

RESOLUTION OF INQUIRY REQUESTING THE PRESIDENT AND DIRECTING
THE SECRETARY OF THE INTERIOR TO TRANSMIT, RESPECTIVELY, CER-
TAIN DOCUMENTS AND OTHER INFORMATION TO THE HOUSE OF REP-
RESENTATIVES RELATING TO THE EXECUTIVE ORDER ON THE REVIEW
OF DESIGNATIONS UNDER THE ANTIQUITIES ACT

OCTOBER 23, 2017.—Referred to the House Calendar and ordered to be printed

Mr. BISHOP of Utah, from the Committee on Natural Resources,
submitted the following

ADVERSE REPORT

together with

DISSENTING VIEWS

[To accompany H. Res. 555]

The Committee on Natural Resources, to whom was referred the resolution (H. Res. 555) of inquiry requesting the President and directing the Secretary of the Interior to transmit, respectively, certain documents and other information to the House of Representatives relating to the executive order on the review of designations under the Antiquities Act, having considered the same, report unfavorably thereon with an amendment and recommend 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 President is requested, and the Secretary of the Interior is directed, to transmit, to the extent that such documents are in the possession of the President or the Secretary, (in a manner appropriate to classified information, if the President determines appropriate) to the House of Representatives, not later than 14 days after the date of the adoption of this resolution, copies of every document, map, survey, report, record, memorandum, call log, correspondence (electronic and otherwise), and other communication or any portion of any such communication, that refers or relates to the executive order on the review of designations under the Antiquities Act (Executive Order 13792, April, 26, 2017), including the following:

(1) All documents and communications relating to the Secretary of the Interior's review of all Presidential designations or expansions of designations under the Antiquities Act made since January 1, 1996, as described in the executive order.

(2) All documents and communications relating to the Secretary of the Interior's review of all Presidential designations where the Secretary determined that the designation or expansion was made without adequate public outreach and coordination with relevant stakeholders, as described in the executive order.

(3) All documents and communications relating to the interim and final reports to the President, including any recommendations for Presidential actions, legislative proposals, or other actions recommended by the Secretary of the Interior to carry out the policy set forth in section 1 of the executive order.

(4) Any meeting or communication that occurred between Secretary Ryan Zinke and President Trump, or their representatives, relating to the recommendations or reports required by the executive order.

(5) Any meeting or communication that occurred between Secretary Ryan Zinke, or his representatives, and energy and mining companies, or their representatives, relating to the recommendations or reports required by the executive order.

(6) Any meeting or communication that occurred between Secretary Ryan Zinke, or his representatives, and LGBTQ and minority communities, or their representatives, relating to the recommendations or reports required by the executive order.

(7) Any documents and communications relating to travel costs of Secretary Zinke and his staff for the purposes of the review under the executive order.

(8) Any meeting or communication that occurred between Secretary Ryan Zinke, or his representatives, and Native American tribes, or their representatives, relating to the recommendations or reports required by the executive order.

(9) Any document including applicable ethics waivers for Department of the Interior employees working on the review, as described in the executive order, whether granted or denied.

(10) Any documents that, on their face, contain economic analyses of national monument designations, as described in the executive order.

PURPOSE OF THE BILL

The purpose of H. Res. 555 is to request the President and direct the Secretary of the Interior to transmit, respectively, certain documents and other information to the House of Representatives relating to the executive order on the review of designations under the Antiquities Act.

BACKGROUND AND NEED FOR LEGISLATION

H. Res. 555 is a resolution of inquiry that requests the President and directs the Secretary of the Interior to transmit to the House of Representatives, not later than 14 days after the adoption of the resolution by the full House, copies of every document, map, survey, report, record, memorandum, call log, correspondence (electronic and otherwise), and other communication or any portion of any such communication, that refers or relates to the executive order on the review of designations under the Antiquities Act (Executive Order 13792, April 26, 2017), including: (1) documents and communications relating to the Secretary of the Interior's review of all Presidential designations or expansions of designations under the Antiquities Act made since January 1, 1996, as described in the executive order; (2) all documents and communications relating to the Secretary of the Interior's review of all Presidential designations where the Secretary determined that the designation or expansion was made without adequate public outreach and coordination with relevant stakeholders, as described in the executive order; (3) all documents and communications relating to the interim and final reports to the President, including any recommendations for Presidential actions, legislative proposals, or other actions recommended by the Secretary of the Interior to carry out the policy set forth in section 1 of the executive order; and (4) any meeting or communication that occurred between Secretary Ryan Zinke and President Trump, or their representatives, relating to the recommendations or reports required by the executive order.

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 of its introduction or a privileged motion to discharge the Committee will be in order in the House of Representatives.

Under the rules and precedents of the House, a resolution of inquiry is one method 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." The rules of the House of Representatives contain no specific provision for enforcing resolutions of inquiry.¹

COMMITTEE ACTION

H. Res. 555 was introduced by Congressman Raúl M. Grijalva (D-AZ) on October 4, 2017, and referred to the Committee on Natural Resources. No hearing was held on the measure. On October 11, 2017, the Natural Resources Committee met to consider the resolution. Congressman Rob Bishop offered an amendment in the nature of a substitute designated 035; it was adopted by a unanimous roll call vote of 40 ayes and 0 nays, as follows:

¹ Charles Johnson, John V. Sullivan, Thomas J. Wickham, Jr., *House Practice: A Guide to the Rules, Precedents, and Procedures of the House* (115th Congress, 1st Session), p. 850.

Committee on Natural Resources

U.S. House of Representatives

115th Congress

Date: 10-11-17

Recorded Vote #: 2

Meeting on / Amendment on: **FC Mark Up on Bishop ANS_035 to H.Res. 555 (Rep. Raul Grijalva)**, Of inquiry requesting the President and directing the Secretary of the Interior to transmit, respectively, certain documents and other information to the House of Representatives relating to the executive order on the review of designations under the Antiquities Act.

MEMBERS	Yes	No	Pres	MEMBERS	Yes	No	Pres
Mr. Bishop, UT, Chairman	X			Mr. Cook, CA	X		
<i>Mr. Grijalva, AZ, Ranking Member</i>	X			<i>Mr. Soto, FL</i>	X		
Mr. Young, AK, Chairman Emeritus	X			Mr. Westerman, AR	X		
<i>Mrs. Napolitano, CA</i>	X			<i>Mr. McEachin, VA</i>	X		
Mr. Gohmert, TX, Vice Chairman	X			Mr. Graves, LA	X		
<i>Ms. Bordallo, Guam</i>	X			<i>Mr. Brown, MD</i>	X		
Mr. Lamborn, CO	X			Mr. Hice, GA	X		
<i>Mr. Costa, CA</i>	X			<i>Mr. Clay, MO</i>	X		
Mr. Wittman, VA	X			Mrs. Radewagen, AS	X		
<i>Mr. Sablan, CNMI</i>	X			<i>Mr. Gomez, CA</i>	X		
Mr. McClintock, CA	X			Mr. LaHood, IL	X		
<i>Ms. Tsongas, MA</i>	X			Mr. Webster, FL	X		
Mr. Pearce, NM	X			Mr. Bergman, MI	X		
<i>Mr. Huffman, CA</i>				Ms. Cheney, WY	X		
Mr. Thompson, PA	X			Mr. Johnson, LA	X		
<i>Mr. Lowenthal, CA</i>	X			Ms. González-Colón, PR	X		
Mr. Gosar, AZ	X			Mr. Gianforte, MT	X		
<i>Mr. Beyer, VA</i>	X						
Mr. Labrador, ID							
<i>Mrs. Torres, CA</i>	X						
Mr. Tipton, CO	X						
<i>Mr. Gallego, AZ</i>	X						
Mr. LaMalfa, CA	X						
<i>Ms. Hanabusa, HI</i>	X						
Mr. Denham, CA							
<i>Ms. Barragán, CA</i>	X			TOTAL:	40	0	

The resolution was then ordered unfavorably reported to the House of Representatives by a roll call vote of 23 to 17, as follows:

Committee on Natural Resources

U.S. House of Representatives

115th Congress

Date: 10-11-17

Recorded Vote #: 3

Meeting on / Amendment on: **FC Mark Up on Unfavorably Reporting H.Res. 555 (Rep. Raul Grijalva)**, Of inquiry requesting the President and directing the Secretary of the Interior to transmit, respectively, certain documents and other information to the House of Representatives relating to the executive order on the review of designations under the Antiquities Act.

MEMBERS	Yes	No	Pres	MEMBERS	Yes	No	Pres
Mr. Bishop, UT, Chairman	X			Mr. Cook, CA	X		
<i>Mr. Grijalva, AZ, Ranking Member</i>		X		<i>Mr. Soto, FL</i>		X	
Mr. Young, AK, Chairman Emeritus	X			Mr. Westerman, AR	X		
<i>Mrs. Napolitano, CA</i>		X		<i>Mr. McEachin, VA</i>		X	
Mr. Gohmert, TX, Vice Chairman	X			Mr. Graves, LA	X		
<i>Ms. Bordallo, Guam</i>		X		<i>Mr. Brown, MD</i>		X	
Mr. Lamborn, CO	X			Mr. Hice, GA	X		
<i>Mr. Costa, CA</i>		X		<i>Mr. Clay, MO</i>		X	
Mr. Wittman, VA	X			Mrs. Radewagen, AS	X		
<i>Mr. Sablan, CNMI</i>		X		<i>Mr. Gomez, CA</i>		X	
Mr. McClintock, CA	X			Mr. LaHood, IL	X		
<i>Ms. Tsongas, MA</i>		X		Mr. Webster, FL	X		
Mr. Pearce, NM	X			Mr. Bergman, MI	X		
<i>Mr. Huffman, CA</i>				Ms. Cheney, WY	X		
Mr. Thompson, PA	X			Mr. Johnson, LA	X		
<i>Mr. Lowenthal, CA</i>		X		Ms. González-Colón, PR	X		
Mr. Gosar, AZ	X			Mr. Gianforte, MT	X		
<i>Mr. Beyer, VA</i>		X					
Mr. Labrador, ID							
<i>Mrs. Torres, CA</i>		X					
Mr. Tipton, CO	X						
<i>Mr. Gallego, AZ</i>		X					
Mr. LaMalfa, CA	X						
<i>Ms. Hanabusa, HI</i>		X					
Mr. Denham, CA							
<i>Ms. Barragán, CA</i>		X		TOTAL:	23	17	

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.

COMPLIANCE WITH HOUSE RULE XIII AND CONGRESSIONAL BUDGET ACT

1. Cost of Legislation and the Congressional Budget Act. With respect to the requirements of clause 3(c)(2) and (3) of rule XIII of the Rules of the House of Representatives and sections 308(a) and 402 of the Congressional Budget Act of 1974, the Committee has not received a cost estimate for the bill from the Director of the Congressional Budget Office. However, the Committee estimates that this resolution of inquiry would not result in any significant costs. In addition, the Committee does not believe it the resolution would result in new or increased budget authority, entitlement authority or tax expenditures or revenues. Finally, the Committee has not received an estimate of federal mandates prepared by the Director of the Congressional Budget Office pursuant to section 423 of the Unfunded Mandates Reform Act, but the Committee believes that no federal mandates are included in this resolution.

2. General Performance Goals and Objectives. As required by clause 3(c)(4) of rule XIII, the general performance goal or objective of this bill is to request the President and direct the Secretary of the Interior to transmit, respectively, certain documents and other information to the House of Representatives relating to the executive order on the review of designations under the Antiquities Act.

EARMARK STATEMENT

This resolution 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 of the Rules of the House of Representatives.

COMPLIANCE WITH PUBLIC LAW 104-4

This resolution contains no unfunded mandates.

COMPLIANCE WITH H. RES. 5

Directed Rule Making. This resolution does not contain any directed rule makings.

Duplication of Existing Programs. This resolution does not establish or reauthorize a program of the federal government known to be duplicative of another program. Such program was not included in any report from the Government Accountability Office to Congress pursuant to section 21 of Public Law 111-139 or identified in the most recent Catalog of Federal Domestic Assistance published pursuant to the Federal Program Information Act (Public Law 95-220, as amended by Public Law 98-169) as relating to other programs.

PREEMPTION OF STATE, LOCAL OR TRIBAL LAW

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

DISSENTING VIEWS

For months, Committee Democrats have sought information regarding reports associated with executive order 13792—President Trump's sweeping review of 27 national monuments created since 1996 under the Antiquities Act. Letters and requests for information have gone unanswered.

Interior Secretary Zinke toured several of the listed monuments, but consistently failed to provide a detailed agenda of his tours, including the stakeholders with whom he met. This lack of transparency is hypocritical and troubling; there is no reason for the White House or the Department to keep the report or its methodology secret.

Secretary Zinke has failed to deliver on his promise of an “open review process” by not providing more information about his agenda, analysis, and full scope of findings from his national monument tours and meetings. During the 60-day comment period, more than 2.8 million responses were submitted and revealed that a large majority of Americans are supportive of maintaining or expanding current national monument boundaries. The Secretary has indicated he plans to ignore those comments so the public deserves to know what information he does plan to rely on.

Due to the lack of information and transparency, Ranking Member Grijalva, along with 25 original cosponsors, introduced the resolution of inquiry (ROI)—H. Res. 555 requesting the release of all administration supporting documents, reports, maps, surveys, communications, and correspondence relating to the president's executive order.

At markup, Committee Democrats filed amendments to expand the scope of the ROI, seeking even more detailed information about the Secretary's travel and meeting schedule. As the review seeks to shrink several national monuments that protect Native American sacred sites, Indian, Insular and Alaska Native Affairs Subcommittee Ranking Member Torres offered an amendment to request information about the administration's engagement with tribal governments during the course of the review.

Oversight and Investigations Subcommittee Ranking Member McEachin offered an amendment to request information about meetings with diverse constituencies, including representatives of the LGBTQ and other minority communities. Energy and Mineral Resources Ranking Member Lowenthal offered an amendment to request information about any meetings with energy and mining companies.

In light of recent reports about potential illegal travel by the Secretary, Representative Napolitano offered an amendment seeking further information about travel costs associated with the review. Reports of the Trump administration's disregard for ethics guidelines for former lobbyists working in the federal government led

Representative Gallego to offer an amendment seeking information about ethics waivers for Department of the Interior employees working on the review. Lastly, given the fact that national monuments help drive economic growth in local communities by increasing local tourism and outdoor recreation, Representative Gomez introduced an amendment seeking any economic analysis used to develop the report.

All of the amendments were incorporated into the amendment in the nature of a substitute offered by Chairman Bishop, which was supported by every Member of the Committee.

However, instead of taking this request for transparency seriously, Committee Republicans ultimately chose to order the ROI reported unfavorably.

Whether this resolution comes before the full House for consideration is now completely in the hands of Committee Republicans who control the measure. Committee Republicans should demand transparency from the Trump administration as vociferously and relentlessly as they did from the Obama administration.

RAÚL M. GRIJALVA
*Ranking Member, Committee
on Natural Resources.*

DARREN SOTO.
JARED HUFFMAN.
A. DONALD MCEACHIN.
MADELEINE Z. BORDALLO.
ALAN S. LOWENTHAL.
GRACE F. NAPOLITANO.
NIKI TSONGAS.
RUBEN GALLEGO.
COLLEEN HANABUSA.
JIMMY GOMEZ.
NANETTE DIAZ BARRAĞAN.

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