

DEPARTMENT OF THE INTERIOR, ENVIRONMENT, AND
RELATED AGENCIES APPROPRIATIONS BILL, 2008

JUNE 11, 2007.—Committed to the Committee of the Whole House on the State of
the Union and ordered to be printed

Mr. DICKS, from the Committee on Appropriations,
submitted the following

R E P O R T

together with

Additional Views

[To accompany H.R. 2643]

The Committee on Appropriations submits the following report in explanation of the accompanying bill making appropriations for the Department of the Interior, the Environmental Protection Agency, and Related Agencies for the fiscal year ending September 30, 2008 and for other purposes. The bill provides regular annual appropriations for the Department of the Interior (except the Bureau of Reclamation and the Central Utah Project), the Environmental Protection Agency, and for other related agencies, including the Forest Service, the Indian Health Service, the Smithsonian Institution, and the National Foundation on the Arts and the Humanities.

CONTENTS

	<i>Page number</i>	
	<i>Bill</i>	<i>Report</i>
TITLE I—DEPARTMENT OF THE INTERIOR:		
Bureau of Land Management	2	8
United States Fish and Wildlife Service	11	24
National Park Service	18	37
United States Geological Survey	24	50
Minerals Management Service	26	54
Office of Surface Mining Reclamation and Enforcement	29	60
Bureau of Indian Affairs	31	63
Departmental Offices	39	72
Department-wide Programs	44	81

	<i>Page number</i>	
	<i>Bill</i>	<i>Report</i>
General Provisions, Department of the Interior	47	82
TITLE II—ENVIRONMENTAL PROTECTION AGENCY:		
Science and Technology	55	97
Commission on Climate Change Adaptation and Mitigation	56	100
Environmental Programs and Management	57	102
Office of Inspector General	58	109
Buildings and Facilities	58	110
Hazardous Substance Superfund	58	110
Leaking Underground Storage Tank Program	59	113
Oil Spill Response	60	114
State and Tribal Assistance Grants	60	115
Administrative Provisions	65	118
TITLE III—RELATED AGENCIES:		
Forest Service, USDA	67	120
Indian Health Service, DHHS	81	142
National Institute of Environmental Health Sciences	88	148
Agency for Toxic Substances and Disease Registry	89	148
Other Related Agencies:		
Council on Environmental Quality and Office of Environmental Quality	90	149
Chemical Safety and Hazard Investigation Board	90	149
Office of Navajo and Hopi Indian Relocation	91	150
Institute of American Indian and Alaska Native Culture and Arts Development	92	151
Smithsonian Institution	92	151
National Gallery of Art	94	155
John F. Kennedy Center for the Performing Arts	95	157
Woodrow Wilson International Center for Scholars	96	158
National Foundation on the Arts and the Humanities	96	159
Commission of Fine Arts	98	163
Advisory Council on Historic Preservation	99	164
National Capital Planning Commission	99	165
United States Holocaust Memorial Museum	100	165
Presidio Trust	100	165
White House Commission on the National Moment of Remembrance	100	166
TITLE IV—GENERAL PROVISIONS	101	166
TITLE V—GLOBAL CLIMATE CHANGE SENSE OF CONGRESS	110	167
BILL-WIDE REPORTING REQUIREMENTS AND REPROGRAMMING GUIDELINES	—	168

BUDGET AUTHORITY RECOMMENDED IN BILL BY TITLE

Activity	Budget estimates, fiscal year 2008	Committee bill, fiscal year 2008	Committee bill com- pared with budget estimates
Title I, Department of the Interior: New Budget (obligational) authority	\$9,713,245,000	\$10,163,478,000	+\$450,233,000
Title II, Environmental Protection Agency: New Budget (obligational) authority	7,199,400,000	8,085,915,000	+886,515,000
Title III, related agencies: New Budget (obligational) authority	8,770,858,000	9,383,732,000	+612,874,000
Grand total, New Budget (obligational) authority	25,683,503,000	27,633,125,000	+1,949,622,000

CHANGING DIRECTIONS

The recommendations presented in the accompanying bill are the product of a very deliberate and bipartisan process. The Subcommittee on Interior, Environment and Related Agencies held 38 separate hearings over three months with more than 250 witnesses. This included agency officials, Members of Congress and more than 100 tribal leaders and other public witnesses. These hearings included both standard budget hearings as well as a series of broader sessions to look at long-term trends in a few critical areas. This included five “contextual” hearings which looked at: (1) preserving open spaces and recreational opportunities; (2) protecting the quality of our water and air; (3) the status of Native American communities; (4) America’s artistic and cultural heritage; and finally (5) the critical area of climate change. Many of the recommendations in this bill flow directly from these hearings.

This bill is structured in response to this review to begin the process of reinvesting significant new resources to address the future needs of our country. This new period of reinvestment follows a period of significant disinvestment in environmental and conservation programs and a period of clearly inadequate funding towards fulfilling the moral and treaty obligations of this Nation to Native American communities. Had the Administration’s budget request been approved for 2008, funding over the last six years would have fallen 16 percent for the Department of the Interior, 29 percent for the Environmental Protection Agency and 35 percent for the non-fire portion of the budget of the Forest Service. Given that history, the Committee believes that the 4.5 percent increase provided in this bill is well justified.

This report provides detailed justifications for its recommendations but a few of the increases and decreases recommended by the Committee deserve special mention:

National Parks.—The bill includes substantial new investments in our national parks as part of the \$3 billion, ten-year proposal from the President to upgrade the parks in preparation for the centennial of the founding of the National Park Service in 2016. The bill provides \$2,047 million, a \$199 million increase over fiscal year 2007, for core operational costs of our national parks as proposed by the President. This increase will begin to reverse the major declines which have occurred over the last decade as the parks have had to absorb fixed costs and other new requirements year after year. The additional funds will support 3,000 badly needed new

seasonal employees and 590 additional year-round staff. \$85 million is also included for critical repair and maintenance projects.

The bill also provides \$50 million as the governmental contribution for the new Centennial Challenge initiative proposed by the President for the parks. These funds must be matched by private funds. Centennial Challenge funds will support special facility and visitor service projects which enhance the visitor experience beyond the levels possible through the normal appropriations process.

National Wildlife Refuges.—The bill provides \$451 million, a \$56 million increase over 2007, for national wildlife refuges. This will begin to reverse the current staffing shortfall problems within the U.S. Fish and Wildlife Service which has lost almost 600 FTEs since 2004. \$85 million has also been provided for the very successful State Wildlife Grants programs managed by the Service.

Native Americans.—The bill provides \$5,731 million to support critical education, health care, economic development and law enforcement programs for Native Americans, \$231 million over the request for the Bureau of Indian Affairs (BIA) and the Indian Health Service (IHS). To address one of the biggest issues facing Indian Country, the bill adds \$35 million for a methamphetamine prevention initiative that spans both the BIA and the IHS.

Wildfires.—The bill provides \$2,781 million for the wildfire programs to support the national fire plan, an increase of \$199 million over the current level. The President's budget had proposed more than \$100 million in reductions in critical fire preparedness activities. This bill restores those cuts and provides an increase of \$163 million over fiscal year 2007 for wildfire suppression, fully funding the 10-year average costs. It also includes over \$500 million for vitally needed hazardous fuels projects to reduce the risk of further catastrophic wildfires.

Forest Service.—The President's budget request would have required the loss of over 2,100 full time staff at the Forest Service and dramatic reductions in its ability to provide basic services for the American public. Instead, the Committee recommendation has made a major investment of \$345 million above the request for non-fire programs to restore recreation and trails, forest protection and harvest, natural resource stewardship, cooperative forestry, and quality science programs. This brings non-fire funding up to \$2.6 billion, an increase of 4 percent and \$102 million over fiscal year 2007. The decade-long neglect of maintenance to the vast Forest Service road network and trail system is addressed with the new \$65 million legacy roads and trails remediation initiative to begin the restoration of sensitive watersheds.

Environmental Protection Agency.—The bill provides \$8,086 million for the EPA, an \$887 million increase over the President's budget. The President had proposed \$526 million of reductions for this agency. The bill restores those cuts and provides a number of critical increases. The bill includes \$1,125 million, a \$437 million increase above the request, for the Clean Water State Revolving Fund; \$220 million for Clean Air State Grants; \$140 million for sewer and water grants in local communities; \$35.5 million for underground storage tank grants; and \$50 million for the new diesel emission reduction program.

Climate Change.—This bill addresses the critical issue of climate change in a number of ways. First, it provides \$266 million for various climate change activities throughout the bill, an increase of \$94 million over the 2007 level.

The bill also establishes a new temporary Commission on Climate Change Mitigation and Adaptation. This Commission will include the heads of the major Federal agencies with climate science responsibilities, as well as a set of public Members with appropriate expertise. The bill designates the President of the National Academy of Sciences as the Chairman of the new Commission and charges it with reviewing for the first time in an organized way the science issues related to how the world adapts to the reality of climate change and the steps necessary to advance this science. (See p. 99)

The bill includes a statutory set-aside of \$2 million for the Environmental Protection Agency to begin the formal process of developing a regulatory framework for the reduction of greenhouse gases.

The bill also includes the same Sense of Congress Resolution adopted last year by the Committee recognizing the reality of climate change and the need to address its consequences.

Cultural Agencies.—The National Endowment for the Arts and the National Endowment for the Humanities would each receive \$160 million, increases over the 2007 appropriations levels of \$35 million and \$19 million respectively.

Reductions.—This bill also recommends reductions below the 2007 level totaling over \$400 million. This includes \$135 million of net reductions from construction programs throughout the bill based on evidence at the hearings that many of these programs have a backlog of previously funded projects which must be completed prior to undertaking new work. The bill also terminates the Land Owner Incentive and Private Stewardship programs at the U.S. Fish and Wildlife Service.

The Committee believes that this bill, with its increases and decreases, is a responsible package which invests in key environmental and conservation priorities and honors our stewardship responsibilities to Native Americans.

CROSSCUTTING ISSUES

The Committee also wishes to express its concerns about a number of issues which affect multiple areas within the bill.

Environment and Law Enforcement Concerns on the Southwest Border.—The Committee remains concerned that the illegal immigration problems on the Southwestern border are having devastating impacts on Federal and tribal lands. The lands of the National Wildlife Refuge System, National Park Service, Bureau of Land Management and the U.S. Forest Service are severely stressed by the thousands of illegal immigrants that cross the border. Tribal lands are equally impacted. Thousands of pounds of trash and hundreds of miles of trails and illegal roads are being left behind in environmentally sensitive areas. Alarming, many sections of our public lands are now so dangerous that Federal agencies must restrict public access. With increased border scrutiny in urban sectors, drug traffickers have moved their operations

to more remote Federal and tribal lands. Due to this high level of drug trafficking, Federal employees often put their lives at risk just by showing up for work.

The Committee has increased funding in each of the land management agencies law enforcement accounts and in the Bureau of Indian Affairs and expects a portion of that funding to be used to protect tribal members, visitors, employees, and natural resources along the Southwestern border.

Methamphetamine Use in Indian Country.—The Committee is extremely concerned about the rising use of methamphetamine in Indian Country. This drug destroys lives, obliterates families, and has the potential to destroy tribal cultures. Increases in violent crime, child abuse, spousal abuse and suicide can all be traced to methamphetamine use. In hearings this year, the Committee learned that entire reservations were being targeted by international drug cartels due to a lack of adequate law enforcement. The Committee commends the administration for its recognition of this problem and the increased funding it proposed to help fight it, but more needs to be done. The Committee has increased funding in this bill by \$35,000,000 above the request for law enforcement officers, training, tribal courts, detention facilities and anti-drug education activities. The Committee understands that this is not just a law enforcement problem and therefore has included \$15,000,000 within this amount for the Indian Health Service for substance abuse treatment and mental health issues, including youth suicide, associated with methamphetamine use. The Committee expects the Directors of the Indian Health Service and the Bureau of Indian Affairs to distribute this funding outside of the normal formulas and methodologies to target the areas with the highest needs in Indian Country.

The Committee directs the Departments to report on the allocation of these increased funds within 60 days of enactment of this appropriation.

EXECUTIVE BRANCH PROJECT REVIEW PROCESS

Projects.—Congress has made significant reforms in the way it reviews funding for the Federal government; reforms which the Committee takes very seriously as it executes its constitutional authority. Earmarking or directed spending of Federal dollars does not begin with Congress. It begins with the Executive Branch. For example, the Administration requested 115 construction and land acquisition projects totaling \$272 million. The Administration, in selecting these projects, goes through a process that is the functional equivalent of earmarking. When the Committee reviews the budget request, it goes through a process of rigorous review and may alter or modify this list to reflect additional priorities.

Contractors.—The Executive Branch also engages in another practice which steers or directs money to specific entities or purposes through a process of contracting out various activities and services.

In many important work locations, the number of people working for contractors exceeds the number of Federal employees in the same building or location. Many of these, in fact, are non-competitive or sole-sourced. When added together, the Executive Branch

REGULATION AND TECHNOLOGY

Appropriation enacted, 2007	\$109,198,000
Budget estimate, 2008	115,460,000
Recommended, 2008	117,337,000
Comparison:	
Appropriation, 2007	+8,139,000
Budget estimate, 2008	+1,877,000

The Committee recommends \$117,337,000 for regulation and technology, \$1,877,000 above the budget request and \$8,139,000 above the fiscal year 2007 enacted level. The amounts recommended by the Committee compared with the budget estimates by activity are shown in the table at the beginning of the Office of Surface Mining Reclamation and Enforcement entry. The recommendation includes an increase of \$2,000,000 above the request and \$7,110,000 above the fiscal year 2007 level for support to the State regulatory programs. The Committee encourages continued support for the State regulatory programs which provide important services to their States and to the Nation. In addition, the Committee has rejected the request for \$123,000 in this account related to development costs of the department-wide financial and business management system (FBMS). Funding for the FBMS activity has been consolidated in the "Office of the Secretary" account.

ABANDONED MINE RECLAMATION FUND

Appropriation enacted, 2007	\$185,393,000
Budget estimate, 2008	52,835,000
Recommended, 2008	52,774,000
Comparison:	
Appropriation, 2007	-132,619,000
Budget estimate, 2008	-61,000

The Committee recommends \$52,774,000 for the Abandoned Mine Reclamation Fund, \$61,000 below the budget request and \$132,619,000 below the fiscal year 2007 enacted level. The large reduction below the fiscal year 2007 level is due to the Surface Mining Control and Reclamation Act amendments passed in late 2006 which move the coal tax and abandoned mine land fund payments from discretionary to mandatory payments. All States will receive increases over past practices. The amounts recommended by the Committee compared with the budget estimates by activity are shown in the table at the beginning of the Office of Surface Mining Reclamation and Enforcement entry. The only change from the budget request is that the Committee has rejected the request for \$61,000 in this account related to development costs of the department-wide financial and business management system (FBMS). Funding for the FBMS activity has been consolidated in the "Office of the Secretary" account. The Committee notes that the acid mine drainage set-aside was expanded from 10 percent to 30 percent, and therefore the Committee strongly encourages the States to utilize the increased mandatory funding provided for acid mine drainage remediation to support the clean stream efforts.

BUREAU OF INDIAN AFFAIRS

The Bureau of Indian Affairs was created in 1824. Its mission is founded on a government-to-government relationship and trust re-

sponsibility that results from treaties with Native groups. The Bureau delivers services to over 1.6 million Native Americans. In addition, the Bureau provides education programs to Native Americans through the operation of 170 schools and 14 dormitories. The Bureau administers more than 56 million acres of land held in trust status. Over 10 million of these acres belong to individuals and 46 million acres are held in trust for Tribes.

The amounts recommended by the Committee compared with the budget estimates by activity are shown in the following table:

(Amounts in thousands)					
	FY 2007 Enacted	FY 2008 Request	Recommended	Enacted	Recommended versus Request
BUREAU OF INDIAN AFFAIRS					
Operation of Indian Programs					
Tribal Budget System					
Tribal Government					
Aid to tribal government.....	35,954	33,671	33,671	-2,283	---
Consolidated tribal government program.....	63,185	68,229	69,240	+6,055	+1,011
Self governance compacts.....	137,583	139,036	139,036	+1,453	---
Johnson O'Malley grants.....	4,266	---	4,300	+34	+4,300
Contract support.....	143,628	149,628	149,628	+6,000	---
New tribes.....	316	316	316	---	---
Tribal government program oversight.....	7,329	6,818	6,818	-511	---
Subtotal, Tribal Government.....	392,261	397,698	403,009	+10,748	+5,311
Human Services					
Social services.....	31,421	32,414	32,414	+993	---
Welfare assistance.....	80,179	74,164	80,179	---	+6,015
Indian child welfare act.....	10,063	9,974	10,974	+911	+1,000
Housing improvement program.....	18,824	---	18,830	+6	+18,830
Human services tribal design.....	446	449	449	+3	---
Human services program oversight.....	3,891	3,702	3,702	-189	---
Subtotal, Human Services.....	144,824	120,703	146,548	+1,724	+25,845

(Amounts in thousands)				
	FY 2007 Enacted	FY 2008 Request	Recommended Enacted	Recommended versus Request
Trust - Natural Resources Management				
Natural resources, general.....	8,104	4,335	6,335	-1,769
Irrigation operations and maintenance.....	12,074	11,062	12,062	-12
Rights protection implementation.....	18,076	16,615	20,615	+2,539
Tribal management/development program.....	4,278	4,373	7,373	+3,095
Endangered species.....	219	247	1,247	+1,028
Integrated resource information program.....	1,250	1,250	1,250	---
Agriculture and range.....	23,236	24,395	24,395	+1,159
Forestry.....	42,459	43,405	43,405	+946
Water resources.....	11,159	9,913	9,913	-1,246
Fish, wildlife and parks.....	6,669	6,591	6,591	-78
Minerals and mining.....	10,207	11,678	11,678	+1,471
Resource management program oversight.....	7,507	7,820	7,820	+313
Subtotal, Trust - Natural Resources Management..	145,238	141,684	152,684	+11,000
Trust - Real Estate Services.....				
Education	144,073	150,722	150,722	+6,649
Elementary and secondary programs (forward funded).....	458,310	476,500	487,500	+29,190
Elementary and secondary programs.....	60,390	61,803	61,803	+1,413
Johnson O'Malley Education Grants.....	12,000	---	16,500	+4,500
Post secondary programs.....	108,619	98,520	109,520	+901
Education management.....	18,593	23,717	23,717	+5,124
Subtotal, Education.....	657,912	660,540	699,040	+41,128
Subtotal, Education.....	657,912	660,540	699,040	+41,128
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Subtotal, Education.....				

(Amounts in thousands)					
	FY 2007 Enacted	FY 2008 Request	Recommended	Recommended versus Enacted	Request
Public Safety and Justice					
Law enforcement.....	204,454	221,753	231,753	+27,299	+10,000
Tribal courts.....	12,013	12,065	17,065	+5,052	+5,000
Fire protection.....	1,144	---	1,200	+56	+1,200
Subtotal, Public Safety and Justice.....	217,611	233,818	250,018	+32,407	+16,200
Community and Economic Development					
Executive Direction and Administrative Services.....	42,234	39,061	47,339	+5,105	+8,278
Financial and Business Management System (FBMS).....	244,070	244,185	244,185	+115	---
	---	2,507	---	---	-2,507
Total, Operation of Indian Programs.....	1,988,223	1,990,918	2,093,545	+105,322	+102,627
Construction					
Education.....	204,956	139,844	145,200	-59,756	+5,356
Public safety and justice.....	11,605	11,621	14,621	+3,016	+3,000
Resources management.....	45,125	37,916	39,916	-5,209	+2,000
General administration.....	4,108	2,114	2,114	-1,994	---
Construction management.....	6,029	6,132	6,132	+103	---
Total, Construction.....	271,823	197,627	207,983	-63,840	+10,356
Indian Land and Water Claim Settlements and Miscellaneous Payments to Indians					
White Earth Land Settlement Act (Admin).....	625	625	625	---	---
Hoopa-Yurok settlement fund.....	250	250	250	---	---
Pyramid Lake water rights settlement.....	142	142	142	---	---
Cherokee, Choctaw, and Chickasaw settlement.....	10,339	---	---	-10,339	---
Quinault Settlement.....	316	---	---	-316	---

	(Amounts in thousands)			
	FY 2007 Enacted	FY 2008 Request	Recommended	Recommended versus Enacted Request
Nez Perce/Snake River*	20,730	16,152	21,219	+489
Puget Sound regional shellfish settlement	2,000	7,000	7,000	+5,000
Pueblo of Isleta settlement	---	2,400	2,400	+2,400
Rocky Boy operation and maintenance trust fund	7,500	7,500	7,500	---
Settlement round adjustment	98	---	---	-98
Total, Miscellaneous Payments to Indians	42,000	34,069	39,136	-2,864

*Requested in Fish and Wildlife Cooperative Endangered Species Program.

Indian Guaranteed Loan Program Account

Indian guaranteed loan program account	6,258	6,276	6,276	+18
TOTAL, BUREAU OF INDIAN AFFAIRS	2,308,304	2,228,890	2,346,940	+38,636

OPERATION OF INDIAN PROGRAMS

Appropriation enacted, 2007	\$1,988,223,000
Budget estimate, 2008	1,990,918,000
Recommended, 2008	2,093,545,000
Comparison:	
Appropriation, 2007	+105,322,000
Budget estimate, 2008	+102,627,000

The Committee recommends \$2,093,545,000 for the operation of Indian programs, \$105,322,000 above the fiscal year 2007 enacted level and \$102,627,000 above the budget request.

Tribal Government.—The Committee recommends \$403,009,000 for Tribal Government activities, an increase of \$10,748,000 above the fiscal year 2007 enacted level and \$5,311,000 above the budget request.

The change to the request is to fund compacts associated with the Johnson-O'Malley educational assistance grants in the consolidated tribal government and self governance compacts programs.

Human Services.—The Committee recommends \$146,548,000 for human services, an increase of \$1,724,000 above the fiscal year 2007 enacted level and \$25,845,000 above the budget request.

Changes to the request include increases of \$18,830,000 to restore the housing improvement program, \$6,015,000 to restore the welfare assistance program and \$1,000,000 for the Indian Child Welfare Act program.

The Committee is concerned that the housing needs in areas of Indian Country are not being met. The Committee directs the Bureau to work with the Department of Housing and Urban Development (HUD) to evaluate the effectiveness of the Bureau's Housing Improvement Program and determine whether the program and its criteria could be successfully integrated into HUD's existing housing programs and expanded to better meet the needs in Indian Country.

Bill Language.—The Committee has included bill language, as proposed by the Administration, to allow the Secretary to exceed the welfare budget cap in cases of designated Federal disasters.

Trust: Natural Resources Management.—The Committee recommends \$152,684,000 for natural resources management and oversight, an increase of \$7,446,000 above the fiscal year 2007 enacted level and \$11,000,000 above the budget request.

Changes to the request include \$2,000,000 for the general natural resource program, \$4,000,000 for rights protection implementation, \$3,000,000 for tribal management development programs, \$1,000,000 for endangered species management and \$1,000,000 for irrigation operations and maintenance.

Trust: Real Estate Services.—The Committee recommends \$150,722,000 for real estate services and oversight, \$6,649,000 above the fiscal year 2007 enacted level and the same as the budget request.

Education.—The Committee recommends \$699,040,000 for education, \$41,128,000 above the fiscal year 2007 enacted level and \$38,500,000 above the budget request.

Changes to the request include increases of \$16,500,000 to restore the Johnson-O'Malley assistance grants, \$3,000,000 to restore the early childhood development program, \$5,000,000 to restore

scholarships and adult education, \$7,000,000 for elementary and secondary education program enhancements, \$1,000,000 for student transportation, and \$6,000,000 for tribal technical colleges.

The Committee directs that not less than \$2,000,000 of the increase provided for education program enhancements should be used to implement anti-drug education programs in Bureau schools.

The Committee agrees with the premise put forward by the Administration that we must work to improve Indian education to boost student learning and academic achievement. However, the Administration's initiative to increase funding for one portion of education is financed by decreasing other vital areas of education. Reducing funding for adult education and scholarships, tribal technical colleges, early childhood development and Johnson-O'Malley assistance grants under the premise of improving education is clearly disingenuous. The Committee has restored these important programs and provided additional increases for elementary and secondary education programs, student transportation, and tribal technical colleges.

The Committee has once again rejected the Administration's proposal to eliminate the Johnson-O'Malley Education Assistance grants. Every attempt by this Administration to terminate this program has been resoundingly rejected by Congress. The feckless justification for the termination of this program—that Department of Education programs can take the place of these grants—has never been substantiated or explained to any level of adequacy. The Committee implores the Administration to include this program in future requests.

The Committee is concerned about the coordination of educational opportunities between the Bureau of Indian Affairs and the Department of Education. The Committee expects the Bureau to establish a formal way of tracking individual students, including a formal point of contact at the Bureau, as they alternate between Bureau schools and public schools to ensure that Indian children's educational progress is tracked sufficiently. The Bureau should report to the Committee on its progress in meeting this goal by January 30, 2008.

Public Safety and Justice.—The Committee recommends \$250,018,000 for public safety and justice, an increase of \$32,407,000 above the fiscal year 2007 enacted level and \$16,200,000 above the budget request.

Changes to the request include \$9,500,000 for tribal law enforcement to combat methamphetamine use in Indian Country, \$500,000 for increased training activities at the Indian police academy, \$5,000,000 for increased capacity for tribal courts, and \$1,200,000 to restore the fire protection program.

The Committee is extremely concerned about the increasing use of methamphetamine in Indian Country and has provided language delineating these concerns in the front of this report.

Community and Economic Development.—The Committee recommends \$47,339,000 for community and economic development, an increase of \$5,105,000 above the fiscal year 2007 enacted level and \$8,278,000 above the request.

Executive Direction and Administration Services.—The Committee recommends \$244,185,000, an increase of \$115,000 above the fiscal year 2007 enacted level and a decrease of \$2,507,000 below the request.

The Committee has rejected the request for \$2,507,000 related to development costs of the department-wide financial and business management system (FBMS). Funding for FBMS activity has been consolidated in the “Office of the Secretary” account.

CONSTRUCTION

Appropriation enacted, 2007	\$271,823,000
Budget estimate, 2008	\$197,627,000
Recommended, 2008	207,983,000
Comparison:	
Appropriation, 2007	– 63,840,000
Budget estimate, 2008	+10,356,000

The Committee recommends \$207,983,000 for construction, a decrease of \$63,840,000 below the fiscal year 2007 enacted level and an increase of \$10,356,000 above the budget request.

Education.—The Committee recommends \$145,200,000 for education construction, a decrease of \$59,756,000 below the fiscal year 2007 enacted level and an increase of \$5,356,000 above the budget request.

Changes to the request include \$356,000 to restore employee housing repair and \$5,000,000 for facilities improvement and repair.

Public Safety and Justice.—The Committee recommends \$14,621,000 for public safety and justice construction, an increase of \$3,016,000 above the fiscal year 2007 enacted level and \$3,000,000 above the budget request.

The change to the request is for maintenance and improvement of existing detention centers.

The Committee is concerned about the deplorable conditions that exist in detention centers in Indian Country. The Committee directs the Bureau, in partnership with the Department of Justice, to develop a plan for the replacement and construction of deteriorated detention centers, including recommendations on the location of those detention facilities based on need by March 30, 2008.

Resources Management.—The Committee recommends \$39,916,000 for resources management construction, a decrease of \$5,209,000 below the fiscal year 2007 enacted level and an increase of \$2,000,000 above the request.

The change to the request is for repair and rehabilitation of Indian irrigation projects.

General Administration.—The Committee recommends \$2,114,000 for general administration, a decrease of \$1,994,000 below the fiscal year 2007 enacted level and the same as the budget request.

Construction Management.—The Committee recommends \$6,132,000 for construction management, an increase of \$103,000 above the fiscal year 2007 enacted level and the same as the budget request.

The Committee recommends \$78,292,000 for assistance to territories, \$3,371,000 above the budget request and \$2,095,000 above the fiscal year 2007 level.

Territorial Assistance.—The Committee recommends \$27,692,000 for territorial assistance, \$3,371,000 above the budget request and \$2,095,000 above the fiscal year 2007 level. Increases to the budget request should be used to allow previous initiatives on health and retired government workers to continue as in the past, and to provide critically needed oversight of the compacts of free association and territorial negotiations. In addition, the Committee has rejected the request for \$8,000 in this account related to development costs of the department-wide financial and business management system (FBMS). Funding for the FBMS activity has been consolidated in the “Office of the Secretary” account.

The Committee directs that the funds provided for water and wastewater projects not be allocated to the CNMI until and unless the Commonwealth has a unified territorial infrastructure plan certified by the Secretary.

The Committee has included \$500,000 above the request for the coral reef initiative to enhance work at the U.S. territories in the Pacific and the USVI and the freely associated States; the Secretary should notify the Committees on the intended use of these funds within 60 days of enactment of this Act.

American Samoa.—The Committee recommends \$22,880,000 for American Samoa operations, the same as both the budget request and the fiscal year 2007 level.

Northern Mariana Islands/Covenant Grants.—The Committee recommends \$27,720,000 for CNMI covenant grants, the same as the budget request and the fiscal year 2007 level. The Committee is very concerned about the process used by the Department and the territorial government to allocate these funds, especially those needed in American Samoa. The Committee directs the Office of Insular Affairs and the Secretary to work with all territorial governmental bodies and the Congressional Delegate for American Samoa to be sure that the highest priority construction projects receive the covenant funding.

COMPACT OF FREE ASSOCIATION

Appropriation enacted, 2007	\$5,313,000
Budget estimate, 2008	4,862,000
Recommended, 2008	5,362,000
Comparison:	
Appropriation, 2007	+49,000
Budget estimate, 2008	+500,000

The Committee recommends \$5,362,000 for the compact of free association, \$500,000 above the budget request and \$49,000 above the fiscal year 2007 level. The Committee recommendation continues Enewetak support.

NATURAL RESOURCE DAMAGE ASSESSMENT AND RESTORATION

NATURAL RESOURCE DAMAGE ASSESSMENT FUND

The purpose of the Natural Resource Damage Assessment Fund is to provide the basis for claims against responsible parties for the restoration of injured natural resources. Assessments ultimately will lead to the restoration of injured resources and reimbursement for reasonable assessment costs from responsible parties through negotiated settlements or other legal actions. Operating on a “polluter pays” principle, the program anticipates recovering about \$40 million in receipts in fiscal year 2008, with the vast majority to be used for the restoration of injured resources. The program works to restore sites ranging in size from small town landfills to the Exxon Valdez oil spill of 1989 in Alaska.

Appropriation enacted, 2007	\$6,043,000
Budget estimate, 2008	6,224,000
Recommended, 2008	6,224,000
Comparison:	
Appropriation, 2007	+181,000
Budget estimate, 2008	0

The Committee recommends \$6,224,000 for the natural resource damage assessment fund, an increase of \$181,000 above the fiscal year 2007 level and the same as the budget request.

GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR

(INCLUDING TRANSFERS OF FUNDS)

Sections 101 and 102 provide for emergency transfer authority with the approval of the Secretary.

Section 103 provides for the use of appropriations for certain services.

Section 104 continues a provision which prohibits the expenditure of funds for Outer Continental Shelf (OCS) leasing activities in California, the North Atlantic, Washington, Oregon, and the eastern Gulf of Mexico near Florida.

Section 105 continues a provision which prohibits the expenditure of funds for oil and gas leasing activities in the Mid-Atlantic and South Atlantic planning areas.

Section 106 permits the transfer of funds between the Bureau of Indian Affairs and the Office of Special Trustee for American Indians.

Section 107 continues a provision permitting the redistribution of tribal priority allocation and tribal base funds to alleviate funding inequities.

Section 108 continues a provision permitting the conveyance of the Twin Cities Research Center of the former Bureau of Mines for the benefit of the National Wildlife Refuge System.

Section 109 continues a previous provision and authorizes the Secretary of the Interior to hereafter use helicopter or motor vehicles to capture and transport horses and burros at the Sheldon and Hart National Wildlife Refuges, OR.

Section 110 continues a provision limiting compensation for the Special Master and Court Monitor appointed by the Court in Cobell

v. Kempthorne to 200 percent of the highest Senior Executive Service rate of pay.

Section 111 continues a provision allowing the Secretary to pay private attorney fees for employees and former employees in connection with *Cobell v. Kempthorne*.

Section 112 continues a provision dealing with the U.S. Fish and Wildlife Service's responsibilities for mass marking of salmonid stocks.

Section 113 makes funds appropriated for fiscal year 2008 available to the tribes within the California Tribal Trust Reform Consortium and others on the same basis as funds were distributed in fiscal year 2005, and separates this demonstration project from the Department of the Interior's trust reform reorganization.

Section 114 continues a provision authorizing the Secretary of the Interior to acquire lands in support of transportation of visitors to Ellis, Governors, and Liberty Islands, NJ and NY.

Section 115 limits funds to issue new leases for oil or natural gas under the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et. seq.) to any lessee where such existing lease is not subject to limitations on royalty relief based on market price.

The Committee is concerned about the huge costs of agency business process centralization and therefore directs that detailed reports remain a part of the budget justification and that all expenses be carefully evaluated and explained, and transparent to the public at large.

The Committee has amended previous language concerning interactions with foreign countries to clarify that the Forest Service International Program has the authority to sign agreements directly with the U.S. Agency for International Development, the Department of State, the Millennium Challenge Corporation and natural resource institutions around the world to address natural resource issues.

The Committee continues the authority for transfers to the National Forest Foundation and the National Fish and Wildlife Foundation; the former \$500,000 above the requested level for a total of \$3,000,000 and the latter recommendation at the request of \$2,650,000. The Committee notes that it is acceptable for these foundations to make grants to Federal recipients, including Forest Service offices. The Committee allows \$100,000 in administrative funds to be used by the National Forest Foundation but this will be the final year of Federal administrative support. The Foundation should be independent of this Federal administrative funding support like the National Park and National Fish and Wildlife Foundations.

The recommendation provides that \$5,000,000 is available for Youth Conservation Corps and Public Lands Corps projects, in accordance with P.L. 109-154.

The Committee notes that the Forest Service has done a poor job of implementing its competitive sourcing program. Section 414 in Title IV general provisions includes bill language providing a one-year moratorium for the Forest Service on this matter. The Committee notes that its investigations staff previously found widespread management lapses which required legislative action. P.L. 109-54 Sec. 422(d) requires the Forest Service to report, "in accordance with full cost accounting principles, all costs attributable to developing, implementing, supporting, managing, monitoring, and reporting on competitive sourcing, including personnel, consultant, travel, and training costs associated with program management." This has not been implemented. The Committee understands that alleged savings are not substantiated. The Forest Service has inadequately considered the potential impact on its ability to provide emergency wildfire staffing when engaging in competitive sourcing which could dramatically alter the Federal workforce.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

INDIAN HEALTH SERVICE

The provision of Federal health services to Indians is based on a special relationship between Indian tribes and the U.S. Government first set forth in the 1830s by the U.S. Supreme Court under Chief Justice John Marshall. Numerous treaties, statutes, constitutional provisions, and international law have reconfirmed this relationship. Principal among these is the Snyder Act of 1921, which provides the basic authority for most Indian health services pro-

vided by the Federal Government to American Indians and Alaska Natives. The Indian Health Service (IHS) provides direct health care services in 33 hospitals, 52 health centers, 2 school health centers, and 38 health stations. Tribes and tribal groups, through contracts and compacts with the IHS, operate 15 hospitals, 220 health centers, 9 school health centers, and 282 health stations (including 166 Alaska Native village clinics). The IHS, tribes, and tribal groups also operate 11 regional youth substance abuse treatment centers and 2,241 units of staff quarters.

The amounts recommended by the Committee compared with the budget estimates by activity are shown in the following table:

(Amounts in thousands)				
	FY 2007 Enacted	FY 2008 Request	Recommended Request	Recommended versus Enacted Request
DEPARTMENT OF HEALTH AND HUMAN SERVICES				
INDIAN HEALTH SERVICE				
Indian Health Services				
Clinical Services				
IHS and tribal health delivery				
Hospital and health clinic programs.....	1,442,455	1,493,534	1,493,534	+51,079
Dental health program.....	126,882	135,755	135,755	+8,873
Mental health program.....	61,656	64,538	64,538	+2,882
Alcohol and substance abuse program.....	150,511	161,988	161,988	+11,477
Contract care.....	499,562	551,515	561,515	+61,953
Catastrophic health emergency fund.....	17,735	18,000	18,000	+265
Methamphetamine treatment and prevention.....	---	---	15,000	+15,000
Indian Health Care Improvement Fund.....	---	---	25,000	+25,000
Subtotal, Clinical Services.....	2,298,801	2,425,330	2,475,330	+176,529
Preventive Health				
Public health nursing.....	53,015	56,825	56,825	+3,810
Health education.....	14,479	15,229	15,229	+750
Community health representatives program.....	55,744	55,795	55,795	+51
Immunization (Alaska).....	1,706	1,760	1,760	+54
Subtotal, Preventive Health.....	124,944	129,609	129,609	+4,665
Urban health projects.....				
Indian health professions.....	33,951	---	34,000	+49
Tribal management.....	31,676	31,866	36,866	+5,190
Direct operations.....	2,485	2,529	2,529	+44
Direct operations.....	63,793	64,632	64,632	+839

	(Amounts in thousands)			
	FY 2007 Enacted	FY 2008 Request	Recommended	Recommended versus Enacted Request
Self-governance.....	5,842	5,928	5,928	+86
Contract support costs.....	264,730	271,636	274,638	+9,908
Medicare/Medicaid Reimbursements				+3,002
Hospital and clinic accreditation (Est. collecting).	(648,208)	(700,294)	(700,294)	---
Transfer to Indian health facilities (P.L. 110-28).....	(-7,300)	---	---	(+7,300)
Total, Indian Health Services.....	2,826,222	2,931,530	3,023,532	+92,002
(Non-contract services).....	(2,308,925)	(2,362,015)	(2,444,017)	(+135,092)
(Contract care).....	(499,562)	(551,515)	(561,515)	(+61,953)
(Catastrophic health emergency fund).....	(17,735)	(18,000)	(18,000)	(+265)
Indian Health Facilities				
Maintenance and improvement.....	52,668	51,936	52,668	---
Sanitation facilities.....	94,003	88,500	94,003	---
Construction facilities.....	24,303	12,664	20,279	-4,024
Facilities and environmental health support.....	161,333	164,826	172,326	+10,993
Equipment.....	21,619	21,270	21,619	---
Transfer from Indian health services (P.L. 110-28).....	(7,300)	---	---	(-7,300)
Total, Indian Health Facilities.....	353,926	339,196	360,895	+6,969
TOTAL, INDIAN HEALTH SERVICE.....	3,180,148	3,270,726	3,384,427	+204,279
				+113,701

INDIAN HEALTH SERVICES

Appropriation enacted, 2007	\$2,826,222,000
Budget estimate, 2008	2,931,530,000
Recommended, 2008	3,023,532,000
Comparison:	
Appropriation, 2007	+197,310,000
Budget estimate, 2008	+92,002,000

The Committee recommends \$3,023,532,000 for Indian Health Services, an increase of \$197,310,000 above the fiscal year 2007 enacted level and \$92,002,000 above the budget request. Changes to the budget request are detailed below.

Clinical Services.—The Committee recommends increases of \$25,000,000 for the Indian Health Care Improvement Fund, \$10,000,000 for Contract Care and \$15,000,000 for prevention and treatment of methamphetamine use in Indian Country.

The Committee directs the Service to allocate the increased funding for the Indian Health Care Improvement fund to bring those units with the highest level of need up to at least 40 percent of need before allocating any additional funds to units with needs above 40 percent.

Within the increase provided for the prevention and treatment of methamphetamine use, at least \$5,000,000 should be used for the mental health and behavioral issues associated with methamphetamine use, including programs that combat youth suicide. The Committee has included language at the front of this report delineating its position on methamphetamine use and the use of the increased funding.

The Committee remains interested in encouraging more volunteer health care providers to serve Indian country. Last year the Committee requested that the Service report on the feasibility of establishing a central credentialing system to facilitate increased use of volunteers. The Committee understands that the Service completed the report but it has not been released by the Department of Health and Human Services. The Committee expects to receive the report no later than October 31, 2007.

The Committee commends the Service for its electronic health records initiative, but is concerned that this effort does not include dental records. The Committee encourages the Service to include dental records in future efforts.

Urban Indian Health Clinics.—The Committee does not agree with the elimination of the urban Indian clinics and provides an increase of \$34,000,000 above the request.

The Committee believes that the Urban Health program in the Indian Health Service provides vital, culturally sensitive health care in Indian Country and should not be eliminated in future requests. The Administration's proposal to terminate this program was a clear attempt to eliminate a program based entirely on the premise of reducing overall funding with no merit-based justification. The stated justification that other Health and Human Services programs would be available to take the place of the Urban Indian Clinics was not fully supported. Further, no plan was provided for transitional benefits for users who would need to shift to other health care resources.

Indian Health Professions.—The Committee recommends an increase of \$5,000,000 above the request for Indian Health Professions for the loan repayment program.

The Committee continues to be concerned about the high vacancy rates of health care providers at IHS and tribal facilities. The Service should determine whether loan repayment is the most effective means of retaining health care professionals and evaluate what funding level for loan repayment would maximize the number of professionals retained by IHS. The Service should report on the results of this effort by January 30, 2008.

Contract Support Costs.—The Committee recommends \$274,638,000 for contract support costs, an increase of \$9,908,000 above the fiscal year 2007 level and \$3,002,000 above the request.

Bill language.—Bill language is included extending the availability of Indian Health Services funding to two years and specifying the minimum level of expenditures for contract health care.

INDIAN HEALTH FACILITIES

Appropriation enacted, 2007	\$353,926,000
Budget estimate, 2008	339,196,000
Recommended, 2008	360,895,000
Comparison:	
Appropriation, 2007	+6,969,000
Budget estimate, 2008	+21,699,000

The Committee recommends \$360,895,000 for Indian health facilities, an increase of \$6,969,000 above the fiscal year 2007 enacted level and \$21,699,000 above the budget request. Changes to the budget request are detailed below.

The increases from the request include \$732,000 for maintenance and improvement, \$5,503,000 for sanitation facilities, \$7,615,000 for facilities construction, \$7,500,000 for facilities and environmental health support, and \$349,000 for equipment.

Within the facilities construction total, \$2,000,000 is for joint venture projects, \$5,000,000 is for small ambulatory facilities, \$3,000,000 is for dental units, and \$10,279,000 is for outpatient facilities construction.

The Committee encourages the Service to provide additional credit to tribes that are willing to provide full funding for facility equipment in addition to providing full funding for facility construction when determining priorities for project funding under the joint ventures program.

The Committee has reluctantly agreed with budget requests by this Administration in recent years that reduced funding for the construction of health care facilities. Short term reductions in funding in order to fulfill other compelling needs in health care are acceptable, but the Committee believes that in the future, a renewed effort must be made to focus on facilities construction. The Committee stipulates that the Administration should provide adequate funding requests for facilities construction in future budget requests to address the growing needs in Indian Country.

The Committee provides no recommendation at this time for specific projects contained either in the Administration's budget or proposed by Members of Congress. Individual project allocations

will be considered comprehensively after the Committee has properly analyzed all relevant information.

NATIONAL INSTITUTES OF HEALTH

NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES

The National Institute of Environmental Health Sciences (NIEHS), an agency within the National Institutes of Health, was authorized in section 311(a) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 and in section 126(g) of the Superfund amendments and Reauthorization Act of 1986 to conduct certain research and worker training activities associated with the Nation's Hazardous Substance Superfund program.

Appropriation enacted, 2007	\$79,117,000
Budget estimate, 2008	78,434,000
Recommended, 2008	79,117,000
Comparison:	
Appropriation, 2007	0
Budget estimate, 2008	+683,000

The Committee recommends \$79,117,000, an increase of \$683,000 above the request and equal to fiscal year 2007. The additional funds are intended to allow NIEHS to maintain a comparable effort for grants in the Superfund Basic Research Program and the Worker Education and Training Program.

AGENCY FOR TOXIC SUBSTANCES AND DISEASE REGISTRY

TOXIC SUBSTANCES AND ENVIRONMENTAL PUBLIC HEALTH

The Agency for Toxic Substances and Disease Registry (ATSDR), an agency of the Public Health Service, was created in section 104(i) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980. The ATSDR's primary mission is to conduct surveys and screening programs to determine relationships between exposure to toxic substances and illness. Other activities include the maintenance and annual update of a list of hazardous substances most commonly found at Superfund sites, the preparation of toxicological profiles on each such hazardous substance, consultations on health issues relating to exposure to hazardous or toxic substances, and the development and implementation of certain research activities related to ATSDR's mission.

Appropriation enacted, 2007	\$75,212,000
Budget estimate, 2008	75,004,000
Recommended, 2008	75,212,000
Comparison:	
Appropriation, 2007	0
Budget estimate, 2008	+208,000

The Committee recommends \$75,212,000 for toxic substances and environmental public health programs, an increase of \$208,000 above the budget request and equal to fiscal year 2007.

Bill Language.—The Committee has not limited, as it had in prior years, the administrative costs paid to the Centers for Disease Control (CDC) through this account. However, the Committee

The Committee recommends \$22,400,000 for the Presidio Trust Fund, an increase of \$3,950,000 above the budget request and \$2,694,000 above the enacted level. These funds are used to support the transition of the Presidio army base in San Francisco to a mixed use, financially independent facility by the year 2013, as authorized by P.L. 104–333. Federal appropriations have been provided to the Presidio Trust since 1999 based on the self-sufficiency plan required by the basic legislation. Unfortunately, the accumulated effect of multiple years of across-the-board reductions in annual Interior Appropriations Acts has left the Federal government \$12 million in arrears on its total commitment under the self-sufficiency plan. The increase recommended by the Committee is intended to begin to address this shortfall. The additional funds should allow the Presidio to escalate projects including efforts for development around the Parade Grounds and the officers club.

WHITE HOUSE COMMISSION ON THE NATIONAL MOMENT OF
REMEMBRANCE

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

Appropriation enacted, 2007	\$247,000
Budget estimate, 2008	200,000
Recommended, 2008	200,000
Comparison:	
Appropriation, 2007	– 47,000
Budget estimate, 2008	0

The White House Commission on the National Moment of Remembrance, established by Public Law 106–579, was created to (1) sustain the American spirit through acts of remembrance, not only on Memorial Day, but throughout the year; (2) institutionalize the National Moment of Remembrance; and (3) to enhance the commemoration and understanding of Memorial Day. The Committee recommends an appropriation of \$200,000, a decrease of \$47,000 below the fiscal year 2007 enacted level and the same as the budget request. The Committee recognizes the importance of the sacrifices made by the men and women of the armed forces who serve this country. Because of this, the Committee directs the Department of Veterans Affairs to administer all future funds and activities of the Commission. The Committee believes this program can more efficiently continue to honor the memory of our service men and women if it is administered through the Department of Veterans Affairs.

TITLE IV—GENERAL PROVISIONS

Section 401 continues a provision providing for public availability of information on consulting services contracts.

Section 402 continues a provision prohibiting activities to promote public support or opposition to legislative proposals.

Section 403 continues a provision providing for annual appropriations unless expressly provided otherwise in this Act.

Section 404 continues a provision limiting the use of personal cooks, chauffeurs or servants.

Section 405 provides for restrictions on departmental assessments unless approved by the Committees on Appropriations.

Section 406 prohibits the transfer of funds unless provided in this or other Acts.

Section 407 continues a provision prohibiting the sale of giant sequoia trees.

Section 408 continues a limitation on accepting and processing applications for patents and on the patenting of Federal lands; permits processing of grandfathered applications; and permits third-party contractors to process grandfathered applications.

Section 409 continues a provision limiting payments for contract support costs in past years to the funds available in law and accompanying report language in those years for the Bureau of Indian Affairs and the Indian Health Service.

Section 410 continues a provision allowing Forest Service land management plans to be more than 15 years old if the Secretary is acting in good faith to update such plans.

Section 411 continues a provision limiting preleasing, leasing, and related activities within the boundaries of National monuments.

Section 412 continues a provision providing the Secretary of the Interior and the Secretary of Agriculture the authority to enter into reciprocal agreements with foreign nations concerning the personal liability of firefighters.

Section 413 continues a provision authorizing the Secretary of the Interior and the Secretary of Agriculture to give consideration to rural communities, local and non-profit groups, and disadvantaged workers in entering into contracts for hazardous fuels and watershed projects.

Section 414 continues a provision which provides guidance on competitive sourcing activities and clarifies annual reporting requirements to specify the reporting of the full costs associated with sourcing studies and related activities. The provision continues the funding cap of \$3,450,000 for the Department of the Interior and also establishes a moratorium for one-year regarding Forest Service competitive sourcing activities. Forest Service competitive sourcing is discussed in more detail under the Forest Service, Administrative Provisions heading.

Section 415 extends through 2012 a previous Forest Service pilot program to enhance administration of rights-of-way by allowing certain cost-recovery.

Section 416 extends through 2010 a previous provision concerning Forest Service cooperative agreements with third parties that are of mutually significant benefit.

TITLE V—GLOBAL CLIMATE CHANGE SENSE OF CONGRESS

This title continues a provision from the fiscal year 2007 House passed bill which states that it is the sense of Congress that greenhouse gases are accumulating and causing climate change, that human activity is a substantial cause, and that mandatory steps will be required to slow or stop the growth of greenhouse gas emissions. Therefore, the sense of Congress is that a comprehensive and effective national program of mandatory, market-based limits and incentives on greenhouse emissions should be enacted.

describing the effect of provisions in the accompanying bill that directly or indirectly change the application of existing law. In most instances these provisions have been included in prior appropriations Acts.

The Bill includes the following changes in application of existing law:

OVERALL BILL

1. Providing that certain appropriations remain available until expended or extends the availability of funds beyond the fiscal year where programs or projects are continuing but for which legislation does not specifically authorize such extended availability. This authority tends to result in savings by preventing the practice of committing funds on low priority projects at the end of the fiscal year to avoid losing the funds.

2. Limiting, in certain instances, the obligation of funds for particular functions or programs. These limitations include restrictions on the obligation of funds for administrative expenses, travel expenses, the use of consultants, and programmatic areas within the overall jurisdiction of a particular agency.

3. Limiting official entertainment or reception and representation expenses for selected agencies in the bill.

4. Continuing ongoing activities of those Federal agencies, which require annual authorization or additional legislation, which has not been enacted.

TITLE I—DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

MANAGEMENT OF LANDS AND RESOURCES

5. Providing funds to the Bureau for the management of lands and resources.

6. Providing funds to the Youth Conservation Corp for high priority projects.

7. Providing funds to the National Fish and Wildlife Foundation under certain conditions.

8. Permitting use of fees for application processing for permits to drill.

9. Permitting the use of fees from communication site rentals.

10. Permitting the use of mining fee collections for program operations.

OREGON AND CALIFORNIA GRANT LANDS

11. Providing that certain receipts are made as a charge against the Oregon and California Land Grants Fund.

FOREST ECOSYSTEMS HEALTH AND RECOVERY FUND

12. Permitting the use of salvage timber receipts in the forest ecosystems health and recovery fund.

ABANDONED MINE RECLAMATION FUND

- 64. Allowing the use of debt recovery to pay for debt collection.
- 65. Allowing funds to be used for travel expenses while attending training.

ADMINISTRATIVE PROVISION

- 66. Permits the Secretary to transfer title for computer equipment to States and tribes.

BUREAU OF INDIAN AFFAIRS

OPERATION OF INDIAN PROGRAMS

- 67. Limiting funds for welfare assistance payments, except for disaster relief.
- 68. Limiting funds for contract support costs and for administrative cost grants for schools.
- 69. Permitting the use of tribal priority allocations for general assistance payments to individuals, for contract support costs, and school operations costs.
- 70. Providing for an Indian self-determination fund.
- 71. Allowing the transfer of certain forestry funds.

CONSTRUCTION

- 72. Providing for the transfer of Navajo irrigation project funds to the Bureau of Reclamation.
- 73. Providing that six percent of Federal Highway Trust Fund contract authority may be used for construction management costs.
- 74. Providing Safety of Dams funds on a nonreimbursable basis.
- 75. Requiring the use of administrative and cost accounting principles for certain school construction projects and exempting such projects from certain requirements.
- 76. Requiring conformance with building codes and health and safety standards and allowing the Secretary to assume control of a construction project under certain conditions.
- 77. Specifying the procedure for dispute resolution.
- 78. Allowing reimbursement of construction costs from the Office of Special Trustee.

ADMINISTRATIVE PROVISIONS

- 79. Allowing contracting for the San Carlos Irrigation Project.
- 80. Limiting the use of funds for contracts, grants and cooperative agreements.
- 81. Allowing tribes to return appropriated funding to the Bureau without future impact on appropriations.
- 82. Prohibiting funding of Alaska schools.
- 83. Limiting the number of schools and the expansion of grade levels in individual schools.
- 84. Permitting the use of Indian Student Equalization Program funds to offset costs associated with significant enrollment increases.
- 85. Specifying distribution of indirect and administrative costs for certain tribes.

159. Providing that funds for wildfire suppression shall be assessed for indirect costs.

160. Providing for the transfer of wildland fire funds between the Department of the Interior and the Department of Agriculture.

ADMINISTRATIVE PROVISIONS

161. Permitting the purchase of passenger motor vehicles.

162. Providing that proceeds from the sale of aircraft may be used to purchase replacement aircraft.

163. Allowing funds for certain employment contracts.

164. Allowing funds to be used for purchase and alteration of buildings.

165. Allowing for acquisition of certain lands and interests.

166. Allowing expenses for certain volunteer activities.

167. Providing for the cost of uniforms.

168. Providing for debt collections on certain contracts.

169. Permitting the transfer of funds for emergency firefighting from other forest service accounts under certain circumstances.

170. Allowing funds to be used through the Agency for International Development for work in foreign countries and to support other forestry activities outside of the United States.

171. Prohibiting the transfer of funds under the Department of Agriculture transfer authority under certain conditions.

172. Prohibiting reprogramming of funds without approval.

173. Limiting funds to be transferred to the USDA Working Capital Fund and reimbursable expenses account.

174. Designating funds for the Youth Conservation Corps and Public Lands Corps.

175. Limiting the use of funds for official reception and representation expenses.

176. Providing for matching funds and administrative expenses for the National Forest Foundation and matching funds for the National Fish and Wildlife Foundation.

177. Permitting the use of funds for payments to counties in the Columbia River Gorge National Scenic Area.

178. Providing Federal employee status for certain individuals employed under the Older Americans Act of 1965.

179. Permitting funding assessments for facilities maintenance, rent, utilities, and other support services.

INDIAN HEALTH SERVICE

INDIAN HEALTH SERVICES

180. Providing that tribal contract and grant funding is deemed obligated at the time of grant or contract award and remains available until expended.

181. Limiting funds for catastrophic care and loan repayment and providing no year availability for loan repayment funds.

182. Designating a minimum funding level for Contract health care.

183. Providing for loan repayment under section 108 of the Indian Health Care Improvement Act.

184. Providing for use of collections and reporting of collections under Title IV of the Indian Health Care Improvement Act.

185. Providing that certain contracts and grants may be performed in two fiscal years.

186. Permitting the use of Indian Health Care Improvement Fund monies for facilities improvement and providing no year funding availability.

187. Providing no year funding availability for scholarship funds.

188. Exempting certain tribal funding from fiscal year constraints.

189. Limiting contract support cost spending.

190. Providing for the collection of individually identifiable health information relating to the Americans with Disabilities Act by the Bureau of Indian Affairs.

INDIAN HEALTH FACILITIES

191. Providing that facilities funds may be used to purchase land, modular buildings and trailers.

192. Providing for TRANSAM equipment to be purchased from the Department of Defense.

193. Prohibiting the use of funds for sanitation facilities for new homes funded by the Department of Housing and Urban Development.

194. Allowing for the purchase of ambulances.

195. Providing for a demolition fund.

ADMINISTRATIVE PROVISIONS

196. Allowing per diem for senior level positions.

197. Providing for payments for telephone service in private residences in the field, purchase of motor vehicles, aircraft and reprints.

198. Providing for purchase and erection of modular buildings.

199. Providing funds for uniforms.

200. Allowing funding for attendance at professional meetings.

201. Providing that health care may be extended to non-Indians at Indian Health Service facilities, subject to charges, and for the use of those funds.

202. Allowing the transfer of funds from HUD to IHS.

203. Permitting the use of funds transferred from the Department of Health and Human Services.

204. Prohibiting limitations on certain Federal travel and transportation.

205. Allowing deobligation and reobligation of funds applied to self-governance funding agreements.

206. Prohibiting personnel ceilings assessments by the Department of Health and Human Services.

207. Prohibiting the expenditure of funds to implement new eligibility regulations.

208. Permitting certain reimbursements and the use of those funds.

209. Providing that reimbursements for training provide total costs.

210. Prohibiting changing the appropriations structure without approval of the Appropriations Committees.

259. Extending Forest Service pilot program to enhance administration of rights-of-ways.

260. Extending Forest Service cooperative agreement program.

APPROPRIATIONS NOT AUTHORIZED BY LAW

Pursuant to clause 3(f)(1)(B) of rule XIII of the Rules of the House of Representatives, the following table lists the appropriations in the accompanying bill which are not authorized by law for the period concerned:

[Dollars in thousands]

Agency/program	Last year of authorization	Authorization level	Appropriations in last year of authorization	Appropriations in this bill
Bureau of Land Management:				
All discretionary programs	2002	Such sums	\$1,681,437	\$1,853,029
U.S. Fish & Wildlife Service:				
Resource Management:				
Endangered Species Act Amendments of 1988	1992	\$41,500	35,721	152,543
Great Lakes Fish & Wildlife Restoration Grants	2004	4,000	498	560
Marine Mammal Protection Act Amendments of 1994	1999	10,296	2,008	2,523
Klamath River Basin Fishery Resources Restoration Act	2006	21,000	3,399	3,398
General Administration:				
Great Ape Conservation	2005	5,000	1,381	2,000
Fisheries Restoration Irrigation Mitigation Act	2005	25,000	2,000	4,000
Neotropical Migratory Birds National Fish and Wildlife Foundation Establishment Act	2005	5,000	3,944	5,000
Act	2005	25,000	7,761	7,656
U.S. Geological Survey				
National Geologic Mapping Reauthorization Act of 1999	2005	64,000	25,162	27,048
Bureau of Indian Affairs				
The Tribal Colleges or Universities Assistance Act of 1978	1999	Such sums	32,400	54,721
The Indian Tribal Justice Act	2007	Such sums	12,013	12,065
Indian Child Protection and Family Violence Prevention Act	2007	30,000	10,063	10,167
The No Child Left Behind Act	2007	Such sums	549,293	562,020
Environmental Protection Agency:				
Hazardous Substance Superfund ..	1994	5,100,000	1,480,853	1,272,008
State and Tribal Assistance Grants:				
Alaska Native Villages	1979	2,000	Not available	10,500
Clean Water SRF	1992	1,800,000	2,400,000	1,125,000,000
Drinking Water SRF	2003	1,000,000	842,167
Clean Air Act	1997	Such sums	167,230	231,220
Radon Abatement Act	1991	10,000	9,000	8,074
Clean Water Act (FWPCA)	1991	468,534
BEACH Act	2005	30,000	9,920	9,900
Safe Drinking Water Act	2003	115,000	112,491
Solid Waste Disposal Act (RCRA)	1988	70,000	71,391	103,346
Toxic Substances Control Act	1983	1,500	5,100	18,663
Pollution Prevention Act	1993	8,000	6,800	4,940

(Dollars in thousands)

Agency/program	Last year of authorization	Authorization level	Appropriations in last year of authorization	Appropriations in this bill
Indian Environmental General Assistance Program Act	1998	Such sums	38,585	56,925
Underground Storage Tanks	1988	10,000	14,400	2,500
Forest Service, International Forestry Program	2007	Such sums	6,886	8,000
National Endowment for the Arts	1993	Such sums	174,460	160,000
National Endowment for the Humanities	1993	Such sums	177,403	160,000

The Committee notes that authorizing legislation for many of these programs is in various stages of the legislative process and expects these authorizations to be enacted into law later this year.

COMPLIANCE WITH CLAUSE 3 OF RULE XIII (RAMSEYER RULE)

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

SECTION 2324 OF THE REVISED STATUTES OF THE UNITED STATES

(30 U.S.C. 28)

SEC. 2324. The miners of each mining district may make regulations not in conflict with the laws of the United States, or with the laws of the State or Territory in which the district is situated, governing the location, manner of recording, amount of work necessary to hold possession of a mining claim, subject to the following requirements: The location must be distinctly marked on the ground so that its boundaries can be readily traced. All records of mining claims made after May 10, 1872, shall contain the name or names of the locators, the date of the location, and such a description of the claim or claims located by reference to some natural object or permanent monument as will identify the claim. On each claim located after the tenth day of May, eighteen hundred and seventy-two, that is granted a waiver under section 10101 of the Omnibus Budget Reconciliation Act of 1993, and until a patent has been issued therefor, not less than \$100 worth of labor shall be performed or improvements made during each year. On all claims located prior to the 10th day of May 1872, \$10 worth of labor shall be performed or improvements made each year, for each one hundred feet in length along the vein until a patent has been issued therefor; but where such claims are held in common, such expenditure may be made upon any one claim; and upon a failure to comply with these conditions, the claim or mine upon which such failure occurred shall be open to relocation in the same manner as if no location of the same had ever been made, provided that the original locators, their heirs, assigns, or legal representatives, have not resumed work upon the claim after failure and before such location. Upon the failure of any one of several coowners to contribute his proportion of the expenditures required hereby, the co-

REPROGRAMMING GUIDELINES

The Committee has revised the reprogramming guidelines to modify the threshold and approval requirements for agencies funded within the Interior, Environment and Related Agencies Appropriations bill. This added flexibility is provided with the understanding that the remaining guidelines will be strictly adhered to by the agencies. The following guidelines replace all other instructions previously issued by the Committee.

1. *Definitions.*—(a) The term “reprogramming,” as defined in these procedures, is the administrative process for reallocating funds from one budget activity to another after an appropriations bill has been enacted into law. For purpose of these guidelines the term “budget activity”, sometimes referred to by the agencies as “budget line-item” or “program area,” means any program for which a specific appropriation level is specified in Committee reports including reports of a Committee of Conference. For construction and land acquisition accounts, a reprogramming constitutes the reallocation of funds from one construction or land acquisition project, which is individually identified in the justification or Committee report, to another such project. Beyond these specific requirements, a reprogramming also is defined as a budget change which represents any significant departure from the program described in the agency’s budget justifications.

2. *General Guidelines for Reprogramming.*—(a) A reprogramming should be made only when an unforeseen situation arises; and then only if postponement of the project or the activity until the next appropriation year would result in actual loss or damage.

(b) Reprogramming should not be employed to initiate new programs or to change allocations specifically denied, limited or increased by the Congress.

(c) Reprogramming proposals submitted to the House and Senate Committees on Appropriations for approval shall be considered approved 30 calendar days after receipt if the Committees have posed no objection. However, agencies will be expected to extend the approval deadline if specifically requested by either Committee.

3. *Criteria and Exceptions.*—A reprogramming must be submitted to the Committees in writing prior to implementation if it exceeds \$1,000,000 annually or results in an increase or decrease of more than 10 percent annually in affected programs, with the following exceptions:

(a) With regard to the tribal priority allocations activity of the Bureau of Indian Affairs, there is no restriction on reprogrammings among the programs within this activity. However, the Bureau shall report on all reprogrammings made during a given fiscal year no later than November 1 of that year.

(b) With regard to the Environmental Protection Agency, State and Tribal Assistance Grants account, reprogramming requests associated with States and Tribes applying for partnership grants do not need to be submitted to the Committees.

(c) With regard to Department of Interior or U.S. Forest Service construction projects, the threshold is \$2,000,000 or 25 percent per project, except that reallocations that will result in a project cancellation or deferral must be submitted.

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2007
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2008
(Amounts in thousands)

	FY 2007 Enacted	FY 2008 Request	Bill	Bill vs. Enacted	Bill vs. Request
Receipts from performance bond forfeitures (indefinite).....	98	100	100	+2	---
Subtotal.....	109,198	115,460	117,337	+8,139	+1,877
Abandoned mine reclamation fund (definite, trust fund)	185,393	52,835	52,774	-132,619	-61
Total, Office of Surface Mining Reclamation and Enforcement.....	294,591	168,295	170,111	-124,480	+1,816
Bureau of Indian Affairs					
Operation of Indian programs.....	1,988,223	1,990,918	2,093,545	+105,322	+102,627
Construction.....	271,823	197,627	207,983	-63,840	+10,356
Indian land and water claim settlements and miscellaneous payments to Indians.....	42,000	34,069	39,136	-2,864	+5,067
Indian guaranteed loan program account.....	6,258	6,276	6,276	+18	---
Total, Bureau of Indian Affairs.....	2,308,304	2,228,890	2,346,940	+38,636	+118,050
Departmental Offices					
Office of the Secretary.....	116,265	101,445	136,413	+20,148	+34,968
Insular Affairs:					
Assistance to Territories.....	48,477	47,201	50,572	+2,095	+3,371
Northern Marianas.....	27,720	27,720	27,720	---	---
Subtotal.....	76,197	74,921	78,292	+2,095	+3,371

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2007
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2008
(Amounts in thousands)

	FY 2007 Enacted	FY 2008 Request	Bill	Bill vs. Enacted	Bill vs. Request
DEPARTMENT OF HEALTH AND HUMAN SERVICES					
Indian Health Service					
Indian health services:					
Non-contract services.....	2,308,925	2,362,015	2,444,017	+135,092	+82,002
Contract care.....	499,562	551,515	561,515	+61,953	+10,000
Catastrophic health emergency fund.....	17,735	18,000	18,000	+265	---
Total, Indian health services.....	2,826,222	2,931,530	3,023,532	+197,310	+92,002
Indian health facilities.....	353,926	339,196	360,895	+6,969	+21,699
Total, Indian Health Service.....	3,180,148	3,270,726	3,384,427	+204,279	+113,701
National Institute of Health					
National Institute of Environmental Health Sciences...	79,117	78,434	79,117	---	+683
Agency for Toxic Substances and Disease Registry					
Toxic substances and environmental public health.....	75,212	75,004	75,212	---	+208
Total, Department of Health and Human Services..	3,334,477	3,424,164	3,538,756	+204,279	+114,592

ADDITIONAL VIEWS OF JERRY LEWIS AND TODD TIAHRT

Chairman Dicks is to be commended for the reasonable and even-handed manner in which he has conducted the business of the subcommittee. The subcommittee's work this year has been a bipartisan, collaborative effort. In spite of the comity reflected in much of the subcommittee's work, however, we have genuine policy differences with the Democrat majority and a divergence in views over the level of funding necessary to address the critical needs of this bill.

Our 38 subcommittee hearings revealed many unmet needs and urgent priorities. Still, while we have an obligation to be good stewards of our environment and public lands for future generations, we also have an obligation to be good stewards of our tax dollars. In that respect, this legislation falls short.

The 302(b) allocation for this bill is \$27.6 billion, a \$1.9 billion increase over the President's budget request and a \$1.2 billion increase over the enacted fiscal year 2007 Interior bill. The enacted FY07 Interior bill, itself, was \$400 million above the House passed level. This FY08 subcommittee allocation represents a seven percent increase above the budget request, and a 4.3 percent increase over the FY07 enacted level.

The initial subcommittee allocation—which was \$858 million above the FY07 enacted level—though very generous, would have resulted in a better, more balanced bill. The additional \$335 million, added at the last minute to the subcommittee's already charitable allocation, is simply unnecessary and, more importantly, unsustainable.

We would submit that this subcommittee allocation represents exactly the kind of unfettered spending that so closely identifies the differences of philosophies between Republicans and Democrats. And, who is going to pay for this increased spending?

In 2004, 50 percent of the total Federal tax burden was shouldered by the 65 million households earning between \$24,000 and \$65,000 per year. The vast majority of those taxes are being paid by individuals between the ages of 45 and 54 with incomes between \$55,000 and \$77,000 a year. These are middle-income families, many of them from "the sandwich generation," shouldering the financial burden of supporting both young children and aging parents. Middle-income families end up paying the bill for expanded government, and this 302(b) allocation by the Democrat majority guarantees years of payments middle-income families do not want and cannot afford.

Repeating the mistakes of the past

No matter how well-intentioned the Democrat majority, this allocation will cause many of the same problems down the road that

this subcommittee has been trying to resolve in recent years—namely, huge backlogs in operations and maintenance.

This circumstance is, in many respects, similar to a homeowner who receives a big bonus and uses these extra funds to buy a bigger house for his family. The bonus is welcome and unexpected. Buying a bigger house seems like a great idea at the time. But down the road, he realizes that he can't depend on getting a bonus every year and he finds himself unable to afford living in his new house. He, like this subcommittee, risks becoming overextended and unable to pay the bills. The difference is the homeowner goes bankrupt; the government just keeps on spending.

It is human nature that we desire to create new programs, build new structures, and buy new land. Yet, no one worries about the future costs to maintain them.

Over the years, this subcommittee has learned through good oversight that too little money can do real harm. The same is true for too much money. We believe the subcommittee should strive for balance. And that is precisely what the original subcommittee allocation achieved.

We ought to provide enough money to allow the agencies to carry out their primary mission. We should focus on taking good care of what we presently have in the public trust. We have to give careful, thoughtful consideration before purchasing something new. Again, we must strive for balance. As this bill continues through the legislative process, we are hopeful that Chairman Dicks will be sensitive and responsive to this challenge.

Many areas within this legislation have achieved balance. We applaud Chairman Dicks' focus on the operating accounts within this bill. There has clearly been erosion in this area due in part to the absorption of pay and fixed costs over the years.

However, we believe the subcommittee should move more cautiously in providing funds for new land acquisition and construction. While there are high priority needs in these areas, it is important that we focus on the core missions of these agencies and not become over-extended. The subcommittee risks creating a larger problem down the road by hastily expanding current areas that we cannot oversee or creating new ones we cannot maintain.

Many will recall that when Congress provided these agencies too much funding, too quickly, in the early to mid-1990's, they lost focus. The result was huge backlogs, redundant programs, large unobligated balances (many of which still remain), and numerous operational shortfalls. Our job is to provide for core needs, be vigilant about oversight, and avoid the mistakes of the past.

Needed attention to Park Service, Indian Country

We recognize that Chairman Obey has a special place in his heart for the great open spaces in our country. And, we know that he appreciates the grandeur of our National Parks. We join the Chairman in supporting the \$198 million increase in the Operations budget for the National Park Service.

We are also pleased with the needed attention this bill provides to Native Americans. There are many unmet needs within Indian Country—in education, health care, law enforcement, methamphetamine treatment, and other areas—and this bill does a great deal

to address these priorities. We also believe it critically important to restore full funding for the Urban Indian Health Clinics—and this bill does that.

Items of concern

While Chairman Dicks' Committee mark is positive in many respects, we would be remiss if we didn't outline several specific areas where we would have written this bill differently.

The fire season is upon us once again and it is appropriate that this bill provides additional funding for wildfire preparedness at the Bureau of Land Management and U.S. Forest Service. Subcommittee hearings this year demonstrated that there is great interest—and great concern—over this ongoing wildfire challenge which is presently consuming almost 45 percent of the Forest Service budget. In light of the large subcommittee allocation, and the tremendous anticipated need during this fire season, we think the subcommittee could have done even more to address fire preparedness, particularly within the state fire assistance account.

While reasonable people may disagree over the cause, there is clearly a need for more focused science on Climate Change. We believe Chairman Dicks would agree that our response to climate change must look at long-term solutions rather than simply trying to provide a quick fix. The USGS is the science agency for the Department of the Interior, and we believe they should manage any additional funds directed to address this issue for the Department.

While we have the greatest respect for Chairman Dicks, we are concerned about including the Global Climate Change Sense of the Congress resolution in this bill. Our concern is based on the simple fact that it does not reflect the consensus opinion of the many climate change experts who testified before the subcommittee this year. It proposes conclusions and solutions to a problem that is not yet fully understood. Historically, mandatory market-based limits have not worked.

We believe we need to make wise, science-based decisions rather than merely respond to the heated rhetoric of the day. As one agency scientist testified this year, our greatest need is to focus on the gaps in credible scientific information. Without understanding the complete scientific data, we will be unable to solve the problems created by climate change. And, it will create false hope, presenting bad solutions to the wrong problems.

Securing our energy future

America needs to secure its own sources of energy—be it from oil, natural gas, coal, nuclear, renewable, or other sources. A strong and vibrant economy, and the well-paying jobs that go along with it, is inextricably linked with reliable—and preferably inexpensive—energy sources. If we want to help businesses and the workers they employ to continue to build and strengthen our economy, we must provide them with the tools they need to pursue reliable sources of energy. We believe responsible use of our resources is precisely the right course to ensure that American workers and their employers in manufacturing and other industries have the energy sources necessary for future generations.

The approximately 43 million Outer-Continental Shelf (OCS) acres under lease generally account for about 20 percent of America's domestic natural gas. To address the growing demand for domestic sources of natural gas, Mr. Peterson last year offered a common-sense amendment in full committee which was supported on a bipartisan basis. Republicans and Democrats alike agreed that the United States needed to lessen its dependence on foreign sources of natural gas. Unfortunately, that same amendment offered by Mr. Peterson in full committee this year was defeated on a largely party-line vote.

In a 33-30 vote, the Committee also narrowly adopted an amendment offered by Mr. Hinchey that would delay or even prevent potential oil and gas leasing in Alaska's North Aleutian OCS Planning Area. In spite of more than two years of scheduled environmental analysis by the Mineral Management Service, including an environmental impact statement based on the most current science, Committee Democrats chose to forego yet another opportunity to explore a potential domestic source of energy. At a time when most Americans are spending more than three dollars for a gallon of gas, this amendment strikes us as exceedingly shortsighted. Recent actions by Venezuelan President Hugo Chavez, who is using his country's oil resources as a weapon against the United States, underscore our concern.

In closing, while we have real policy differences and spending concerns relating to this legislation, it is our hope that between now and conference negotiations with the Senate later this year, we can address the most disconcerting issues and seek bipartisan consensus on a reasonable, sustainable subcommittee allocation. Our sincere desire is to work with Chairman Dicks to fashion a responsible, balanced conference report worthy of broad, bipartisan support.

JERRY LEWIS.
TODD TIAHRT.

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