BEFORE THE COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM
SUBCOMMITTEE ON THE INTERIOR, ENERGY, AND ENVIRONMENT
UNITED STATES HOUSE OF REPRESENTATIVES

Prepared Statement of Honorable Adam Red
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On behalf of the
SOUTHERN UTE INDIAN TRIBE
Hearing
"Tribal Energy Resources: Reducing Barriers to Opportunity"
July 17, 2018, 10:00 a.m.
Rayburn House Office Building

I. Introduction.

Good morning, Chairman Gianforte, Ranking Member Plaskett, and Members of the Subcommittee. I am Adam Red, an elected member of the Southern Ute Indian Tribal Council, the governing body of the Southern Ute Indian Tribe (Tribe). Thank you for the opportunity to provide a statement on behalf of the Tribe regarding the regulatory challenges that Indian tribes face in pursuing energy development on tribal lands.

In this testimony, I will first provide some background about our Reservation and the importance of energy development to our Tribe. Second, as members of this Subcommittee are aware, in recent years, the Government Accountability Office (GAO) and the Department of the Interior Office of Inspector General (OIG) have issued critical reports highlighting the dysfunctionality of the Bureau of Indian Affairs in managing energy resource development in Indian country.[1] GAO concluded that those deficiencies were of sufficient magnitude as to warrant inclusion of BIA's energy resource management practices among a list of 34 "High-Risk" areas of government administration.[2] Approximately one month ago, GAO and the BIA reported on the progress that BIA has made in addressing specific deficiencies previously identified by GAO.[3] My testimony will comment on whether any progress has been realized at

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[1] *See, e.g.*, U.S. GOV'T ACCOUNTABILITY OFF., GAO-15-502, INDIAN ENERGY DEVELOPMENT; POOR MANAGEMENT BY BIA HAS HINDERED ENERGY DEVELOPMENT ON INDIAN LANDS (2015); OFFICE OF INSPECTOR GENERAL, U.S. DEP'T OF INTERIOR, RPT. NO. CR-EV-BIA-0011-2014, BUREAU OF INDIAN AFFAIRS' SOUTHERN UTE AGENCY'S MANAGEMENT OF THE SOUTHERN UTE INDIAN TRIBE'S ENERGY RESOURCES (2016).

[2] U.S. GOV'T ACCOUNTABILITY OFF., GAO-17-375T, PROGRESS ON MANY HIGH-RISK AREAS, WHILE SUBSTANTIAL EFFORTS NEEDED ON OTHERS (2017).

[3] U.S. GOV'T ACCOUNTABILITY OFF., GAO-18-616T, HIGH RISK; AGENCIES NEED TO CONTINUE EFFORTS TO ADDRESS MANAGEMENT WEAKNESSES OF FEDERAL PROGRAMS SERVING INDIANS (2018); *GAO HIGH RISK LIST: TURNING AROUND VULNERABLE INDIAN PROGRAMS: OVERSIGHT HEARING BEFORE S.*

our local BIA Agency with respect to key matters of concern. Third, as representatives from our Tribe have done for many years in addressing different committees of Congress, I will identify some of the systemic barriers to effective energy development in Indian country, and I will provide several suggestions for improving the current system so that energy development in Indian country can proceed in a reasonable manner for the benefit tribes, their members and energy producers.

II. Southern Ute Indian Reservation Background

The Southern Ute Indian Reservation—the homeland of our Tribe's 1500-plus members—consists of approximately 700,000 acres of land located in southwestern Colorado in the Four Corners Region of the United States. Our Reservation is part of the northern San Juan Basin, an area that has seen widespread oil and gas development for more than 70 years. The Reservation is a complex patchwork of land ownership. Almost one-half of the Reservation is owned in entirety by the United States in trust for the Tribe. Additionally, the Tribe owns the beneficial trust interests in several hundred thousand acres of severed mineral estates reserved by the United States in homestead patents issued between 1909 and 1934 (the scope of the reserved mineral estate depends on the authorizing homestead law). In many instances, non-Indians own surface estates or subsurface mineral interests that are adjacent to tribal surface tracts or tribal mineral estates. Accordingly, our Reservation is a prime example of a 3-D checkerboard.

III. Federal Mineral Leasing Laws and the Tribe's History of Energy Development

Federal laws and regulations require federal review and approval of most realty transactions involving Indian trust lands and minerals. One recently-created exception to that rule is found in the surface leasing of tribal lands by tribes who have met the requirements of the Helping Expedite Affordable and Responsible Tribal Homeownership Act of 2012 ("HEARTH Act").[4] To be sure, since enactment of the Indian Reorganization Act of 1934,[5] Congress has required tribal governmental consent to the use of tribal lands; however, with few exceptions, ultimate control of tribal energy development continues to rest with the BIA, which retains final approval

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COMM. ON INDIAN AFFAIRS, 100 CONG. (2018) (statement of Darryl LaCounte, Acting Director, Bureau of Indian Affairs (June 13, 2018) .

[4] Act of July 30, 2012, Pub. L. No. 112-151 (codified at 25 U.S.C. § 415(h)). As of May 2018, 39 tribes are managing approved surface leasing ordinances pursuant to the HEARTH Act.

[5] Act of June 18, 1934, 48 Stat. 984 (codified as amended at 25 U.S.C. §§ 5101, *et seq.*, formerly 25 U.S.C. §§ 461, *et seq.*)

authority under the Indian Mineral Leasing Act of 1938,[6] the Indian Mineral Development Act of 1982 ("IMDA"),[7] and the General Right of Way Act of 1948.[8]

Beginning in 1949, the Tribe began issuing mineral leases under the supervision of the Secretary of the Interior. For several decades, we received modest royalty revenue, but were not engaged in any comprehensive resource management planning. That changed in the 1970s as we and other energy resource tribes in the West recognized the potential importance of monitoring oil and gas companies for lease compliance as well as keeping a watchful eye on the federal agencies charged with managing our resources. In 1974, the Tribal Council placed a moratorium on new oil and gas leasing on the Reservation until the Tribe could gain a better understanding of its resources and the long-term consequences of its leasing decisions. That moratorium remained in place for 10 years.

A series of events in the 1980s laid the groundwork for our subsequent success in energy development. In 1980, the Tribal Council established an in-house Energy Department, which spent several years gathering historical information about our energy resources and lease records. In 1982, following the Supreme Court's decision in *Merrion v. Jicarilla Apache Tribe*,[9] the Tribal Council enacted a tribal severance tax law, which has produced more than $800 million in revenue over the last three-plus decades. After Congress passed the IMDA in 1982, we carefully negotiated mineral development agreements with oil and gas companies involving unleased lands, and insisted upon flexible provisions that vested the Tribe with business options and greater involvement in resource development.

Under the IMDA, the BIA approved those tribally-negotiated agreements; however, as the complexity of those agreements increased to address such matters as monetization of non-conventional fuel tax credits and other novel provisions, the delays associated with obtaining BIA approval proved frustrating and costly. The Tribe's leaders believed that the Tribe could do a better job of monitoring its own resources than would federal agencies, and, consistent with that philosophy, shortly after passage of the Federal Oil and Gas Royalty Management Act of 1982, the Tribe entered into a cooperative agreement with the Minerals Management Service (now Office of Natural Resource Revenue (ONRR)) permitting the Tribe to conduct its own royalty accounting and auditing. The Tribe can attest to the importance of federal legislation that allows tribes the option of assuming a greater role in energy development on their reservations.

In 1992, we started our own gas operating company, Red Willow Production Company, which was initially capitalized through the Tribe's Secretarially-approved plan for use of $8

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[6] Act of May 11, 1938, 52 Stat. 347 (codified at 25 U.S.C. §§ 396a-396g).

[7] Act of December 22, 1982, Pub. L. No. 97-382, 96 Stat. 1938 (codified at 25 U.S.C. §§ 2101-2108) ("IMDA").

[8] Act of February 5, 1948, 62 Stat. 17 (codified at 25 U.S.C. §§ 323-328).

[9] 455 U.S. 130 (1982).

million of tribal trust funds received by our Tribe in settlement of reserved water right claims. Through conservative acquisition of on-Reservation leasehold interests, we began operating our own wells and received working interest income as well as royalty and severance tax revenue paid by Red Willow. In 1994, we participated with a partner to purchase one of the main pipeline gathering companies on the Reservation. Today, the Tribe is the majority owner of Red Cedar Gathering Company, which provides gathering, processing, and treating services throughout the Reservation. Ownership of Red Cedar Gathering Company allowed us to put the infrastructure in place to further develop and market coalbed methane gas from Reservation lands and provided an additional source of revenue. Our tribal leaders recognized that the peak level of on-Reservation gas development would be reached in approximately 2005, and in order to continue our economic growth, we expanded operations off the Reservation.

IV. Positive Results for the Tribe, Our Members and the Surrounding Community

These acts of energy development through self-determination are key to the Tribe's economic success. Today the Tribe, through its subsidiary energy companies, conducts sizeable oil and gas activities in several western states and in the Gulf of Mexico. We are the largest employer in the Four Corners Region of southwest Colorado. Energy resource development has unquestionably had a great positive impact on the Tribe, our members, and the surrounding community. The regional community college even has a new associate degree program in Tribal Energy Management, and because of the Tribe's vast experience in this realm, the college has enlisted the Tribe's assistance and input.

Our energy-related economic successes have resulted in a higher standard of living for our tribal members. Our members have jobs. Our educational programs provide meaningful opportunities at all levels. Our elders have stable retirement benefits. We have exceeded many of our financial goals, and we are well on the way to providing our grandchildren and their grandchildren the opportunity to maintain our Tribe and its lands in perpetuity.

Along the way, we have encountered and overcome numerous obstacles, some of which are institutional in nature. As we have stated repeatedly to anyone who will listen to us, "We are the best protectors of our own resources and the best stewards of our own destiny; provided that we have the tools to use what is ours." Successful energy development, in spite of institutional obstacles, has also enabled the Tribe to invest in diverse, non-energy projects, laying the foundation for long-lasting economic prosperity. For example, the Tribe has made real estate investments in eleven markets located in eight states. These investments include residential, commercial, industrial, and hotel properties in California, Nevada, Colorado, Texas, Kansas, Illinois, Ohio, and Maryland. Return on these investments has spurred further economic growth for the Tribe, which would not have been possible but for the Tribe's active efforts to control and develop its energy resources. Our Tribe is the only Indian tribe in the nation with a credit rating of AAA+, which was earned through years of steady governance and prudent business management.

V. OIG and GAO Reports on BIA Energy Resource Management

In late 2014 through early 2015, the OIG reviewed the BIA Southern Ute Agency's management of energy resources on the Reservation, including a review of staffing needs and record keeping functions. The resulting OIG Report No. CR-EV-BIA-0011-2014, issued in February 2016 ("OIG Report"), concluded that the Southern Ute Agency was not adequately staffed to process the substantial energy resource transactions regularly submitted for approval by the Tribe, and delays in approval were costing the Tribe substantial amounts of revenue. To help offset Agency deficiencies, the Tribe was performing (without cost to the BIA) much of the work that should have been performed by BIA in assembling documentation and assisting in the processing of requests related to energy leases and energy rights-of-way. Further, the records of the Agency were not being properly protected or organized. The OIG made seven recommendations intended to improve the functionality of the Agency, such as increasing energy staffing and training and improving record keeping practices. As a paper-keeping item, the OIG also recommended that a written Memorandum of Understanding be prepared "that would better define the Tribe's role in performing work to support BIA's review and approval of the Tribe's mineral leasing activities." OIG Report at 15. Since issuance of the OIG Report, with assistance from personnel from the Tribe, many of the BIA files have been re-organized. In January of 2017, the BIA and the Tribe entered into an MOU memorializing the support that the Tribe's Department of Energy is providing to the Agency. However, the Agency continues to lack sufficient well-trained staff with knowledge of energy and real property matters needed to process such transactions in a reasonably timely manner.

While the OIG was preparing the OIG Report, the GAO was undertaking a broader investigation of factors that have hindered energy resource development in Indian country. The ensuing report issued in June of 2015, GAO-15-502, identified multiple impeding factors, including complicated land ownership patterns, regulatory involvement of multiple federal agencies in overseeing energy-related operations, and delays in obtaining environmental clearances under laws like the National Environmental Policy Act (NEPA). Additionally, however, GAO found a variety of systemic shortcomings in BIA's management of energy resources. Among those deficiencies were inadequate data to confirm ownership status of tribal lands and minerals. The Trust Asset and Accounting Management System (TAAMS), deployed twenty years earlier to modernize complex tribal real property records, reportedly lacked GIS mapping capability. A number of tribes reported delays taking years to process rights-of-way, surface leases for wind projects, and energy related permits. In a number of cases the delays simply outlasted the opportunities. As at the Southern Ute Agency, other BIA agencies also lacked qualified staff needed to evaluate and process energy related transactions. GAO provided a number of recommendations for improvement; however, it is noteworthy that the Department of the Interior did not concur in a number of GAO's findings.

On February 15, 2017, GAO issued a High-Risk Series Report GAO-17-375T ("GAO High Risk Report"), outlining the status of high-risk areas of federal governmental administration. Significantly, that GAO report added to the high-risk list the management of several federal

programs that serve tribes and their members, including programs related to Indian education, health care delivery, and energy administration. The BIA energy-related deficiencies included excessive delays in processing transactional documents, an absence of collaboration with other federal agencies, and workforce planning issues. Further, GAO "found issues with outdated and deteriorating equipment, technology, and infrastructure, as well as incomplete and inaccurate data." GAO High Risk Report at 34-35. To help correct the situation, GAO issued a number of recommendations, such as upgrading TAAMS to include GIS mapping capability, establishment of a tracking system for processing energy-related documents, upgrading BIA workforce needs, and issuance of guidance regarding Tribal Energy Resource Agreements (TERAs).

Most recently, on June 13, 2018, high level officials from GAO and BIA delivered statements to the Senate Committee on Indian Affairs regarding the status of progress in improving BIA's management of tribal energy resources. These statements, GAO-18-616T (GAO Supplement Report) and Testimony of Acting BIA Director Darryl LaCounte (BIA Testimony), express the respective views of the GAO and BIA as to whether the previous recommendations of the GAO have been followed.

VI. Has Progress Been Made?

While we have little doubt that some progress has been made at some levels within the BIA to improve energy resource management functions, at the Southern Ute Agency there is still a great deal of work that must be completed before the BIA reaches a level of reasonable and acceptable proficiency. It must be stressed, however, that our concerns are not intended to reflect poorly on the dedication or the hard work of the local Superintendent or her limited staff. Our Superintendent and the Deputy Superintendent work extremely hard in attempting to clear up back logs and in processing new transactions. The BIA simply has not provided them the tools necessary to move forward more effectively.

1. TAAMS. One of GAO's major concerns relates to the ability of the BIA to verify land ownership information in a timely manner, and toward that end, GAO recommended adding GIS mapping capability to TAAMS. BIA recently reported that the GIS mapping module has been installed, the map viewer has been deployed, and the recommendation has been implemented. We question whether that capability exists on a system-wide basis and whether it includes our Reservation. The effectiveness of TAAMS requires proper encoding of ownership records and related transactional documents. For reasons that will likely never be known, the BIA failed to encode into TAAMS the real property transactional documents related to key periods of the Tribe's energy development in the late 1990s and early 2000s. Documents for substantial periods of time have simply never been encoded. So, while it is possible that a GIS mapping component has been added to TAAMS, its capacity to interface with ownership information to confirm ownership status quickly can only function effectively if the underlying documents have also been properly encoded in TAAMS. The process of encoding documents into TAAMS requires specialized training and tedious application, and the encoding protocols do not necessarily correspond to the Tribe's preferred structuring of transactions.

For example, our Tribe and major energy companies on the Reservation prefer to handle the renewal of a company's rights-of-way all at once. This utterly rational approach allows the Tribe to more easily monitor the end date and renegotiate renewals when an operator's hundreds of rights-of-way are handled together. In one instance, the Tribe was even able to leverage the renewals to require an operator on the Reservation to replace several grandfathered high pollutant-emitting 1950s-era compressor engines in lieu of paying compensation for the right-of-way renewal. The elimination of the old compressor engines was a great way to improve Reservation air quality. However, when the Tribe presented one such "global rights-of-way" package to the Southern Ute Agency for approval, it took the Agency approximately *four years* to approve it. The Tribe later learned that the biggest hurdle to prompt approval was that there was no effective way to enter the multiple, individual rights-of-way segments, bundled in one transaction, into TAAMS. The unwieldiness of TAAMS has been cited numerous times as the reason for delays in energy transaction processing.

Moreover, because a number of "global rights-of-way" were not processed through TAAMS ten or twenty years ago, it is now the BIA practice to simply hold onto global renewal agreements without approval until the original agreements expire and then grant entirely new rights-of-way for a new global time period. A right-of-way renewal apparently cannot be processed through TAAMS unless the earlier grant is already in the system. Notwithstanding the fact that operating facilities via expired rights-of-way may constitute a trespass, or place a company with financing in default of its loan covenants, the challenges of data system processing govern over the mutual business intentions of the Tribe and its corresponding party. Further, if the transactions are not encoded in TAAMS, then formal recording in the Land Title and Records Office of the BIA cannot proceed, yet the LTRO is supposed to be official depository of Indian land ownership records.

2. Tracking Review and Response Times. To improve efficiency and transparency, the GAO recommended development of a tracking system that could monitor when a document needing BIA approval was received and its status until approval. The BIA believes it is close to implementing this system, and, has apparently implemented the system in monitoring Communitization Agreements needed to pool interests in leases to conform to well density and spacing requirements. Our experience is that the logging of a document as having been received by the BIA does not necessarily correspond to its delivery to the Agency. Instead, a document is not considered received until the Agency makes a determination that it is complete, a process that itself may take several months. When the document is then reviewed for completeness, new interpretative requirements may be added that will further delay a determination of completeness that starts the clock ticking. Accordingly, the tracking system may reflect a distortion of the actual time for processing documents delivered to the BIA for approval.

3. Workforce Planning and Recruitment. For several years, GAO has recommended that the BIA take steps needed to evaluate workforce needs, with the objective that, through training and recruitment, the BIA can develop the workforce needed to meet it trust duties in energy management. The GAO reports that BIA has conducted internal surveys to identify

general workforce needs related to oil and gas development, and the BIA confirms that it needs engineers, engineering technicians and environmental scientists to assist tribes with energy development. In that regard, we doubt if there are more than one or two qualified petroleum engineers in the entire BIA. While support in those specialized areas is needed, more fundamentally, we believe the BIA urgently needs staff with basic real property knowledge and TAAMS encoding capability.

Basic real property management and record keeping is the fundamental building block to energy development and many other areas of economic improvement. At the Southern Ute Agency, the BIA has been unable to fill two realty specialist positions that have been approved and vacant for many months, if not several years. The Superintendent and the Deputy Superintendent have essentially divided the duties of processing oil and gas leases and rights-of-way, and they have had to rely on one part-time individual for support in TAAMS encoding. To supplement that scant workforce, the Tribe has made available several individuals from its Department of Energy to assist in preparing documentation needed for final review and approval of energy related transactions; however, the Tribe does not have individuals with the advanced experience in TAAMS encoding needed to address the years of backlog that stand in the way of making the Tribe's real property records complete and current. As reflected in GAO's assessment of BIA's progress in workforce development, the BIA does not have the staff or the resources to implement a workforce planning system, not to mention the absence of resources needed to hire the employees needed to carry our trust functions.

4. Providing Guidance on the Potential Scope of TERAs. As part of the Energy Policy Act of 2005, Congress established an optional mechanism that permits qualifying Indian tribes interested in energy resource management to enter into Tribal Energy Resource Agreements with the Secretary that, under specified conditions, would allow a tribe to then enter into energy-related leases and business agreements, and grant energy-related rights-of-way, without prior BIA review or approval.[10] The implementing regulations for TERAs, found at 25 C.F.R. Part 224, establish the complicated process and detailed requirements for tribes to enter into and implement a TERA. Those regulations also allow tribes to assume administrative functions needed to oversee the activities undertaken under leases, business agreements, and energy rights-of-way approved by a Tribe following entry into a TERA; however, the regulations create an undefined regulatory exception to the scope of TERA, preventing a tribe from assuming "inherently Federal functions." This latter prohibition was not included in the statute enacted in 2005. Not surprisingly, no tribe has yet entered into a TERA.

As the 2015 GAO Report noted, one of the factors discouraging tribes from applying for a TERA, was the undefined limitation on the tribal assumption of "inherently Federal functions," which could potentially render entering into a TERA useless to a Tribe. GAO recommended that BIA provide specific guidance with regard to the scope of TERAs. BIA claims that an August

[10] 25 U.S.C. § 3504; Act of August 8, 2005, Pub. L. No. 109-58, Title V., § 503. The statutory provision addressing TERAs (25 U.S.C. § 3504) comprise a section of the "Indian Tribal Energy Development and Self-Determination Act of 2005," Title V of the Energy Policy Act of 2005.

31, 2017, half-page posting on the website of the Office of Indian Energy and Economic Development (OIEED) has met the concern raised by tribes in this regard,[11] and BIA reports that "[a]s a result, GAO closed Recommendation 5 on March 8, 2018." BIA Testimony at 3.

Our Tribe disagrees with the BIA and the GAO that the OIEED posting provides any clear or meaningful guidance from the BIA as to the potential scope of a TERA. First, on its face the guidance applies to tribes with approved TERAs, of which there are none. Second, the guidance makes cryptic reference to contracts under the Indian Self-Determination and Education Assistance Act, as amended, Pub. Law 93-638, and states that the OIEED will consult with the Office of the Solicitor to determine what functions are contractible under 93-638. Of course, the unwillingness of the Office of the Solicitor to explain why the exception was inserted into the draft regulations in the first place and what it means, is what led to confusion about the scope of TERAs and their questionable usefulness to tribes. For a tribe such as ours that has seriously considered applying to enter into a TERA, the right to approve an oil and gas lease is much more appealing if the Tribe can also approve associated Applications for Permits to Drill, rather than have each such APD be subject to regulatory approval, NEPA approval, and potential federal administrative challenges.

VII. Barriers to Effective Indian Energy Development and Potential Solutions

Our tribal leaders believe that weaknesses in the BIA management of Indian oil and gas resources contribute to a general preference by industry to acquire oil and gas leases on non-Indian lands over Indian lands. For example, the State of Colorado, which issues drilling permits on fee lands, typically issues a permit in approximately 45 days. If the permit is not issued within 75 days, the operator has a right to a hearing. In comparison, on tribal lands, BLM issues the permits to drill, which typically take four to six months to obtain. We recognize that the Department of the Interior and the BLM are working diligently to reduce those delays. In addition, permitting costs are much higher on tribal lands than on fee lands. The BLM's drilling permit fee is $9,500.00, and none of that money goes to the Tribe. In comparison, a state drilling permit in Colorado is free. These disparities create a comparative disadvantage that is exacerbated on reservations like the Southern Ute Indian Reservation, where tribal land and non-Indian fee land are arranged like a checkerboard, and oil or gas operators can develop on non-Indian fee land for less time and money, while potentially depleting Indian minerals.

Despite the Tribe's decades-long success in managing its own affairs and conducting highly complex business transactions, both on and off of the Reservation, federal law and regulations still require federal review and approval of even the most basic realty transaction occurring on the lands held in trust for the Tribe on the Reservation. Federal involvement invariably delays a proposed tribal project. These delays are exacerbated by the fact that a federal approval often constitutes a federal action, which triggers environmental review under NEPA and other review requirements, even for simple and straightforward realty transactions. In essence, the Tribe's

[11] U.S. Dep't of Interior, Bureau of Indian Affairs, *DEMD and Office of the Solicitor guidance available to Tribes with an Approved Tribal Resource Agreement (TERA),* https://www.bia.gov/as-ia/ieed/division-energy-and-mineral-development/tribal-toolbox/de … (last visited July 10, 2018).

own lands are treated as public lands, and, if federal approval is involved, no action – not even some initiated by the Tribe itself – can occur until the federal government has analyzed the potential impacts, often after inviting comment from the public at large. In order to eliminate these delays and in recognition of the Tribe's ability to protect its own interests and assets without assistance from federal agencies, the statutory and regulatory requirements for federal approval of tribal transactions must be modified so that federal review and approval of realty-related tribal projects is not required.

Fortunately, Indian energy legislation currently pending would address some of the inefficiencies in the TERA process. The Tribe strongly supports the "Indian Tribal Energy Development and Self-Determination Act Amendments of 2017" (S.245) and is hopeful it will be enacted into law this year. If enacted, S. 245 will go a long way in addressing some of the problems identified in this testimony by allowing electing tribes to make the choice to play a larger role in the energy development process and to require the United States to play a smaller role. This is a solution that could be achieved even despite federal funding and staffing shortages.

Conclusion

Like other energy tribes, our Tribe's economic prosperity is due in large part to responsible and sustainable energy development, and because of the Tribe's energy resources, tribal members have access to education, health care, and employment benefits they would not likely otherwise have. Our Tribe, like many other tribes, is well-equipped to utilize our energy resources, particularly if given ever-increasing self-determination, and if limited federal resources are used to encourage those efforts rather than stifling them. We believe that this approach should be at the forefront of any Congressional oversight and action taken as response to GAO's and OIG's reports and analyses. The Tribe appreciates the continued efforts of this Congress, this Subcommittee, and others to encourage tribal self-determination through economic and energy development.