Reports

An Examination of Federal Tribal Broadband Funding Post-COVID

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Abstract

This article examines federal investment in Tribal broadband deployment, from the COVID-19 era to the present day. It discusses how legislation initially enacted in response to the pandemic established programs to improve digital access and connectivity in Tribal communities. While these programs did not solve every problem, they enabled Tribes to have greater control over resources to achieve the goal of expanded broadband connectivity. This reassignment of control recognized Tribal sovereignty in ways that earlier initiatives had not, and many Tribes embraced the challenges. Future funding programs must continue to empower Tribes and not mandate how Tribes use their resources. Empowering Tribal Nations to make their own decisions and providing the tools to accomplish that is a foundational part of the federal government's trust responsibility to federally recognized Tribal Nations.

Keywords: Tribal broadband; digital divide; digital equity

Introduction

By early 2020, the full devastating impact of COVID-19 began to be understood. As April ended, more than 63,000 Americans had died (Worldometer, 2024), students were learning from home, and many workplaces were closed indefinitely. What was not yet understood was how the federal government's response to COVID-19 would lead to new approaches in funding broadband programs—more specifically, Tribal broadband policies. This article traces how this developed, what changes occurred, and what impact it had on Tribal sovereignty going forward in the information age.

As COVID-19 spread and lockdowns became commonplace, Americans needed an immediate and meaningful federal response to help mitigate the pandemic's impact on daily life. The US government swiftly created relief programs that applicants could access easily and benefit from immediately. For example, individuals received money directly through economic impact payments, and eligible businesses were helped through programs such as the Paycheck Protection Program.

In contrast, older-style federal funding models usually are structured as competitive grants or loans, often with complicated application procedures. These approaches frequently create barriers to applying for and receiving funds. Applicants such as Tribal governments also may not have the assets, for example, to qualify for loan programs or to fulfill matching fund

requirements. The older style of federal funding often prevents Tribes from accessing much-needed resources.

Burdensome scenarios like these describe what Tribes have long encountered when seeking federal resources. Competitive grant or loan programs force Tribes to compete against other Tribes, states, and organizations for funding, regardless of existing trust or treaty obligations between the government and Tribal nations. Complicated application or procedural rules may require expertise or related experience that some Tribes do not have, further stopping many before they begin.

Tribal applicants have faced similar barriers when seeking federal funds from broadband programs. Up-to-date communication technology is a paramount element of successfully meeting essential trust obligations in areas such as education and healthcare. Broadband, then, represents a critical part of the long history of Tribal advocacy (see the Special Issue article titled "History of Advocacy in Tribal Telephony and Telecommunications, 1980–2020"). Key inputs from Tribal leaders and community champions have positively influenced some recent broadband programs by addressing issues related to sovereignty, data representation, and the historic lack of Tribal broadband funding. How or whether their contributions will continue to improve Tribal Digital Sovereignty laws remains to be seen now that the Trump administration has taken office.

Methodology

This article was written using publicly available information from government agencies, statutes, press releases, and news articles. The article examines developments in Tribal broadband connectivity by examining federal grant program regulations and other information describing Tribal broadband initiatives starting in 2018 through 2025. Information is analyzed in chronological order to illustrate the change in Tribal broadband policy slightly before, during, and after COVID. Most of the information in this article is taken from federal government sources that have a trust obligation to manage Tribal resources when applicable. Therefore, the federal government is an essential source of data relevant to Tribal nations. Tribal governments and organizations strictly control information on their individual members and communities and often do not make their data publicly available.

Pre-COVID Broadband Initiatives: 2018–2020

Several key policy developments from 2018–2020 laid the groundwork for infrastructure and digital equity initiatives that followed later in 2020 and in 2021. These pre-COVID-19 initiatives directed attention to longstanding barriers to Tribal broadband development and shaped new policies that further defined how Tribes could participate in the federal government's effort to close the digital divide.

2018 Broadband Deployment Report

The first of these initiatives was the Federal Communications Commission's 2018 Broadband Deployment Report, which analyzed data collected from 2012–2016. It concluded that the number of Americans with access to broadband internet had increased during this period. It stated that 92.3% of Americans had access to broadband internet at a speed of 25/3 (download speed of 25 Mbps and upload speed of 3 Mbps.) through home internet service (FCC, 2018). That figure included people living on Tribal lands, who were reported to have an access rate of 64.6%. The report also found that 94.9% of those living on Tribal lands had access to mobile LTE service (internet that is utilized through mobile phone networks) with a speed of 5/1. With these numbers, the FCC concluded that "telecommunications capability is being deployed to all Americans in a reasonable and timely fashion" (FCC, 2018, p. 49).

However, this optimistic view did not match the reality in many Tribal communities. The US Government Accountability Office (GAO) found that the FCC overstated the availability of internet access on Tribal lands because of flawed data collection procedures (Goldstein, 2018). The first of these was the use of US Census Bureau–designated geographic areas to assess internet access.

These areas are designated as census blocks, and their size and shape vary throughout the United States. Census blocks can vary from individual city blocks to areas that are hundreds of square miles in rural parts of the country. Census blocks on Tribal lands often correspond to reservation boundaries; however, Tribal lands also vary in size from a few square acres to thousands of square miles (US Bureau of Indian Affairs, 2017). The data about broadband service and availability that the FCC collects directly from internet service providers (ISPs) corresponds to census blocks. However, the Form 477 data collection process generalizes internet availability at the census-block level. If an ISP reported that it served, or could serve, at least one location in a given block, then the whole block was identified as having internet access. This analysis is problematic because it does not give an accurate representation throughout an entire census block. For example, one house in a block could be located near a major highway with LTE connectivity, while a cluster of homes a few miles away in the same block could have no connectivity at all.

The second flaw found in the data collection process concerned the accuracy of ISPs' self-reporting. The companies' fixed and mobile broadband internet data was not verified by the FCC or Tribal communities, so actual speeds and mobile network availability could not be accurately presented in the report (Goldstein, 2018, p. 15). For fixed broadband service, there was no verification that an ISP was able or willing to provide internet service at a given location in a census block within 10 business days (Goldstein, 2018, p.17). The report also relied on *potential* availability in making assessments about actual internet availability: that is, if an ISP stated that it could potentially bring service to an area, that location was erroneously identified as being served.

This process negatively impacted rural communities of all kinds, including Native groups. Tribes were not able to engage with ISPs' reporting of Form 477 data to correct any misrepresentations (Goldstein, 2018, p. 28). Tribal members living on Tribal lands are the most

knowledgeable about internet availability in their areas, but including local input was never considered. Tribal representatives who were interviewed for the GAO report indicated that the Form 477 data collection process would benefit Tribes much more if the FCC consulted with them and enabled them to provide their own data (Goldstein, 2018, p. 26). Organizations like the National Congress of American Indians agreed and, in fact, had already been providing input to the FCC record and advocating for better broadband data on Tribal lands (NCAI, 2018).

The GAO pointed out the flaws in the FCC's data collection process and made recommendations for improvement, but it did not make any adjustments to the 2016 data itself. In 2017, the FCC solicited comments on improving its Form 477 process (FCC, 2017), but the issues that produced inaccurate Tribal data remained. The FCC found similar broadband access rates on Tribal lands using the same Form 477 data collection process from the 2019 and 2021 deployment reports.

The GAO report included a response from the FCC that outlined some of its Tribal outreach and its work to communicate with Tribes through its Office of Native Affairs and Policy (ONAP) (Goldstein, 2018, p. 47). However, because no formal process existed to give input on the Form 477 data collection process, the GAO determined that more work was required to improve Tribal engagement. Part of the FCC's Tribal engagement effort is made through its Native Nations Communications Task Force (NNC). Made up of Tribal representatives, the NNC makes recommendations to the FCC on behalf of Tribal interests. In 2019 it released its own report titled *Improving and Increasing Broadband Deployment on Tribal Lands*.

The task force's report made recommendations on how the FCC could better support Tribal sovereignty and address the unique connectivity challenges faced by Tribal Nations (NNC, 2019). For example, it called for creating more flexibility in federal funding, such as by removing single-use funding restrictions, expanding funding eligibility to more Tribal entities besides eligible telecommunication carriers, and broadening the definition of Tribal lands to include tribes without a land base (NNC, 2019, p.6). It recommended that Tribes be allowed to choose their own designated providers on Tribal lands and to collect their own data on internet connectivity (NNC, 2019, p.10). The NNC report included Tribal success stories to illustrate that Tribes who control their connectivity projects are better able to serve their communities. For example, the Chickasaw Nation developed its own ISP that partnered with the Oklahoma Department of Transportation to build fiber networks; ultimately the Tribe-owned ISP used these newly built fiber networks to generate revenue and diversify the Tribe's financial assets. In making its recommendations, the task force acknowledged that federal resources are better utilized when processes include meaningful recognition of Tribal sovereignty and empowerment of local Tribal experts.

2.5 Ghz Rural Tribal Window

It was apparent by 2019 that Tribes were decades behind the rest of the country when it came to internet availability. The evolution of internet technology from telephone lines to TV cables to fiber optic technology did not happen in most Tribal communities. ISPs did not calculate a

financial benefit from building out to rural Tribal communities with low numbers of potential subscribers. Many Tribal communities had no choice but to continue using older existing infrastructure for internet service; some were stuck with no infrastructure, and therefore no service, at all. A 2019 report from the American Indian Policy Institute found that out of 160 Tribal respondents, fewer than 19% had home internet access, and 48% of Tribal respondents primarily used their phone to access the internet (Howard & Morris, 2019). In contrast, the FCC estimated that 95.6% of Americans in 2019 had access to 25/3 home internet service (FCC, 2021).

A key part of improving broadband access involves wireless technologies like fixed wireless and mobile networks. Wireless technology is cheaper and avoids some of the complications related to permitting and rights-of-way that are part of Tribal land development. However, wireless technology is still vulnerable to natural barriers. The rural landscapes where many Tribes are located feature breathtaking but rough terrain. Wireless technology uses radio wave frequencies that do not always work properly in heavily treed land or uneven elevations. However, certain frequencies can work in challenging rural areas. The 2.5 GHz band of frequencies is one such choice.

Radio wave frequencies (collectively, "spectrum") that deliver high-speed service or perform well in rural areas usually require a license to access (Rankin, 2024). The high valuation of spectrum has often prevented Tribes from accessing it over their Tribal lands. Since 1994, large companies have bought access to spectrum all across the United States, with many still holding the licenses today (FCC, 2023a). Companies that own the licenses over Tribal lands are not obligated to give Tribes access, nor are they obligated to build any networks that utilize the license. This is one of the foundational issues that is at the heart of the Tribal digital divide (Gray, 2024).

In response to these realities, in 2019 the FCC found it would be "in the public interest" to offer Tribes a prioritized chance to acquire licenses for unused spectrum over their lands (Gallagher, 2025). This 2.5 Ghz Rural Tribal Window, open from February to September 2020, enabled over 350 Tribes in 30 states to obtain licenses to access the 2.5 GHz spectrum for wireless internet networks (FCC, 2022a). The success of this initiative foreshadowed an increasing number of innovative solutions developed by Tribes to connect their communities (Descant, 2025).

COVID-Era Broadband Initiatives: 2020–2022

Once pandemic lockdowns began, alternative methods to communicate and share information were needed to continue navigating daily life. Broadband made communication possible through email, social media, and virtual work platforms. Some areas of the country were prepared to handle the shift to virtual spaces with readily available broadband and high rates of device ownership. Tribal communities were much less equipped to shift to digital spaces as many still had limited internet access—or none at all. The pandemic added broadband to other services such as electricity and water that many Tribal communities lacked sufficient infrastructure to support when compared to the rest of the country.

The sections that follow describe the most prominent federal legislation and programs established during the COVID-19 era, all of which carried meaningful consequences for Tribal communities.

Coronavirus Aid, Relief, and Economic Security (CARES) Act

The Coronavirus Aid, Relief, and Economic Security (CARES) Act was the first bill passed by Congress to mitigate COVID's impact. Signed into law in March 2020, the Act's purpose was "to provide emergency assistance and health care response for individuals, families, and businesses affected by the 2020 coronavirus pandemic." Through its provisions, Americans received stimulus payments, businesses received special loans to keep workers employed, and unemployment benefits expanded to help more individuals for a longer period of time. In addition, funds were reserved for distance learning, telemedicine, and broadband programs in rural areas (CARES Act, 2020).

Broadband DATA Act

Also enacted in March 2020, the Broadband DATA Act directed the federal government to collect broadband availability data and develop better broadband availability maps (Broadband DATA Act, 2020). The impetus for improving the accuracy and collection methods of broadband data came from sources such as the GAO's 2018 report (Goldstein, 2018) and the National Telecommunications and Information Administration's (NTIA) 2018 call for public comments on improving the quality and accuracy of broadband availability data. These sources helped to identify gaps in mapping data that had contributed to the misrepresentation of broadband availability on Tribal lands, a flaw discussed earlier.

The Broadband DATA Act spurred two critical developments: an improved National Broadband Map and a formal challenge process that served as a check on Form 477 data (NTIA, 2018).

The National Broadband Map (NBM) is made up of two types of data (Broadband DATA Act, 2020). The first, the map fabric, contains information on individual locations across the United States. The NBM provides more granular detail than Form 477 data because it gives information on individual locations across the country. The map fabric takes locations that have access to or can be served by broadband providers. These locations include homes, schools, libraries, and other buildings and classifies them as Broadband Serviceable Locations (BSL).

The second type of data on the map identifies the internet availability at each BSL. This data is largely provided by ISPs, and it shows where ISPs have *actually* built service as opposed to where ISPs *could* build service. ISPs provide information on the type of service provided (e.g., wired or wireless), download/upload speed, and the time it takes for data to transfer between two points (or "latency").

The formal challenge process allows for challenges to both types of data: the fabric data and internet availability data. The FCC accepts challenges to the map fabric where BSLs may be missing or inaccurate, and challenges to internet availability at a given BSL. This process gives Tribes an opportunity to correct information in their communities and challenge the information from ISPs.

However, the new map had its challenges when it came to its interrelation with grant programs. In a December 2022 hearing, Senator Ben Ray Luján (D-NM) expressed concerns that the map still inaccurately represented Tribal communities (Ensuring Solutions, 2022). The first version of the new FCC maps was still very much a product of Form 477 data. Inaccurate data and compressed grant timelines only added to the historic negative impacts of internet availability data. The GAO's 2018 report also found that a lack of broadband data prevented Tribes from taking part in past broadband infrastructure development programs (Goldstein, 2018, p. 47). Any delays or barriers for Tribes to participate in these programs puts Tribal communities that much further behind the rest of the country in infrastructure development.

In 2023, the FCC released the third version of the National Broadband Map and reported receiving challenges to approximately 4 million locations (FCC, 2023b). The new map continues to improve and shows how local input can improve data.

Consolidated Appropriations Act, 2021

The Consolidated Appropriations Act, 2021, included support for broadband, notably creating the Tribal Broadband Connectivity Program (TBCP) (Consolidated Appropriations Act, 2020).

Tribal Broadband Connectivity Program (TBCP)

The TBCP differs from many of the pre-COVID telecommunications funding programs by granting funds directly to Tribes and giving them more discretion to implement broadband resources without requiring matching funds. When first established, the program provided $1 billion for Tribal broadband projects (Investment Infrastructure and Jobs Act, p. 134). The Infrastructure Investment and Jobs Act (IIJA) added another $2 billion to the TCBP in 2021 (Infrastructure Investment and Jobs Act, 2021).

This total $3 billion in funding not only represented an unprecedented investment in Tribal broadband, but it also gave Tribes flexibility in implementing the funding. For example, the TBCP could be used to fund infrastructure projects, affordability programs, and workforce development. The TBCP received $7.5 billion in requests, consisting of $5 billion in the first round (NTIA, 2021), and $2.5 billion in the program's second round (NTIA, 2024). The substantial number of requests was more than double the TBCP's $3 billion, demonstrating the actual need for broadband development in Indian Country.

Tribes and rural communities often face challenges to middle-mile infrastructure, which is the high-capacity infrastructure that runs between internet exchange points and powers

mobile network towers. In most cases, Tribes and rural communities are located far from middle-mile infrastructure. The lack of sufficient middle-mile is another core challenge that prevents broadband access. Much of the focus in the TBCP, and later in BEAD Program (discussed in a later section), is building last-mile infrastructure to homes and other BSLs, but these programs could also go toward middle-mile. However, the high cost of building middle-mile limits the number of homes that could ultimately be served by these programs. This program allocated $980 million for middle-mile infrastructure projects. However, it still required Tribes to enter a competitive application process because there was no funding was set aside specifically for Tribes (Infrastructure Investment and Jobs Act, 2021).

Affordability Programs

In the Consolidated Appropriations Act, Congress recognized the major affordability barrier that prevents many individuals from having access to broadband internet, and also acknowledged that Tribes faced a greater affordability challenge due to the high cost of internet service on Tribal lands (Park, 2020). The first major affordability program coming out of COVID was the Emergency Broadband Benefit (EBB) Program in 2020. The EBB provided internet service discounts of $50 for eligible households, $75 for eligible households on Tribal lands, and a one-time $100 discount on computers or other qualifying devices (Consolidated Appropriations Act § 904(b), 2020). The 2021 Bipartisan Infrastructure Law (BIL) later amended the EBB by changing the name of the program to the Affordable Connectivity Program (ACP), lowering the monthly subsidy from $50 to $30 a month, and making other changes (Infrastructure Investment and Jobs Act, 2021). However, the BIL left the subsidy for households on Tribal lands intact. The subsidies provided by the ACP were significant to Tribes because not only did it make internet access more affordable to Tribal members, but it also contributed to the sustainability of Tribal-owned networks (Neenan, 2024).

Broadband Equity, Access, and Deployment (BEAD) Program

The BEAD Program, launched in May 2022, provides $42.45 billion to states for broadband planning, deployment, mapping, equity, and adoption activities. It prioritizes broadband service to all unserved and underserved locations within a state or territory, and requires that states develop plans to serve these locations first. Once unserved and underserved locations are addressed, then states may look at serving other entities like libraries, community centers, and other public facilities designated as Community Anchor Institutions. The BEAD Program requires that states consider all identified BSLs, including the ones on Tribal lands.

The BEAD Program's funding allocation for each state is based on a state's BSLs. States must develop a five-year action plan to serve all BSLs, including a "description of the Eligible Entity's external engagement process, demonstrating collaboration with local, regional, and Tribal (as applicable) entities" (NTIA, 2022a, p. 26). States with Tribal communities will likely find that those communities are included in their BSLs. Therefore, Tribal engagement is critical. The

BEAD Program put states in a new role to work with Tribes to close the digital divide among all parts of the state, including Tribal communities.

The first version of the NBM was released on November 18, 2022 (FCC, 2022b). This map was developed to show broadband availability nationwide at a more detailed level than ever before. The statutory timelines for the BEAD Program gave states 180 days from November 18, 2022, to develop a plan to connect every unserved and underserved location. This meant that states had to establish broadband offices, convene stakeholders, draft detailed plans, and conduct outreach to Tribal communities within six months.

At the same time, Tribal entities and other stakeholders had to review the initial version of the NBM to ensure that their communities would be counted as an eligible BSL for the BEAD Program. While the FCC maintained the map, the NTIA was the agency in charge of administering the BEAD Program. Therefore, the NTIA had its own deadlines that did not line up with the FCC's map challenge and update schedule. Tribes and other stakeholders had approximately 56 days from November 18, 2022, to January 13, 2023, to review the map and submit challenges to be considered for the BEAD Program (NTIA, 2022b).

The BEAD Program's $42.45 billion for broadband is a historic opportunity for Tribes, but it replicates the same grant program challenges that Tribes have faced in the past. First, the BEAD Program allocates money to states instead of directly to Tribes. Second, to fully participate in the program, Tribes must do their own work to collect information on BSLs. This presents a challenge because Tribes are likely to need additional resources and/or expertise to collect data to submit to the FCC within a short time frame. And finally, the NTIA released BEAD Program implementation guidance for Tribal engagement without giving clear requirements and thresholds for meaningful Tribal engagement.

The BEAD Program has made some progress for grant program implementation in Tribal areas. Although it provided no set criteria, the NTIA is evaluating state plans for consulting with Tribes and receiving their input. The BEAD Program also requires that any projects taking place on Tribal lands require Tribal consent, thus helping to ensure that Tribes directly benefit from projects. As of this writing, states are still in the plan development stage of the BEAD Program. There will be more information on the Tribal provisions of the BEAD Program once states begin the implementation of their BEAD plans.

Digital Equity Act (DEA) Grant Programs

In addition to infrastructure programs were programs to help build digital skills and capacity. The DEA Programs were created through the IIJA (or Bipartisan Infrastructure Bill) to promote broadband access through non-infrastructure initiatives such as digital skills training, workforce development, and support for affordable devices (Consolidated Appropriations Act, 2020). The resources allocated through the DEA Programs were less than those under the BEAD Program, but the DEA Programs were meant to help Tribes develop digital equity plans and to address issues surrounding new access to broadband.

Improving Tribal Relationships with the Federal Government

Efforts to increase and improve Tribal participation in broadband programs occurred during the Biden administration as it sought to improve federal government interactions with Tribes. President Biden first issued a memo in January 2021 directing federal agencies to develop plans to have meaningful communication with Tribes on policy matters. Later in November 2022, President Biden issued another memo standardizing Tribal consultation procedures across all agencies (Executive Office of the President, 2022). And finally, in December 2023, President Biden issued Executive Order 14112 directing agencies to make federal funding more accessible by reducing administrative burdens and providing technical assistance to the extent allowable under federal law (Executive Office of the President, 2023).

In accordance with the Biden administration's recognition of Tribal sovereignty, several other federal programs include special Tribal provisions or Tribal eligibility. The following sections describe some of these programs.

Tribal Cybersecurity Grant Program

The Tribal Cybersecurity Grant Program was created through the IIJA. This program awards grants to Tribal governments and other eligible entities to address cybersecurity risks. The program was appropriated approximately $18 million, which represents a 3% set-aside from a larger cybersecurity appropriation to FEMA and CISA (Infrastructure Investment and Jobs Act, 2021). The grant enables Tribes to implement, develop, and/or revise their cybersecurity plans from an eligible entity, and also assists with activities that address imminent threats. Some of the program's Tribal provisions include a consultation requirement as well as a cost-share waiver for Tribal entities. This program is critical because it enables new Tribal network operators to secure their newly built digital infrastructure.

Indigenous Communities Program

The Indigenous Communities Program allocated $100 million from the American Rescue Plan Act of 2021 (ARPA) specifically for Indigenous communities (Economic Development Administration, 2021), which were disproportionately impacted by the pandemic. This program enabled Tribal governments and Indigenous communities to develop and execute economic development projects to recover from the pandemic and build economies for the future, including broadband projects. Funds from this program were awarded at a 100% grant rate, and Tribes were eligible to be reimbursed for some pre-award costs.

State Small Business Credit Initiative (SSBCI)

The SSBCI Program was established before COVID under the Treasury Department. This program supports Tribal small-business financing programs that can be used to finance qualifying Tribal businesses in the broadband/telecommunications field. The SSBCI was reauthorized by ARPA with approximately $500 million specifically for Tribes (American Rescue Plan Act, 2021).

Capital Projects Fund

The Capital Projects Fund was created by the ARPA within the Treasury Department and included a $100 million Tribal set-aside to fund critical capital projects that directly enable work, education, and health monitoring, including remote options (Infrastructure Investment and Jobs Act, 2021). Projects funded by this program were meant to assist with mitigating the COVID public health emergency.

Enabling Middle-Mile Broadband Infrastructure Program

Tribes were eligible to apply for grants out of this $1 billion program for the construction, improvement, or acquisition of middle-mile infrastructure. However, the program did not include funding specifically set aside for Tribes (Infrastructure Investment and Jobs Act, 2021). Rather than provide broadband connection to individual homes, this program assisted with the necessary infrastructure to bring broadband access to an entire community or region. The funding for this grant program came from the IIJA.

ReConnect Program

The Department of Agriculture's ReConnect Program offers loans, grants, and loan-grant combinations to facilitate broadband deployment in areas of rural America that do not have sufficient access to broadband. The program offers 100% grant awards for Tribal governments and socially vulnerable communities. The program was originally created through the Consolidated Appropriations Act, 2018 (Consolidated Appropriations Act, 2018), but it became a key mechanism to support broadband infrastructure development during the pandemic. In response to COVID, additional money was appropriated through the CARES Act (CARES Act, 2020). In FY2022, the program received approximately $1.9 billion from the IIJA, along with expanded broadband speed eligibility and a Tribal waiver for cost-sharing requirements (Infrastructure Investment and Jobs Act, 2021). In the program's fourth-round Notice of Funding Opportunity, there was an added requirement that projects taking place on Tribal lands have formal consent from the appropriate Tribal government (US Department of Agriculture, 2022). Applications for the program's fifth round of funding closed in May 2024 with approximately $150 million in grants available for Tribes (US Department of Agriculture, 2024).

Tribal Broadband Work in the Years Since COVID: 2022 to the Present

The initiatives begun during COVID to create more accurate broadband availability data and promote Tribal broadband access have been abandoned under the Trump administration. For example, NTIA issued new BEAD Program guidelines in June 2025 that focus on cutting costs rather than expanding access and building reliable networks, even if the total cost of a state broadband plan is below the funding originally appropriated by Congress. The new guidelines discourage states from using their own cost thresholds for project proposals, which in turn discourages projects on Tribal lands that are more expansive than projects in non-Tribal areas. States need to be able to determine cost thresholds to take high Tribal project costs into consideration. The new guidelines make it clear that NTIA will reject any state proposals it considers to be unreasonable but do not provide any specific evaluation criteria other than stating that the lowest cost proposals would take priority (NTIA, 2025). Arizona Senator Ruben Gallego stated that three Tribal Nations in Arizona may lose out on BEAD funding due to the new program guidelines (Gallego, 2025).

Despite new administration priorities, the efforts to improve and utilize the NBM for future funding continue. The FCC recently ordered that other agency funds be allocated based on the NBM (FCC, 2025).The initial versions of the national map still rely heavily on Form 477 data, however. While Tribes now have an avenue to challenge inaccurate data represented on the map, the challenge process is not easy. It requires technical knowledge in both GIS mapping and broadband technology. Tribes who do not have the right technical expertise will have difficulty ensuring that their communities are accurately represented on the national map. (The progression toward gaining internal expertise is discussed in the article titled “Proactive Solutions in Implementing Tribal Digital Sovereignty.”)

Conclusion: Moving Forward

Today, most of the programs that responded to the COVID-19 crisis have ended. The few that continue have changed significantly. In addition to its changes to the BEAD Program, the Trump administration unilaterally ended the $2.75 billion Digital Equity Act Programs (Ortutay & Rush, 2025). This eliminates vital resources to assist with broadband skills training and device affordability needed in many Tribal communities. These new developments make it highly likely that Tribal communities will miss out on real and impactful opportunities to catch up to the rest of the modern world. Additional barriers to progress like these will add to the massive amount of work and resources needed to bring Tribal communities basic internet access at 25/3.

As important as funding like the TBCP’s $3 billion is, it provides only the starting point in the effort to close the Tribal digital divide. Tribes deserve the same internet access that the rest of the world benefits from. The internet is a much-needed tool to overcome many historic barriers. The programs of the last few years give us a glimpse into what is possible in Tribal broadband policy, and the work must continue to connect all Tribal communities.

Currently, the circumstances surrounding Tribal broadband are bleak, but Tribal nations have overcome adversity before. One solutions lies in the inherent sovereignty of every federally

recognized Tribal nation. Tribal sovereignty is often compared to a muscle: it needs to be continually exercised to stay healthy. That longstanding description still holds true today. The concept of sovereignty described by the US Supreme Court in *Worcester v. Georgia* (1832) applies equally to digital information, wireless spectrum, and fiber optic cable. A Tribe's sovereign right to govern its land and people must also be implemented over digital information and infrastructure.

COVID-inspired funding programs provided a glimpse of what could be possible. They showed greater recognition of Tribal sovereignty, empowered Tribes to certify their own membership totals, bolstered Tribal consultation across the federal government, and provided historic levels of funding directly to Tribal Nations. As a result, Tribes sought out and used federal resources for unique community needs that they identified themselves. The gains made during the COVID era replicated those seen during the long history of Tribal advocacy for more autonomy in federal funding programs, efforts that led to initiatives such as the co-management of natural resources, Tribally owned business enterprises, and Tribally operated healthcare facilities.

The same approach must be applied to broadband. Viewing broadband as a resource comparable to other natural resources would bring it under federal trust obligations. Digital information requires infrastructure every bit as much as other necessary resources such as water. Data centers and fiber optic cable are analogous to holding tanks and pipelines. Wireless 5G technology utilizes radio frequencies that broadcast through the airspace that exists over Tribal lands. Broadband is not an optional luxury but a vital resource that connects people to essential information and services.

Taking this view of broadband raises the stakes of improving Tribal connectivity. It raises the importance of elements such as broadband investment, affordable access, and engagement with the NBM. And it raises the possibility of stronger support for Tribal broadband access during times when federal priorities turn away from Tribal interests. Chronically positioned behind other areas of the country,

The federal trust relationship—built between a Tribal sovereign and a federal one—necessitates many of the resources and services that Tribes receive from the federal government. The obligations under the federal trust relationship provide Tribes with a powerful advocacy tool. Federal programs that impact Tribes must align with Tribal interests and be implemented only with Tribal engagement. The exercise of full Tribal Digital Sovereignty, with all the benefits and progress that term implies, depends on these federal trust obligations being met. If history is any guide, strong and consistent Tribal advocacy will remain a vital part of achieving these goals.

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