

RESOLUTION OF INQUIRY DIRECTING THE SECRETARY OF THE INTERIOR
TO TRANSMIT CERTAIN DOCUMENTS TO THE HOUSE OF REPRESENTA-
TIVES RELATING TO THE COMPLIANCE WITH THE OBLIGATIONS OF THE
MINERAL LEASING ACT

SEPTEMBER 28, 2022.—Referred to the House Calendar and ordered to be printed

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

ADVERSE REPORT

together with

DISSENTING VIEWS

[To accompany H. Res. 1248]

The Committee on Natural Resources, to whom was referred the resolution (H. Res. 1248) of inquiry directing the Secretary of the Interior to transmit certain documents to the House of Representatives relating to the compliance with the obligations of the Mineral Leasing Act, having considered the same, reports unfavorably thereon with amendments and recommends that the resolution as amended be not agreed to.

Strike all after the resolving clause and insert the following:

That the Secretary of the Interior is directed to transmit to the House of Representatives, not later than 14 days after the date of the adoption of this resolution, copies of any document, memorandum, correspondence, and other communication or any portion of any such communication, that refers or relates to the compliance with the obligations of the Mineral Leasing Act, including the following:

(1) All documents and communications relating to the Mineral Leasing Act's requirement to hold quarterly lease sales in each eligible State, including but not limited to any reference to—

- (A) cancelling lease sales in eligible sales;
 - (B) minimizing the acreage included in lease sales in eligible lease sales;
- and

(C) the consequences of failing to hold mandated lease sales.

(2) All documents and communications relating to the Mineral Leasing Act's requirement to process Applications for Permit to Drill within 30 days of receipt at the Bureau of Land Management, including but not limited to any reference to—

- (A) delays in the approval process;
- (B) the impact of staffing levels on the ability to approve Applications for Permit to Drill; and
- (C) instructions to intentionally slow the approval process.

(3) All documents and communications relating to the economic implications of failing to hold quarterly lease sales in eligible States or approve Applications for Permit to Drill within 30 days, including but not limited to any reference to—

- (A) decreasing domestic oil or natural gas production;
- (B) increasing dependence on foreign sources of oil or natural gas;
- (C) implications of funding for the Land and Water Conservation Fund;
- and
- (D) implications of funding for State and local governments, including support for schools and law enforcement.

PURPOSE OF THE LEGISLATION

The purpose of H. Res. 1248 is to direct the Secretary of the Interior to transmit certain documents to the House of Representatives relating to the compliance with the obligations of the Mineral Leasing Act.

BACKGROUND REGARDING THIS LEGISLATION

A resolution of inquiry (ROI) is a simple resolution (as opposed to a joint resolution or concurrent resolution) that makes a non-binding demand for the Executive Branch to provide the U.S. House of Representatives with specific information.¹ Pursuant to clause 7 of rule XIII of the Rules of the House of Representatives, if the committee of referral does not report a properly drafted ROI back to the House within 14 legislative days of the ROI's introduction, then any Member may offer a non-debatable motion on the House Floor that such ROI be discharged from committee. By contrast, if an ROI is reported to the House within the 14-day window, then only a Member authorized by the committee may call up the resolution on the floor.

COMMITTEE ACTION

H. Res. 1248 was introduced on July 22, 2022, by Representative Yvette Herrell (R–NM). The resolution was referred solely to the Committee on Natural Resources, and within the Committee to the Subcommittee on Oversight and Investigations and the Subcommittee on Energy and Minerals Resources. On September 15, 2022, the Natural Resources Committee met to consider the legislation. The Subcommittees were discharged by unanimous consent. Chair Raúl M. Grijalva (D–AZ) offered an amendment in the nature of a substitute, which was agreed to by voice vote. A recorded vote was requested and postponed on adopting the legislation as amended and ordering it reported unfavorably to the House. The Committee adjourned.

On September 21, 2022, the Natural Resources Committee met to continue its consideration of the measure. The resolution, as amended, was adopted and ordered reported unfavorably to the House of Representatives by a roll call vote of 21 yeas and 19 nays, as follows:

¹See generally CHRISTOPHER M. DAVIS, CONG. RES. SERV., IN10661, RESOLUTIONS OF INQUIRY IN THE HOUSE (updated July 21, 2022) <https://www.crs.gov/Reports/IN10661> and CHRISTOPHER M. DAVIS, CONG. RES. SERV., R40879, RESOLUTIONS OF INQUIRY: AN ANALYSIS OF THEIR USE IN THE HOUSE, 1947–2017 (updated Nov. 9, 2017), <https://www.crs.gov/reports/pdf/R40879>—of which the above text is largely excerpts.

Date: September 21, 2022

**COMMITTEE ON NATURAL RESOURCES
117TH CONGRESS — ROLL CALL**

Bill / Motion: H.Res. 1248

Amendment:

Disposition: Final Passage: H.Res. 1248, as amended, was adopted and ordered unfavorably reported to the House of Representatives by a roll call vote of 21 yeas and 19 nays.

	DEM. MEMBERS (26)	YEAS	NAYS	PRESENT
1	Ms. Brownley, CA	X		
2	Mr. Case, HI	X		
3	Mr. Cohen, TN			
4	Mr. Costa, CA			
5	Ms. DeGette, CO	X		
6	Mrs. Dingell, MI	X		
7	Mr. Gallego, AZ	X		
8	Mr. Garcia, IL			
9	Mr. Grijalva, AZ (Chair)	X		
10	Mr. Huffman, CA	X		
11	Ms. Leger Fernández, NM	X		
12	Mr. Levin, CA	X		
13	Mr. Lowenthal, CA	X		
14	Ms. McCollum, MN	X		
15	Mr. McEachin, VA			
16	Mrs. Napolitano, CA	X		
17	Mr. Neguse, CO	X		
18	Ms. Peltola, AK	X		
19	Ms. Porter, CA	X		
20	Mr. Sablan, MP	X		
21	Mr. San Nicolas, GU	X		
22	Mr. Soto, FL	X		
23	Ms. Stansbury, NM	X		
24	Ms. Tlaib, MI	X		
25	Mr. Tonko, NY	X		
26	Ms. Velázquez, NY			
	REP. MEMBERS (21)	Y	N	P
1	Mr. Bentz, OR		X	
2	Mrs. Boebert, CO		X	
3	Mr. Carl, AL		X	
4	Ms. Conway, CA			
5	Mr. Fulcher, ID		X	
6	Mr. Gohmert, TX		X	
7	Miss González-Colón, PR		X	
8	Mr. Graves, LA		X	
9	Ms. Herrell, NM		X	
10	Mr. Hice, GA		X	
11	Mr. Lamborn, CO		X	
12	Mr. McClintock, CA		X	
13	Mr. Moore, UT		X	
14	Mr. Obernolte, CA		X	
15	Mrs. Radewagen, AS			
16	Mr. Rosendale, MT		X	
17	Mr. Stauber, MN		X	
18	Mr. Tiffany, WI		X	
19	Mr. Webster, FL		X	
20	Mr. Westerman, AR (RM)		X	
21	Mr. Wittman, VA		X	
	TOTALS	21	19	
	Total: 47 / Quorum: 16 / Report: 24	YEAS	NAYS	PRESENT

HEARINGS

Clause 3(c)(6) of House rule XIII requires designating a hearing as used to develop or consider certain bills and joint resolutions. The provision does not apply to simple resolutions.

COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

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

COMPLIANCE WITH HOUSE RULE XIII AND CONGRESSIONAL BUDGET ACT

1. *Cost of Legislation and the Congressional Budget Act.* The Committee notes that the requirements of 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 do not apply to committee reports on simple resolutions.² Clause 3(c)(3) of rule XIII of the Rules of the House of Representatives and section 402 of the Congressional Budget Act of 1974 also do not apply to simple resolutions.³ The Committee notes that clause 3(d) of rule XIII of the Rules of the House of Representatives as well does not apply to committee reports on simple resolutions.

To the extent that any of the preceding requirements may nonetheless apply, the Committee notes that it has requested but not received a cost estimate for this legislation from the Director of Congressional Budget Office. The Committee adopts as its own cost estimate any forthcoming cost estimate of the Director of the Congressional Budget Office, should such cost estimate be made available before House agreement to the resolution. The Committee has requested but not received from the Director of the Congressional Budget Office a statement as to whether this legislation contains any new budget authority, spending authority, credit authority, or an increase or decrease in revenues or tax expenditures.

2. *General Performance Goals and Objectives.* To the extent that clause 3(c)(4) of rule XIII of the Rules of the House of Representatives may apply, the general performance goals and objectives of this resolution are to express a nonbinding demand from the House to the Executive Branch for certain documents as described in the text of the resolution.

EARMARK STATEMENT

Clause 9 of rule XXI of the Rules of the House of Representatives does not apply to reports on simple resolutions. However, the Com-

²See Congressional Budget and Impoundment Control Act of 1974, Pub. L. No. 93-344, § 308(a), 88 Stat. 297, 313 (1974), <https://uscode.house.gov/statviewer.htm?volume=88&page=313> (codified as 2 U.S.C. § 639(a)) (statutory compilation through P.L. 116-94 at <https://www.govinfo.gov/content/pkg/COMPS-10356/pdf/COMPS-10356.pdf>) (explicitly limiting the subsection's various requirements to (1) "a bill or joint resolution, or committee amendment thereto, providing new budget authority", (2) a conference report, or (3) PAYGO legislation).

³Compare Pub. L. No. 93-344, at § 402 (codified as 2 U.S.C. § 653) (limiting the section's requirements to "each bill or resolution of a public character" reported by a committee (emphasis added)), with, e.g., JANE A. HUDIBURG, CONG. RES. SERV., R46603, BILLS, RESOLUTIONS, NOMINATIONS, AND TREATIES: CHARACTERISTICS AND EXAMPLES OF USE 4 (2020), <https://www.crs.gov/reports/pdf/R46603> (noting that simple resolutions govern only "the internal affairs of one chamber" of congress and are not used for enacting public law).

mittee finds that the legislation does not contain any Congressional earmarks, limited tax benefits, or limited tariff benefits as defined under clause 9(e), 9(f), and 9(g) of rule XXI.

UNFUNDED MANDATES REFORM ACT STATEMENT

Section 423 of the Unfunded Mandates Reform Act does not apply to committee reports on simple resolutions. However, the Committee finds that the legislation contains no unfunded mandates as defined by the Unfunded Mandates Reform Act.

EXISTING PROGRAMS

Clause 3(c)(5) of rule XIII of the Rules of the House of Representatives does not apply to committee reports on simple resolutions. However, the Committee finds that the legislation does not establish or reauthorize a program of the federal government known to be duplicative of another program.

APPLICABILITY TO LEGISLATIVE BRANCH

Section 102(b)(3) of the Congressional Accountability Act does not apply to committee reports on simple resolutions. In any event, the Committee finds that the legislation does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the Congressional Accountability Act.

PREEMPTION OF STATE, LOCAL, OR TRIBAL LAW

The Committee finds that the resolution, if agreed to by the House, would not have the force of law and therefore would have no preemptive effect over state, local, or tribal law.

CHANGES IN EXISTING LAW

Clause 3(e) of rule XIII of the Rules of the House of Representatives does not apply to committee reports on simple resolutions. In any event, the Committee finds that this legislation, if agreed to by the House, would make no changes to existing law.

DISSENTING VIEWS

H. Res. 1248 would allow for transparency by requiring the Department of the Interior (DOI) to produce documents and communications relating to the requirement in the Mineral Leasing Act (MLA; 30 U.S.C. 181 et seq.) to hold quarterly lease sales, decisions to cancel planned onshore lease sales and minimize acreage offered for sale and potential consequences of failing to hold these sales. Further, the resolution requires DOI to produce documents and communications related to the requirement in the MLA to process Applications for Permit to Drill within 30 days of receipt, delays in the approval process, staffing challenges related to approving such permits and any direction to slow down the approval process. Finally, the resolution requires DOI to provide documents and communications related to the possible economic impacts of failing to hold lease sales or approve permits, including how such decisions might increase our dependence on foreign sources of energy and reduce funding for the Land and Water Conservation Fund and state and local governments.

The Biden administration has attempted to delay and shut down onshore oil and natural gas production on our federal lands at every turn, starting with an Executive Order placing an indefinite moratorium on oil and gas leasing just one week after taking office. This directive was thrown out by the courts, forcing the administration to finally hold oil and gas lease sales after a 17-month delay. This delay was in direct violation of the MLA, which requires the Secretary to hold quarterly lease sales in each State with eligible lands for which parcels are nominated.

The Bureau of Land Management (BLM) has also delayed in approving applications for permit to drill in a timely manner and, according to the agency's website, currently has a backlog of over 4,400 permits. Although, this backlog may have increased, as the BLM has not updated their website with current permitting status since May of this year. The MLA requires that permits be approved within 30 days, so long as the National Environmental Policy Act (NEPA; 42 U.S.C. 4321 et seq.) process does not require a longer review period. Without transparency into the permitting process, Congress cannot determine if these delays are required to comply with NEPA, or simply attempts to slow down production.

This Committee has sent multiple inquiries to Secretary Haaland requesting information on these matters to which we have not received substantive responses. Energy producing states in the West utilize revenues from federal oil and gas development to fund schools, infrastructure, and public services. The citizens of these States deserve to understand how the BLM is administering the onshore leasing program within their borders and the American people deserve to know how mismanagement of this program is impacting their electricity and gas prices.

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For these reasons, I oppose reporting H. Res. 1248 unfavorably.
BRUCE WESTERMAN.

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