and federal organizations to serve as ACP outreach and awareness-raising partners. To date, the FCC has hosted or participated in more than 1,400 + virtual and in-person awareness and enrollment events,

and offers outreach materials in more than 10 languages. In addition to closely collaborating with other Federal agencies to promote program enrollment, the FCC is also conducting a nationwide paid media public awareness campaign with the support of Congressional funding set aside for outreach efforts. Relatedly, the FCC has committed over \$72 million in grants at the state and local level, with 228 ACP Outreach Grants issued to trusted state, local, and Tribal governments and community partners.

Along with extensive outreach efforts, the FCC also highlighted important consumer benefits to eligible households and outreach partners. These consumer protections included a multilingual ACP Support Center, FCC rules to protect consumers participating in the ACP, and a dedicated FCC process for ACP complaints should consumers run into issues with the program.

To learn more about the impact of the FCC's Affordable Connectivity Program, please visit the program's data dashboard. Additionally, for those interested in sharing information about the ACP with their community, you can find consumer outreach materials available at https://www.fcc.gov/acp-consumer-outreach-toolkit or https://www.affordableconnectivity.gov/community-resources/, including Spanish and ASL informational videos about the program. For a full list of eligibility requirements and more information about the ACP, visit GetInternet.gov.

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Media Relations: (202) 418-0500 / ASL: (844) 432-2275 / Twitter: @FCC / www.fcc.gov

This is an unofficial announcement of Commission action. Release of the full text of a Commission order constitutes official action. See MCI v. FCC, 515 F.2d 385 (D.C. Cir. 1974).

Arizona, New Mexico, and Utah DIGITAL EQUITY

Data sources

DATA SOURCES

25 • years old without graduating high school 25 • years old without an associate's degree or 2012 American Community Surkey... 5 Year Estimates

25+ years old without a bachelor's degree or higher Below poverty level in the past 12 months

Below 150% poverty level in the past 12 months Below 200% poverty level in the past 12 months

% Population of age 60 years and over % Population of Veterans

Without an internet subscription: broadband of any Households without a desktop or laptop

No internet subscription: broadband such as cable, padband internet subscription in households liber optic or DSL \$20,000

No broadband internet subscription in households

No broadband internet subscription in households \$20K- \$74,999

Without access to broadband of any type Without broadband: DSL FCC 14th Broadband
Report

Without broadband; cable Arthout broadband: fiber Mithout broadband; terrestrial fixed wireless

readhand low Sede org

& of high schools without a foundational CS course % of people not using the internet at broadband

Percentage of the population 25 years and over without an associate's degree or higher Percentage of the population 25 years and over without graduating high school

Percentage of the population 25 years and over without a bachelor's degree or higher Dollar amounts are adjusted to respective calendar years.

Dollar amounts are adjusted to respective calendar years. Dollar amounts are adjusted to respective calendar years.

Percentage of population 60 years and over

for cognitive difficulty, ambulatory difficulty, and self-care difficulty, the "Population under 18 years" includes persons aged 5 to 17, Children under 5 are not included in these measures Percentage of veterans

The category "Broadband of any type" refers to those who said "Yes" to at least one of the following types of Internet subscriptions: Broadband such as Desktop or laptop" rafers to those who selected that category regardless of whether or not they indicated they also had another type of computer. cable, fiber optic, or DSL, a cellular data plan; satellite; a fixed wireless subscription; or other non-dal up subscription types.

The category "Broadband of any type" refers to those who said "Yes" to at least one of the following types of Internet subscriptions: Broadband such as Percentage of housebold income in the past 12 months (in 2019 inflation-adjusted dollars) without a broadband internet subscription cable, fiber optic, or DSL

Percentage of household income in the past 12 months (in 2019 inflation-adjusted doilars) without a broadband internet subscription

Percentage of Amencans living in areas without access to at least 25 Mbps download and 3 Mbps upload broadband service (excludes satellite and Percentage of household income in the past 12 months (in 2019 inflation-adjusted dollars) without a broadband internet subscription.

Penentage of Americans living in areas without access to DSL providing at least 25/3 Mbps broudband service per the FCC 14th Broadband report (does not include satelite or mobile).

Percentage of Americans living in areas without access to cable providing at least 25/3 Mbps broadband service Percentage of Americans living in aires without access to fiber providing at least 25/3 Mbps broadband service

Calculated by dividing the lowest-priced plan offered in each census tract for broadband (25 Mbps) by the median household income in each census Percentage of Americans living in areas without access to terrestual fined wireless providing at least 25/3 Mbps broadband service tract. Median household income from U.S. Census Bureau, 2019 American Community Survey S-Year Estimates. % of annual median income spent on broadband

Percentage of high schools without a foundational Computer Science course. Data as of October 2020 - Further details available on this GitHub location https://github.com/microsoft/US8roadbandUsagePercentages

1,526 Census Tracts by Digital Equity and Population This tool helps state agencies identify areas with the highest digital inequities using a dataliven approach, to maximize resources and investments in the communities % people (by county) not using internet at broadband at broadband speed Race. W White 18 DAR, Black outheran American Indian and dasks a Native P. Stain 1814 & OP! Native Hawaian and Other Pactic Elandor | Other (includes two or more races) Select input for horizontal axis A Highest digital inequity Without an internet subscrit broadband of 89.2% 79.7% 87.1% 84.04 ARIZONA DIGITAL EQUITY desktop or 77.7 92.8% 70.8% 76.3% 0 10-115 NITED TOTAL PAYED 120-25 - 30 - 30 - 15 , 515-40 610-15 PASSED Highest digital inequity 25. yrs old without graduating high school 27.2% 21.6% Gallup 25.4% 25.8% 20.9% Fort Defiance Chinle × Other Kayenta **₹** 5 4 Based on Index value **2** 4 ARIZONA ₹ 6 9867 2577 6007 most impacted by the digital divide. 3.9 Apache County 3.8 🦢 Apache County Apache County Apache County 15 ... Anarha Creinty Navajo County Lowest digital mequity Digital equity by census tract County Ethnicity - H. Hispanic or Latino Details by census tract Census tract Index Resture 1001942600 001944300 4001944902 1017942400 1001944202 0026781007 census tracts in the state. For multiple inputs, zero to one values are added together equally to cabculate the total index values. With five possible inputs, the maximum index between zero and one for each census tract relative to all % people (by county) not using internet at broadband speed 🔍 > DATA PROVIDED ON AN "AS-IS" BASIS. View Disclaimers Version 2.1 US Census Data: 2015/nverican Community Survey Internot Service Provider data furnished by <u>Strattland Services</u> FCC Source Data: FCC Form 477 Broadband Usage Data: Microsoft CorporationN for Good Index valueschange according to the inputs selected above. Census tracts with the highest index values indicate areas with the highest digital inequities. Each input selected above generates an index value Lab, available on CITALE Code.org (2021), Computer science accessored data Reset ∩ Inputs to determine digital equity Without an internet subscri broadband of any type % of annual median income spent on broadband of Warranty and Limitation of Liability Here 25. yrs old without graduating high school Households without a desklop or laptop Data sources and attributions: Microsoft Al for Good Lab Clear selections County All Methodology Home Input (

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% of annual median income

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92.6% 926% 92.6% %6 19 12.6%

NEW MEXICO DIGITAL EQUITY

DIGITAL EQUITY / NEW MEXICO

Inputs to determine digital equity

most impacted by the digital divide.

Digital equity by census tract

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This tool helps state agencies identify areas with the highest digital inequities using a datafiven approach, to maximize resources and investments in the communities

25 - yrs old without graduating high school

Households without a desktop or laptop

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% people (by county) not using internet at broadband speed

% of annual median income spent on broadband

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Methodology

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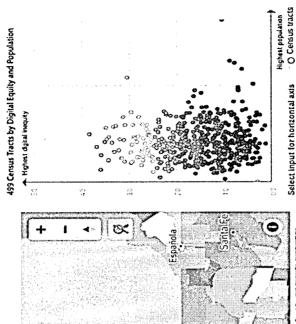
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 - FCC Source Data: FCC Form 477
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- Code.org. (2021). Computer science accessored data.

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Microsoft Alfor Good Lab

Version 2.1



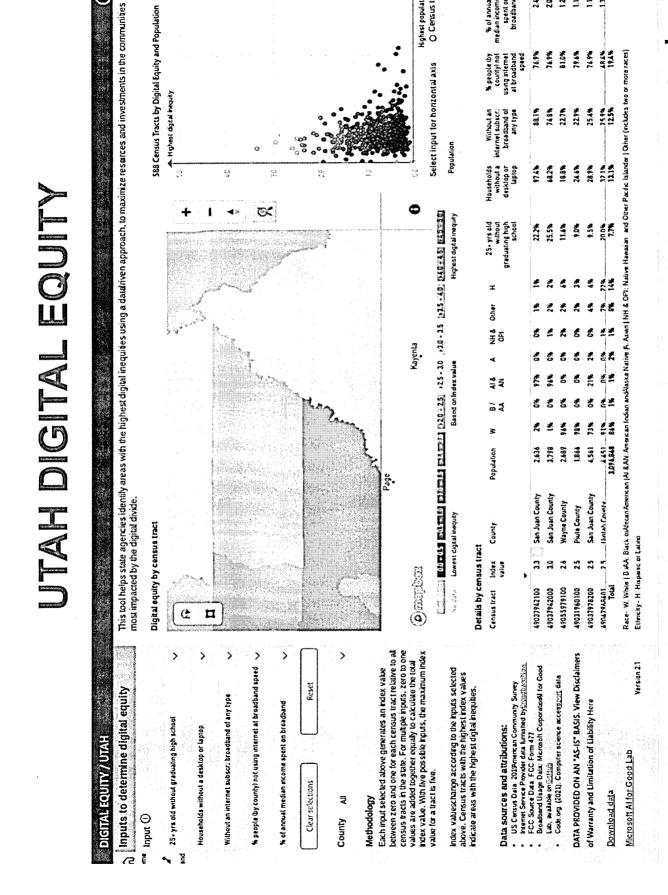
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ž ^v	73.2%	88.4%	88.4%	85.2%	84.5%	73.6%	28.9%
25- yrs old without graduating high school	32.9%	49.0%	47.3%	\$3.6%	42.1%	37.6%	8771
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O Census tracts Highest population

% of annual median income

25% 20% 1.2% 1.1%



Amber Kanazbah Crotty

Council Delegate 25th Navajo Nation Council

Beclabito | Cove | Gadi'i'áhi/To'Koi | Red Valley Tooh Haltsooi | Toadlena/Two Grey Hills | Tsé ałnáoz't'l'í



November 28, 2023

White House Office of Science and Technology Policy Danae Wilson, Assistant Director for Internet Access Eisenhower Executive Office Building 1650 Pennsylvania Avenue, Washington, D.C. 20504

Ya'at'eeh Ms. Wilson,

I serve seven Navajo districts as their delegate on the Navajo Nation Tribal Council. Today I feel compelled to reach out to you about the importance of the Affordable Connectivity Program (ACP), which provides monthly discounts on wired or wireless service to eligible households on qualified tribal lands.

During some of the darkest days of COVID, the Emergency Broadband Program—the predecessor of ACP—was utilized by over 40,000 Tribal members on Navajo to obtain free Internet services.

Today, even more of our Navajo families utilize and heavily rely on their ACP benefit for reliable Internet access. It would be tragic if this program was discontinued. Our kids and college students use their Internet provided through ACP to attend school remotely. Many of our Tribal members who live far distances from healthcare resources rely upon the telehealth services that the Internet makes possible.

Like many Americans today, more and more of our community members are finding remote work opportunities. It goes without saying that these employment opportunities would not be feasible without reliable Internet access.

To ensure Digital Equity for our Tribal communities in America, I ask that the Federal government remain committed to building out critical programs like ACP and pursue additional smart digital inclusion policies.

Fully funding and extending the ACP and ensuring that America's mobile networks including regional carriers— have the spectrum and other resources needed to expand access and meet demand in rural communities is critical.

Ahéhee'

AMBER KANAZBAH CROT V Council Delegate, 25th Navajo Nation Council (Beclabito, Cove, Gao íí'áhí/ Tókọ'í Rell Valley, Tooh Haltsooí,

Toadlena/ Two Grey Hills, Tsé Alnáozt'i'í)

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Office: 928-871-6380 | Cell: 928-286-7968

Email: acrotty@navajo-nsn.gov | navajonationcouncil.org

Naabik'íyáti' Committee Special Meeting January 5, 2024 - 8:00 am NDOT Conference Room

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^{*} The Presiding Chairperson shall only vote in the event of a tie vote by the regular voting members except when the resolution requires a two-third (2/3) majority vote, then the presiding Chairperson may vote on the matter regardless of a tie vote.