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SESP 351
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TO: Representative Frank Pallone
FROM: Haku Blaisdell, Policy Analyst
DATE: February 2, 2021
RE: Providing Necessary Internet Access to Indian Country During the COVID-19 Crisis and Beyond

Executive Summary

To say that the COVID-19 global pandemic has shaken up our lives is an understatement. For almost a year, this pandemic has drastically altered the ways that Americans live, work, and learn, leaving many left struggling to survive. Among several changes, the COVID-19 pandemic has forced many to switch to remote methods of work, communication, and learning to stop the spread of the virus. As of June 2020, about 42% of Americans were working from home full-time,¹ and a U.S. Census Survey showed that about 80% of households with school-age children utilized distance learning and/or online resources in the Spring 2020 semester.² With this major shift to increasingly remote professional, personal, and social lives, adequate access to stable broadband internet is crucial for survival during this pandemic and in a progressively digital world. In the U.S., The COVID-19 pandemic has exacerbated already existing inequities; low-income households and people of color are experiencing a disproportionate impact,³ including when it comes to accessing broadband internet. Among the groups most affected are Native Americans, Alaska Natives, and Native Hawaiians, particularly those living on Tribal lands and Hawaiian Homelands. Though opponents may argue that more pressing issues loom in the face of the pandemic, it is imperative that this government address the significant inequities and

¹ Wong, May, "Stanford research provides a snapshot of a new working-from-home economy," Stanford News, 29 June 2020, <https://news.stanford.edu/2020/06/29/snapshot-new-working-home-economy/>

² McElrath, Kevin, "Schooling During the COVID-19 Pandemic," U.S. Census Bureau, 26 August 2020, <https://www.census.gov/library/stories/2020/08/schooling-during-the-covid-19-pandemic.html>

³ "Health Equity Considerations and Racial and Ethnic Minority Groups," Center for Disease Control and Prevention, 24 July 2020, <https://www.cdc.gov/coronavirus/2019-ncov/community/health-equity/race-ethnicity.html>

barriers to survival heightened by the COVID-19 pandemic, including access to basic utilities like internet.

Definitions

The internet has become an increasingly important staple in our lives. Most Americans agree that the internet has been an essential tool especially during the COVID-19 pandemic,⁴ as it has enabled us to connect and continue important aspects of our lives in a safe and distanced manner. Not only is the internet how many now access news and emergency updates, complete schoolwork, apply for jobs, and stay connected to family members, but it is also a major source of healthcare, with almost fifty percent of American consumers having used some sort of telehealth since the start of the pandemic.⁵ However, access to broadband internet in America is severely unequal. Approximately 97% of Americans in urban areas have access to broadband internet, compared to only 65% of Americans living in rural areas.⁶ The disparity worsens for Native Americans and Alaska Natives living on Tribal lands, as only 60% have access.⁷ This drastically impacts access to opportunities and can greatly affect one's health and wellbeing, especially during a global pandemic.

Though this digital divide existed long before COVID-19, the pandemic greatly exacerbated it by increasing the need for reliable internet access. As previously mentioned, Native Americans, Alaska Natives, and Native Hawaiians living on Tribal lands are among the most severely affected by internet access disparities. Not only are these disparities due to the

⁴ Vogels, Emily A., et al, "53% of Americans Say the Internet Has Been Essential During the COVID-19 Outbreak," Pew Research Center, 30 April 2020, <https://www.pewresearch.org/internet/2020/04/30/53-of-americans-say-the-internet-has-been-essential-during-the-covid-19-outbreak/>

⁵ Bestsenny, Oleg, et al, "Telehealth: A quarter-trillion-dollar-post-COVID-19 reality?" McKinsey & Company, 29 May 2020, <https://www.mckinsey.com/industries/healthcare-systems-and-services/our-insights/telehealth-a-quarter-trillion-dollar-post-covid-19-reality>

⁶ "Bridging the Digital Divide for All Americans," Federal Communications Commission, <https://www.fcc.gov/about-fcc/fcc-initiatives/bridging-digital-divide-all-americans>

⁷ Ibid.

isolated and rough terrain that makes up many reservations, but they are also attributed to material and jurisdictional issues related to the complex relationship between sovereign Tribal governments and the U.S.⁸ Hundreds of years of removal policies, land theft, broken treaties, and settler colonial tactics have subjected Native communities to staggering inequities and trauma in the realm of health, incarceration, and access to resources. For instance, 5.8% of Native American households lack complete plumbing and running water, a rate 19 times higher than that of white households.⁹ Data also shows that COVID-19 disproportionately affects Native American and Alaska Native populations, who face a COVID-19 mortality rate two times higher than that of the nation's non-Hispanic white population.¹⁰ The government has a responsibility to take a historical approach to this contemporary issue and affirm the sovereignty of these tribal nations, and it can do so by ensuring that those disproportionately affected by this pandemic are able to access basic resources and utilities like the internet.

Policy History

In response to this need made more dire by the pandemic, Representative Deb Haaland (D) of New Mexico, Tom Cole (R) of Oklahoma, and Senator Martin Heinrich (D) of New Mexico introduced H.R. 6819: COVID-19 DISASTER in Indian Country Act to Congress on May 12, 2020. Recognizing the severe structural inequities folks living in Tribal nations face, and with the goal of aiding communities disproportionately affected by the pandemic, this bill

⁸ "Report on Broadband Deployment in Indian Country," May 2019, https://aipi.clas.asu.edu/sites/default/files/05011019fccreport_on_broadband_deployment_in_indian_country_pursuant_to_the_repack_airwaves_yielding_better_access_for_users_of_modern_services_act_of_2018.pdf

⁹ US Water Alliance, "Closing the Water Access Gap in the United States," 2019, http://uswateralliance.org/sites/uswateralliance.org/files/Closing%20the%20Water%20Access%20Gap%20in%20the%20United%20States_DIGITAL.pdf

¹⁰ Arrazola, J, et al., "COVID-19 Mortality Among American Indian and Alaska Native Persons—14 States, January-June 2020," (Dec 2020), 69:1853-1856, DOI: <http://dx.doi.org/10.15585/mmwr.mm6949a3>

calls for 1) funding for the immediate implementation of temporary broadband service on Tribal lands and Hawaiian Homelands and 2) the granting of emergency authority to use available spectrum on Tribal lands and Hawaiian Homelands.¹¹ Congress provided an opportunity for tribes to apply for funding to address this internet issue with the passage of the March federal COVID-19 relief package, though many tribes were not included.¹² Past bills like H.R. 7127: Native American Voting Rights Act of 2018 addressed disparities in Tribal internet access as it relates to specific functions like voting,¹³ though H.R. 6819 is the first bill that focuses directly and solely on providing adequate wireless and broadband internet services and authorization on Tribal lands.¹⁴ H.R. 6819 also recognizes and frames the issue within the extraordinary circumstances brought on by the COVID-19 pandemic. Cosponsored by 21 representatives and endorsed by over 200 Tribal leaders and heads of relevant community organizations, this bill garnered support from Democrats and affected community members, but it failed to gain enough traction with Republicans.¹⁵ Rep. Tom Cole, co-chair of the Congressional Native American Caucus, was the only Republican to sponsor the bill.¹⁶ Though Republicans have outlined closing the digital divide as a priority and recognize the disparities for Native Americans living on Tribal lands,¹⁷ a greater racial and geographical approach must be taken. In June 2020, following the introduction of H.R. 6819, Senator John Thune (R) of South Dakota introduced S.

¹¹ "H.R. 6819 (116th): COVID-19 DISASTER in Indian Country Act," GovTrack, 12 May 2020, <https://www.govtrack.us/congress/bills/116/hr6819>

¹² Bolton, Aaron, "Pandemic Relief Money to Help Narrow Digital Divide on Native American Reservations," NPR, 5 Oct 2020, <https://www.npr.org/2020/10/05/920454476/pandemic-relief-money-to-help-narrow-digital-divide-on-native-american-reservati>

¹³ "H.R. 7127 (115th): Native American Voting Rights Act of 2018," GovTrack, 14 Nov 2018, <https://www.govtrack.us/congress/bills/115/hr7127/text>

¹⁴ "Haaland, Heinrich, Cole Introduce Bill to Unleash Emergency Access to Broadband Internet in Indian Country," Congresswoman Deb Haaland, 8 May 2020, <https://haaland.house.gov/media/press-releases/haaland-heinrich-cole-introduce-bill-unleash-emergency-access-broadband>

¹⁵ *Ibid.*

¹⁶ *Ibid.*

¹⁷ "Closing the Digital Divide," Senate RPC, 10 September 2020, <https://www.rpc.senate.gov/policy-papers/closing-the-digital-divide>

4015: Rural Connectivity Advancement Program Act of 2020.¹⁸ Though it provided solutions to rural disparities in broadband internet access, it only briefly mentioned the disparities that residents of Tribal lands face as a mere consideration rather than a specific call to action.¹⁹ S. 4015, along with Rep. Haaland's H.R. 6819, both died in the 116th Congress without receiving a vote after failing to receive bipartisan support and move out of committee. Following H.R. 6819, Rep. Haaland also introduced H.R. 7774: DIGITAL Reservations Act, that, in addition to establishing a fund to support internet access on Tribal lands, also protects the rights of Tribes to spectrum wireless that falls over their jurisdiction.²⁰ Unfortunately, this bill also died in the 116th Congress after failing to garner enough support. The House Committee on Energy and Commerce, which is chaired by Rep. Pallone, is the committee to which H.R. 6819 was originally referred.²¹ The reconsideration and support of Rep. Pallone and other members of this committee would greatly increase the chances of this bill receiving the bipartisan support it needs to pass, thus moving this country one step closer to closing the ever-widening, racially and geographically disparate digital divide during this pandemic.

Advocacy

It is important to note that prior to the introduction of the aforementioned bills, Native communities and organizations have fervently advocated for equitable internet access on their lands. Community members have been consulting with outside providers, emphasizing the importance of a community-centered approach to addressing this inequity.²² The American

¹⁸ "S. 4015 (116th): Rural Connectivity Advancement Program Act of 2020," GovTrack, accessed 1 February 2021, <https://www.govtrack.us/congress/bills/116/s4015/text>

¹⁹ *Ibid.*

²⁰ "H.R. 7774 (116th): DIGITAL Reservations Act," GovTrack, 24 July 2020, <https://www.govtrack.us/congress/bills/116/hr7774/summary>

²¹ "H.R. 6819 – COVID-19 Disaster in Indian Country Act," Congress.gov, accessed 1 February 2021, <https://www.congress.gov/bill/116th-congress/house-bill/6819/committees>

²² Gayles, Contessa, "We Native Americans are 'Poster Children' for no Internet access," CNN Business, 11 Aug 2014, <https://money.cnn.com/2014/08/11/technology/native-american-internet-access/index.html>

Indian Policy Institute at Arizona State University continues to conduct valuable research that emphasizes the dire need for equitable internet access while highlighting the work of Tribal leaders in finding solutions in community networks and technologies.²³ Adequate access to broadband internet is imperative, especially during the COVID-19 pandemic. With even the most optimistic timelines estimating that the return to “normality” won’t be until the end of 2021,²⁴ it is clear that the pandemic and the related social distancing measures will continue into the foreseeable future. As such, access to broadband internet still remains a pressing issue and a necessary utility for survival. This bill ensures an investment in the required infrastructure to address this disparity, and it secures an opportunity for all Tribal nations to receive the broadband internet they need in this pressing time.

²³ “Digital Divide,” American Indian Policy Institute, <https://aipi.asu.edu/content/digital-divide>

²⁴ Powell, Alvin, “Fauci says herd immunity possible by fall, ‘normality’ by end of 2021,” The Harvard Gazette, 10 Dec 2020, <https://news.harvard.edu/gazette/story/2020/12/anthony-fauci-offers-a-timeline-for-ending-covid-19-pandemic/>

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