



**EXECUTIVE OFFICE OF THE PRESIDENT  
OFFICE OF MANAGEMENT AND BUDGET  
WASHINGTON, D.C. 20503**

October 7, 2015  
(House Rules)

## **STATEMENT OF ADMINISTRATION POLICY**

### **H.R. 538 – Native American Energy Act**

(Rep. Young, R-AK, and one cosponsor)

While the Administration supports the need to facilitate energy development in Indian Country, it does not support H.R. 538, the “Native American Energy Act.” The bill would undermine public participation and transparency of review of projects on Indian lands under the National Environmental Policy Act, set unrealistic deadlines and remove oversight for appraisals of Indian lands or trust assets, and prohibit awards under the Equal Access to Justice Act or payment of fees or expenses to a plaintiff from the Judgment Fund in energy-related actions. By foreclosing the Judgment Fund, this provision could negatively impact the Indian Affairs budget that is intended to serve all tribes. In addition, the bill’s changes to mineral leasing laws applicable to Navajo Nation lands may adversely affect energy development on those lands.

The bill also stipulates that Indian lands are exempt from the Department of the Interior’s hydraulic fracturing rule. That rule already contains a provision allowing for variances from the rule’s requirements when Tribal laws meet or exceed the rule’s standards. The rule’s approach both protects environmental and trust resources, while also protecting the decision-making role of the Tribes. Overall, H.R. 538 would not ensure diligent development of resources on Indian lands.

The Administration appreciates the Committee’s efforts to address energy needs in Indian Country. Income from energy development is one of the larger sources of revenue generated from trust lands, and delays in development translate to delays in profits to Indian mineral rights owners. The Administration has been taking meaningful action to update the leasing process for lands held in trust for Indian tribes, and is actively working to expedite appraisals, leasing, and permitting on Indian lands, and to provide resources to ensure safe and responsible development. The Administration looks forward to working with the Congress to develop the reforms necessary to support such development.

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