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111TH CONGRESS
2d Session
HOUSE OF REPRESENTATIVES
REPORT
111–480

DIRECTING THE SECRETARY OF THE INTERIOR TO TRANSMIT TO THE HOUSE OF REPRESENTATIVES CERTAIN INFORMATION RELATING TO THE SECRETARY'S TREASURED LANDSCAPE INITIATIVE, POTENTIAL DESIGNATION OF NATIONAL MONUMENTS, AND HIGH PRIORITY LAND-RATIONALIZATION EFFORTS

MAY 11, 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

DISSENTING VIEWS

[To accompany H. Res. 1254]

The Committee on Natural Resources, to whom was referred the resolution (H. Res. 1254) directing the Secretary of the Interior to transmit to the House of Representatives certain information relating to the Secretary's Treasured Landscape Initiative, potential designation of National Monuments, and High Priority Land-Rationalization Efforts, having considered the same, report thereon without amendment and without recommendation.

PURPOSE OF THE RESOLUTION

The purpose of H. Res 1254 is to direct the Secretary of the Interior to transmit to the House of Representatives certain information relating to the Secretary's Treasured Landscape Initiative, potential designation of National Monuments, and High Priority Land-Rationalization Efforts.

BACKGROUND AND NEED FOR LEGISLATION

H. Res. 1254 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 the Secretary of the Interior's Treasured Landscape Initiative, potential designation of National Monuments,

and High Priority Land-Rationalization Efforts. 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."

COMMITTEE ACTION

H. Res. 1254 was introduced on April 15, 2010 by Representative Doc Hastings (R–WA). The resolution was referred to the Committee on Natural Resources. No hearings were held on the resolution. On May 5, 2010, the full Natural Resources Committee met to consider the resolution. A motion by Representative Doc Hastings to favorably report H. Res. 1254 to the House of Representatives was not agreed to by a vote of 20 yeas and 22 nays, as follows:

COMMITTEE ON NATURAL RESOURCES
U.S. House of Representatives
111th Congress

Date: Convened: Adjourned:

Meeting on: **HRes. 1254 - A motion to favorably report H. Res. 1254 to the House of Representatives was NOT AGREED TO by a roll call vote of 20 yeas and 22 nays.**

Recorded Vote # 4

MEMBERS	Yea	Nay	Pres	MEMBERS	Yea	Nay	Pres
Mr. Rahall, WV		✔		*Mr. Wittman, VA*	✔		
Mr. Hastings, WA	✔			Mr. Sablan, MP		✔	
Mr. Miller, CA		✔		*Mr. Paul Broun, GA*	✔		
Mr. Young, AK	✔			Mr. Heinrich, NM		✔	
Mr. Markey, MA				*Mr. Fleming, LA*	✔		
Mr. Gallegly, CA	✔			Mr. Hinchey, NY		✔	
Mr. Kildee, MI		✔		*Mr. Coffman, CO*	✔		
Mr. Duncan, TN	✔			Mrs. Christensen, VI		✔	
Mr. DeFazio, OR		✔		*Mr. Chaffetz, UT*	✔		
Mr. Flake, AZ	✔			Ms. DeGette, CO			
Mr. Faleomavaega, AS				*Mrs. Lummis, WY*	✔		
Mr. Henry Brown, SC	✔			Mr. Kind, WI		✔	
Mr. Pallone, NJ				*Mr. McClintock, CA*	✔		
Mrs. McMorris Rodgers, WA	✔			Mrs. Capps, CA		✔	
Mrs. Napolitano, CA		✔		*Mr. Cassidy, LA*	✔		
Mr. Gohmert, TX	✔			Mr. Inslee, WA		✔	
Mr. Holt, NJ		✔		Mr. Baca, CA		✔	
Mr. Bishop, UT				Ms. Herseth Sandlin, SD	✔		
Mr. Grijalva, AZ		✔		Mr. Sarbanes, MD		✔	
Mr. Shuster, PA				Ms. Shea-Porter, NH		✔	
Ms. Bordallo, GU		✔		Ms. Tsongas, MA		✔	
Mr. Lamborn, CO	✔			Mr. Kratovil, Jr., MD	✔		
Mr. Costa, CA		✔		Mr. Pierluisi, PR		✔	
Mr. Smith, NE	✔						
Mr. Boren, OK		✔					
				Total	20	22	

Markups - 1/3 to meet (16), 25 to report
May 6, 2010 (10:51am)

The resolution was then ordered reported without recommendation 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. 1254 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 transmit to the House of Representatives certain information relating to the Secretary's Treasured Landscape Initiative, potential designation of National Monuments, and High Priority Land-Rationalization Efforts.

COMPLIANCE WITH PUBLIC LAW 104–4

This resolution contains no unfunded mandates.

EARMARK STATEMENT

H. Res. 1254 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. 1254 would make no changes in existing law.

DISSENTING VIEWS

We were compelled to introduce H. Res. 1254, a Resolution of Inquiry, because the Department of the Interior for two months has been stonewalling a written request for documents relating to a "Treasured Landscapes Initiative" and still-secret plan for possible new national monuments, land use restrictions and federal acquisitions.

Since mid-February when Republicans on the House Natural Resources Committee revealed several leaked pages of a secret Interior Department document, Secretary Salazar has received repeated questions from Democrats and Republicans on what exactly the Department is up to. The Secretary has repeatedly stated that there is "no secret agenda" and "no hidden agenda."

And yet, it is over two months later, and neither the Congress nor the American people who live in the communities targeted by this document has seen one more page of it disclosed by the Administration. We revealed pages 15–21, but the Department has had two months and still won't let the public see pages 1 to 14, or pages 22 and higher.

The night before the Natural Resources Committee was to meet to markup the Resolution of Inquiry, the Department delivered a letter and CD containing 383 pages of information. Some might think this response, no matter how late or slow in coming, would resolve the matter and the public could learn just what was afoot. But after reading the letter and reviewing the pages the Department provided, we are more alarmed than ever at the Department's refusal to come clean on its plans for possible new national monuments.

The Department provided 383 pages of documents but said it was withholding over 2000 more pages from Congress and the public. It didn't turn over a single missing page from the key document that outlines the monument plans. Where are pages 1 through 14? Where are pages 22 and higher? They haven't been disclosed. They are still hidden from the American people.

The Department turned over a number of emails, but many of these were merely cover letters for attachments, and it did not provide the attachments to those emails. These attachments appear to be the very documents that we are requesting be disclosed to the public.

Of the 383 pages we did get, seven of them are actual emails or documents that we Republicans sent to the Department. In fact, one of the only email attachments that the Department did disclose was our letter to the Department making the document request.

Furthermore, the few, incomplete and redacted documents we did receive raise even more questions and concerns. We can now confirm that it was not just the Bureau of Land Management that was involved in this secret document on possible new national monu-

ments and federal lands. The National Park Service, the Fish and Wildlife Service, the Bureau of Indian Affairs, and the Bureau of Reclamation were also involved. And the Department is still withholding the documents that reveal these agencies' involvement and what proposals they may have made for either national monuments or other restrictions or acquisitions of federal lands. The emails also reveal potential communication with the White House on this effort, though the documents are incomplete and this remains an open question.

This Administration has talked a great deal about openness and transparency since taking office, but what we are seeing is stonewalling and hiding behind lawyers. If there is no secret or hidden agenda, then why not disclose all the pages of the document? What are they afraid to allow the public to see?

Some have said the Department is too busy to disclose their plans. But the Department has already gathered the documents—over 2000 pages—and then decided to withhold them from Congress and the public. The documents are sitting in a box or in a computer down in the Interior Department building just several blocks away from the Capitol; it takes no time or energy away from other activities to just give Congress a copy.

The Department's secret planning affects districts and states represented by Democrats and Republicans in both the House and Senate. The American public and their elected representatives deserve answers. These plans by the Administration could take a terrible toll on communities across the West whose livelihoods depend upon the public lands targeted by the Administration.

The American people have legitimate reason to be concerned about these secret plans. The few pages that were leaked in February identified that 13 million acres of Western land are under consideration for being put under lock and key by Presidential fiat without any prior Congressional or public knowledge or support, much as the Clinton Administration, in the dark of night, used the Antiquities Act to create Grand-Staircase Escalante National Monument in Utah. In that case, the Governor of Utah was not notified until 2 a.m. on the day of the announcement of the President's edict to lock up a section of his state larger than Rhode Island, Delaware and the District of Columbia combined.

We regret that our Democrat colleagues on the Committee chose to side with the Administration's stonewalling and blockade of public disclosure and openness when they voted against favorably reporting this Resolution of Inquiry to the full House. The seriousness of what the Department of Interior has been planning in secret, and the seriousness of demanding and expecting open, public and transparent actions by government officials deserved a "Yes" vote to favorably report. Our effort to hold the Administration to its own much-hyped standard of openness and transparency will not end by Committee Democrats reporting out this Resolution without recommendation. This move effectively halts action on the Resolution, but it absolutely will not halt our demand and continued push for these documents to be disclosed to the public. The Secretary has repeatedly claimed there is "no secret agenda" and "no hidden agenda" at the same time his Department engages in efforts to keep its plans as secret and hidden from public view as

possible. This is unacceptable, and we won't stop until this veil of secrecy is fully lifted and all information is brought out into the sunlight for public review.

DOC HASTINGS.
ROB BISHOP.

CONGRESS OF THE UNITED STATES,
Washington, DC, February 26, 2010.

Hon. KEN SALAZAR,
Secretary of the Interior,
Washington, DC.

DEAR SECRETARY SALAZAR: We were distressed to learn from an internal "NOT FOR RELEASE" document that deliberations regarding potential National Monument designation sites and "high priority land-rationalization efforts" were taking place within the Department of Interior without public knowledge or participation.

We do, however, take a degree of comfort in your subsequent statement that you hope for a more open process in which locally affected people and their Representatives are engaged in a "public dialogue" rather than being recipients of surprise announcements. While not an explicit assurance that the unilateral actions outlined in the document will not be carried out, we do hope the statement does mean that an open, transparent process involving the public will occur prior to any action by the Department or the President.

Left unanswered at this point are many questions about the status of potential National Monument designations, what groups and individuals are or were involved in this endeavor, and the extent to which the process will continue to be carried out behind closed doors. Therefore, we request the following information no later than March 26, 2010.

1. All pages of the "Internal Draft" document of which we obtained only pages 15 to 21.

2. With regard to the "brainstorming" sessions you publicly mentioned, we would like a copy of any documents distributed at or in preparation for the meetings, a list of all participants or invitees, any notes taken at the meeting(s), and any memoranda, work product or follow up documents from the meeting(s). All records, electronic or otherwise, of meetings or discussions with private groups, individuals or other persons or entities that are not employees of the Department of the Interior where potential National Monument designations were discussed. We request all notes, agendas, memoranda or documents from those meetings.

3. All documents related to the Secretary's initiative to compile a list of potential National Monument designations since July 1, 2009, including, but not limited to, maps.

4. Any communication with any person or entity outside of the Department of the Interior related to the Secretary's initiative since July 1, 2009.

We thank you for your prompt response to our previous letter and look forward to an equally prompt and fully informative reply to this letter.

Sincerely,

DOC HASTINGS,
Ranking Member, Committee on Natural Resources.
ROB BISHOP,
Ranking Member, Subcommittee on National Parks, Forests and Public Lands.
TOM MCCLINTOCK.
DOUG LAMBORN.
DON YOUNG.
DEAN HELLER.
GREG WALDEN.
JEFF FLAKE.
DENNY REHBERG.
CYNTHIA M. LUMMIS.
JASON CHAFFETZ.
PETE SESSIONS.
SCOTT GARRETT.
JOHN CAMPBELL.
MICHAEL SIMPSON.

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