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ONE HUNDRED NINTH CONGRESS

U.S. House of Representatives
Committee on Energy and Commerce
Washington, DC 20515-6115

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July 29, 2005

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Ms. P. Lynn Scarlett
Assistant Secretary
Office of Policy, Management, and Budget
Department of the Interior
1849 C Street, N.W.
Washington, D.C. 20240

Dear Assistant Secretary Scarlett:

I received a copy of your May 24, 2005, letter notifying Members of Congress that you had established a Natural Resource Damage Assessment and Restoration Advisory Committee on issues related to the Department of the Interior's (DOI) authorities, responsibilities, and implementation of the natural resource damage provisions of the Comprehensive Environmental Response, Compensation, and Liability Act, the Oil Pollution Act, and the Clean Water Act. Subsequently, I obtained a copy of the Advisory Committee appointees list. After reviewing the membership list, I have serious concerns about the balance of the Committee – particularly the failure to include members representing the National Association of Attorneys General and the lack of representatives from national environmental organizations, such as the Natural Resources Defense Council, that have legal and policy experience in natural resource damage issues. I note that in some States the Attorney General actually serves as a trustee for natural resources and in others they have served as legal advisors on major cases such as the Hudson River in New York. While the industry sector is represented by numerous individuals with legal expertise and involvement in national NRD policy issues, the national environmental organizations are clearly underrepresented.

I urge you to act expeditiously to add additional members representing the interests of State Attorneys General and national environmental organizations before the first scheduled meeting of the Advisory Committee, so that the ultimate report will have the necessary credibility on these important and complex issues. In addition I request responses to the following questions no later than Friday, August 19, 2005:

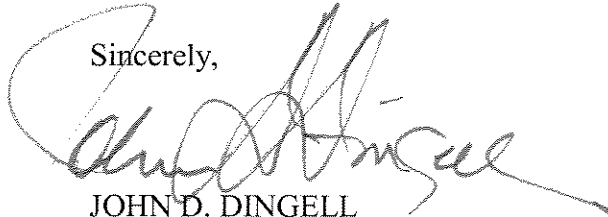
Ms. P. Lynn Scarlett

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1. Please describe whether any outside groups were requested to and/or actually nominated individuals to serve on the Advisory Committee. If so, please identify them. In addition, please identify the government official who actually selected the individuals who have been appointed to the Advisory Committee.
2. In many advisory committees dealing with complex issues, much of the work is conducted by subgroups. Will meetings of the subgroups be open for the general public to observe? If not, please explain why not.
3. For each individual appointed to the Advisory Committee who is not a State, Tribal, or Federal trustee, please identify the names of natural resource damage sites or cases they have been involved in, and if they provided legal or technical services, please identify the potentially responsible parties on whose behalf they provided such services.
4. Is it correct that in January 2001, the Department of Interior sent proposed regulations dealing with natural resource damage issues to the Federal Register for publication? If so, what became of the DOI proposed regulations? If they were withdrawn, please identify the date they were withdrawn and the individual who issued the direction to withdraw such proposed regulations. Further, please provide us a copy of the proposed regulations that were sent to the Federal Register.

If you have any questions about this matter, please contact Richard A. Frandsen, Minority Counsel of the Committee on Energy and Commerce at (202) 225-3641.

Sincerely,

A handwritten signature in black ink, appearing to read "John D. Dingell", written over a large, light-colored circular scribble.

JOHN D. DINGELL
RANKING MEMBER

cc: The Honorable Joe Barton, Chairman
Committee on Energy and Commerce