

SENATE JOINT RESOLUTION NO. 24

INTRODUCED BY O'NEIL, BLACK, BUTCHER, CURTISS, JACKSON, JUNEAU, KITZENBERG, PEASE,
ROUSH

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA ~~URGING~~ REQUESTING THE UNITED STATES CONGRESS TO ~~END THE PRACTICE OF~~ AUTHORIZE A FEASIBILITY STUDY AND DEMONSTRATION PROJECT TO CONSIDER TRANSFERRING FEDERAL FUNDS ALLOCATED 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 FEDERALLY RECOGNIZED TRIBAL GOVERNMENTS IN THE FORM OF DIRECT PAYMENTS INSTEAD OF TRANSFERRING FUNDS THROUGH A STATE AGENCY.

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; AND

WHEREAS, A FEASIBILITY STUDY WILL ENHANCE THE ABILITY TO PROVIDE DIRECT FUNDING TO FEDERALLY RECOGNIZED TRIBAL GOVERNMENTS IN MONTANA AND WILL PROVIDE FOR AN ORDERLY TRANSITION IN FEDERAL FUNDING PRACTICES.

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~~ REQUESTED to ~~end the practice of~~ AUTHORIZE A

FEASIBILITY STUDY AND DEMONSTRATION PROJECT TO CONSIDER transferring federal funds ALLOCATED 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 FEDERALLY RECOGNIZED tribal governments in the form of direct payments INSTEAD OF TRANSFERRING FUNDS THROUGH A STATE AGENCY.

BE IT FURTHER RESOLVED, THAT THE FEASIBILITY STUDY CONSIDER THE FOLLOWING ISSUES ASSOCIATED WITH CHANGING PAYMENT METHODS TO MAKE DIRECT PAYMENTS TO MONTANA'S FEDERALLY RECOGNIZED TRIBAL GOVERNMENTS:

- (1) THE PROBABLE EFFECTS ON SPECIFIC PROGRAMS AND PROGRAM BENEFICIARIES;
- (2) STATUTORY, REGULATORY, OR OTHER IMPEDIMENTS;
- (3) PROBABLE COSTS OR SAVINGS; AND
- (4) OTHER ISSUES IDENTIFIED IN CONSULTATION WITH MONTANA'S FEDERALLY RECOGNIZED TRIBAL GOVERNMENTS.

BE IT FURTHER RESOLVED, THAT THE FEASIBILITY STUDY FOCUS ON THE DEVELOPMENT OF A DIRECT FUNDING DEMONSTRATION PROJECT FOR APPROPRIATE FEDERAL PROGRAMS, SERVICES, FUNCTIONS, AND ACTIVITIES OF VARIOUS FEDERAL AGENCIES.

BE IT FURTHER RESOLVED, THAT THE FEASIBILITY STUDY AND DEMONSTRATION PROJECT BE IMPLEMENTED JOINTLY BY THE STATE OF MONTANA, THE FEDERAL GOVERNMENT, AND MONTANA'S FEDERALLY RECOGNIZED INDIAN TRIBES THROUGH GOVERNMENT-TO-GOVERNMENT CONSULTATION.

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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