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1ST SESSION

S. RES. 156

Commemorating the 50th anniversary of the Indian Self-Determination and
Education Assistance Act.

IN THE SENATE OF THE UNITED STATES

APRIL 5 (legislative day, APRIL 4), 2025

Ms. MURKOWSKI (for herself, Mr. SCHATZ, Mr. MULLIN, Mr. LUJÁN, Mr. ROUNDS, Ms. DUCKWORTH, Mr. CURTIS, Ms. SMITH, Mr. HOEVEN, Mr. HEINRICH, Mr. SULLIVAN, Ms. CORTEZ MASTO, Mr. PADILLA, and Ms. KLOBUCHAR) submitted the following resolution; which was considered and agreed to

RESOLUTION

Commemorating the 50th anniversary of the Indian Self-
Determination and Education Assistance Act.

Whereas the 1970s ushered in a new era of Federal Indian policy, one of Tribal sovereignty and self-determination that enhanced government-to-government relations between the United States and Indian Tribes through administering Federal programs, services, and functions to Tribal citizens;

Whereas, on July 8, 1970, in his “Special Message to Congress on Indian Affairs”, President Richard M. Nixon—

(1) recognized that Indian Tribes constitute a distinct and valuable segment of the Federalist system in

the United States and acknowledged that Tribal governments are—

(A) best able to meet the needs of their citizens;
and

(B) best situated to determine their political
and economic futures;

(2) recognized that past Federal policies of legal and political termination of the government-to-government relationship between the United States and Indian Tribes, along with paternalistic and oppressive oversight and control of Tribal affairs, devastated the political, economic, and social aspects of life in Tribal communities;

(3) rejected the misguided policies of termination and paternalism as “morally and legally unacceptable”;
and

(4) endorsed “the integrity and right to continued existence of all Tribal governments”, laying the foundation for new, enlightened Federal Indian policy grounded in economic self-reliance and political self-determination;

Whereas, 5 years after President Nixon’s “Special Message to Congress on Indian Affairs”, Congress unanimously passed the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5301 et seq.) (referred to in this preamble as “ISDEAA” or the “Act”) on December 19, 1974, and President Gerald R. Ford, Jr., signed the Act into law on January 4, 1975;

Whereas the Act —

(1) recognizes the inherent authority of Indian Tribes to exercise their sovereignty and right to self-determination; and

(2) promotes Tribal sovereignty by authorizing Indian Tribes to administer Federal programs, functions,

and services for their benefit, such as health care, education, public safety, and natural resources development, which promotes local decision making, improves service delivery, and fosters innovative solutions for community development;

Whereas the Act is one of the most successful Federal Indian policies in the history of the United States, having—

(1) profoundly reshaped the relationship between the Federal Government and Indian Tribes;

(2) grounded the ongoing efforts of the Federal Government to fulfill its trust and treaty obligations to Indian Tribes by authorizing Indian Tribes to enter into contracts and compacts with the United States to administer Federal programs, functions, and services for their own communities;

(3) empowered Indian Tribes to achieve remarkable progress in self-determination, self-governance, and community development through the authorities described in paragraph (2);

(4) enabled Indian Tribes—

(A) to reclaim their role as decision makers for their own people;

(B) to improve the quality of life for their communities; and

(C) to improve service delivery through culturally-appropriate solutions tailored to local needs;

(5) helped Indian Tribes build capacity to manage complex Federal programs, strengthen internal governance and administrative structures, and advocate for policy changes to improve allocation of resources and services;

(6) improved the efficiency, effectiveness, and reach of essential government and community services, includ-

ing health care, public safety, education, elder and child care, and natural resource management, which consistently outperform programs directly managed by the Federal Government; and

(7) increased innovation, job creation, and long-term planning in Tribal communities, resulting in improved community welfare;

Whereas, since the 1975 enactment of ISDEAA, Congress has authorized the expansion of Tribal self-determination and self-governance authorities across the Federal Government, including by amending the Act in multiple Congresses, including in—

(1) the Indian Self-Determination and Education Assistance Act Amendments of 1988 (Public Law 100–472; 102 Stat. 2285) to increase Tribal participation in the management of Federal Indian programs and ensure long-term financial stability for Tribally-managed programs;

(2) the Indian Self-Determination and Education Assistance Act Amendments of 1990 (Public Law 101–644; 104 Stat. 4665) to support Tribal self-determination efforts;

(3) the Indian Health Amendments of 1992 (Public Law 102–573; 106 Stat. 4526) to authorize a Tribal Self-Governance Demonstration Project within the Indian Health Service for Indian Tribes to enter into self-governance compacts to administer their own health care programs;

(4) the Indian Self-Determination Act Amendments of 1994 (Public Law 103–413; 108 Stat. 4250) to establish a permanent Tribal self-governance program within the Department of the Interior, allowing Indian Tribes

greater autonomy in managing and administering Federal programs at the Department of the Interior;

(5) the Tribal Self-Governance Amendments of 2000 (Public Law 106–260; 114 Stat. 711) to authorize title V of ISDEAA and the Tribal Self-Governance Program within the Indian Health Service, including for health care facility construction activities; and

(6) the PROGRESS for Indian Tribes Act (Public Law 116–180; 134 Stat. 857) to streamline and strengthen Tribal self-governance by reforming the approval process of the Department of the Interior, creating consistent interagency statutory frameworks for ISDEAA agreements and clarifying Federal and Tribal roles in certain self-governance compacts;

Whereas multiple laws have expanded self-determination and self-governance by authorizing ISDEAA provisions and parallel authorities in other Federal agencies and programs, including—

(1) part B of title XI of the Education Amendments of 1978 (25 U.S.C. 2000 et seq.) to authorize Indian Tribes to contract with the Bureau of Indian Affairs to provide educational services for preschool through grade 12;

(2) the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2501 et seq.) to provide Indian Tribes additional flexibility in managing and leading educational programs for their children, including educational facilities improvement and construction projects;

(3) the Indian Employment, Training and Related Services Act of 1992 (25 U.S.C. 3401 et seq.) to authorize Indian Tribes to consolidate federally-funded employment, training, and related service programs;

(4) the Indian Employment, Training, and Related Services Demonstration Act Amendments of 2000 (Public Law 106–568; 114 Stat. 2930) to expand eligible uses of consolidated Federal funding for employment-related services provided by Indian Tribes;

(5) the No Child Left Behind Act of 2001 (Public Law 107–110; 115 Stat. 1425) to clarify inherent Federal functions and eligible costs relating to Indian education that are eligible for contracts under part B of title XI of the Education Amendments of 1978 (25 U.S.C. 2000 et seq.) and to clarify applicable ISDEAA provisions to certain Indian education lease payments;

(6) the FAST Act (Public Law 114–94; 129 Stat. 1312) to authorize contracting and compacting funding agreements with Indian Tribes to administer Department of Transportation funding for Tribal transportation programs and other Federal transportation services that are otherwise available to Indian Tribes;

(7) the Indian Employment, Training and Related Services Consolidation Act of 2017 (Public Law 115–93; 131 Stat. 2026) to revise the approval processes for, and types of programs that may be integrated into, federally-funded employment, training, and related service programs for Indian Tribes; and

(8) the Agriculture Improvement Act of 2018 (Public Law 115–334; 1323 Stat. 4490) to authorize demonstration projects at the Food and Nutrition Service and Forest Service for Tribal self-determination contracts for—

(A) the food distribution program on Indian reservations carried out under section 4(b) of the Food and Nutrition Act of 2008 (7 U.S.C. 2013(b)); and

(B) forestry management activities under the Tribal Forest Protection Act of 2004 (25 U.S.C. 3115a et seq.);

Whereas the laws described in the 2 preceding whereas clauses reflect the ongoing commitment of Congress to enhance Tribal sovereignty and continually perfect self-determination and self-governance through amendments to ISDEAA and related statutes;

Whereas the majority of federally recognized Indian Tribes use ISDEAA self-determination and self-governance authorities to deliver essential government and community services;

Whereas, as of March 2024, the Department of the Interior reported that 526 of the 574 federally recognized Indian Tribes, or 92 percent, have entered into self-determination contracts and 295 federally recognized Indian Tribes have entered into self-governance compacts under ISDEAA;

Whereas, as of March 2025, the Bureau of Indian Education reported that 129 of the 187 Bureau of Indian Education-funded elementary and secondary schools, or 69 percent, are Tribally controlled schools under the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2501 et seq.);

Whereas, as of July 2024, the Department of Health and Human Services reported that the Indian Health Service has entered into 121 self-governance compacts and 141 funding agreements under ISDEAA across all 12 Indian Health Service Areas;

Whereas other Federal agencies, including the Department of Agriculture and the Department of Transportation, have reported successful implementation of parallel authorities

to advance Tribal self-determination and self-governance in managing Federal programs;

Whereas Indian Tribes use the authorities under ISDEAA to serve as providers for health, housing, education, public safety, infrastructure, economic development, natural resource management, nutrition, child and elder care, and other social services; and

Whereas Indian Tribes have prospered from administering Federal programs for their own benefit through ISDEAA: Now, therefore, be it

1 *Resolved*, That the Senate—

2 (1) recognizes January 4, 2025, as the 50th an-
3 niversary of the enactment of the Indian Self-Deter-
4 mination and Education Assistance Act (25 U.S.C.
5 5301 et seq.) (referred to in this resolution as
6 “ISDEAA”);

7 (2) commemorates the extensive achievements
8 made by Indian Tribes through implementation of
9 ISDEAA and parallel authorities in Federal law;

10 (3) reaffirms that ISDEAA—

11 (A) enhances the well-being of Tribal com-
12 munities through self-determination and self-
13 governance;

14 (B) promotes the stability and prosperity
15 of Indian Tribes by empowering Indian Tribes
16 to manage and improve Federal programs; and

1 (C) respects the sovereign authority of In-
2 dian Tribes to determine and implement solu-
3 tions for their own people;

4 (4) calls on the Federal Government to continue
5 working with Indian Tribes to fully uphold and im-
6 plement ISDEAA and parallel authorities in Federal
7 law;

8 (5) reaffirms the fiduciary obligation of the
9 United States to respond to the strong expression of
10 Native people for self-determination and self-govern-
11 ance and to ensure that Federal services are respon-
12 sive to their unique needs;

13 (6) recommits to maintaining the continuing
14 trust relationship of the Federal Government with,
15 and the responsibility of the Federal Government to,
16 Native people through policies that promote self-de-
17 termination and self-governance;

18 (7) declares its commitment to support and as-
19 sist Indian Tribes in developing strong and stable
20 governments capable of administering Federal pro-
21 grams in service of their respective communities; and

22 (8) celebrates the successes of Indian Tribes in
23 fulfilling the promise of self-determination and self-
24 governance set forth in ISDEAA during the 50-year
25 period preceding the date of adoption of this resolu-

- 1 tion, with optimism for the next 50 years and be-
- 2 yond.

