The Journal of Community Informatics *ISSN: 1712-4441*

Reports

History of Advocacy in Tribal Telephony and Telecommunications, 1980–2020

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Abstract

The history of Tribal advocacy in telecommunications policy is remarkable, yet many people are unaware of it. On Tribal lands, the connectivity gap extends beyond just access to communication technologies, including basic telephone services and now broadband. This reveals deep structural inequalities caused by limited funding, inadequate physical infrastructure, ineffective policies, lack of data, and the government's failure to meet its trust responsibilities. This article provides a comprehensive timeline, organized by decade, of Tribal advocacy in the communications, telephony, and telecommunications sectors from 1980–2020. The article also provides an overview of Federal Communications Commission (FCC) dockets and proceedings, along with responses from Tribal Nations and Tribal organizations. This forty-year span, along with the years 2020–2025 (discussed in the next article), illustrates a body of policy that demonstrates Tribal Nations' exercising self-determination rights as outlined in their trust relationship with the United States.

Keywords: telecom; Tribal telecommunications; Tribal telecommunications policy

Introduction

It is remarkable to many when they learn that Tribal Nations had some of the first telephones, telegraphs, and radio stations in the United States. Tribes' early adoption of these technologies is the foundation for the important role Tribal advocacy has played in the country's regulation of communications on Tribal lands. This advocacy continues today as Tribal Nations exercise self-determination in this area, as in many others.

Despite this foundation and years of advocacy, many Tribal lands still lack adequate connectivity—or any at all. This gap goes beyond mere access to communication technologies, such as basic telephone service and broadband. It underscores deep structural inequalities caused by insufficient funding, poor physical infrastructure, ineffective policies, lack of data, and the government's failure to meet its trust responsibilities.

This article presents a comprehensive timeline, broken down by decade, of Tribal advocacy in the communications, telephony, and telecommunications sector between 1980 and 2020. The article also provides an overview of Federal Communications Commission (FCC) dockets and proceedings, along with the reactions of Tribal Nations and Tribal organizations to these dockets. This forty-year span, as well as the subsequent years of 2020–2025 (addressed in the Special Issue article titled "An Examination of Federal Tribal Broadband Funding Post-COVID"), represents a body of policy that demonstrates Tribal Nations' exercising self-determination policies as provided for in the trust relationship with the United States.

Methodology

This article employs original research methodology that utilizes an FCC docket search through the Electronic Comment Filing System (ECFS). It also includes a thorough search of the National Congress of American Indians (NCAI) resolutions library, along with submitted policy papers, letters, and testimonies. The two data sets were organized by year and docket number, then cross-referenced and cataloged. This process also uncovered advocacy records of other Tribal organizations, including Tribal Nations and groups such as the Affiliated Tribes of the Northwest, the California Tribal Government Association, the National Association of Tribal Historic Preservation Officers, the National Tribal Telecommunications Association (NTTA), Native Public Media (NPM), the Navajo Nation, the Navajo Nation Council, the Navajo Nation Dine Education Consortium, the Navajo Nation Legislative Branch, the Navajo Nation Northern Regional Business Development Office, the Navajo Nation Office of the President, the Navajo Nation Telecommunications, the Navajo Nation Telecommunications Regulatory Commission, and the Salt River Pima Maricopa Indian Community. Additionally, the author used ChatGPT as a tool for grammar and spell checking, organizing the sections of this article after it was written, and generating draft versions of charts from the original research.

Data collected from the FCC records and comments submitted by Tribal advocacy groups clearly show that numerous Tribal Nations, Tribal organizations, and others have actively advocated for telecommunications on behalf of Indian Country from at least 1980–2025 and continue to do so. A search of the ECFS using the terms “Spectrum,” “Radio,” “National Congress of American Indians,” “Tribe,” “Tribal,” and “ONAP (Office of Native Affairs Policy)” revealed 997 filings by Tribes from July 1995 through 2020, along with other relevant documents such as orders, rulemakings, reports, policies, auctions, and topics including broadband, lifeline, spectrum, ONAP, radio/TV, the Universal Service Fund (USF), and the rewrite of the Telecommunications Act. For policy activity from 2020–2025, refer to the article in this special edition titled "An Examination of Federal Tribal Broadband Funding Post-COVID." A complete list of dockets are found in Appendix I. To see an overview of the policy eras from 1980–2020, see Appendix II.

The most active organizations advocating in this area during this time period were the NTTA, the NCAI, and NPM. The NTTA represents its 14-member Tribal telephone companies. As of December 2023, these tribes include the Cheyenne River Sioux Tribe Telephone Authority; Fort Mojave Telecom; Gila River Telecommunications, Inc.; Hopi Telecommunications, Inc.; Mescalero Apache Telecom, Inc.; Mohawk Networks, LLC; Nez Perce Tribe; Sacred Wind Communications, Inc.; Saddleback Communications; San Carlos Apache Telecom; Siyeh Communications; Tohono O’odham Utility Authority; Warm Springs Telecom; Yukon-Kuskokwim Delta Tribal Broadband Consortium; and 50 affiliate organizations (NTTA, n.d.). Organizational information beyond docket files is proprietary to its members.

The NCAI is a public-facing representative organization composed of Tribal government members, divided into voting regions, along with individual members. NCAI has a longstanding

history of advocacy across a wide range of policy areas. Its advocacy is formally supported by resolutions approved by member tribes, which establish the organization's official positions for external engagement with the federal government. To support filings with the FCC, NCAI's Telecommunications and Technology Subcommittee—a segment of the Economic Development Committee—has been active since 2009. The organization's most active year was 2011, when the NCAI Tribal Nation membership approved seven distinct resolutions concerning telecommunications and technology. Through the NCAI resolutions process, tribes have historically—and continue to—actively support advocacy in the following areas: (a) radio and television matters; (b) the FCC Office of Native Affairs and Policy and its actions; (c) the National Telecommunications and Information Administration; (d) inclusion of Indian Country in USF reform at the FCC; (e) Tribal positions on spectrum; (f) Tribal positions on the long-pending Telecommunications Act rewrite; and (g) Tribal access to broadband. Other significant areas of interest include E-Rate, Lifeline and Link-Up; net neutrality (open internet); and funding mechanisms for infrastructure.

NPM is a small nonprofit organization founded in 2004. It primarily serves the Native broadcast system by supporting Tribal radio stations with compliance, station operations, legal assistance, and training. The organization also has a strong history of policy work (NPM, n.d.). NPM was active in this space from 2004–2020; although its activity has decreased, it continues to operate.

Timeline of Advocacy: Overview

The five distinct eras of Tribal broadband advocacy discussed next divide roughly by decade. Because the first Tribal telecommunications company was established in the late 1950s, the first era covers years up to 1990. This timeframe overlaps with several eras in federal Indian policy, but by the 1980s, Tribal work in this area was part of the self-determination era in federal Indian policy; therefore, I call this period Self-Determination Telephony.

The second era spans the 1990s, a period made significant by the enactment of the Telecommunications Act of 1996. This policy change transformed the entire regulatory framework of telephone services as Americans knew it, paving the way for the internet age. And guess what? Tribal nations were left out of this law, which caused an uproar. The Tribal response was almost immediate.

The 2000s align with the nation-to-nation period of federal Indian policy. During this time, the term *digital divide* was introduced. After a report by the National Telecommunications and Information Administration (NTIA) showing that 46% of people on Tribal Nation reservations had no access to basic telephone service, the first field hearings in Indian Country were held.

The period from 2010–2020 represents the most active era of Tribal advocacy in history, as evidenced by comprehensive research. These years saw a significant increase in meetings, FCC docket filings, and Tribal responses to those dockets. This surge reflects heightened engagement and the growing involvement of Tribal communities in policy- and decision-making processes, highlighting a period of intensified advocacy efforts and increased visibility for Tribal concerns.

The current era began in 2020 with the outbreak of COVID-19 and the responses it sparked within the Tribal digital landscape and the federal policy arena. Today, Tribal Nations continue to advocate for digital sovereignty and self-determination, emphasizing the importance of long-term infrastructure investments. By 2024, Tribes had submitted 167 responses to FCC dockets, demonstrating their ongoing effort for policy improvements. Legislation saw notable progress as the COVID-19 pandemic underscored the urgent need for broadband access on Tribal lands. The lack of reliable internet services has worsened economic, educational, and healthcare disparities, prompting the swift legislative actions discussed at the end of this article. As of 2025, the changes and rescissions of legislatively allocated funds and programs are substantial. This era is examined in more detail later in this article and in "An Examination of Federal Tribal Broadband Funding Post-COVID," also found within this special edition.

Era One: Early Years and the 1980s—Foundations of Self-Determination in Telephony

Tribal Nations have long shown ingenuity and adaptability in adopting and managing communication technologies. Even before the digital age, many Tribal communities had Indigenous media and communication systems. Tribal newspapers—some dating back to the 19th century—along with early telegraph and radio broadcasts demonstrate a pattern of active engagement with new technologies. These efforts not only provided practical solutions to geographic isolation but also strongly expressed Tribal sovereignty, cultural continuity, and self-determination.

By the mid-20th century, a growing number of Tribal Nations began asserting control over utilities and telecommunications infrastructure, laying the groundwork for what would become sovereign communications ecosystems. These advocacy efforts coincided with federal neglect of rural and Tribal infrastructure needs, requiring Tribes to lead their own solutions to communication disparities.

The modern history of Tribal self-determination telecommunications began in 1958 when the Cheyenne River Sioux Tribe established the Cheyenne River Sioux Tribe Telephone Authority (CRSTTA), one of the first Tribal-owned telecommunications companies (CRSTTA, n.d.). The Tribe purchased an existing private telecommunications provider, thereby asserting economic and technical sovereignty over local infrastructure. This groundbreaking decision enabled the Tribe to systematically enhance telecommunications services throughout the reservation. Other Tribes, such as the Gila River Indian Community and Fort Mojave Indian Tribe, followed similar paths in the years leading up to and just after 1980, recognizing the essential role of telephony in governance, emergency services, education, and economic development (Fort Mojave Telecommunications, n.d.; Gila River Telecommunications, n.d.).

While the first era spans several decades, it is important to focus on the rapid changes in the broader telecommunications landscape and note shifts in Tribal policy. The 1950s and 1960s saw efforts to expand telephone service into rural areas, though these efforts ultimately failed on Tribal lands. During the 1950s and 1960s, Tribes faced harmful federal policies of termination.

In 1968, amid the civil rights era, the Tribal self-determination era began, initiating policy changes that laid the groundwork for later telecommunications advocacy on Tribal lands.

By the 1980s, deregulation of telephone monopolies was well underway, paving the way for wireless communications. National data before the 1990s remains limited, but available evidence indicates many Tribes were already exploring their own telecommunications initiatives before the expansion of federal Tribal broadband programs. These early efforts built a necessary foundation for future progress in broadband sovereignty and Tribal control over digital infrastructure.

Era Two: The 1990s—The Digital Divide on Tribal Lands

The 1990s marked a crucial turning point in the growth of telecommunications and digital infrastructure in the United States. However, for Tribal Nations, this era also saw a worsening of systemic inequalities, now commonly called the digital divide. In 1996, the Telecommunications Act was passed, representing the first major update to telecommunications policy since the Communications Act of 1934. While the 1934 Act established a heavily regulated monopoly system for telephone, telegraph, and radio services, the 1996 law aimed to break down monopolistic barriers, promote market-based competition, and support the adoption of new technologies such as broadband and wireless services (Telecommunications Act of 1996, 1996).

Among its most notable provisions, the 1996 law established the designation of Eligible Telecommunications Carriers (ETCs) and created a framework for carriers to receive federal universal service support, helping offset the costs of expanding infrastructure into rural areas and providing telecommunications services in underserved and high-cost regions. However, despite its goal to broaden access and promote equity in telecommunications, the Act did not include explicit language recognizing Tribal sovereignty or addressing the unique telecommunications needs of Indian Country. This omission significantly affected Tribal access to funding, policy inclusion, and infrastructure development, effectively sidelining Tribal governments in the rapidly evolving digital economy.

The Act's deregulatory approach—while encouraging innovation and competition in urban and suburban markets—left rural and Tribal areas vulnerable to market failures. Private carriers, driven by profit, largely ignored Tribal lands because of low perceived returns and the challenges of building infrastructure in remote, under-resourced, and often jurisdictionally complex regions. This neglect was intensified by regulatory uncertainties regarding Tribal authority to own, operate, or regulate telecommunications systems on their lands, which further delayed infrastructure development.

The NTIA's 1999 report, *Falling Through the Net: Defining the Digital Divide*, recognized this significant data gap that effectively made Native communities invisible in the national conversation on digital access and equity (on file with author). This report indicated that by the late 1990s, the effects of systemic exclusion were clear. In 1998, a shocking 46% of American Indian households on Tribal lands still lacked access to even basic telephone service (FCC 99-204, 1999) This figure, mentioned during the FCC's public hearings on Indian telecommunications,

highlighted the ongoing infrastructure disparities affecting Native communities. More striking still was the absence of federal data on internet access or usage in Indian Country, underscoring the invisibility of Tribal communities in national technology assessments.

In response to growing concerns about these disparities, the FCC initiated a series of national field hearings in 1999. These listening sessions collected direct testimony from Tribal leaders, community members, and telecommunications providers regarding the barriers to basic connectivity in Indian Country. The first hearing was held on January 29, 1999, at the Indian Pueblo Cultural Center in Albuquerque, New Mexico. The second was on March 23, 1999, in Chandler, Arizona, in collaboration with the Gila River Indian Community (*FCC Public Hearing*, n.d.). These sessions represented an early yet critical recognition by the federal government of its responsibility to engage with Tribal Nations and begin addressing the digital divide affecting many communities.

Despite these efforts, the 1990s left a legacy of systemic neglect, regulatory exclusion, and data invisibility for Tribal Nations. The structural flaws of the 1996 Telecommunications Act—especially its failure to include Tribal consultation or carveouts—sparked ongoing Tribal advocacy that continues to shape digital equity policy today. This period saw the rise of key efforts to assert Tribal Digital Sovereignty, promote self-determination in communications infrastructure, and demand meaningful inclusion in federal policymaking processes.

The 1990s produced both rapid technological progress and a warning about how federal policies can unintentionally deepen inequality when Tribal perspectives and governance rights are overlooked. This sparked a movement for Tribal broadband equity and laid the foundation for future legal, regulatory, and grassroots efforts to achieve digital sovereignty in Indian Country.

Era Three: 2000 to 2010—Telecom and the Trust Relationship

The first decade of the 21st century marked a turning point in Tribal telecommunications policy. This period saw the growth of federal-Tribal regulatory engagement and the emergence of Native-led media and telecommunications advocacy, along with allied organizations. More important, it signaled the evolution of the federal trust responsibility into the digital realm, laying the foundation for what would later be called Tribal Digital Sovereignty.

Tribal telecommunications policy was actively developed during the 2000s. The FCC strengthened its relationship with Tribal Nations, acknowledging the government-to-government connection with Tribes. At the start of the decade, only one Native person worked at the FCC and the Indian Telecom Initiative; this would change by 2010. The FCC recognized that Tribal Nations required access to high-speed internet and advanced telecommunications technology to stay competitive in the modern world. This recognition led to the development of programs aimed at increasing broadband deployment and adoption among Tribal Nations. Additionally, the first research on internet availability, access, and usage on Tribal lands was published in 2009, driven by a lack of data in these areas. By the end of the decade, advocacy networks involving Tribes, the NCAI, and other organizations were active, and Tribal Nations were included in the FCC's National Broadband Plan (NBP) released in 2010.

2000—Laying the Foundation

The term *digital divide*, coined by Larry Irving when he was at the NTIA, entered the national lexicon when President Bill Clinton used it in his 2000 State of the Union address to describe the growing technology gap between privileged and marginalized communities, including Indigenous peoples (*Address*, 2000). This recognition triggered a series of policy responses by the FCC to address the longstanding telecommunications inequities on Tribal lands.

In 2000, the FCC initiated several landmark dockets that directly affected Tribal Nations. FCC 00-204 addressed universal service for Tribal libraries through the Schools and Libraries Universal Service Support Program (E-Rate), allowing eligible schools, libraries, and consortia to apply for discounts on telecommunications services, internet access, and internal connections, with the requirement that all eligible institutions obtain competitive bids for discounted services (FCC Docket 00-204, 2000). FCC 00-206 focused on common carrier obligations in the context of the merger between Intermedia Communications Inc. and WorldCom, Inc. (FCC, *World Com*, n.d.). Most significant for Tribal communities was FCC 00-208, which established a Tribal-specific designation for ETCs, expanded Lifeline and Link-Up Program subsidies tailored to Tribal lands, and introduced a bidding credit system designed to incentivize infrastructure deployment by carriers serving Tribal areas (FCC Docket 00-208, 2000). In 2000, the FCC released a Tribal Policy Statement (Establishing, 2000).

The momentum culminated in the FCC's first national Indian Telecom Training Initiative (ITTI) conference on September 28, 2000, in St. Paul, Minnesota. FCC Chair William E. Kennard emphasized the necessity of an "Indian Desk" at the FCC to institutionalize the government-to-government relationship. Nearly 600 participants from 135 Tribes attended, signaling a new era of coordinated Tribal-federal telecommunications engagement (Kennard, 2000).

2001–2006: Institutional Development and Policy Friction

In the years following 2000, federal engagement with Tribal telecommunications fluctuated. The 2001 ITTI was canceled due to the September 11 terrorist attack, and early efforts to establish a permanent FCC Office of Tribal Relations were initiated and subsequently withdrawn. Nevertheless, Tribal advocacy gained ground through sustained efforts by the NCAI, the National Tribal Telecommunications Association (NTTA), and other emerging institutions.

During this period, several developments significantly advanced Tribal telecommunications policy and infrastructure. The Indian Telecom Initiative (ITI), which grew out of the earlier ITTI, was expanded under the leadership of Geoffrey Blackwell and later Shana Bearhand between 2003 and 2006. In 2002, a joint hearing on Tribal telecommunications issues was convened before the Senate Committee on Commerce, Science, and Transportation in conjunction with the Committee on Indian Affairs, reflecting heightened federal attention to these disparities (*Tribal Telecommunications Issues*, 2002). In 2004, Native Public Media (NPM) was established to engage with media and broadband policy from an Indigenous perspective,

marking a critical step in ensuring Native voices were included in shaping national communications frameworks. Around the same period, the Hopi Telecommunications Corporation achieved designation as an ETC, thereby asserting Tribal authority over telecommunications infrastructure and service provision. Finally, in 2005, an FCC panel discussion featuring Commissioner Michael Copps and broadcaster Susan Braine brought attention to persistent inequities in Tribal broadcasting and underscored the need for greater regulatory inclusion in federal policy debates.

Parallel to these developments, the regulatory status of emerging internet technologies became increasingly contentious. Legal battles over Voice-over-IP (VoIP) services—particularly in the *Vonage Holdings Corp. v. FCC* case—raised questions about how new technologies intersected with universal service contributions, a crucial funding stream for rural and Tribal infrastructure. It was during this time that the value of spectrum was established (*Vonage Holdings Corp. v. FCC*, 2007).

2007–2008: Inclusion through Infrastructure and Stimulus

Tribes remained frustrated about being excluded from the 1996 Telecommunications Act, which led the NTTA and allied organizations to advocate for systemic reform. The 2008 economic downturn compounded this exclusion. In response to the downturn, the American Recovery and Reinvestment Act of 2009 established the Broadband Technology Opportunities Program (BTOP), creating new funding opportunities. Tribes were eligible for this funding to build broadband infrastructure. Although access to these programs was inconsistent, BTOP represented a major change in how broadband infrastructure could be financed and prioritized on Tribal lands. It was during this time that the idea of a NBP started to take form.

2009: Data as a Sovereignty Imperative

By 2009, the lack of accurate, culturally relevant data on Native internet access and usage became a major obstacle. In response, NPM and the Open Technology Institute at the New America Foundation released the first comprehensive study of its kind: *New Media, Technology, and Internet Use in Indian Country* (Morris & Meinrath, 2009).

The study surveyed 196 individuals from over 120 Tribal Nations across 28 states and found that Native users were not only digitally literate but often surpassed national averages in their technology use and adoption; Native Americans were early adopters of technology. Although the sample size was small, it was significant because this was the only data on internet use and availability on Tribal lands, and it remained so for years. These findings directly challenged prevailing assumptions and documented how outdated or biased federal data had led to the underrepresentation of Tribal needs in broadband policy. The report also presented eight substantial policy recommendations, emphasizing the links between data, digital equity, and Tribal sovereignty.

Simultaneously, the FCC opened several major dockets with Tribal implications: FCC 09-47 (DTV), 09-51 (National Broadband Plan for Our Future), 09-52 (Rural Radio), and 09-137 (Broadband Deployment on Tribal Lands). The NCAI responded with fifteen formal filings, supported by five telecommunications subcommittee resolutions: four related to the broadband dockets and one regarding the rural radio docket, including PSP-09-026, PSP-09-082C, PSP-09-083C, PSP-09-084C, and PSP-09-087C. These filings reflected a maturing advocacy network capable of influencing federal telecommunications policies through expertise and sovereign assertions.

Toward a Sovereign Digital Future

The 2000s were crucial years for Tribal telecommunications policy. This period laid the institutional and rhetorical groundwork for shaping policy in Tribal telecommunications. It was a decade of awakening, development, and contestation—a time when Tribes started to assert their digital sovereignty through policy, research, and persistent advocacy. The FCC strengthened its relationship with Tribal Nations, acknowledging the government-to-government relationship between the federal government and Tribes. The FCC recognized the importance of Tribal Nations having access to high-speed internet and advanced telecommunications technology to stay competitive with the world around them. This recognition led to programs aimed at expanding broadband deployment and adoption among Tribal Nations. Additionally, the first research on internet availability, access, and usage on Tribal lands was published in 2009, addressing the lack of data on Tribal internet access and use. By the end of the decade, an advocacy network was active through the NCAI, and Tribal Nations were included in the NBP released in 2010.

Era Four: 2010 to 2020—Tribal Telecommunications and Regulatory Momentum

The decade that began in 2010 marked a historic turning point for Tribal Nations in the national broadband and telecommunications landscape. With the release of the NBP, Tribal Nations were formally recognized for the first time as vital stakeholders in the effort to close the digital divide. This recognition initiated a period of intense policy activity and the establishment of new regulatory structures that increased Tribal engagement in telecommunications policy.

2010: Building a Tribal Regulatory Presence

The FCC's 2010 NBP served as a comprehensive roadmap to expand broadband access across the United States, with goals that included improving connection speeds; extending service to rural areas; and supporting economic growth, job creation, and advancements in healthcare, education, and public safety (FCC, *National Broadband Plan*, n.d.). In response to the plan's call for an inclusive broadband policy, the FCC established the Office of Native Affairs and Policy (ONAP) in August 2010, marking a foundational step toward integrating Tribal perspectives into federal telecommunications policymaking and honoring the trust relationship. FCC Docket 10-

141 created the ONAP. That same year, the agency introduced the Tribal Priority for Radio Broadcast Licensing, a measure aimed at increasing Tribal presence in media and amplifying Indigenous voices. These developments marked a significant departure from a decade earlier, when only a single Native staff member worked at the FCC as part of the Indian Telecom Initiative; now an entire office was dedicated to the government-to-government relationship with Tribal Nations. Geoffrey Blackwell led the office.

The 2010s were a defining decade for Tribal telecommunications policy, characterized by unprecedented federal involvement and ongoing Tribal advocacy. Throughout the decade, the FCC opened 33 dockets related to Tribal telecommunications issues. Support came from organizations like NPM, which filed 59 documents (many jointly with the NCAI); and the NTTA, which submitted an impressive 213 filings during this period. The NCAI actively participated, submitting 134 formal filings and passing 50 resolutions on various telecommunications topics, including spectrum policy, Universal Service reform, and net neutrality. During the 2010s, the NCAI used its resolutions process to advocate for Tribal access to broadband infrastructure, support for the FCC's ONAP and related initiatives, inclusion of Indian Country in Universal Service Fund reforms, Tribal positions on spectrum use and licensing, the long-anticipated rewrite of the Telecommunications Act, radio and television broadcasting rights for Tribes, and federal programs such as E-Rate, Lifeline, Link-Up, and Open Internet protections. This period arguably marked NCAI's most active era in telecommunications policy, culminating in increased Tribal representation in federal forums. However, staffing changes within the NCAI led to a decline in telecommunications expertise, and US presidential transitions caused significant inaction from 2016 onward.

In February 2010, the FCC released its NBP. The federal government included Tribes in the NBP, marking a significant symbolic and strategic milestone. The plan was an FCC initiative aimed at expanding internet access across the United States. The FCC was tasked with developing this plan under the American Recovery and Reinvestment Act of 2009. However, deeper tensions remained. The Obama administration's focus on "data-driven decision making" conflicted with the reality that either no data was available for Indian Country or the existing data misrepresented the situation due to methodological or cultural bias. This paradox raised fundamental questions: How can data sovereignty be achieved without data that accurately reflects reality? How can Tribes claim authority over digital infrastructure and planning when current policy tools lack Tribal metrics or priorities?

In April 2010, the FCC issued a Notice of Inquiry and a Notice of Proposed Rulemaking for three dockets: 10-90 (Connect America Fund), 09-51 (National Broadband Plan for Our Future), and 05-337 (High-Cost Universal Service Support). Also in April, the US House of Representatives Subcommittee on Communications, Technology, and the Internet held a hearing titled "The National Broadband Plan: Deploying Quality Broadband Services to the Last Mile." During this hearing, the NCAI provided testimony on issues affecting Tribal communities. In August 2010, the ONAP was established at the FCC. Later, in October 2010, the FCC issued a Notice of Proposed Rulemaking on Docket 10-208 (Universal Service Fund Reform–Mobility Fund).

Various sections of the NBP were directly influenced by the recommendations outlined in the New Media, Technology & Internet Use in Indian Country, released in November 2009 (Morris

& Meinrath, 2009). This study was the first study ever written about Tribal connectivity, accessibility and use in Indian Country. The NCAI addressed several open dockets: 09-52 (Rural Radio), 10-90 (Connect America Fund), 09-51 (National Broadband Plan for Our Future), 05-337 (High-Cost Universal Service Support), and 10-208 (Universal Service Fund–Mobility Fund). The NCAI's filings were made jointly with NPM and supported by six resolutions, four related to telecommunications and two concerning radio: RAP-10-006, RAP-10-007, RAP-10-008, RAP-10-009, ABQ-10-006, and ABQ-10-061.

The NTTA submitted filings in the following dockets: 10-90 (Connect America Fund), 09-51 (National Broadband Plan for Our Future), 10-90 (Connect America Fund as part of the National Broadband Plan for Our Future and High-Cost Universal Service Support), 05-337 (High-Cost Universal Service Support), 09-197 (Telecommunications Carriers Eligible for Universal Service Support), and 05-337 (Federal-State Joint Board on Universal Service concerning High-Cost Universal Service Support).

2011: Expanding Tribal Engagement

In 2011, the FCC established the Native Nations Broadband Task Force, now called the Native Nations Communications Task Force, to advise on the broadband needs of Tribal lands and provide a formal process for Native leadership in federal broadband policy. In March of that year, the ONAP started with an Open Commission meeting in which it introduced two major rulemakings impacting telecommunications on Tribal lands, along with a third initiative concerning the Tribal Priority in Radio Broadcast Licensing. Opened dockets included 11-40 (Spectrum on Tribal Lands) and 11-41 (Improving Communications Services for Native Nations).

Furthermore, a Notice of Proposed Rulemaking was issued for several dockets: 11-42 (Lifeline and Link-Up Reform and Modernization), 96-45 (Federal-State Joint Board on Universal Service), and 03-109 (Lifeline and Link-Up). All of these dockets had implications for Indian Country. Finally, in November, the FCC released a Report and Order and Further Notice of Proposed Rulemaking on the following dockets: 10-90 (Connect America Fund), 09-51 (National Broadband Plan for Our Future), 07-135 (Establishing Just and Reasonable Rates for Local Carriers), 05-337 (High-Cost Universal Service Support), 96-45 (Federal-State Joint Board on Universal Service), 03-109 (Lifeline and Link-Up), and 10-208 (Universal Service Reform–Mobility Fund).

In response, the NCAI submitted comments in seven dockets, including 10-208 (Universal Service Fund–Mobility Fund), 09-52 (Rural Radio), 11-41 (Improving Communications Services for Native Nations), and 11-42 (Lifeline and Link-Up Reform and Modernization). Seven resolutions supported these filings: MKE-11-004, MKE-11-005, MKE-11-006, MKE-11-007, MKE-11-016, PDX-11-021, and PDX-11-034. The NTTA filed comments in 28 dockets, including three joint filings with NCAI (11-41, 09-51, and 10-90).

2012: Institutionalizing Tribal Involvement

In 2012, the FCC's ONAP published its first annual report, detailing the actions taken during its inaugural year. That year marked a crucial period for ONAP, and under Blackwell's leadership, it addressed all the issues Indian Country had been advocating for. In June, Commissioner Mignon Clyburn testified before the US Senate Committee on Indian Affairs at an oversight hearing called *Universal Service Fund Reform: Ensuring a Sustainable and Connected Future for Native Communities*. Other witnesses at this hearing included Johnathan Adelstein, Administrator of the Rural Utilities Service at the US Department of Agriculture; Councilman Alfred LaPaz of the Mescalero Apache Tribe; Steve Merriam, CEO and General Manager of the Arctic Slope Telephone Association; Albert Hee, President of Sandwich Isles Communications; and Shirley Bloomfield, CEO of the National Telecommunications Association.

In July, ONAP, in collaboration with the Wireless Telecommunications Bureau and the Wireline Competition Bureau, issued further guidance on the Tribal Government Engagement Obligation and provisions of the Connect America Fund. This guidance was associated with the following dockets: 10-90 (Connect America Fund), 07-135 (Establishing Just and Reasonable Rates for Local Carriers), 05-337 (High-Cost Universal Service Support), 03-109 (Lifeline and Link-Up), 01-92 (Developing a Unified Intercarrier Compensation Regime), 96-45 (Federal-State Joint Board on Universal Service), 10-208 (Universal Service Reform–Mobility Fund), and 09-51 (National Broadband Plan for Our Future).

Just over a month later, ONAP, along with the Wireless Competition Bureau and the Wireline Competition Bureau, requested comments on the US Telecom Association's Petition for Reconsideration concerning the Tribal Government Engagement Obligation provisions of the Connect America Fund, referencing the same dockets as before. Additionally, in 2012, the FCC issued a Public Notice (Docket 12-23) indicating that the Wireline Competition Bureau sought comments on the TracFone petition to require the retention of Lifeline Program eligibility documentation. Later that year, the FCC released a Notice of Proposed Rulemaking aimed at expanding economic and innovation opportunities in spectrum through incentive auctions (Docket 12-268).

In response, the NCAI submitted 41 comments across 13 dockets. These included the previously mentioned dockets along with Docket 12-23 concerning the Wireline Competition Bureau's request for comments on the TracFone petition, as well as Dockets 11-40 (Spectrum on Tribal Lands) and 11-41 (Improving Communications Services for Native Nations). A Notice of Proposed Rulemaking was also released for Dockets 11-42 (Lifeline and Link-Up Reform and Modernization) and 99-25 (Low-Power Radio Service). Supporting these filings were several prior resolutions, along with five new resolutions—four focused on telecommunications issues and one specifically on low-power radio service. The resolutions were SAC-12-019, SAC-12-021, SAC-12-033, SAC-12-034, and LNK-12-007. On July 19, 2012, NCAI President Jefferson Keel sent a letter to FCC Chair Julius Genachowski to be included in the record for Docket 11-40 (Spectrum on Tribal Lands). The letter emphasized the importance of establishing a Tribal Priority for spectrum licensing and reiterated the need to improve Tribal access to spectrum.

2013: Focus on Program Reform and Auctions

In 2013, several important dockets concerning Tribal issues were opened. The first was Public Notice 13-53, which detailed the schedule for the Tribal Mobility Fund Phase I Auction, originally planned for October 24, 2012, but later postponed to December 19, 2013. The second was Public Notice 13-240, a Scoping Document aimed at beginning Tribal consultation on Positive Train Control under Section 106 of the National Historic Preservation Act. The third notable docket was the Notice of Proposed Rulemaking 13-184, which addressed efforts to modernize the E-Rate Program for schools and libraries.

The NCAI submitted comments in 11 dockets. They responded to two of the three major dockets opened by the FCC in 2013: 13-53 (Tribal Mobility Fund Phase I Auction), for which NCAI filed both comments and reply comments; and 13-184 (Modernizing the E-Rate Program for Schools and Libraries). Additionally, NCAI filed comments in several other open dockets, including 10-90 (Connect America Fund), 07-135 (Establishing Just and Reasonable Rates for Local Carriers), 05-337 (High-Cost Universal Service Support), 03-109 (Lifeline and Link-Up), 01-92 (Developing a Unified Intercarrier Compensation Regime), 96-45 (Federal-State Joint Board on Universal Service), 10-208 (Universal Service Reform–Mobility Fund), and 09-51 (National Broadband Plan for Our Future). In support of their comments, NCAI relied on several longstanding resolutions that remain in effect, as well as three newly passed resolutions: REN-13-063, REN-13-064, and TUL-13-061.

2014: Program Overhauls and Continued Mobilization

In 2014, the FCC issued an Order and Report, along with a Further Notice of Proposed Rulemaking, addressing several dockets, including 13-5 (Technology Transitions), 12-353 (AT&T Petition to Launch a Proceeding Concerning the TDM-to-IP Transition), 10-90 (Connect America Fund), 10-51 (Structure and Practices of the Video Relay Service Program), 03-123 (Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities), and 13-97 (Number Policies for Modern Communications).

FCC Chair Wheeler spoke at the NCAI Winter Session, where the Tribal Leader FCC Broadband Taskforce was transitioned and reseated. Additionally, the 14-58 Connect America Fund Omnibus Order and Further Notice of Proposed Rulemaking, along with a Report and Order and Further Notice of Proposed Rulemaking in docket 13-184 (Modernizing the E-Rate Program for Schools and Libraries), were also released. The NCAI submitted 23 filings across 20 dockets. NCAI responded to both current and past dockets, as is often the case with proceedings that span several years. The 2014 dockets included the 14-58 (Connect America Fund Omnibus Order and Further Notice of Proposed Rulemaking), 14-28 (Protecting and Promoting the Open Internet), 12-269 (Policies Regarding Mobile Spectrum Holdings), 14-50 (2014 Quadrennial Regulatory Review Broadcast Ownership Rules), 09-182 (Public Notice of Five Research Studies on Media Ownership), and 04-256 (Rules and Policies Concerning Joint Sales Agreements in Local Television Markets).

All other comments were filed in previous dockets, including 13-184 (Modernizing the E-Rate Program for Schools and Libraries), 96-45 (Federal-State Joint Board on Universal Service), 07-294 (Media Ownership), 10-90 (Connect America Fund), 03-109 (Lifeline and Link-Up), 13-5 (Technology Transitions), 09-197 (Telecommunications Carriers Eligible for Universal Service Support), 11-40 (Spectrum on Tribal Lands), 10-208 (Universal Service Reform–Mobility Fund), 11-42 (Lifeline and Link-Up Reform and Modernization), 11-41 (Improving Communications Services for Native Nations), 12-268 (Expanding the Economic and Innovation Opportunities of Spectrum Through Incentive Auctions), 01-92 (Developing a Unified Intercarrier Compensation Regime), and 07-135 (Establishing Just and Reasonable Rates for Local Carriers). Their submissions were supported by previous resolutions, along with the addition of five new resolutions: ANC-14-010, ANC-14-049, ANC-14-015, ATL-14-010, and ATL-14-077.

2015: Transition and Continued Advocacy

In 2015, the FCC issued an updated order concerning the Lifeline and Link-Up Programs for Tribal lands, related to dockets 11-42 (Lifeline and Link-Up Reform and Modernization), 09-197 (Telecommunications Carriers Eligible for Universal Service Support), and 10-90 (Connect America Fund). The ONAP conducted consultations to gather input from Tribal representatives on upcoming regulatory changes.

Activities included a Petition for Reconsideration related to the Report and Order for dockets 10-90, 14-58, and 14-192 in February, as well as participation in docket 11-40, which aimed to improve communications services for Native Nations by promoting greater utilization of spectrum over Tribal lands. Additionally, NCAI responded to Public Notice 15-49 regarding comments on competitive bidding proceedings in dockets 14-170, 05-211, 12-268, and RM-1135.

The NCAI conducted extensive outreach to Tribal communities. It actively participated in several key dockets, submitting numerous letters and petitions to the FCC concerning Universal Service and spectrum utilization. They filed in the following dockets: 10-90 (Connect America Fund), 14-58 (Connect America Fund Omnibus Order and Further Notice of Proposed Rulemaking), and 11-42 (Lifeline and Link-Up Reform and Modernization). NCAI provided comments and reply comments on 11-42 (Lifeline and Link-Up Reform and Modernization), 09-197 (Telecommunications Carriers Eligible for Universal Service Support), and 10-90 (Connect America Fund).

NCAI passed four significant resolutions: MSP-15-036 (To Preserve the Universal Service Fund for Lifeline and Link-Up Programs for All Tribal Lands and Peoples), MSP-15-033 (Support for Road Access for the Aleut People of King Cove, Alaska, to Cold Bay All-Weather Airport), MSP-15-024 (Support for a Policy on the Universal Service Fund for Voice and Broadband Services on Tribal Lands), and SD-15-037 (Urging the FCC to Improve Access to Spectrum Licenses for Tribal Nations).

2016–2020: Tribal Telecommunications Policy and Regulatory Developments

Between 2016 and 2020, Tribal Nations in the United States experienced a significant shift in their efforts toward digital sovereignty. What began as consistent advocacy and fundamental policy engagement developed into a federal regulatory recognition of Tribal rights to spectrum access and control. This period set a path that continues to influence broadband policy, infrastructure development, and Tribal digital governance today. Key milestones and the broader policy landscape are highlighted below, showcasing the efforts of Tribal organizations, the FCC, the NCAI, and research institutes like the American Indian Policy Institute (AIPI) at Arizona State University.

2016: Groundwork in Advocacy

Although there were no formal FCC dockets or NCAI Tribal resolutions in 2016, this year marked the start of increased advocacy for Tribal digital inclusion. NCAI filed three documents in existing dockets, creating a foundation for future discussions with federal regulators. These filings highlighted ongoing connectivity gaps on Tribal lands and stressed the importance of Tribal input in telecommunications policymaking.

While the FCC's ONAP existed at the time, Tribal concerns rarely reached the full Commission's attention. However, Tribal leaders and advocates utilized filings and public comments to highlight longstanding digital inequities.

NCAI policy filings included reply comments in 10-90 (Connect America Fund), 14-158 (Eligible Telecommunications Carrier Annual Reports and Certifications), and 01-92 (Developing a Unified Intercarrier Compensation Regime), along with supporting resolutions REN-13-063 and MSP-15-024 as documentation. Advocacy emphasized broadband access, digital inclusion, and the need for sovereign control over emerging infrastructure.

2017: A Turning Point in Policy Volume

In 2017, regulatory and Tribal policy activity increased significantly. Specifically, eight FCC dockets addressed issues relevant to Tribal communities, while the NCAI filed ten submissions. Additionally, five Tribal resolutions were passed, highlighting the importance of digital equity and connectivity.

Key proceedings at the FCC centered on topics like the Lifeline Program and broadband deployment under Section 706 of the Telecommunications Act. These proceedings garnered coordinated responses from Tribal groups, advocating for better Tribal consultation, recognition of sovereignty, and equitable funding.

As the FCC advanced high-impact deregulatory initiatives, Tribal governments and national Native advocacy organizations mobilized to defend Tribal interests and sovereignty in digital infrastructure development. Central to the federal agenda were two important FCC dockets. Docket 17-108 (Restoring Internet Freedom Order) indicated a reversal of net neutrality

rules, raising concerns about equitable access to online resources. Meanwhile, docket 17-79 (Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment) proposed eliminating local and Tribal regulatory hurdles to infrastructure siting, which could have serious implications for Tribal land use and governance.

In response, the NCAI, along with allied Tribal organizations, launched a coordinated advocacy effort to support and promote Tribal broadband interests. A key focus was the Universal Service Fund Programs, where the NCAI submitted a series of formal comments on broadband access for low-income Tribal consumers and the structural needs of Tribal telecommunications providers. These included 17-287 (Bridging the Digital Divide for Low-Income Consumers), 11-42 (Lifeline and Link-Up Reform and Modernization), 09-197 (Telecommunications Carriers Eligible for Universal Service Support), and 10-90, specifically opposing limits on operating expense recovery for carriers serving Tribal lands.

NCAI also submitted joint comments with the National Indian Health Board, United South and Eastern Tribes, the National Association of Tribal Historic Preservation Officers, and various Intertribal Councils and Tribal Nations. These collective filings emphasized the protection of Tribal authority over broadband deployment decisions, particularly in response to docket 16-421, which concerns small-cell infrastructure siting and the Mobilitie, LLC petition seeking federal preemption of local siting rules.

Along with these broad policy measures, NCAI supported specific Tribal telecom initiatives, particularly advocating for Gila River Telecommunications' petition for a waiver of high-cost loop support benchmarks under docket 10-90—a crucial step toward financial stability for Tribal carriers.

Overall, 2017 was characterized by increased federal efforts to deregulate communications infrastructure and reduce oversight. In contrast, Tribal advocacy efforts—led by the NCAI and supported by a broad coalition—focused on the importance of inclusive broadband policies that respect Tribal sovereignty, support Tribal telecommunications entities, and address the persistent digital divide in Indian Country.

2018: Consolidation and Internal Policy Building

In 2018, the number of FCC dockets and NCAI filings experienced a slight decline. Despite this, significant progress was achieved within Tribal organizations, as no Tribal-specific dockets were opened at the FCC, yet two dockets impacted tribes, and two NCAI filings were submitted. Additionally, Tribal organizations passed four resolutions.

The NCAI advocated for digital inclusion (what would now be called digital sovereignty) through strategic regulatory efforts in response to the FCC's initiatives, specifically the Transforming the 2.5 GHz Band (18-120) and Accelerating Wireless Broadband Deployment (17-79). NCAI submitted targeted comments, including joint submissions with the United South and Eastern Tribes (USET). These efforts emphasized a unified Tribal position: the urgent need to remove infrastructure barriers and expand sovereign access to broadband spectrum.

NCAI's advocacy was strengthened through a series of four Tribal resolutions that promoted internal coordination and long-term strategic planning. These resolutions were DEN-18-048, which urged the FCC to improve broadband mapping to better reflect connectivity gaps on Tribal lands; DEN-18-037, which called for revitalizing the FCC's ONAP, particularly its consultation and educational functions; DEN-18-036, which demanded that the Tribal Lifeline Program be managed according to its original purpose and federal procedural law; and DEN-18-005, which opposed the FCC's efforts to reduce Tribal authority over historic preservation review related to wireless infrastructure.

Although federal engagement in Tribal broadband policy temporarily declined, coinciding with the rollback of net neutrality and broader deregulatory trends, Tribal nations used this period to build internal capacity. The resolutions served as a framework for strengthening sovereignty by developing regulatory literacy and infrastructure readiness. This groundwork positioned Tribes to respond more effectively to future opportunities for spectrum access and federal resources, marking a quiet but vital inflection point in the broader movement for Tribal Digital Sovereignty.

2019: Strategic Research and Spectrum Sovereignty Framing

In 2019, Indian Country entered a new era of data-driven and sovereignty-based policymaking, laying a solid foundation to assert Tribal rights to spectrum as a sovereign resource. The year marked a key strategic and intellectual shift in how Tribal Nations positioned themselves within federal regulatory frameworks and spectrum governance, setting in motion events that would directly influence the FCC and reshape future broadband access for Native communities.

At the heart of this shift was the growing momentum among Tribal Nations to formalize their claims to wireless spectrum. The NCAI epitomized this momentum, submitting a Petition for Reconsideration in Docket No. 18-120, which challenged the FCC's actions surrounding the 2.5 GHz band. The petition pushed back on decisions that inadequately considered Tribal sovereignty and called for meaningful Tribal participation in the reallocation of spectrum resources.

Complementing this legal effort, two key NCAI Resolutions—ABQ-19-086C and ABQ-19-087C—laid the political groundwork for Indigenous spectrum access. These resolutions urged the success of Tribal Nations in accessing the 2.5 GHz Broadband Tribal Priority Window and advocated for expanded partitioning, disaggregation, and leasing opportunities for Tribes to control wireless services within their own territories. Together, these actions sent a clear message: Tribal Nations would no longer be passive recipients of federal broadband policy but active architects of their digital futures.

Supporting this work, three academic contributions from the American Indian Policy Institute (AIPI) in 2019 strengthened the case for Tribal spectrum sovereignty both technically and legally. First, the Tribal Technology Assessment (TTA), written by Traci L. Morris and Brian Howard, is the second national survey of its kind, following the 2009 New Media Study that documented the digital divide in Indian Country. It revealed stark disparities in broadband and

digital service access, challenging the FCC's reliance on flawed connectivity data and emphasizing the urgent need for Indigenous-led data collection. Second, a policy brief titled "Tribal Spectrum Sovereignty: A Natural Resource that Must Be Leveraged" offered a framework to view wireless spectrum as an extension of Tribal sovereignty. It argued that access to spectrum is not merely a technical or economic issue but a matter of self-determination and sovereign control over the airwaves above Tribal lands. Lastly, the AIPI organized a one-day event, the Spectrum Sovereignty Workshop. Co-hosted by the ONAP and AIPI, this national gathering on December 19, 2019, brought together Tribal leaders, policy experts, and legal scholars to prepare for the 2.5 GHz spectrum auction process.

The year 2019 was not marked only by policy activities; it also saw the inclusion of academic expertise. By combining legal advocacy, strategic political resolutions, empirical research, and coalition building, Indian Country reshaped the narrative around the spectrum—from a federal asset to a sovereign resource. These efforts established the groundwork for the FCC's subsequent creation of the 2.5 GHz Rural Tribal Priority Window in 2020, which resulted directly from the organizing and intellectual work done the previous year. More than a policy milestone, 2019 marked the inflection point when Tribal Nations reasserted control over the digital lifelines of the 21st century, initiating an era of Tribal digital self-determination.

From 2010–2020, Tribal engagement in telecommunications evolved from an under-recognized advocacy effort into a powerful policy movement rooted in sovereignty and self-determination. Tribes moved beyond submitting comments and resolutions to securing federally recognized spectrum rights, setting a model for future claims to digital infrastructure, jurisdiction, and regulatory authority. This period offers essential lessons on how Tribal Nations can navigate and influence federal regulatory systems while asserting their inherent rights to self-governance in the digital domain. Regulatory breakthroughs depend on coalition building and ongoing engagement.

The FCC's creation of a Rural Tribal Priority Window for unassigned 2.5 GHz spectrum licenses in 2020 represented a significant legal acknowledgment of spectrum sovereignty. It enabled Tribes to access midband spectrum, critical for wireless broadband deployment, which is often the only practical connectivity solution in remote areas. The initiative established a precedent for granting sovereign access to spectrum resources, reinforcing the idea of Tribal Digital Sovereignty. Despite challenges resulting from political changes and shifting federal priorities, the 2010–2020 decade was a defining time for Tribal telecommunications. Tribes gained meaningful representation in federal broadband discussions, strengthened their technical and legal policy advocacy, and laid the foundation for more assertive claims to spectrum, infrastructure, and digital sovereignty in the future. This era laid the institutional groundwork for Tribal participation in US telecommunications policy—a crucial shift from advocacy to policymaking and from marginalization to a seat at the table.

Era Five: The 2020s: The Emergence of a Regulatory Imperative for Tribal Digital Sovereignty

2020: A Watershed Moment in Tribal Telecommunications

Despite the upheaval of the COVID-19 pandemic, 2020 marked a watershed in the history of Tribal telecommunications policy and sovereignty. Although the FCC did not open new dockets specifically for Tribal issues, it implemented a landmark initiative with lasting implications for Tribal digital self-determination: the 2.5 GHz Rural Tribal Priority Window (RTPW).

Created under the Transforming the 2.5 GHz Band proceeding (WT Docket No. 18-120), the RTPW was part of the FCC's effort to reform the Educational Broadband Service (EBS) spectrum—historically reserved for educational institutions but largely underused, particularly in rural areas. In response to years of Tribal advocacy and multiple ex parte filings, including emergency comments from the NCAI and allied signatories, the FCC opened a six-month window (February 3–September 2, 2020) granting federally recognized Tribes first priority to apply for unassigned 2.5 GHz spectrum licenses.

This historic milestone in US regulatory history took place during the peak of the COVID-19 pandemic. Lockdown measures, along with ongoing connectivity issues across Indian Country, posed significant challenges for Tribes trying to submit applications. Many eligible Nations encountered difficulties accessing the necessary digital tools or support infrastructure to participate fully in the process. Despite these systemic obstacles, the RTPW represented a regulatory acknowledgment of the importance of Tribal sovereignty in the digital realm.

For the first time, Tribal Nations were given direct access to midband spectrum—a critical resource for broadband deployment. Despite pandemic-related disruptions and connectivity barriers that limited participation for many applicants, the RTPW acknowledged spectrum as a sovereign resource. It allowed Tribes to claim control over airwaves above their lands, develop Tribal-owned internet service providers (ISPs), and build community broadband networks.

The RTPW established a precedent: spectrum was formally recognized as an extension of Tribal sovereignty, analogous to land and water. By linking digital equity with federal trust obligations, the Commission affirmed that spectrum access is fundamental to modern self-determination and governance. Years of Tribal advocacy culminated in this moment, transforming the long struggle for connectivity into a legal acknowledgment of Tribal jurisdiction in the digital sphere.

As this article demonstrates, the RTPW is the result of years of advocacy and represents a milestone in the evolving relationship between Tribal Nations and federal communications policy. More than a licensing opportunity, it is a declaration of Tribal Nations' right to control the digital lifelines that support governance, education, healthcare, and economic development. In doing so, it solidifies spectrum as a central pillar of Tribal Digital Sovereignty, with the potential to reshape broadband infrastructure and Tribal governance for generations to come.

COVID-19 and the Federal Policy Shift

The pandemic exposed the depth of broadband inequities across Indian Country. For many communities, limited connectivity meant isolation from education, telehealth, and civic participation—revealing that internet access was no longer a convenience but a necessity. From a regulatory standpoint, COVID-19 accelerated a paradigm shift: broadband came to be understood not only as infrastructure but as a right and a responsibility tied to federal trust duties. Policymakers in Congress, the FCC, and the National Telecommunications and Information Administration (NTIA) began to frame broadband access for Tribes as a matter of equity, sovereignty, and constitutional obligation under Title VI and federal healthcare and education mandates.

Federal Legislative and Regulatory Responses

In response to unprecedented challenges, a suite of federal programs emerged to promote equitable broadband access in underserved and unserved Tribal areas. These initiatives were not merely financial; they were legal acknowledgments of the federal government's dual responsibilities to support infrastructure development and uphold the sovereign rights of Tribal Nations.

1. **Tribal Broadband Connectivity Program (TBCP):** Authorized by the Consolidated Appropriations Act of 2021 and expanded under the Infrastructure Investment and Jobs Act (IIJA), the TBCP provides direct funding to Tribal governments for broadband deployment, digital inclusion, and workforce development. For the first time, Tribes could apply directly for federal funds, bypassing state intermediaries—a clear legal affirmation of Tribal self-governance.
2. **Broadband Equity, Access, and Deployment (BEAD) Program:** Also under the IIJA, BEAD allocates $42.45 billion to states and territories but requires Tribal consultation as a statutory condition of funding. This provision creates a legal duty for state broadband offices to engage with Tribal governments in planning and implementation.
3. **Digital Equity Act Program:** The Digital Equity Act of 2021 established three grant mechanisms (State Planning, State Capacity, and Competitive Grants) to promote digital inclusion. It legally defines *digital equity* to include cultural, linguistic, and geographic contexts—language that directly reflects Tribal advocacy for locally governed broadband strategies.

Legal and Regulatory Advocacy by Tribal Nations

By the end of 2024, Tribal governments had submitted 167 responses in FCC dockets, demonstrating ongoing legal advocacy for fair telecommunications regulation. These filings addressed a wide range of issues, including network sovereignty, spectrum allocation, reform of the Universal Service Fund, middle-mile infrastructure needs, and consultation procedures.

These legal actions indicate Tribes' shift from being passive recipients of federal aid to active participants in rulemaking, asserting inherent sovereignty in the digital realm.

Long-Term Infrastructure and Sovereignty Considerations

While emergency funding helped address immediate access gaps, Tribal Nations have consistently emphasized that temporary capital infusions are not enough without legal recognition of long-term sovereignty and regulatory independence. Calls for sustainable infrastructure investments are increasingly seen within a broader legal context that includes affirmative trust responsibilities under federal Indian law, self-determination provisions of the Indian Self-Determination and Education Assistance Act, and consultation mandates under Executive Order 13175 and the IIJA's Title IV. These efforts reflect a growing understanding of *Tribal Digital Sovereignty*—the right of Tribal Nations to govern, protect, and manage their digital infrastructure, data, and communication networks within their jurisdictions, both physical and virtual.

Conclusion

The COVID-19 era catalyzed a fundamental transformation in how broadband policy addresses Indian Country. Years of advocacy converged in a federal response that, while imperfect, began to position Tribes not as beneficiaries but as sovereign regulators of their digital futures. The RTPW, TBCP, and BEAD Program together form the early pillars of a national framework for Tribal Digital Sovereignty—one that integrates infrastructure investment, legal recognition, and self-determined governance.

Ensuring that this momentum endures will require continued Tribal participation in policymaking, vigilant enforcement of consultation requirements, and sustained investment in Tribal capacity to build and govern digital infrastructure for future generations.

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Appendix I

FCC Chart of Dockets (1995–2020)—Grouped by Policy Category

Universal Service Reform

Year	Docket	Title	Notes & Tribal Impact
1996	96-45	Federal-State Joint Board on Universal Service	Established foundational USF principles, including for Tribal lands.
2003	03-109	Lifeline and Link-Up	Earlier expansion of eligibility.
2005	05-337	High-Cost Universal Service Support	Sought to reform funding formulas for rural/Tribal areas.
2009	09-197	Telecommunications Carriers Eligible for Universal Service Support	Shaped how Tribal carriers qualify for USF and Lifeline.
2010	10-90	Connect America Fund	Redirected high-cost support to broadband; major Tribal implications.
2010	10-208	Universal Service Fund Reform–Mobility Fund	Introduced mobile support, critical for Tribal regions.
2011	11-42	Lifeline Reform and Link-Up Reform and Modernization	Created Tribal Lifeline tier (+$25); Tribal consultation expanded.

Broadband and Digital Inclusion

Year	Docket	Title	Notes & Tribal Impact
2009	09-47	DTV Transition	Implementation of the DTV Delay Act, dealing with post-transition digital operations. Part of a larger, coordinated effort, alongside GN Docket Nos. 09-51 and 09-137, to inform the development of a National Broadband Plan as mandated by the American Recovery and Reinvestment Act of 2009
2009	09-51	National Broadband Plan for Our Future	Set national goals; identified Tribal areas as underserved. Part of a larger, coordinated effort, alongside GN Docket Nos. 09-51 and 09-137, to inform the development of a National Broadband Plan as mandated by the American Recovery and Reinvestment Act of 2009
2009	09-137	Section 706 Inquiry	Annual inquiry into deployment gaps; Tribal comments highlighted persistent divide. Part of a larger, coordinated effort, alongside GN Docket Nos. 09-51 and 09-137, to inform the development of a National Broadband Plan as mandated by the American Recovery and Reinvestment Act of 2009
2017	17-108	Restoring Internet Freedom (Net Neutrality Repeal)	Strongly opposed by Tribes; seen as harmful to sovereignty.

Anchor Institution Connectivity

Year	Docket	Title	Notes & Tribal Impact
2013	13-184	Modernizing the E-Rate Program for Schools and Libraries	Pushed for Wi-Fi and broadband; Tribal advocates cited tech gaps.

Spectrum Access and Tribal Lands

Year	Docket	Title	Notes & Tribal Impact
2011	11-40	Spectrum on Tribal Lands	Called for better Tribal spectrum licensing.
2018	18-120	Transforming the 2.5 GHz Band	Created window for Tribal exclusive spectrum licenses.
2010	10-141	Improving Native Nations Communications	Initiated inquiry into Tribal-specific broadband needs.

Infrastructure and Rights-of-Way

Year	Docket	Title	Notes & Tribal Impact
2007	07-135	Establishing Just and Reasonable Rates for Local Carriers	Addressed access and pricing in rural areas.
2017	17-79	Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment	Reduced Tribal consultation requirements—widely opposed by Tribes.

Media and Broadcasting

Year	Docket	Title	Notes & Tribal Impact
2009	09-52	Rural Radio	Tribal eligibility and allotment raised as core issues.

Appendix II

Timeline of the History of Advocacy in Response to Structural Inequalities in Tribal Telephony and Telecommunications

Period	Policies or Actions	Impacts
Era One: Early years and the 1980s	• Cheyenne River Sioux Tribal Telephone Authority started in 1958 • Fort Mohave Telecommunications, Inc. started in 1988 • Gila River Telecommunications, Inc. started in 1988	• Historically, Tribal nations demonstrated early adoption of new technologies. • From newspapers and telegraphs to radios, telephones, cell phones, and the internet, communities have embraced these tools as powerful communication and information-sharing tools. • Some of the earliest telephony include Cheyenne River Sioux Telephone Authority, Gila River Telecom, Inc., and Fort Mojave Telecommunications, Inc.

Period	Policies or Actions	Impacts
Era Two: 1990s	• Telecommunications Act of 1996 (rewrite of 1934 Act) • NTIA publishes report: *Falling Through the Net: Defining the Digital Divide* 1999 • NTIA found that 46% of American Indians had no access to basic telephone service. • FCC hosted first field hearings in 1999, "Overcoming Obstacles to Telephone Service for Indians on Reservations" in response to NTIA data.	• The Telecommunications Act of 1996 aimed to promote competition, reduce regulations, and encourage the development of new technologies in the US telecommunications industry. • It removed many regulations and barriers to entry, leading to increased competition, lower prices, and rapid technological expansion. Even today, the Act continues to impact the industry significantly. • Tribal Nations are not included in the Telecommunications Act of 1996, which spurred a multitude of strong Tribal responses and essentially marks the beginning of Tribal advocacy in telecommunications.
Era Three: 2000–2010	• President Clinton uses term *digital divide* in State of the Union address 2000. • FCC Universal Service Dockets 00-204 and 00-208 • FCC Tribal Policy Statement • Tribal Lands ETC designation and new enhanced lifeline and linkup for Tribal lands	• The 2000s were pivotal years in Tribal telecom policy. The FCC advanced its relationship with Tribal Nations: at the beginning of the decade, there was one person and the Indian Telecom Initiative. At the end of the decade, Tribal Nations were included in the National Broadband Plan of 2010. • The FCC recognized the need for Tribal Nations to have

Period	Policies or Actions	Impacts
	• NCAI passed 22 resolutions in the telecommunications subcommittee • ITTI 2000: 600 people from 135 Tribes showed up. • Indian Telecom Initiative 2003, 2004, 2005, 2006 • ARRA, BTOP 2008 • Native Public Media formed. • New Media Study 2009 • FCC opens four major dockets with Tribal implications: significant Tribal response.	access to high-speed internet and advanced telecommunications technology to stay competitive in the modern world. This recognition led to the creation of programs that aimed to increase broadband deployment and adoption in Tribal Nations. • The first research on internet access, use, and availability on Tribal lands was published in 2009. But generally, there was no data (and there's still little). • There were 117 filings by Tribes in FCC dockets during this decade.
Era Four: 2010–2020	• National Broadband Plan of 2010 includes Tribes. • FCC forms the Office of Native Affairs and Policy (ONAP) in 2010. • FCC implements Tribal Priority for Radio Broadcast Licensing 2010. • FCC forms Native Nations Broadband Taskforce in 2011 (now called Native Nations Communications Taskforce). • FCC opens 33 Dockets. • NCAI submits 134 filings between 2010 and 2020.	• Starting in 2010 with the National Broadband Plan, which included Tribal Nations, this decade saw Tribes getting that seat at the table. • Through the NCAI resolutions process, Tribes have historically and continue to support the following areas: (1) radio and television matters; (2) the ONAP and its actions; (3) articulating Indian Country's inclusion in Universal Service Reform at the FCC; (4) Tribal positions on spectrum; (5) Tribal positions on the long impending

Period	Policies or Actions	Impacts
	• NCAI passes 50 resolutions on telecom, spectrum, and radio in 2010s. • Work slows down in 2015 in advance of presidential election. Less FCC action. NCAI changes in staff lead to less telecom expertise. • Presidential changes lead to much inaction from 2016 on. • Spectrum becomes important.	Telecommunications Act rewrite; and (6) Tribal access to broadband. Other significant areas of interest include E-Rate, Lifeline and Link-Up, net neutrality or open internet, and the funding mechanisms for infrastructure. • During the 2010s, there were significant policy actions, including at least 33 dockets. • There were 673 filings in dockets by Tribes in this decade.

Era Five: 2020s	• 2.5 GHz spectrum
	• Legislative responses emerged to address COVID-19 issue including:
	  • Tribal Broadband Connectivity Program
	  • Broadband Equity, Access & Deployment Program (BEAD)
	  • Digital Equity Act Program
	  • State Planning Grant Program
	  • State Capacity Grant Program
	  • Competitive Grant Program
		• The COVID-19 pandemic emphasized the need for broadband access in Tribal lands, with those without reliable internet access being left behind.
		• This era is marked by dramatic swings in federal policy.
		• Through December 2024 Tribes filed on 167 dockets.