

RESOLUTION OF INQUIRY DIRECTING THE SECRETARY OF THE INTERIOR
TO TRANSMIT CERTAIN DOCUMENTS TO THE HOUSE OF REPRESENTA-
TIVES RELATING TO THE 2023-2028 FIVE-YEAR PROGRAM FOR OFF-
SHORE OIL AND GAS LEASING

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. 1247]

The Committee on Natural Resources, to whom was referred the resolution (H. Res. 1247) of inquiry directing the Secretary of the Interior to transmit certain documents to the House of Representatives relating to the 2023-2028 five-year program for offshore oil and gas leasing, having considered the same, report unfavorably thereon with an amendment and recommend that the resolution not be 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 2023-2028 five-year program for offshore oil and gas leasing, including the following:

(1) All documents and communications referring or relating to the proposed program for offshore oil and gas leasing for 2023-2028.

(2) All documents and communications referring or relating to compliance with the Outer Continental Shelf Lands Act's requirement to develop a five-year program for offshore oil and gas leasing.

(3) All documents and communications relating to the 2017-2022 five-year program for offshore oil and gas leasing, including any reference to—

(A) the decision to cancel or delay planned lease sales;

(B) the decision to not pursue an appeal to the judgment vacating Lease Sale 257; and

(C) the impact of such program's expiration without the creation of a 2023-2028 five-year program for offshore oil and gas leasing.

(4) All documents and communications referring or relating to Secretary Debra Haaland's commitment to release a proposed five-year program for offshore oil and gas leasing for 2023-2028 by June 30, 2022.

- (5) All documents and communications relating to funding implications of such proposed program, including any reference to—
- (A) the Gulf of Mexico Energy Security Act;
 - (B) the Land and Water Conservation Fund;
 - (C) the Historic Preservation Fund;
 - (D) the sale of petroleum products from the Strategic Petroleum Reserve related to the Gulf of Mexico Energy Security Act; and
 - (E) the general fund of the Treasury of the United States.
- (6) Any meeting or communication that occurred between Secretary Debra Haaland, or her representative, and environmental advocacy groups relating to the 2023–2028 five-year program for offshore oil and gas leasing.

PURPOSE OF THE LEGISLATION

The purpose of H. Res. 1247 is to direct the Secretary of the Interior to transmit certain documents to the House of Representatives relating to the 2023–2028 five-year program for offshore oil and gas leasing.

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. 1247 was introduced on July 22, 2022, by Representative Garret Graves (R–LA). 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 Mineral 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. 1247

Amendment:

Disposition: Final Passage: H.Res. 1247, 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			
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	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	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. 1247 directs the Secretary of the Interior to transmit communications and documents regarding the 2023–2028 Five-Year Plan for Offshore Leasing, including: interim plans and the proposed program plan for 2023–2028; compliance with the Outer Continental Shelf Lands Act (OCSLA; 43 U.S.C. 1331 et seq.) requirement to develop a five-year plan for offshore leasing; references to cancelling planned lease sales under the 2017–2022 Five-Year Plan; references to the Biden administration’s choice not to appeal the judgment vacating Lease Sale 257, which was included in the 2017–2022 Five-Year Plan; references to the administration’s choice not to allow the 2017–2022 plan to expire without creating a final 2023–2028 Five-Year Plan; Secretary Haaland’s commitment to release a proposed program by June 30, 2022; funding implications of the proposed program; and the Biden administration’s work with environmental advocacy groups relating to the 2023–2028 Five-Year Plan.

At the time that H.R. 1247 was considered in the Committee on Natural Resources, the Biden administration had not issued a single new offshore oil and gas lease since taking office. The Bureau of Ocean Energy Management (BOEM) has held one lease sale to date, lease sale 257, and delayed issuing the leases to the winning bidders until September 14, 2022, only after being specifically directed to do so in the Inflation Reduction Act (Pub. L. 117–169).

BOEM also cancelled the three remaining sales in the 2017–2022 five-year plan and allowed that plan to lapse on June 30, 2022, without a new plan in place, causing an unprecedented gap in offshore five-year plans. OCSLA requires the Department of the Interior (DOI) to finalize a five-year plan for offshore leasing before conducting offshore lease sales and directs DOI to develop a plan that will “best meet national energy needs for the five-year period following its approval.” BOEM finally released a proposed plan for 2023–2028 in July of this year, and shortly thereafter the Director of BOEM advised that the final plan may contain zero lease sales.

Congressional Republicans sent letters to Secretary Haaland requesting information regarding the administration of the offshore leasing program on March 26, 2021, January 13, 2022, and March 9, 2022, and have not yet received substantive responses.

Reporting H. Res. 1247 favorably from Committee would have enabled the House of Representatives to better conduct oversight of the offshore leasing program by seeking documents and communications related to administration of the program to date.

For these reasons, I oppose reporting H. Res. 1247 unfavorably.

BRUCE WESTERMAN.

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