

**CROW TRIBAL LEGISLATURE**

**APRIL 23, 2024, SPECIAL SESSION**

**JOINT ACTION RESOLUTION (JAR) NO. 24-02**

Introduced by Frank Whiteclay, Chairman  
Crow Tribal Executive Branch

A JOINT ACTION RESOLUTION OF THE CROW TRIBAL EXECUTIVE BRANCH  
AND THE CROW LEGISLATIVE BRANCH ENTITLED:

**“A RESOLUTION FOR INTENT TO ENTER INTO A TRIBAL TRANSPORTATION  
PROGRAM AGREEMENT WITH THE FEDERAL HIGHWAY ADMINISTRATION  
AND TO EXECUTE SUCH A NEGOTIATED AGREEMENT.”**

**WHEREAS**, the Executive Branch has authority and responsibility pursuant to the “enumerated powers” in Article IV, Section 3(a) of the Constitution and Bylaws of the Crow Tribe of Indians (the “Constitution”) to represent the Crow Tribe in negotiations with Federal, State and local governments and other agencies, corporations, associations, or individuals in matters of welfare, education, recreation, social services and economic development affecting the Crow Tribe of Indians; and

**WHEREAS**, the Crow Legislature has the authority and responsibility pursuant to Article V, Section 2(a) of the Constitution and Bylaws of the Crow Tribe of Indians to promulgate and adopt laws, resolutions, ordinances, codes, regulations, and guidelines in accordance with this Constitution and federal laws for the governance of the Crow Tribe of Indians and for providing for the manner of the sale, disposition, lease or encumbrance of tribal lands, interests in land, or other assets of the Crow Tribe of Indians; and

**WHEREAS**, the United States Congress passed and President Obama signed the Fixing America’s Surface Transportation Act, or FAST Act in 2015 that initially authorized funding for a five year period ending in 2020 at a total of \$480.8 million with subsequent reauthorizations for funding by Congress; and

**WHEREAS**, the FAST Act authorizes the United States Secretary of Transportation to enter into a funding agreement with a federally recognized Indian Tribal government to assume the responsibilities of the federal government and associated funding for a Tribal Transportation Program servicing a tribe; and

**WHEREAS**, the FAST Act provides that an Indian Tribal government may carry out any TTP Program or project through a contract or agreement with the United States Secretary of Transportation in accordance with the Indian Self-Determination and Education Assistance Act (25 U.S.C. § 5301 et seq.) and further provides that the Indian Tribal government may assume all functions and duties that the United States Secretary of the Interior would have performed other

than those functions and duties that inherently cannot be legally transferred under the Indian Self-Determination and Education Assistance Act; and

**WHEREAS**, the Crow Tribal government believes that establishing a comprehensive transportation program will further the long-term interests of the Tribe, afford greater flexibility and control to prioritize transportation needs, and permit our Government to utilize flexible financing arrangements to expedite development of transportation infrastructure; and

**WHEREAS**, the Crow Tribal Executive and Legislative Branches of Government desire to assume the United States Secretary of the Interior's duties and functions with respect to the TTP and such other Tribal transportation programs as may be appropriate under 23 U.S.C., 25 CFR Part 170, and the FAST Act; and

**WHEREAS**, the Crow Tribal transportation department possesses the financial stability and management capability required by the FAST Act to assume the United States Secretary of the Interior's responsibilities in the area of transportation planning, design, construction and maintenance; and

**NOW THEREFORE, BE IT RESOLVED THAT THE CROW TRIBAL LEGISLATURE AND THE CROW TRIBAL EXECUTIVE BRANCH** do hereby authorize issuing a Notice of Intent to the United States Department of Interior, Bureau of Indian Affairs and the United States Department of Transportation, Federal Highways Administration to assume the transportation duties of the Secretary of Interior under the TTP, together with transportation-related activities, and instructs the Tribal Chairman to take all necessary actions to develop with the Federal Highway Administration a mutually acceptable government-to-government agreement to administer the TTP and to execute such agreements.

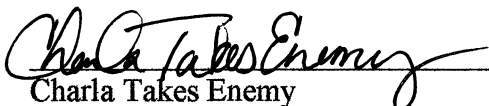
#### CERTIFICATION

I hereby certify that this Joint Action Resolution "**A RESOLUTION FOR INTENT TO ENTER INTO A TRIBAL TRANSPORTATION PROGRAM AGREEMENT WITH THE FEDERAL HIGHWAY ADMINISTRATION AND TO AUTHORIZE THE EXECUTION OF SUCH NEGOTIATED AGREEMENT**", was duly approved by the Crow Tribal Legislature pursuant to Article V, Section 2(d) of the Constitution and Bylaws of the Crow Tribe with a vote of 16 in favor, 0 opposed, and 0 abstained and that a quorum was present on this 23 day of April, 2024

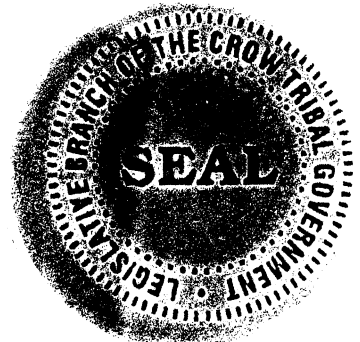


Darwin Spotted  
Speaker of the House  
Crow Tribal Legislature

ATTEST:



Charla Takes Enemy  
Secretary, Crow Tribal Legislature



April 23, 2024 Special Session

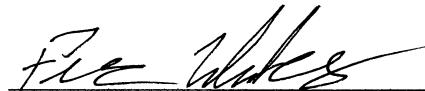
JAR to Authorize a Letter of Intent to FWHA for TTPA Agreement and Execute Negotiated Agreement

**EXECUTIVE ACTION**

I hereby

  *X*   approve or  
                   veto.

This Joint Action Resolution entitled “**A RESOLUTION FOR INTENT TO ENTER INTO A TRIBAL TRANSPORTATION PROGRAM AGREEMENT WITH THE FEDERAL HIGHWAY ADMINISTRATION AND TO EXECUTE SUCH A NEGOTIATED AGREEMENT**” pursuant to the authority vested in the Chairman of the Crow Tribe by Article V, Section 8 of the Constitution and Bylaws of the Crow Tribe of Indians, on this \_\_\_\_\_ day of April, 2024.

  
\_\_\_\_\_  
Frank Whiteclay, Chairman  
Crow Tribal Executive Branch


**A RESOLUTION FOR INTENT TO ENTER INTO A TRIBAL TRANSPORTATION PROGRAM AGREEMENT  
WITH THE FEDERAL HIGHWAY ADMINISTRATION AND TO EXECUTE SUCH A NEGOTIATED  
AGREEMENT**

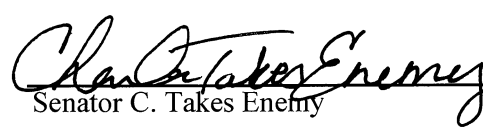
Bill or Resolution: JAR 24-02 Introduced by: Chairman White Clay Date of Vote Apr. 23, 2024

**REPRESENTATIVE:**

	<u>Yes</u>	<u>No</u>	<u>Abstain</u>
V. Pickett	<u>X</u>	<u>          </u>	<u>          </u>
C. Other Medicine	<u>X</u>	<u>          </u>	<u>          </u>
J. Passes	<u>X</u>	<u>          </u>	<u>          </u>
L. Hogan III	<u>          </u>	<u>          </u>	<u>          </u>
C. Meeks	<u>X</u>	<u>          </u>	<u>          </u>
G. Plenty Hawk	<u>X</u>	<u>          </u>	<u>          </u>
D. Don't Mix	<u>X</u>	<u>          </u>	<u>          </u>
T. Gros Ventre	<u>X</u>	<u>          </u>	<u>          </u>
P. Alden, Jr	<u>X</u>	<u>          </u>	<u>          </u>
T. Plainfeather	<u>X</u>	<u>          </u>	<u>          </u>
J. Kills Pretty Enemy	<u>X</u>	<u>          </u>	<u>          </u>
J. Demontiney	<u>X</u>	<u>          </u>	<u>          </u>
B. Hugs	<u>          </u>	<u>          </u>	<u>          </u>
N. Old Crow, Jr	<u>X</u>	<u>          </u>	<u>          </u>
B. Good Luck	<u>X</u>	<u>          </u>	<u>          </u>
H. MaleBear-Stone	<u>X</u>	<u>          </u>	<u>          </u>
D. Spotted <i>Speaker of the House</i>	<u>X</u>	<u>          </u>	<u>          </u>
C. Takes Enemy <i>Secretary of the House</i>	<u>X</u>	<u>          </u>	<u>          </u>
<b>TOTAL</b>	<u>16</u>	<u>0</u>	<u>0</u>

Result of Vote: **Passed**      **Not Passed**      **Tabled**      **Veto-Override**

  
 Senator D. Spotted      4/23/2024  
 Speaker of the House      Date  
 Crow Tribal Legislative Branch

  
 Senator C. Takes Enemy      4/23/2024  
 Secretary of the House      Date  
 Crow Tribal Legislative Branch