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Committee on Natural Resources
Washington, DC 20515

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July 16, 2008

The Honorable Dirk Kempthorne
Secretary
Department of the Interior
1849 C Street, N.W.
Washington, DC 20240

Dear Mr. Secretary,

Yesterday I received a letter dated July 15, 2008 from Mr. Matt Eames, Director, Office of Congressional and Legislative Affairs, Department of the Interior, purporting to claim that the Committee on Natural Resources' Resolution of June 25, 2008 does not constitute notification by the Committee, as provided for under Section 204 (e) of the Federal Land Policy and Management Act of 1976 (FLPMA).

First of all, let's be clear that there is nothing in the statute or the Department's regulation at 43 C.F.R. 2310.5 that specifies what constitutes notification by the Committee. Further, what constitutes a quorum of the Committee is governed by the rules of the House of Representatives and the Committee. Mr. Eames' letter fails to cite a specific House or Committee rule that requires a majority of the Committee be present to approve the Committee Resolution of June 25th.

To the contrary, House Rule XI, clause 2(h)(1) and the first part of Committee Rule 2(d)(1) requiring a majority of Members to be present only applies to the "reporting" of a measure or recommendation. The Committee Resolution is not a measure or recommendation being "reported" under House and Committee rules because no further action on the Committee Resolution is contemplated by the Full House of Representatives.

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Rather, the Committee Resolution remains with the Committee and as such, on the matter of a quorum, it is House Rule XI, clause 2(h)(3) and the last part of Committee Rule 2(d)(1) that applies. The pertinent House Rule provides that the Committee "may fix the number of its members to constitute a quorum for taking any action other than one for which the presence of a majority of the committee is otherwise required, which may not be less than one-third of the members." Using this authority, Committee Rule 2(d)(1) provides that for the purposes of transacting all other business of the Committee, other than those actions requiring a majority of members, one-third of the members shall constitute a quorum.

In the matter of approving the Committee's Resolution, a quorum of 17 members was necessary to transact business. Both the Committee's quorum call and the recorded vote on approving the Committee Resolution established that the necessary quorum under House and Committee rules was present.

Given these facts Mr. Secretary, there is no need for the Committee to revisit its action. I must reiterate that pursuant to section 204(e) of FLPMA and your own regulations at 43 C.F.R. 2310.5 you are required to withdraw those lands specified in the June 25, 2008 Resolution of the Committee on Natural Resources.

With warm regards, I am

Sincerely,



NICK J. RAHALL, II
Chairman
Committee on Natural Resources