



COALITION OF LARGE TRIBES

Blackfeet Nation • Cheyenne River Sioux Tribe • Confederated Tribes of the Warm Springs Indian Reservation of Oregon
Crow Nation • Eastern Shoshone Tribe • Fort Belknap Indian Community • Mandan, Hidatsa & Arikara Nation
Muscogee (Creek) Nation • Navajo Nation • Northern Arapaho Tribe • Oglala Sioux Tribe • Rosebud Sioux Tribe
San Carlos Apache Tribe • Shoshone-Bannock Tribes • Shoshone-Paiute Tribes of the Duck Valley Indian Reservation
Sisseton Wahpeton Sioux Tribe • Spokane Tribe • Ute Indian Tribe • Ute Mountain Ute Tribe • Walker River Paiute Tribe

Emergency Resolution: February 13, 2025, 2025-Resolution #02-2025 (Virtual)

EMERGENCY RESOLUTION OF COLT SUPPORT FOR EXEMPTION FROM ANY REDUCTION IN FORCE OF PROBATIONARY OR OTHER FEDERAL EMPLOYEES PROVIDING TREATY-BASED, STATUTORY-BASED OR TRUST-BASED SERVICES TO TRIBAL GOVERNMENTS AND TRIBAL CITIZENS

WHEREAS, the Coalition of Large Tribes (COLT) was formally established in early April 2011, and is comprised of Tribes with large land base, including the Blackfeet Nation • Cheyenne River Sioux Tribe • Confederated Tribes of the Warm Springs Indian Reservation • Crow Nation • Eastern Shoshone Tribe • Fort Belknap Indian Community • Mandan, Hidatsa & Arikara Nation • Muscogee (Creek) Nation • Navajo Nation • Northern Arapaho Tribe • Oglala Sioux Tribe • Rosebud Sioux Tribe • San Carlos Apache Tribe • Sisseton Wahpeton Sioux Tribe • Shoshone Bannock Tribes • Shoshone-Paiute Tribes of the Duck Valley Reservation • Spokane Tribe • Ute Indian Tribe • Ute Mountain Ute Tribe • Walker River Paiute Tribe and is Chaired by J. Garret Renville of the Sisseton-Wahpeton Oyate of the Lake Traverse Reservation, South Dakota; and

WHEREAS, COLT was organized to provide a unified advocacy base on all issues affecting Tribes that govern large trust land bases and that strive to ensure the most beneficial use of those lands for Tribes and individual Indian landowners; and

WHEREAS, COLT further advocates for legislative, regulatory, and policy reforms that impact large land base Tribes; and

WHEREAS, in Treaties, the United States pledged to protect Indian Tribes, guaranteed the right of Tribal self-government, protection, safety and economic development, and has undertaken a Trust responsibility to promote the viability of Indian reservations and lands as permanent homelands for Tribes; and

WHEREAS, the policy determinations of the Administration are a separate matter and the United States' solemn Treaty obligations for adequate Indian Country budgets and staffing persist regardless of the scope of the general, widely-recognized Trust responsibility of the United States to Tribal Nations; and



COALITION OF LARGE TRIBES

Blackfeet Nation • Cheyenne River Sioux Tribe • Confederated Tribes of the Warm Springs Indian Reservation of Oregon
Crow Nation • Eastern Shoshone Tribe • Fort Belknap Indian Community • Mandan, Hidatsa & Arikara Nation
Muscogee (Creek) Nation • Navajo Nation • Northern Arapaho Tribe • Oglala Sioux Tribe • Rosebud Sioux Tribe
San Carlos Apache Tribe • Shoshone-Bannock Tribes • Shoshone-Paiute Tribes of the Duck Valley Indian Reservation
Sisseton Wahpeton Sioux Tribe • Spokane Tribe • Ute Indian Tribe • Ute Mountain Ute Tribe • Walker River Paiute Tribe

WHEREAS, under our Constitution, “all Treaties made” are “the supreme Law of the Land.” Art. VI, cl. 2. Congress can pass laws to implement those treaties, *see, e.g., Bond v. United States*, 572 U. S. 844, 851, 855 (2014), and the Executive Branch must act in accordance with them, *see, e.g., Fok Yung Yo v. United States*, 185 U. S. 296, 303 (1902). A treaty is “essentially a contract between two sovereign nations.” *Washington v. Washington State Commercial Passenger Fishing Vessel Assn.*, 443 U. S. 658, 675 (1979). COLT Tribes’ Treaties with the United States contain numerous obligations for the United States to provide healthcare, law enforcement, economic development and other supports that manifest in modern form in the Federal Budget. The United States must honor its Treaty obligations; and

WHEREAS, Congress has chronically underfunded the Indian Health Service, the Bureau of Indian Affairs (BIA) and other programs resulting in insufficient funding for Tribes, including for COLT-member Tribes that rely on programs implemented by the IHS and BIA and have vast needs for Tribal government resources and services for their citizens; and

WHEREAS, in *Rosebud Sioux Tribe v. United States*, 16-cv- 03038 (D. S.D.), the U.S. Department of Justice argued that health service provided to Native Americans is “gratuitous,” and not part of the Trust requirement relating back to the Treaties, and the federal courts rejected that argument, holding that the United States “owes the [Rosebud Sioux] Tribe a duty to provide competent physician-led health care to the Tribe and its members,” (March 30, 2020 Order, Dkt. No. 102). And this same requirement applies to other COLT Tribes, and other subject-matters in addition to health care, by virtue of our Treaties with the United States ; and

WHEREAS, a cause of the chronic failures of Federal agencies to meet their Treaty and other obligations is the persistent inadequacy of Federal recruitment, hiring and retention of sufficient Federal staff to meet the needs of Tribal governments; and

WHEREAS, as an example, IHS medical facilities regularly face significant vacancy rates for physicians, nurses, and other key clinical providers. Last year, IHS experienced nearly 2,000 vacancies,¹ and a 2018 Government Accountability Office (GAO) report found that IHS had an

¹ IHS Workforce Parity Act and Tribal Access to Clean Water Act of 2023: Hearing on S. 4022 and S. 2385 Before the S. Comm. on Indian Affs., 118th Cong. 1 (2024) (statement of Melanie Anne Egorin, Assistant Sec’y for Legis., U.S. Dep’t of Health & Human Res.).



COALITION OF LARGE TRIBES

Blackfeet Nation • Cheyenne River Sioux Tribe • Confederated Tribes of the Warm Springs Indian Reservation of Oregon
Crow Nation • Eastern Shoshone Tribe • Fort Belknap Indian Community • Mandan, Hidatsa & Arikara Nation
Muscogee (Creek) Nation • Navajo Nation • Northern Arapaho Tribe • Oglala Sioux Tribe • Rosebud Sioux Tribe
San Carlos Apache Tribe • Shoshone-Bannock Tribes • Shoshone-Paiute Tribes of the Duck Valley Indian Reservation
Sisseton Wahpeton Sioux Tribe • Spokane Tribe • Ute Indian Tribe • Ute Mountain Ute Tribe • Walker River Paiute Tribe

overall health care provider vacancy rate of 25 percent across service areas.² These vacancies negatively impact the receipt of quality and timely health care, employee morale, and force facilities in many Tribal communities to reduce access to critical medical care, including behavioral and mental health care, that is needed to address the substance use and suicide crises plaguing Indian Country and Alaska Native villages. Further disruption in staffing could push IHS beyond its breaking point, potentially leaving thousands without access to critical care; and

WHEREAS, as an additional example, massive hiring is essential to public safety and yet, an unmet need as to public safety is right up front in the Tribal Law and Order Report released by BIA-OJS in March 2024:

This report fulfills the Bureau of Indian Affairs (BIA) reporting requirements (see Appendix C) in the Tribal Law and Order Act of 2010 regarding existing and needed spending, staffing, and estimated costs for BIA-funded Public Safety and Justice Programs in Indian Country for 2021. **Overall, Indian country BIA public safety and justice is funded at just under 13% of total need and an additional 25,655 personnel are required to adequately serve Indian country.** The need estimates are driven by scalable budget models applying operational benchmarks such as the Department of Justice benchmark of 2.8 officers per thousand members of the service population.

(Emphasis supplied).

As of the 2021 budget, **we needed 26,000 more officers just to get to bare minimum rural policing standards;** and

WHEREAS, Federal officials have testified repeatedly that improvements in services to Tribes are dependent on resolving recruitment and retention challenges:

Regarding continual management improvements, I want to let you know that our Indian Affairs leadership team is focused on

² U.S. GOV'T ACCOUNTABILITY OFF., GAO-18-580, INDIAN HEALTH SERVICE: AGENCY FACES ONGOING CHALLENGES FILLING PROVIDER VACANCIES 9-10 (Aug. 2018).



COALITION OF LARGE TRIBES

Blackfeet Nation • Cheyenne River Sioux Tribe • Confederated Tribes of the Warm Springs Indian Reservation of Oregon
Crow Nation • Eastern Shoshone Tribe • Fort Belknap Indian Community • Mandan, Hidatsa & Arikara Nation
Muscogee (Creek) Nation • Navajo Nation • Northern Arapaho Tribe • Oglala Sioux Tribe • Rosebud Sioux Tribe
San Carlos Apache Tribe • Shoshone-Bannock Tribes • Shoshone-Paiute Tribes of the Duck Valley Indian Reservation
Sisseton Wahpeton Sioux Tribe • Spokane Tribe • Ute Indian Tribe • Ute Mountain Ute Tribe • Walker River Paiute Tribe

operational improvements. **One key area of focus is on improving recruitment and retention of staff in critical areas such as law enforcement, awarding officials and realty staff.** Another area is infrastructure investment, this includes exploring opportunities to address the growing number of 105(l) leases to process and data improvements related to facility improvement and repair and construction. We have also focused on improving timelines for land into trust status and other realty activities. In each of these areas, we are looking at these issues from multiple angles, including appropriate resources and **staffing levels**, process improvement and better use of technology.

[November 14, 2023 Testimony of Hon. Bryan Newland](#) before House Natural Resources Committee Subcommittee on Indian and Insular Affairs, *“Opportunities and Challenges for Improving Public Safety in Tribal Communities.”* (Emphasis supplied). And:

Congress has commissioned many reports to investigate the public safety concerns of Native communities and **each report reaches the same conclusion: we need to address big structural challenges, such as staffing, to guarantee the safety of people in Tribal communities.**

[June 4, 2024 Testimony of Darryl LaCounte](#) before House Natural Resources Committee Subcommittee on Indian and Insular Affairs, *“Biden’s Border Crisis: Examining Efforts to Combat International Criminal Cartels & Stop Illegal Drug Trafficking Targeting Indian Country | Oversight and Investigations Subcommittee.”* (Emphasis supplied).

Timely approval of permitting and realty actions are critical to infrastructure investment in Indian Country. To this end, BIA recently announced a National Policy Memorandum (NPM-TRUS-44) which streamlines the rights-of-way (ROWS) and business lease application process for projects funded by the American Rescue Plan Act and Infrastructure Investment and Jobs Act (IIJA), as well as Telecommunications and Renewable Energy Projects. This action advances the policy of the BIA to support Tribal Nations



COALITION OF LARGE TRIBES

Blackfeet Nation • Cheyenne River Sioux Tribe • Confederated Tribes of the Warm Springs Indian Reservation of Oregon
Crow Nation • Eastern Shoshone Tribe • Fort Belknap Indian Community • Mandan, Hidatsa & Arikara Nation
Muscogee (Creek) Nation • Navajo Nation • Northern Arapaho Tribe • Oglala Sioux Tribe • Rosebud Sioux Tribe
San Carlos Apache Tribe • Shoshone-Bannock Tribes • Shoshone-Paiute Tribes of the Duck Valley Indian Reservation
Sisseton Wahpeton Sioux Tribe • Spokane Tribe • Ute Indian Tribe • Ute Mountain Ute Tribe • Walker River Paiute Tribe

in exercising their sovereignty to govern their lands and pursue economic self-sufficiency, conservation practices, and climate resiliency. Specifically, this National Policy Memorandum provides clear direction to ensure that ROWs and business leases are expedited so there is no unnecessary delay in deploying critical infrastructure to Indian country. Additionally, the fiscal year (FY) 2023 President’s Budget requests **an additional \$2 million that will allow the BIA to increase staffing for realty functions which are critical to infrastructure investment.**

[May 4, 2022 Testimony of Hon. Wizipan Garriott](#) before Senate Committee on Indian Affairs, Oversight Hearing “Setting New Foundations: Implementing the Infrastructure Investment and Jobs Act for Native Communities.” (Emphasis supplied); and

WHEREAS, COLT understands that, pursuant to a memorandum from the Office of Personnel Management, more than 200,000 Federal probationary employees (hired within the last one to two years) are planned to be terminated on or about February 14, 2025, including at least 849 employees from IHS:

- 93 physicians
- 350 nurses
- 26 nurse practitioners
- 129 medical assistants
- 25 hospital social workers
- 45 lab techs
- 89 pharmacists
- 18 dentists
- 43 dental assistants
- 31 sanitation engineers

Losing 20% of the IHS physicians in one day would be devastating to Tribal health; and

WHEREAS, COLT further understands that approximately 2,600-2,700 DOI probationary employees are slated for termination, including more than 120 Indian Affairs employees. Indian Affairs has long been drastically understaffed, especially as to law enforcement and realty staff. Indian Country has terrible problems with public safety and land documentation and



COALITION OF LARGE TRIBES

Blackfeet Nation • Cheyenne River Sioux Tribe • Confederated Tribes of the Warm Springs Indian Reservation of Oregon
Crow Nation • Eastern Shoshone Tribe • Fort Belknap Indian Community • Mandan, Hidatsa & Arikara Nation
Muscogee (Creek) Nation • Navajo Nation • Northern Arapaho Tribe • Oglala Sioux Tribe • Rosebud Sioux Tribe
San Carlos Apache Tribe • Shoshone-Bannock Tribes • Shoshone-Paiute Tribes of the Duck Valley Indian Reservation
Sisseton Wahpeton Sioux Tribe • Spokane Tribe • Ute Indian Tribe • Ute Mountain Ute Tribe • Walker River Paiute Tribe

leasing processing. The 120 BIA employees slated for termination fall largely into those roles to the best of our information and belief, following a huge push to hire in realty functions in particular in the last two years; and

WHEREAS, if we loses these critical new hires, economic development and public safety will be further stymied on reservations. This includes particularly energy leasing. Firing employees that serve Tribal governments and approve energy leasing and permit energy development on reservation lands is contrary to the Trump-Vance Administration’s goals to unleash energy potential and support increased Tribal self-sufficiency; and

WHEREAS, additionally, we understand roughly 690 Bureau of Indian Education K-12 teachers are slated for termination, along with dozens of Tribal college instructors; and

WHEREAS, our understanding is that the previous HHS and DOI Secretarial Orders exempting IHS and law enforcement employees applies only to the resignation offers, and all Federal probationary employees are slated to be fired on or about February 14, 2025, including doctors, teachers and law enforcement officers; and

WHEREAS; we have verified this information with multiple sources, but recognize it may not be complete or correct, but given the magnitude of the potential impacts, COLT believes it is imperative to request immediate clarification.

NOW THEREFORE BE IT RESOLVED, that the Coalition of Large Tribes (COLT) formally supports the withdrawal of the OPM memorandum directing the termination of probationary Federal employees; and

BE IT FURTHER RESOLVED, that COLT calls upon OMB to state a presumption that any probationary Federal employee serving Tribal governments or entities serving Tribal citizens is necessary and critical to achieving the Administration’s policies of increased health for Tribal communities, Tribes’ greater economic self-sufficiency, unleashing American energy and other priorities; and

BE IT FURTHER RESOLVED, that COLT calls upon OPM to issue a blanket waiver of the application of any reduction-in-force directives as to any Federal employee serving Tribal governments or entities serving Tribal citizens; and



COALITION OF LARGE TRIBES

Blackfeet Nation • Cheyenne River Sioux Tribe • Confederated Tribes of the Warm Springs Indian Reservation of Oregon
Crow Nation • Eastern Shoshone Tribe • Fort Belknap Indian Community • Mandan, Hidatsa & Arikara Nation
Muscogee (Creek) Nation • Navajo Nation • Northern Arapaho Tribe • Oglala Sioux Tribe • Rosebud Sioux Tribe
San Carlos Apache Tribe • Shoshone-Bannock Tribes • Shoshone-Paiute Tribes of the Duck Valley Indian Reservation
Sisseton Wahpeton Sioux Tribe • Spokane Tribe • Ute Indian Tribe • Ute Mountain Ute Tribe • Walker River Paiute Tribe

BE IT FURTHER RESOLVED, that COLT calls upon the Secretaries of at least the Departments of Health and Human Services, Agriculture, Interior, Treasury, Housing and Urban Development and Veterans Affairs to issue a Joint Secretarial Order exempting any Federal employee serving Tribal governments or entities serving Tribal citizens and subject to any reduction-in-force directive from termination without an individualized review of such employee’s job performance and consultation with Tribes;

BE IT FURTHER RESOLVED, that if the OPM memo is not withdrawn and no exemption issues, COLT calls for an immediate pause of at least one week to allow for further Secretarial review of any information related to the job duties and functions and necessity of any Federal employee serving Tribal governments or entities serving Tribal citizens and subject to any reduction-in-force directive; and

BE IT FURTHER RESOLVED, that because Tribal-Federal treaties often expressly guaranteed education, health, and protection (public safety), among many other promises, in exchange for peace and vast amounts of land cessions that now make America great; and executive orders, memos, and agency policies all require Tribal consultation before any Federal agency action that negatively impacts Tribal Nations and their citizens. Consequently, the proposed OPM unilateral action violates hundreds of Federal-Tribal treaties, ignores Tribal consultation, and is a violation of our longstanding Trust relationship. As such, and at a minimum, we request an immediate pause in any Federal employment-related decisions affecting Tribal Nations and ask for a week to consult about the devastating impacts that this will have on Tribal Nations and our citizens and on what we know to be the Trump-Vance Administration’s many positive and important goals to help Indian Country to improve Tribal health, bolster Tribal economic development, unleash American energy, including on Tribal lands, and other priorities; and

BE IT FINALLY RESOLVED, that this resolution shall be the policy of COLT until it is withdrawn or modified by subsequent resolution.



COALITION OF LARGE TRIBES

Blackfeet Nation • Cheyenne River Sioux Tribe • Confederated Tribes of the Warm Springs Indian Reservation of Oregon
Crow Nation • Eastern Shoshone Tribe • Fort Belknap Indian Community • Mandan, Hidatsa & Arikara Nation
Muscogee (Creek) Nation • Navajo Nation • Northern Arapaho Tribe • Oglala Sioux Tribe • Rosebud Sioux Tribe
San Carlos Apache Tribe • Shoshone-Bannock Tribes • Shoshone-Paiute Tribes of the Duck Valley Indian Reservation
Sisseton Wahpeton Sioux Tribe • Spokane Tribe • Ute Indian Tribe • Ute Mountain Ute Tribe • Walker River Paiute Tribe

Attest:

DocuSigned by:
Chairman J. Garret Renville
EDB3CD26B0764EE...

J. Garret Renville, Chairman, Coalition of Large Tribes

Signed by:
Lisa White Pipe
AB79A0D2A3544B1...

Lisa White Pipe, Secretary / Treasurer, Coalition of Large Tribes

CERTIFICATION

This resolution was enacted at virtual meeting of the Coalition of Large Tribes held February 13, 2025 at which a quorum was present, with the resolution approved unanimously. Dated this February 13, 2025