



COALITION OF LARGE TRIBES

Blackfeet Nation • Cheyenne River Sioux Tribe • Confederated Tribes of the Warm Springs Indian Reservation of Oregon • Crow Creek Sioux Tribe • Crow Nation • Eastern Shoshone Tribe • Fort Belknap Indian Community • Mandan, Hidatsa & Arikara Nation • Muscogee (Creek) Nation • Navajo Nation • Northern Arapaho Tribe • Northern Cheyenne 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 • Spirit Lake Nation • Spokane Tribe • Standing Rock Sioux Tribe • Ute Indian Tribe • Ute Mountain Ute Tribe • Walker River Paiute Tribe

Resolution: February 18, 2025, 2025-Resolution #06-2025 (Rapid City)

RESOLUTION OF COLT TO ASSIST SECRETARY INTERIOR IN REVIEW OF BUREAU OF INDIAN EDUCATION

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 Creek Sioux Tribe • Crow Nation • Eastern Shoshone Tribe • Fort Belknap Indian Community • Mandan, Hidatsa & Arikara Nation • Muscogee (Creek) Nation • Navajo Nation • Northern Arapaho Tribe • Northern Cheyenne 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 • Spirit Lake Nation • Spokane Tribe • Standing Rock Sioux 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 our citizens; and

WHEREAS, in Treaties, the United States pledged to protect Indian Tribes, guaranteed the right of Tribal self-government, protection, safety, economic development, and education and has undertaken a Trust responsibility to promote the viability of Indian reservations and lands as permanent homelands for Tribes. Our Treaties are binding contracts in perpetuity entered into in exchange for the lands that make our United States of America great; and

WHEREAS, COLT believes it is imperative we remind the U.S. Government that Treaties are the Law of the Land and that Treaties and Sovereignty are “cornerstones” of the Budget process and Federal Indian policy to effectuate the nation-to-nation agreements between us. Congress and the President are vested with Treaty authority and the Budget process must follow the Treaties to protect those intergovernmental agreements; and



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WHEREAS, under the U.S. 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 through the Federal Budget. The United States must honor its Treaty obligations and emphasize them in the Budget process per the intergovernmental contracts between us; and

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

WHEREAS, a cause of the BIA’s and BIE’s chronic underfunding is that Congress has not appropriated funding at the true level of need at the BIA and BIE and has also subjected BIA’s and BIE funding to discretionary funding through the annual appropriations process as opposed to mandatory funding; and

WHEREAS, many of our Treaties contain promises as to agriculture, housing and education and the United States fulfills these promises to Tribes and Tribal citizens today through the Departments of Agriculture, Housing and Urban Development, Education, and Interior, among other Departments; and

WHEREAS, neither Tribes nor the United States can fulfill their mission of Tribal self-determination if Tribal governments have only one quarter or one third of the resources that the Department of the Interior has determined are the minimum needed to maintain the status quo, let alone support Tribal progress. This is true across Federal departments; and

WHEREAS, Articles IV and VII of the 1868 Treaty of Fort Laramie and the Navajo Treaty of 1868 specifically establish a treaty right to schools located on the Reservations of the signatories to



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that Treaty, and establish the right to one teacher for every 30 students served on the reservation in those schools; and

WHEREAS, the United States District of South Dakota Court ruled that similar language regarding the treaty obligation to provide a physician on the Reservations established the United States’ “duty to the Tribe under the 1868 Treaty of Fort Laramie expressed in treaty language as furnishing “to the Indians the physician” requires Defendants to provide competent physician-led health care to the Tribe’s members.” *Rosebud Sioux Tribe v. United States*, 450 F. Supp. 3d 986, 1005 (D.S.D. 2020), *aff’d*, 9 F.4th 1018 (8th Cir. 2021); and

WHEREAS, the United States District of South Dakota ruled in *Yankton Sioux Tribe v. Kempthorne*, that 25 U.S.C. § 2011(b)(2)(B) requires the United States to provide “[f]air notice of agency intentions” when reprogramming funds allocated to tribal schools, and this “requires telling the truth and keeping promises.” 442 F. Supp. 2d 774, 785 (D.S.D. 2006) (citing *Lower Brule Sioux Tribe v. Deer*, 911 F. Supp. 395, 399 (D.S.D. 1995)); and

WHEREAS, the Court in *Yankton Sioux Tribe v. Kempthorne* also held that “[t]he BIA’s alleged failure to comply with its own consultation policy violates general principles that govern administrative decisionmaking.” *Id.* (citing *Oglala Sioux Tribe of Indians v. Andrus*, 603 F.2d 707, 721 (8th Cir. 1979)); and

WHEREAS, Congress reauthorizes reprogramming of appropriations under the Indian Self-Determination and Education Assistance Act allocated to BIE schools located on the homelands of the 1868 Treaty of Fort Laramie signatory Tribes and also authorizes reprogramming of appropriations under the Tribally Controlled Schools Act to Tribally controlled Schools located on the homelands of the 1868 Fort Laramie Treaty signatory Tribes; and

WHEREAS, President Trump’s January 29, 2025 Executive order 14191, *Expanding Educational Freedom and Opportunity for Families* requires:

Sec. 7. Helping Children Eligible for Bureau of Indian Education (BIE) Schools. Within 90 days of the date of this order, the Secretary of the Interior shall review any available mechanisms under which families of students eligible to attend BIE schools may use their Federal funding for educational options of their choice, including private, faith-based, or



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public charter schools, and submit a plan to the President describing such mechanisms and the steps that would be necessary to implement them for the 2025-26 school year. The Secretary shall report on the current performance of BIE schools and identify educational options in nearby areas.”

WHEREAS, Tribes receive Federal funding through the Department of Education under the Every Student Shall Succeed Act (ESSA), Impact Aid, Johnson O’Malley, and the Individuals with Disabilities Education Improvement Act (IDEIA), discretionary funding through the Department of Education and Department of Labor; and

WHEREAS, Tribes receive Federal funding through the Department of Health and Human Services to support their Head Start Programs and through Child Care and Development Grants; and

WHEREAS, Tribal Nations serve in the military at a higher rate than any other demographic and the requirement for the Secretary of Defense to create a voucher program will impact those Tribal members’ children who receive their education through a Department of Defense School; and

WHEREAS, 183 Bureau of Indian Education (BIE) funded schools are in 23 states, and due to a Congressional moratorium since October 1, 1995, Tribes have been unable to add or expand BIE funded schools. Adding a voucher program for eligible students contradicts the moratorium and would deplete the Indian School Equalization Program (ISEP) funding used for basic funding, which has not kept pace with 2012 buying power since Congress’s sequestration of BIE. BIE funding is complex, and inserting vouchers into that environment could cause a cascade of deeply harmful unintended consequences. President Trump recognized this and set BIE apart for Secretary Burgum’s recommendations. **Potential vouchers for BIE eligible families is deserving of the careful study and consideration directed by President Trump**; and

WHEREAS, the Budget for BIE is \$1.6 billion in current appropriations. And this funding supports approximately 46,000 students across 183 schools. These schools are largely in rural areas where no alternative schools exist; and

NOW THEREFORE BE IT RESOLVED, that the Coalition of Large Tribes (COLT) supports the



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review and analysis directed in Section 7 Executive Order 14191, and believes COLT and our member tribes can materially assist Secretary Burgum with the analysis directed by President Trump. COLT volunteers to lead that analysis, including sharing our own substantial knowledge and experience with BIE and familiarity with the United States’ Treaty obligations to Indian education. COLT will develop a draft and recommendations, and deliver that to Secretary Burgum in sufficient time to allow for his refinement within the 90 days allotted in Executive Order 14191.

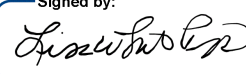
BE IT FINALLY RESOLVED, that this resolution shall be the policy of COLT until it is withdrawn or modified by subsequent resolution.

Attest:

Signed by:

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J. Garret Renville, Chairman, Coalition of Large Tribes

Signed by:

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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 18, 2025 at which a quorum was present, with the resolution approved unanimously.

Dated this February 18, 2025