

RESOLUTION OF INQUIRY DIRECTING THE SECRETARY OF THE INTERIOR  
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 Calender 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. 1252]

The Committee on Natural Resources, to whom was referred the resolution (H. Res. 1252) of inquiry directing the Secretary of the Interior to transmit certain documents to the House of Representatives relating to the mineral withdrawal within the Superior National Forest, having considered the same, report unfavorably thereon with an amendment and recommends that the resolution not be agreed to.

The amendment is as follows:

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 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 referring or relating to the analysis of Twin Metal’s mining operation plan.
- (5) 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.
- (6) Any meeting or communication that occurred between Secretary Debra Haaland, or her representative, and environmental advocacy groups referring or relating to the mineral withdrawal application in Superior National Forest.

#### PURPOSE OF THE LEGISLATION

The purpose of H. Res. 1252 is to direct the Secretary of the Interior 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.<sup>1</sup> 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. 1252 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 National Parks, Forests, and Public Lands, 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 20 yeas and 18 nays, as follows:

<sup>1</sup>See 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  
117<sup>TH</sup> CONGRESS — ROLL CALL**

Bill / Motion: H.Res. 1252

Amendment:

**Disposition:** Final Passage: H.Res. 1252, as amended, was adopted and ordered unfavorably reported to the House of Representatives by a roll call vote of 20 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                       |             |             |                |
| 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                        |             |             |                |
| 23 | Ms. Stansbury, NM                   | X           |             |                |
| 24 | Ms. Tlaib, MI                       | X           |             |                |
| 25 | Mr. Tonko, NY                       | X           |             |                |
| 26 | Ms. Velázquez, NY                   |             |             |                |
|    | <b>REP. MEMBERS (21)</b>            | <b>Y</b>    | <b>N</b>    | <b>P</b>       |
| 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. Oberholte, 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           |                |
|    | <b>TOTALS</b>                       | <b>20</b>   | <b>18</b>   |                |
|    | Total: 47 / Quorum: 16 / Report: 24 | <b>YEAS</b> | <b>NAYS</b> | <b>PRESENT</b> |

## 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.<sup>2</sup> 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.<sup>3</sup> 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-

<sup>2</sup>See 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).

<sup>3</sup>Compare 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. 1252 directs the Secretary of the Interior to transmit communications and documents regarding the mineral withdrawal within the Superior National Forest and composition of the Duluth Complex, including the Bureau of Land Management's analysis of the Twin Metals 2019 Mine Plan of Operation, and a breakdown of the full extent of the mineral wealth in the region.

Committee Republicans sent a letter to the Department of the Interior (DOI) highlighting the benefits of developing the proposed Twin Metals mine in Northern Minnesota on October 15, 2021, and asking the Secretary of the Interior to commit to keeping the two federal mineral leases in place and meeting with all impacted stakeholders before making a decision. Another letter was sent on December 20, 2021, personally inviting Secretary Haaland to Northern Minnesota to view mining operations in the region.

Despite this correspondence, DOI announced on January 26, 2022, that it would cancel federal leases held by Twin Metals Minnesota, even though the leases have been in place since 1966 and have been renewed multiple times by DOI. On May 10, 2022, Bureau of Land Management Director, Tracy Stone-Manning, responded to the letter of October 15, 2021, with a simple summary of agency actions that had taken place thus far, and a reassertion of the administration's position that cancellation of the mineral leases is a "final agency action," with "no further process steps for the Department or the BLM to take . . ."

Blocking this project and the development of the Duluth Complex in Minnesota could contribute to increased dependence on foreign-sourced minerals that are often produced overseas without regard for labor and environmental standards. Furthermore, the mineral deposits in the Duluth Complex are of national importance, given the significant demand increases projected for copper, nickel, cobalt, and other hardrock minerals.

Instead of allowing the analysis of the Mine Plan of Operations and other regulatory review to go forward, the Biden administration seemingly set aside the regular review process in favor of a pre-determined outcome. Therefore, it is crucial to see the communications that led to this decision first-hand.

For these reasons, I oppose reporting H. Res. 1252 unfavorably.

BRUCE WESTERMAN.

○