



2025 South Dakota Legislature  
**House Concurrent Resolution**  
**6011**  
**ENROLLED**

AN ACT

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Adopted by the House of Representatives,  
Concurred in by the Senate,

February 25, 2025  
March 6, 2025

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Jon Hansen  
Speaker of the House

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Patricia Miller  
Chief Clerk

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Chris Karr  
President Pro Tempore  
of the Senate

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Peggy Laurenz  
Secretary of the Senate