

DIRECTING THE SECRETARY OF THE INTERIOR TO TRANSMIT TO THE
HOUSE OF REPRESENTATIVES CERTAIN INFORMATION RELATING TO
THE POTENTIAL DESIGNATION OF NATIONAL MONUMENTS

JUNE 23, 2010.—Referred to the House Calendar and ordered to be printed

Mr. RAHALL, from the Committee on Natural Resources,
submitted the following

R E P O R T

together with

ADDITIONAL VIEWS

[To accompany H. Res. 1406]

The Committee on Natural Resources, to whom was referred the resolution (H. Res. 1406) directing the Secretary of the Interior to transmit to the House of Representatives certain information relating to the potential designation of National Monuments, having considered the same, report favorably thereon without amendment and recommend that the resolution be agreed to.

PURPOSE OF THE RESOLUTION

The purpose of H. Res. 1406 is to direct the Secretary of the Interior to transmit to the House of Representatives certain information relating to the potential designation of National Monuments.

BACKGROUND AND NEED FOR LEGISLATION

H. Res. 1406 is a resolution of inquiry that directs the Secretary of the Interior to transmit to the House of Representatives, not later than 14 days after the date of the adoption of the resolution by the full House, copies of all Department of the Interior documents, maps, records (including electronic records), communications and other information dating from July 1, 2009, and later referring to or relating to a specific internal draft document of the Department of the Interior concerning the potential designation of National Monuments. Under clause 7 of rule XIII of the Rules of the House of Representatives, the Committee must act on such a

resolution within 14 legislative days or a privileged motion to discharge the Committee will be in order in the House.

Under the rules and precedents of the House, a resolution of inquiry is one of the methods used by the House to obtain information from the executive branch. According to volume 7, chapter 24, section 8 of Deschler's Procedure, it is a "simple resolution making a direct request or demand of the President or the head of an executive department to furnish the House of Representatives with specific factual information in the possession of the executive branch."

An earlier resolution of inquiry (H. Res. 1254) introduced by Representative Doc Hastings (R-WA) on this same subject, as well as other matters, was ordered reported without recommendation by the Committee on May 5, 2010. That earlier resolution sought numerous documents and significantly more broad categories of information. H. Res. 1406 asks only for the information related to the specific internal draft document on the potential designation of National Monuments.

COMMITTEE ACTION

H. Res. 1406 was introduced on May 27, 2010 by Representative Hastings of Washington. The resolution was referred to the Committee on Natural Resources. No hearings were held on the resolution. On June 16, 2010, the full Natural Resources Committee met to consider the resolution. The resolution was ordered favorably reported to the House of Representatives by voice vote.

COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

Regarding clause 2(b)(1) of rule X and clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee on Natural Resources' oversight findings and recommendations are reflected in the body of this report.

CONSTITUTIONAL AUTHORITY STATEMENT

Clause 3(d)(1) of rule XIII of the Rules of the House of Representatives does not apply, as H. Res. 1406 is not a bill or joint resolution.

COMPLIANCE WITH HOUSE RULE XIII

1. Cost of Legislation. Clause 3(d)(2) of rule XIII of the Rules of the House of Representatives requires an estimate and a comparison by the Committee of the costs which would be incurred in carrying out this resolution. The Committee estimates implementing this resolution would not result in any significant costs. The Congressional Budget Office did not provide a cost estimate for the resolution.

2. Congressional Budget Act. As required by clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974, this resolution does not contain any new budget authority, spending authority, credit authority, or an increase or decrease in revenues or tax expenditures.

3. General Performance Goals and Objectives. As required by clause 3(c)(4) of rule XIII, the general performance goal or objective of this resolution is to direct the Secretary of the Interior to trans-

mit to the House of Representatives certain information relating to the potential designation of National Monuments.

COMPLIANCE WITH PUBLIC LAW 104-4

This resolution contains no unfunded mandates.

EARMARK STATEMENT

H. Res. 1406 does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI.

PREEMPTION OF STATE, LOCAL OR TRIBAL LAW

This resolution is not intended to preempt any State, local or tribal law.

CHANGES IN EXISTING LAW

H. Res. 1406 would make no changes in existing law.

ADDITIONAL VIEWS

Over three months ago, Committee Republicans sent a written request to Interior Secretary Salazar seeking documents related to an internal memo that revealed the Administration's potential plans to unilaterally designate up to 13 million acres as new national monuments. Such a designation could have a dramatic impact on the livelihoods and jobs of Americans and rural communities all across the Western United States.

Despite repeatedly claiming that there is no "hidden agenda," the Interior Department has done nothing but stonewall efforts to make these documents public. In fact, the Department has failed to produce even one single additional page from this memo beyond pages 15–21 that the Committee Republicans exposed.

The night before the Committee's previous markup when the first resolution of inquiry was considered, the Department released 383 pages of e-mails and documents, but purposefully withheld 2,016 pages of documents. While these e-mails contained no substantial information—they did not even provide the attachments shown in the e-mails—they did raise even more questions about the Administration's plans.

We know that other pages of this document do exist and that the Department of the Interior apparently does not want the American people to find out what the document says. At this point, only pages 15 to 21 have been revealed and they were leaked, not released. The Department continues to withhold pages 1 through 14 as well as pages 22 and higher. Why is the Department refusing to disclose ALL of the pages?

We now know that other agencies were involved in preparing this document—not just the Bureau of Land Management. The e-mails reveal that other Department of the Interior agencies including the National Park Service, Fish and Wildlife Service, Bureau of Indian Affairs, and the Bureau of Reclamation were involved in contributing to this document. What were the proposals for new designations or actions within each of these agencies?

The resolution of inquiry—House Resolution 1406—passed with a bi-partisan vote of the Committee on Natural Resources. The Committee's favorable vote should result in the American public getting answers to these questions. The Department should promptly transmit a complete copy of the document along with the 2,016 pages of related material they have identified and gathered as being responsive to our request but are nevertheless deliberately withheld from the public.

The Resolution is very straight forward. It simply directs the Department of the Interior to transmit to the House of Representatives material that is specifically identified in the resolution as:

Copies of all Department of the Interior documents, maps, records (including electronic records), communica-

tions and other information dating from July 1, 2009, and later referring to or relating to the document containing “Attachment 4 Prospective Conservation Designation: National Monument Designations under the Antiquities Act” and marked “Internal Draft—NOT FOR RELEASE”, including that document in full, all attachments in full, and all iterations of that document, and related similar documents.

This will not require extra work or distract the Department from other responsibilities. They have this information readily available. It was assembled weeks ago. All they need do is make it public. There is no justifiable reason for the Department to keep these documents secret. This resolution puts the Committee on Natural Resources on the side of full disclosure and transparency, principles that Members on both sides should be proud to support. It is now time for the Department to make all the documents public. If the Department fails to disclose all of the documents following action by the Committee to favorably report House Resolution 1406, then it will be up to the Committee to act again and take what steps are necessary to compel the Department to disclose the documents.

DOC HASTINGS.

