

February 21, 2025

Bryan Mercier
Director
Bureau of Indian Affairs
*Exercising the Delegated Authority
of the Assistant Secretary for Indian Affairs*
U.S. Department of the Interior
1849 C Street NW
Washington, DC 20240
via email: bryan.mercier@bia.gov

RE: Protecting Indian Education in the Implementation of Administration Priorities

Dear Director Mercier:

On behalf of the undersigned organizations serving Tribal Nations and Tribal citizens and communities, we write to you to address critical concerns regarding the future of the Bureau of Indian Education (BIE), Tribally Controlled Schools, federally operated post-secondary institutions, and the education of our American Indian/Alaska Native (AI/AN) children. We believe these issues are fundamental to the well-being and future of Native students and the preservation of Tribal sovereignty. ***We request a meeting with you as soon as possible*** to discuss how we can work together to ensure President Trump’s priorities are implemented in a manner that recognizes Tribal Nations’ sovereign governmental status and the United States’ longstanding trust and treaty obligations.

Unique Legal Status of Tribal Nations. Tribal Nations are and always have been inherently sovereign governments that have strong political relationships with our Tribal citizens and community members. We govern and police our lands, and we provide services aimed at keeping our communities safe and healthy. Tribal Nations also have political, government-to-government relationships with the United States, and we prepaid with our lands and resources for trust and treaty obligations that the United States owes us. The U.S. Constitution singles out Tribal Nations and Native people as unique, and the U.S. Supreme Court has time and again affirmed the principle that United States actions that deliver on trust and treaty obligations to Tribal Nations, Tribal citizens, and Tribal communities do not run afoul of the U.S. Constitution’s equal protection requirements.

Scope of Trust and Treaty Obligations for Indian Education. The United States fulfills its trust and treaty obligations both through the direct delivery of Tribal programs and services and the provision of federal funding to Tribal Nations to deliver services to our own communities. Education is a central component of the federal trust and treaty obligations promised to Tribal Nations, Tribal citizens, and Tribal communities. Protecting Indian education institutions—such as the BIE, Tribally Controlled Schools, and federally operated post-secondary institutions like Haskell Indian Nations University (HINU) and Southwestern Indian Polytechnic Institute (SIPI)—is necessary to help uphold the federal government’s commitments to Tribal Nations by providing access to quality education to Native students. Congress has long upheld this duty, including through the Civilization Fund Act of 1819, the Snyder Act of 1921, the Indian Self-Determination

and Education Assistance Act of 1975, and the Tribally Controlled Schools Act of 1988. These laws codify the trust and treaty obligations related to Indian education—found in treaty commitments and essential to Tribal sovereignty and self-determination. This obligation is not discretionary; it is a legal obligation rooted in treaties, trust obligations, the U.S. Constitution, and long-standing federal statutes. Policies that weaken the BIE system, divert resources from Tribally Controlled Schools, or diminish the capacity of federally operated post-secondary institutions fail to honor this commitment and undermine Tribal sovereignty.

Concerns Regarding Recent Actions to Implement Executive Orders. Recent implementation actions, including related to Executive Order 14210, inadvertently threaten to undermine the BIE, disrupt essential educational services to AI/AN students, and erode Tribal sovereignty by exacerbating existing staffing shortages and resource gaps. With regard to Executive Order 14191, which specifically addresses the Indian education system, Tribal Nations are concerned that direct funding models and school choice programs, even if they provide some funding to Tribal Nations, risk weakening delivery on trust and treaty obligations. Workforce reductions and proposals to create a new Indian education system or funding model could have devastating effects, particularly on rural and off-reservation schools already facing underfunding and operational challenges. Rather than workforce and funding reductions, robust and sustained investments in staffing, including competitive salaries and recruitment incentives, are critical to ensuring that BIE, Tribally Controlled Schools, and federally operated post-secondary institutions can fulfill their vital missions. Further, without compacting agreements, the federal government could distance itself from its obligations, diminishing long-term support for Indian education and other essential services.

Importance of BIE-Operated Institutions. Off-reservation boarding schools operated by the BIE have become vital for many Native students. These institutions, serving students from multiple Tribal Nations, have historically faced chronic underfunding. Privatization efforts would accelerate closures, further limiting educational opportunities for Native students who already experience significant disparities. Supporting BIE, Tribally Controlled Schools, and federally operated post-secondary institutions—rather than shifting control or funding to state or private entities—is critical to preserving the educational, cultural, and linguistic needs of AI/AN students. Privatization erodes Tribal sovereignty by transferring control away from Tribal Nations and the federal government as trustee, jeopardizing the self-determination and trust and treaty obligations for which Tribal Nations have long fought. Education is a core pillar of Tribal sovereignty, and dismantling the BIE or weakening federally operated institutions undermines this foundation.

Unique Role of Federally Operated Post-Secondary Institutions. The threat posed by workforce and funding reductions is particularly severe for HINU and SIPI, the two federally operated post-secondary institutions under the BIE—which were already over a month into their semester. These institutions provide critical higher education opportunities for AI/AN students. HINU, in Lawrence, Kansas, has served Tribal communities since 1884 and currently educates over 1,000 students from 146 Tribal Nations. SIPI, in Albuquerque, New Mexico, was established in 1971 as a vocational training center emphasizing STEM and technical education, serving over 300 students from 40 Tribal Nations. Both institutions rely on dedicated federal employees—both within the school and at BIE agency offices—to help uphold the federal government’s trust and treaty obligations regarding Indian education. Workforce reductions at HINU and SIPI are leading to class cancellations, reduced student services, enrollment limitations, and threats to

accreditation—severely restricting educational access for AI/AN students and diminishing the federal government’s commitment to Indian Country.

Requests. Indian Country programs and funding are provided on the basis of our unique political status and are legally required by trust and treaty obligations and associated implementing statutes. Each of the Administration’s mandates has acknowledged that such ongoing legal requirements are not to be affected. The undersigned organizations seek to work with you to urge the Administration and Congress to take the following immediate actions to protect AI/AN students and uphold the federal trust and treaty obligations related to Indian education.

- Engage with us—prior to taking action—to better understand how to implement the Administration’s priorities without affecting ongoing legal requirements to Indian Country, as is required by the United States’ duty to consult government-to-government with Tribal Nations on federal actions that may have Tribal implications. This includes engaging in Tribal consultation prior to all proposed changes to Indian education systems, funding models, or school choice initiatives.
- Follow the lead of other federal agencies by affirmatively stating that programs for Tribal Nations and Tribal citizens and communities—including related to education—are delivered in recognition of our unique political status and in furtherance of the United States’ trust and treaty obligations.
- Exempt all Indian education related Tribal programs or funding delivered to Tribal Nations from any efforts to pause or reduce federal funding. This includes funding related to BIE schools, Tribally Controlled Schools, and federally operated post-secondary institutions, including HINU and SIPI, and includes the Indian School Equalization Program (ISEP) and other critical funding mechanisms.
- Exempt from any workforce reductions or hiring freezes all federal employees serving in Indian education related Tribal offices or whose roles assist in the delivery of services or funding to Tribal Nations or Tribal citizens or communities. This includes employees in BIE schools, Tribally Controlled Schools, and federally operated post-secondary institutions, including HINU and SIPI.
- Protect the role of off-reservation BIE-operated schools and federally operated post-secondary institutions as essential educational providers for Native students.

Tribal Nations’ exercise of our sovereignty and the United States’ delivery on its trust and treaty obligations must not become collateral damage in the Administration’s implementation of its priorities.

Thank you for your leadership on these important issues. We invite you to meet with us so that we may work together in partnership to reach mutual understanding and achieve our shared priorities.

Sincerely,

Affiliated Tribes of Northwest Indians
American Indian Higher Education Consortium
Great Lakes Inter-Tribal Council, Inc.
Great Plains Tribal Chairman's Association, Inc.
Midwest Alliance of Sovereign Tribes

National Congress of American Indians
National Council of Urban Indian Health
National Indian Child Welfare Association
National Indian Education Association
National Indian Health Board
Rocky Mountain Tribal Leaders Council
Self-Governance Communication and Education Tribal Consortium
United South and Eastern Tribes Sovereignty Protection Fund

CC:

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