



TESTIMONY BEFORE THE UNITED STATES SENATE COMMITTEE ON INDIAN AFFAIRS

September 25, 2024

ON S. 4444, CROW REVENUE ACT Presented by Frank White Clay, Chairman Crow Nation

Introduction

Chairman and members of the Committee, I am Frank White Clay, Chairman of the Crow Nation. I am here today to express our full support for S. 4444, the Crow Revenue Act. This legislation addresses crucial land management issues, generates opportunities for economic growth, and reaffirms the sovereignty of the Crow Tribe by consolidating our ownership of ancestral lands. This bill provides an equitable resolution to long-standing land and resource management challenges on the Crow Reservation and strengthens our future as a Tribe.

Background on the Crow Revenue Act

The Crow Revenue Act would transfer approximately 4,660 acres of private subsurface inholdings, known as the Hope Family Tracts, on the Crow Reservation to the Crow Tribe of Montana. In exchange, the Tribe would transfer 4,530 acres of federal subsurface and 940 acres of federal surface interests in Musselshell County, Montana—referred to as the Bull Mountains Tracts. A key provision of the bill requires that the Crow Tribe and the Hope Family enter into a Revenue Sharing Agreement for any development of the Bull Mountains Tracts. This would provide a crucial revenue stream for the Crow Tribe as we seek to revitalize our economy.

This bill mirrors the bipartisan Northern Cheyenne Lands Act of 2014, which successfully addressed similar issues for the Northern Cheyenne Tribe. S. 4444 offers the same pragmatic solution: it resolves private inholdings on our Reservation while creating much-needed economic opportunities for the Tribe and ensuring certainty for development in Musselshell County.

Three-Party Land Exchange

The legislation mandates a three-party land exchange involving the Crow Tribe, the Hope Family Trust, and the United States government:

- The Secretary of the Interior is required to convey approximately 4,530 acres of federal subsurface and 940 acres of federal surface interests at Bull Mountains to the Hope Family Trust.
- In exchange, the Hope Family Trust will convey 4,660 acres of subsurface within the boundaries of the Crow Reservation to the Crow Tribe. Upon request by the Tribe, the Secretary is directed to take these lands into trust for the benefit of the Crow Tribe.
- This land exchange will allow the Tribe to consolidate our ownership and control of lands within the Reservation, a crucial step in managing and developing our natural resources.

Economic and Cultural Significance

This legislation provides the potential for a critical revenue stream for the Crow Tribe if the Bull Mountains Tracts are developed. With the expedited closure of the Apsáalooke Mine on the Crow Reservation, which provided substantial royalties to the Tribe, these revenues would help mitigate the economic impact and support the Tribe's financial stability.

The Crow Tribe has always depended on our lands and natural resources for survival. Over the centuries, the Tribe has made supreme sacrifices to reclaim and maintain our homeland. Since the Treaty of 1851 and 1886, the Tribe's land base has been continuously reduced—from over 38 million acres spanning Montana and Wyoming to just 2.3 million acres today.

This bill addresses a central element of our struggle: consolidating our land base and securing our right to manage and benefit from our resources.

As a result of these land losses, the Tribe currently faces significant economic challenges, including limited access to employment and development opportunities on the Reservation. Non-tribal owners control large portions of surface and subsurface holdings within the Reservation, which further limits the Tribe's ability to manage and benefit from our natural resources.

The transfer of 4,660 acres of subsurface on the Crow Reservation to the Tribe is critical to allowing us to exercise full control over future development. This consolidation of ownership, combined with the ability to generate revenues from the Bull Mountains Tracts, represents an opportunity for the Tribe to address our severe economic and social challenges.

the Tribe has also been denied access to federal grants and incentives due to invalid debts being referred to the Treasury Offset Program, also known as the "Do Not Pay" list. This prevented the Crow Tribe from benefiting from many new programs created and funded

during the COVID-19 pandemic which it was otherwise eligible for. Fortunately, my Administration was able to clear this issue up, however we will not be able to retroactively receive these awards.

Restoring our economic independence through land and resource management will help mitigate these lost funds and strengthen the Tribe's future by providing much needed resources to help develop an economy.

Conclusion

The Crow Revenue Act is not just a land exchange; it is an investment in the future of the Crow Tribe. It enables us to consolidate our ownership of our ancestral lands, secure much-needed revenue, and regain a measure of economic independence. I urge the Committee and the Senate to support this critical legislation, which will help the Crow Tribe overcome long-standing challenges and build a brighter future for our people.

Thank you for your consideration of this important legislation and please contact me directly with any questions at frank.whiteclay@crow-nsn.gov or Amanda Sowden, legal counsel, at amanda@mtresolutelaw.com