

RESOLUTION OF INQUIRY DIRECTING THE SECRETARY OF AGRICULTURE
TO TRANSMIT CERTAIN DOCUMENTS TO THE HOUSE OF REPRESENTA-
TIVES RELATING TO THE MINERAL WITHDRAWAL WITHIN THE SUPE-
RIOR NATIONAL FOREST

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. 1251]

The Committee on Natural Resources, to whom was referred the resolution (H. Res. 1251) of inquiry directing the Secretary of Agriculture to transmit certain documents to the House of Representatives relating to the mineral withdrawal within the Superior National Forest, having considered the same, reports unfavorably thereon with an amendment and recommends that the resolution as amended not be agreed to.

The amendment is as follows:

Strike all after the resolving clause and insert the following:

That the Secretary of Agriculture 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 mineral withdrawal within the Superior National Forest and composition of the Duluth Complex, including the following:

(1) All documents and communications relating to the minerals found within the Duluth complex, including but not limited to any reference to—

(A) the amount of copper or recognized critical minerals found; and

(B) minerals needed for infrastructure, renewable energy, or electric vehicle production.

(2) All documents and communications referring or relating to initiating the mineral withdrawal process within Superior National Forest.

(3) All documents and communications relating to the impact of the mineral withdrawal on Twin Metals operation, including but not limited to any reference to—

(A) preventing production of minerals;

(B) union project labor agreements; and

(C) the loss of economic benefits at the State and local level.

(4) All documents and communications relating to the impact of the two-year pause on mineral activity in Superior National Forest while the mineral withdrawal application is considered, including but not limited to any reference to—

- (A) national security implications;
- (B) mineral supply chain stability implications;
- (C) increased dependence on foreign minerals; and
- (D) the economic losses at the State and local level.

(5) Any meeting or communication that occurred between Secretary Tom Vilsack, or his representative, and environmental advocacy groups referring or relating to the mineral withdrawal application in Superior National Forest.

(6) All documents and communications referring or related to the U.S. Forest Service’s Environmental Assessment recommending a mineral withdrawal in the Superior National Forest.

PURPOSE OF THE LEGISLATION

The purpose of H. Res. 1251 is to direct the Secretary of Agriculture to transmit certain documents to the House of Representatives relating to the mineral withdrawal within the Superior National Forest.

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. 1251 was introduced on July 22, 2022, by Representative Pete Stauber (R–MN). The resolution was referred solely to the Committee on Natural Resources, and within the Committee to the Subcommittee on Oversight and Investigations, the Subcommittee on Energy and Minerals Resources, and the Subcommittee on National Parks, Forests, and Public Lands. 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

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.

House of Representatives by a roll call vote of 22 yeas and 18 nays,
as follows:

Date: September 21, 2022

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

Bill / Motion: H.Res. 1251

Amendment:

Disposition: Final Passage: H.Res. 1251, as amended, was adopted and ordered unfavorably reported to the House of Representatives by a roll call vote of 22 yeas and 18 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	X		
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	X		
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			
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			
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. Obernölte, 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	22	18	
	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. 1251 directs the Secretary of Agriculture to transmit communications relating to the mineral withdrawal within the Superior National Forest and composition of the Duluth Complex, including the initiation of the mineral withdrawal process and subsequent Environmental Assessment, the economic and national security impacts of the withdrawal, and the administration's work with environmental advocacy groups relating to the withdrawal in question.

On October 21, 2021, the U.S. Forest Service filed an application to the Bureau of Land Management for a withdrawal of 225,378 acres in Northern Minnesota's Rainy River watershed, where the Duluth Complex is located, from mineral development for 20 years. The submission of this application immediately triggered a two-year pause on operations in the area while the administration began analysis of the proposed withdrawal.

Numerous affected parties and multiple Members of Congress have expressed their concerns about the negative ramifications of this withdrawal on the economy of the region and the security of American mineral supply chains. Committee Republicans discussed these negative impacts at length during the legislative hearing before the Committee on Natural Resources on May 24, 2022, concerning H.R. 2794 (McCollum), a bill to withdraw the area in perpetuity.

Despite these concerns, the U.S. Forest Service announced that public comment would begin on June 28, 2022, on an Environmental Assessment of the proposed withdrawal. Concerns about the negative impacts of this withdrawal were repeated once again at the Committee on Natural Resources markup of July 13, 2022, during debate of H.R. 2794 (McCollum). Further, on August 3, 2022, Congressman Stauber submitted comments to the Department of the Interior and the Department of Agriculture on the Environmental Assessment of the withdrawal, detailing his opposition to this proposed action in the context of national, international, and local level impacts. The public comment period on the Environmental Assessment closed on August 12, 2022.

As the Department of Agriculture continues forward with their unilateral withdrawal without regard for the major economic and national security implications of threatening our mineral supply chains, it is critical to bring transparency to the decisions behind this administration's actions in the Superior National Forest.

For these reasons, I oppose reporting H. Res. 1251 unfavorably.

BRUCE WESTERMAN.

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