



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, D.C. 20240

JUL 15 2008

Honorable Nick J. Rahall II
Chairman
Committee on Natural Resources
House of Representatives
Washington, D.C. 20515

Dear Mr. Chairman:

This responds to your June 25, 2008, letter to Secretary Kempthorne transmitting a resolution finding that an emergency situation exists near Grand Canyon National Park for purposes of section 204(e) of the Federal Land Policy Management Act of 1976. That section provides, in part, that:

When the Secretary determines, or when the Committee on Natural Resources of the House of Representatives or the Committee on Energy and Natural Resources of the Senate notifies the Secretary, that an emergency situation exists and that extraordinary measures must be taken to preserve values that would otherwise be lost, the Secretary notwithstanding the provisions of subsections (c) (1) and (d) of this section, shall immediately make a withdrawal and file notice of such emergency withdrawal with both of those Committees.

It is our understanding that the rules of the House of Representatives and the Committee on Natural Resources require that a quorum be present in order for a resolution to be considered as acted upon by the Committee. The resolution passed by a vote of 20-2, with 22 Members present and voting. We understand a quorum consists of at least 25 Members. Therefore, we do not believe the resolution constitutes a notification of the Committee, as required under the statute. We understand that the Committee may revisit this action, and we will be ready to address the resolution at that time.

Sincerely,

Matt Eames
Director, Office of Congressional
and Legislative Affairs