



2025 South Dakota Legislature

House Concurrent Resolution 6011

Introduced by: **Representative Pourier**

1 **A CONCURRENT RESOLUTION, Urging the Trump-Vance administration and Office of**
2 **Management and Budget to uphold the Reagan administration policy of**
3 **government-to-government relations with tribal nations.**

4 WHEREAS, the United States, in entering into treaties with Indian tribes, has pledged to
5 guarantee each tribe's right to self-government, ensure public safety, and foster economic
6 well-being as part of a trust responsibility undertaken to ensure the continued viability of
7 tribal reservations and lands as permanent homelands; and

8 WHEREAS, these treaties represent binding contracts in perpetuity, and were entered into
9 in exchange for lands that have played a crucial role in the formation and prosperity of the
10 whole United States; and

11 WHEREAS, these treaties are the law of the land, as established under U.S. Const., Art.
12 VI, and the treaties, recognition of tribal sovereignty, and the fulfillment of these agreements
13 are fundamental to federal Indian policy and the budget process required to guarantee these
14 obligations; and

15 WHEREAS, the federal budgeting process must honor and reflect these long-established
16 nation-to-nation agreements between the United States and the tribal nations; and

17 WHEREAS, since under the United States Constitution all treaties made are the supreme
18 law of the land, Congress is empowered under the United States Constitution to pass laws to
19 implement those treaties and the President must act in accordance with those treaties; and

20 WHEREAS, the United States holds numerous obligations arising from these treaties to
21 provide healthcare, law enforcement, economic assistance, and other supports that manifest
22 in modern form in the federal budget, and must honor these obligations by considering them
23 during the budget as an intergovernmental contract; and

1 WHEREAS, the United States Congress has a treaty obligation that has historically been
2 undertaken by and through the Bureau of Indian Affairs via the administration of various
3 programs, all with the goal of ensuring sufficient resources are available to the tribes; and

4 WHEREAS, aligning ongoing appropriations with the true level of need is critical to ensure
5 services are funded at levels that allow tribal governments to have the necessary resources
6 to fulfill their obligations to their peoples ; and

7 WHEREAS, adequate funding for public safety in Indian Country is essential, and the
8 unmet need is highlighted in the Tribal Law and Order Report issued in March 2024, which
9 stated that bureau-funded public safety and justice programs in Indian Country are funded at
10 less than thirteen percent of the required amount, leaving a shortfall of three billion dollars;
11 and

12 WHEREAS, the Tribal Law and Order Report issued in March 2024 also identified a need
13 for an additional twenty-five thousand six hundred fifty-five personnel to meet minimum
14 safety benchmarks; and

15 WHEREAS, these significant gaps in funding place the safety and well-being of tribal and
16 nontribal communities at risk, and hamper President Trump's efforts to ensure our
17 immigration laws are followed; and

18 WHEREAS, many treaties include specific provisions for agriculture, housing, and
19 education, which are implemented today through the United States Departments of
20 Agriculture, Housing and Urban Development, Education, and others; and

21 WHEREAS, tribal governments have often lacked the resources that the United States
22 Department of Interior has determined to be the minimum required to maintain the basic
23 level of services to tribal citizens, thus hampering the goal of long-term self-determination;
24 and

25 WHEREAS, on January 27, 2025, Matthew J. Vaeth, Acting Director of the Office of
26 Management and Budget, issued a memorandum, M-25-13, requiring federal agencies to
27 conduct a comprehensive analysis of all federal financial assistance programs, including
28 programs serving tribal nations, and directed agencies to pause all activities related to the
29 obligation or disbursement of federal financial assistance in connection with certain executive
30 orders, which has led to disruption in critical funding for tribes; and

1 WHEREAS, since January 23, 2025, tribal governments and organizations have
2 experienced disruptions and interruptions in treaty obligations funded via federal accounts,
3 including funds for public safety, healthcare, child protection, and waste management; and

4 WHEREAS, these disruptions have a disparate impact on tribal communities, and if these
5 impediments continue beyond the time needed to perform a reasonable audit function, tribal
6 governments could be forced to shut down essential services, resulting in catastrophic
7 consequences for tribal citizens, which could end up costing more in the long-term; and

8 WHEREAS, federal funding provided to tribes is rooted in a government-to-government
9 relationship established by treaties, not from any ideological basis such as diversity, equity,
10 and inclusion initiatives, woke ideology, or green new deal; and

11 WHEREAS, this relationship is grounded in the United States government's solemn trust
12 responsibility, as articulated in President Reagan's January 24, 1983, statement on Indian
13 policy: "This administration believes that responsibilities and resources should be restored to
14 the governments which are closest to the people served. This philosophy applies not only to
15 State and local governments but also to federally recognized American Indian tribes. When
16 European colonial powers began to explore and colonize this land, they entered into treaties
17 with sovereign Indian nations. Our new nation continued to make treaties and to deal with
18 Indian tribes on a government-to-government basis. Throughout our history, despite periods
19 of conflict and shifting national policies in Indian affairs, the government-to-government
20 relationship between the United States and Indian tribes has endured. The Constitution,
21 treaties, laws, and court decisions have consistently recognized a unique political relationship
22 between Indian tribes and the United States which this administration pledges to uphold. In
23 support of our policy, we shall continue to fulfill the Federal trust responsibility for the physical
24 and financial resources we hold in trust for the tribes and their members";

25 NOW, THEREFORE, BE IT RESOLVED, by the House of Representatives of the One
26 Hundredth Legislature of the State of South Dakota, the Senate concurring therein, that the
27 Legislature formally urges the Trump-Vance administration to embrace the principles
28 established in President Reagan's statement on Indian policy, and maintain respect for the
29 government-to-government relationship with the tribal nations that characterized President
30 Trump's first term in office; and

31 BE IT FURTHER RESOLVED, that the Legislature calls upon the Office of Management and
32 Budget to recognize the treaty obligations inherent in tribal funding when reviewing federal

1 programs, including all accounts designated for tribal governments or entities serving tribal
2 citizens, and to start any analysis with a presumption that federal funding directed to tribal
3 governments or entities serving tribal citizens is a treaty priority, deserving of the appropriate
4 level of legal deference to this continuing obligation; and

5 BE IT FURTHER RESOLVED, that copies of this resolution be transmitted to the President
6 of the United States, the acting director of the Office of Management and Budget, and the
7 South Dakota Congressional delegation.