

## SENATE JOINT RESOLUTION NO. 24

INTRODUCED BY J. O'NEIL

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA URGING THE UNITED STATES CONGRESS TO END THE PRACTICE OF TRANSFERRING FEDERAL FUNDS TO THE STATE OF MONTANA FOR DISTRIBUTION TO MONTANA'S AMERICAN INDIANS THROUGH A STATE AGENCY AS A MEANS OF PROVIDING BENEFITS TO SUPPORT TRIBAL PROGRAMS BY TRANSFERRING ALL FEDERAL FUNDS, OTHER THAN FEDERAL HIGHWAY FUNDS, DIRECTLY TO MONTANA'S TRIBAL GOVERNMENTS IN THE FORM OF DIRECT PAYMENTS.

WHEREAS, the United States Supreme Court has recognized that the United States Constitution grants Congress exclusive authority over Indian tribes and has repeatedly acknowledged that a special trustee-beneficiary relationship exists between the federal government and the tribes; and

WHEREAS, as a trustee for all Indian tribes, the federal government has a legal and moral obligation to fulfill its treaty commitments to protect and enhance Indian lands, resources, and tribal governments and to provide those services necessary to protect the social well-being of Indian people; and

WHEREAS, the practice of transferring federal funds to state governments and requiring distribution of federal funds to tribal governments and Indian people through state agencies or state programs unfairly shifts many of the federal government's trustee responsibilities to the state, interferes with tribal sovereignty, and restricts each tribe or tribes from providing benefits and programs based on what tribal governments determine to be in the best interests of their members.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That the United States Congress be strongly urged to end the practice of transferring federal funds to the State of Montana for distribution to Montana's American Indians through a state agency as a means of providing benefits to support tribal programs by transferring all federal funds, other than federal highway funds, directly to Montana's tribal governments in the form of direct payments.

BE IT FURTHER RESOLVED, that the Secretary of State send copies of this resolution to the Montana Congressional Delegation, to the United States Senate Committee on Indian Affairs, to each tribal government located on the seven Montana reservations, and to the Little Shell Band of Chippewa.

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