

and improving environmental quality in communities across the country. This legislation will also allow reclamation organizations to clean up abandoned mine land without fear of becoming trapped in a litigation doom loop.

Mr. Speaker, I thank Congressman LAHOOD for bringing H.R. 167 to the floor, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Arkansas (Mr. WESTERMAN) that the House suspend the rules and pass the bill, H.R. 167.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

MEMORANDUM OF UNDERSTANDING TO ADDRESS POTENTIAL IMPACTS OF A CERTAIN RECORD OF DECISION ON THE UPPER COLORADO RIVER BASIN FUND

Mr. WESTERMAN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1001) to provide for a memorandum of understanding to address the impacts of a certain record of decision on the Upper Colorado River Basin Fund.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1001

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. MEMORANDUM OF UNDERSTANDING TO ADDRESS POTENTIAL IMPACTS OF A CERTAIN RECORD OF DECISION ON THE UPPER COLORADO RIVER BASIN FUND.**

(a) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary of the Interior, acting through the Commissioner of Reclamation, and the Secretary of Energy, acting through the Administrator of the Western Area Power Administration, in consultation with the Glen Canyon Dam Adaptive Management Work Group, shall enter into a memorandum of understanding to explore and address the impact that the record of decision entitled the “Supplement to the 2016 Glen Canyon Dam Long-Term Experimental and Management Plan Record of Decision” and dated July 2024 (referred to in this section as the “record of decision”) has on the Upper Colorado River Basin Fund (referred to in this section as the “Fund”).

(b) REQUIRED PLAN.—The memorandum of understanding entered into under subsection (a) shall, using information derived from existing hydropower contracts, include the establishment of a plan to—

(1) address the effects that the record of decision may have on Fund obligations including routine operations, maintenance, and replacement of critical infrastructure;

(2) address the impact that the record of decision has on hydropower production at Glen Canyon Dam, including costs to replace hydropower resources and grid reliability; and

(3) identify impacts that the record of decision has had on species listed as a threatened

species or an endangered species under section 4 of the Endangered Species Act of 1973 (16 U.S.C. 1533).

(c) SAVINGS CLAUSES.—Nothing in this Act shall preempt rights or obligations under subchapter II of chapter 5 of title 5, United States Code (commonly referred to as the “Administrative Procedure Act”).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arkansas (Mr. WESTERMAN) and the gentlewoman from Oregon (Ms. HOYLE) each will control 20 minutes.

The Chair recognizes the gentleman from Arkansas.

GENERAL LEAVE

Mr. WESTERMAN. Mr. Speaker, I ask unanimous consent that all Members be given 5 legislative days to revise and extend their remarks and to include extraneous material on H.R. 1001, the bill now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

□ 1630

Mr. WESTERMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 1001 sponsored by Congresswoman HAGEMAN. This bill requires the Bureau of Reclamation and the Western Area Power Administration, or WAPA, to enter into a memorandum of understanding aimed at addressing the impacts that bypass flows at Glen Canyon Dam have had on the Upper Colorado River Basin Fund.

These flows are an attempt to manage an invasive smallmouth bass population that imperils the federally listed humpback chub below the dam. While well-intentioned, this action comes at a steep cost.

In 2024, the bypass flows produced \$20 million in lost hydropower generation, which instead had to be replaced with power purchased on the open market.

WAPA makes these purchases using the Basin Fund, which is funded by hydropower revenues, not appropriations. In other words, utility customers end up footing the very expensive bill to address the impacts of predatory smallmouth bass.

The loss in revenues not only means higher electricity prices but also negative impacts on the Colorado River system, as the Basin Fund is the primary source of funding for operations and maintenance of the system’s critical infrastructure.

I want to be clear: H.R. 1001 does not prevent bypass flows. It does, however, require the agencies to fully cooperate to minimize the impacts of these flows on the grid and its customers. It also requires coordination with hydropower customers and other stakeholders, including the Glen Canyon Dam Adaptive Management Work Group.

I support this legislation and reserve the balance of my time.

Ms. HOYLE of Oregon. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 1001 would direct the Department of Energy and the Department of the Interior, Environment, and Related Agencies to evaluate the potential impacts of the 2024 supplement to the 2016 Glen Canyon Dam Long-Term Experimental and Management Plan Record of Decision on the Upper Colorado River Basin Fund.

The Colorado River is an essential water resource, supplying water for municipal and agricultural uses, energy production, and fish and wildlife habitat. However, persistent drought, over-allocation of water resources, and the escalating impacts of climate change have placed unprecedented strain on the basin.

The record of decision was an important step in addressing species’ needs below the Glen Canyon Dam, and preliminary data showed promising results in protecting native fish species.

As drought conditions worsen and water demand continues to increase, it is more critical than ever to ensure water management appropriately balances agricultural, municipal, industrial, and environmental needs.

This legislation will direct Bureau of Reclamation and the Western Area Power Administration to analyze how the record of decision may impact the fund’s resources, hydropower generation at the Glen Canyon Dam, and endangered species.

I hope to work with my colleagues across the aisle on advancing meaningful legislation to safeguard environmental and cultural resources while addressing the long-term challenges of drought and climate change.

I urge my colleagues to support this bill, and I reserve the balance of my time.

Mr. WESTERMAN. Mr. Speaker, I yield 4 minutes to the gentlewoman from Wyoming (Ms. HAGEMAN), the lead sponsor of this bill.

Ms. HAGEMAN. Mr. Speaker, I rise in support of my legislation, H.R. 1001, which requires the Bureau of Reclamation and the Western Area Power Administration, or WAPA, to enter into a memorandum of understanding to address the impacts that bypass flows at Glen Canyon Dam have had on the Upper Colorado River Basin Fund.

It is worth taking a moment to highlight why we are here today. Under the Biden administration, the Bureau of Reclamation wanted to rush to implement bypass flows to prevent smallmouth bass and other warm water invasive nonnative fish from becoming established below the Glen Canyon Dam outlet works.

This action, however, comes at significant costs as it would mean foregoing hydropower generation for the majority of these releases.

The Bureau of Reclamation initiated its record of decision, or ROD, over Glen Canyon Dam’s long-term experimental management plan supplemental EIS this past summer. It was signed on July 5, 2024, with implementation beginning just 3 days later on July 8. Pretty doggone quick.

The ROD calls for higher flows at the dam to combat the presence of predatory smallmouth bass which threaten the federally protected humpback chub. These higher flows bypass hydro-power generators in order to cool the river temperature below the dam in an attempt to disrupt smallmouth bass downstream.

While this ROD was well-intentioned, it comes at a very serious cost to communities and power customers. Due to the bypass requirements, the lost hydropower generation must be replaced with power purchased on the open market.

WAPA makes these purchases from the Upper Colorado River Basin Fund which is funded by power revenues or, in other words, by the customers. WAPA's preliminary estimate of energy replacement is about \$20 million more than it would have been without the bypass requirements. Going forward, it projects the impact on customers to be even significantly more.

The American people are fed up with these heavyhanded decisions by the Federal Government that makes it increasingly difficult to get by in this country, particularly if you are trying to raise a family. Water is the interior West's most important resource.

For over 60 years, Glen Canyon Dam has been producing hydroelectric power, providing reliable, flexible, low-cost, emission-free baseload energy across the entire region. That is why this bill is important.

My bill requires the Bureau of Reclamation to acknowledge the effect of the decision through a memorandum of understanding that measures the economic, environmental, and reliability impacts of the action. I am grateful that this important legislation is being considered today.

Ms. HOYLE of Oregon. Mr. Speaker, I urge my colleagues to support the legislation, and I yield back the balance of my time.

Mr. WESTERMAN. Mr. Speaker, again, H.R. 1001 would bring WAPA, the Bureau of Reclamation, and local stakeholders together to produce an action plan to address the effects of the bypass flows on the Basin Fund, as well as the impacts of diminished hydropower generation at Glen Canyon Dam on grid reliability.

The plan will also require the Federal agencies to identify the impacts of these actions on any species listed as threatened or endangered under the Endangered Species Act.

I again thank Representative HAGEMAN for tackling these important issues.

I urge my colleagues to support this legislation, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Arkansas (Mr. WESTERMAN) that the House suspend the rules and pass the bill, H.R. 1001.

The question was taken; and (two-thirds being in the affirmative) the

rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

#### EXPEDITED APPEALS REVIEW ACT

Mr. WESTERMAN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 677) to establish a process to expedite the review of appeals of certain decisions by the Department of the Interior, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 677

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

*This Act may be cited as the "Expedited Appeals Review Act" or the "EARA".*

#### SEC. 2. EXPEDITED REVIEWS.

(a) *REQUEST FOR EXPEDITED REVIEW.*—A party that files an appeal of a Department of the Interior decision described under section 4.1(b)(2) of title 43, Code of Federal Regulations (or any successor regulations), with the Board of Land Appeals may submit to the Board of Land Appeals written notice of such party's intent to seek expedited review of the appeal. If a party submits such written notice, the Board of Land Appeals shall issue a final decision on the appeal by not later than the date that is 6 months after the date on which such written notice is received, except such deadline may not be earlier than the date that is 18 months after the date on which the appeal was initially filed with the Board of Land Appeals.

(b) *NO FINAL DECISION.*—If the Board of Land Appeals does not issue a final decision on an appeal by the deadline described in subsection (a)—

(1) *the Department of the Interior decision is deemed to be a final agency action for purposes of section 704 of title 5, United States Code; and*

(2) *notwithstanding section 706 of title 5, United States Code, judicial review of such decision shall be de novo.*

(c) *APPLICABILITY.*—This section shall apply to any appeal described in subsection (a) that—

(1) *is pending before the Board of Land Appeals as of the date of enactment of this Act; or*

(2) *is filed with the Board of Land Appeals after the date of enactment of this Act.*

(d) *CONFLICT.*—In the event of a conflict between the deadline described in subsection (a) and a deadline under section 115(h) of the Federal Oil and Gas Royalty Management Act of 1982 (30 U.S.C. 1724(h)) or section 525(b) of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1275(b)), the deadline described in subsection (a) shall control.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arkansas (Mr. WESTERMAN) and the gentlewoman from Oregon (Ms. HOYLE) each will control 20 minutes.

The Chair recognizes the gentleman from Arkansas.

#### GENERAL LEAVE

Mr. WESTERMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 677, as amended, the bill now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. WESTERMAN. Mr. Speaker, I yield myself such time as I may consume.

I rise today in support of H.R. 677, the Expedited Appeals Review Act, introduced by Representative HAGEMAN. This bill addresses critical flaws currently plaguing the review process of the Interior Board of Land Appeals, or IBLA.

The IBLA functions as an appellate review body within the Department of the Interior. It is tasked with resolving the many disputes that arise in connection with the public lands and natural resources under the Department's jurisdiction.

With over 600 appeals pending before the IBLA, however, many cases go undecided and are simply left to expire. This effectively results in automatic denials even though no substantive decisions have been rendered.

Thankfully, H.R. 677 offers a needed off-ramp for appellants that the IBLA has left in limbo. Starting 1 year after filing the appeal, an appellant may submit a request that requires the IBLA to decide the case within 6 months.

If the IBLA fails to meet the new deadline, the case automatically becomes eligible for de novo judicial review outside of the Department. This solution will reduce the existing backlog while ensuring stakeholders receive their day in court.

Mr. Speaker, I urge all my colleagues to join me in support of H.R. 677, and I reserve the balance of my time.

Ms. HOYLE of Oregon. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank Representative HAGEMAN for drawing attention to the issues with the Interior Board of Land Appeals.

The IBLA resolves disputes related to public lands and natural resources under the Department of the Interior. However, the IBLA can take too long to decide these cases, leaving people waiting for years for a decision.

For example, at the end of fiscal year 2023, the IBLA had cases on their docket from fiscal year 2017. The Expedited Appeals Review Act would attempt to address this problem by creating an optional process for appellants to get expedited review from the IBLA.

Under this bill, if the IBLA does not make a decision by the expedited review deadline, the appellant can take the case directly to district court. The court would start the case de novo, compiling the facts of the case without deference to the original agency's decisionmaking.

While I agree with Representative HAGEMAN that the IBLA timelines are a problem, I do have some concerns that the proposed solution doesn't get to the root of the problem. The underlying cause behind the IBLA's delays is a lack of capacity and resources.

The Board has stated it does not have the resources needed to resolve every appeal filed every fiscal year. Instead