

component pieces in the resource management plan if and when a future administration, including this one, decides to take that step.

It is one of the reasons why a Congressional Review Act or rather, the Congressional Review Act has not been deployed in this way previously because it is risky.

My colleague from Alaska seemed very upset. I don't disagree. I share his frustration. I support, by the way, the legislation that he mentioned. The legislation he was referencing is not the bill that is before this Congress. I don't quite understand the impetus behind extending the time as he noted to 5 years while you are simultaneously passing a resolution disapproving of a resource management plan that provided the very access to these lands that you purport to want, but that is for him to explain.

Mr. Speaker, I reserve the balance of my time.

□ 1540

Mr. WESTERMAN. Mr. Speaker, I have no further requests for time. I am prepared to close and reserve the balance of my time.

Mr. NEGUSE. Mr. Speaker, I yield myself the balance of my time to close. Again, not to belabor the point here, but I do think that last exchange was instructive and revealing.

I remember very well the debate that this House engaged in a mere 3 months ago, 2½ months ago, regarding the budget bill and the terrible cuts to Medicaid that this Chamber, Republicans, passed, and that the President signed into law. I remember after that legislation was signed into law, several of my Republican colleagues, including one Republican Senator in particular, bemoaning the Medicaid cuts that he had just voted for.

Mr. Speaker, I am sure you are familiar with Mark Twain's old adage that history doesn't repeat itself, but it often rhymes. It does feel a little bit like *deja vu* because in the case of these CRAs, I have no doubt that several of my colleagues, including several of my colleagues who are championing these resolutions, will find that down the road they will regret being so vociferous in their support for the resolutions of disapproval of these resource management plans when a Federal court decides that the agencies, the BLM, the Department of the Interior writ large can't protect or, rather, enact protections in the way that it had in the past because Republicans decided to use this blunt instrument.

I think we are going on hour number two here. I believe we have another hour of debate on another resolution of disapproval that will be coming up next. For all the reasons I have articulated, I would hope my colleagues will oppose this.

Mr. Speaker, I yield back the balance of my time.

Mr. WESTERMAN. Mr. Speaker, I yield myself the balance of my time to close.

This CRA is crucial to unleashing Alaska's abundant natural resources. It will unleash billions of dollars' worth of oil, natural gas, and critical minerals that are critical not only to Alaska's economy and security but also to the economic and energy security of the United States and will extend further to our allies around the world.

This is a very important issue. This CRA shifts land management back to Alaskans and away from NGOs and environmentalists in the lower 48 who have had way too much of an oversized impact on the decisions made in Alaska. It is essential to projects that will create tens of thousands of jobs, generate billions of dollars in revenue for the U.S. Treasury and the State of Alaska, and again make our Nation less reliant on hostile foreign nations.

I commend Representative BEGICH once again for his work on this effort. He is a tremendous and fierce advocate for Alaska. Through his efforts, we are helping President Trump and his administration advance executive orders and usher in the golden age of American and Alaskan energy dominance.

Mr. Speaker, I urge adoption of this joint resolution, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. VAN ORDEN). All time for debate has expired.

Pursuant to House Resolution 672, the previous question is ordered on the joint resolution.

The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the joint resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. NEGUSE. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

#### PROVIDING FOR CONGRESSIONAL DISAPPROVAL OF THE RULE SUBMITTED BY THE BUREAU OF LAND MANAGEMENT RELATING TO "NORTH DAKOTA FIELD OFFICE RECORD OF DECISION AND APPROVED RESOURCE MANAGEMENT PLAN"

Mr. WESTERMAN. Mr. Speaker, pursuant to House Resolution 672, I call up the joint resolution (H.J. Res. 105) providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Bureau of Land Management relating to "North Dakota Field Office Record of Decision and Approved Resource Management Plan", and ask for

its immediate consideration in the House.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Pursuant to House Resolution 672, the joint resolution is considered read.

The text of the joint resolution is as follows:

H.J. RES. 105

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That Congress disapproves the rule submitted by the Bureau of Land Management relating to "North Dakota Field Office Record of Decision and Approved Resource Management Plan" (issued January 14, 2025, as a record of decision and approved resource management plan, and a letter of opinion from the Government Accountability Office dated June 25, 2025, printed in the Congressional Record on June 26, 2025, on pages S3556-S3558, concluding that such record of decision and approved resource management plan is a rule under the Congressional Review Act), and such rule shall have no force or effect.

The SPEAKER pro tempore. The joint resolution shall be debatable for 1 hour, equally divided and controlled by the chair and ranking minority member of the Committee on Natural Resources or their respective designees.

The gentleman from Arkansas (Mr. WESTERMAN) and the gentleman from Colorado (Mr. NEGUSE) each will control 30 minutes.

The Chair recognizes the gentleman from Arkansas (Mr. WESTERMAN).

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.J. Res. 105.

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.

Mr. Speaker, I rise in strong support of H.J. Res. 105, led by Representative FEDORCHAK of North Dakota.

This Congressional Review Act resolution reverses a resource management plan, or an RMP, finalized in the waning days of the last administration that locked up more than 4 million acres of land in North Dakota.

Astonishingly, this RMP blocked coal leasing on 99 percent of coal deposits in North Dakota and prohibited oil and gas leasing on an additional 44 percent of Federal land.

North Dakota is a top 10 coal-producing State and the number 3 oil and gas producer in the Nation. According to State estimates, North Dakota produces 400 million barrels of oil, 1.1 trillion cubic feet of natural gas, and 27.5 million tons of lignite coal annually.

To put this in perspective, North Dakota produces enough natural gas to heat 15 million homes for an entire year, equivalent to 100 billion kilowatt hours of electricity.

U.S. electricity consumption is projected to hit an all-time high this year, and electricity demand will grow by as much as 128 gigawatts through 2029. Fueled by new data centers and AI, these estimates of electricity demand are five times higher than earlier forecasts.

The United States should be the world leader in energy and mineral production. We are blessed with abundant resources. We have the brightest minds, and we maintain the most rigorous and clean production standards in the world. Yet, the anti-American energy policies pursued by radical environmentalists in the previous administration crippled communities reliant on energy jobs, weakened us on the global stage, and enriched adversarial nations that were able to cash in as we took a back seat in the global energy market.

The road to energy dominance and meeting this growing demand runs through North Dakota. Advancing this CRA is the first step in helping to unleash American energy and reinvigorate America's beautiful coal industry, as President Trump has called for in his recent executive orders.

This CRA is important not just to the people of North Dakota but also our collective American energy and mineral security. If you have ever worried about your electricity bill or wondered if prices at the pump might cancel a family vacation, then you should care about reversing ill-advised lock-ups of our energy and mineral resources.

Energy production is critically important to the Western way of life, sustaining small rural communities and generating much-needed economic activity. Passing this CRA will save an estimated 12,000 jobs in North Dakota just in the coal industry alone.

This CRA is also crucial to prevent an estimated loss of \$34 million annually in State revenues from oil and gas production. These funds are used to finance K-12 public education in the State.

What does this mean for children in North Dakota? Failing to pass this CRA could result in a \$441 reduction in the amount of funds spent on each child's education annually. This means fewer after-school programs, outdated textbooks, and more teachers having to reach into their own pockets to fund basic schoolroom supplies.

It should come as no surprise that the previous administration finalized this RMP over the strong objections of the State of North Dakota. The State's concerns were ignored. Instead, the BLM plowed ahead with this harmful RMP.

Good land management requires local buy-in and support. This RMP is not supported by North Dakotans. The only people who support this plan are the radical environmentalists who called the shots under the previous administration.

I commend our current Secretary of the Interior, Doug Burgum, who is

spearheading the administration's efforts to restore energy dominance and listen to rural America. Secretary Burgum was the Governor when this RMP was finalized, and he led the charge in opposing this Biden-era preservationist plan.

I have full confidence that under the leadership of President Trump and Secretary Burgum, the BLM will emerge as an agency that works for North Dakotans and all those rural Western Americans who live closest to the lands.

I applaud Representative FEDORCHAK for her leadership on this effort on behalf of her constituents to right this wrong. I also recognize Senators CRAMER and HOEVEN, as well as my former House colleague and good friend, Governor Kelly Armstrong, for their work in supporting the CRA.

This CRA allows us to turn the page on a disgraceful chapter of radical environmentalism pursued at the expense of the American people. H.J. Res. 105 removes the bureaucratic barriers designed to prevent the use of our abundant natural resources. It is an important step necessary to unshackle American energy and minerals and unleash the full potential of our great natural resources.

Mr. Speaker, I urge my colleagues to support this joint resolution, and I reserve the balance of my time.

□ 1550

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

Mr. Speaker, more coal, more coal. That is their answer again, for the third time. Their answer, apparently, to every question is more coal. Frustrated with energy costs going up across the board, State to State, community to community, more coal is their answer. Health insurance costs going up, grocery prices going up, and the economy in free fall? More coal.

I don't know what piece of legislation we are going to be debating tomorrow, but I suspect it will involve coal production.

It is bordering on obsession for the House Republican Conference, and it would be comical if not for the real-world consequences for my constituents and your constituents, Mr. Speaker, and for Americans across the country who are dealing with the real cost-of-living crisis and who expect more from this Congress than yet another disapproval resolution 10 months into the Trump Presidency, laser focused on passing resolutions of disapproval of agency actions by the Biden administration—real sense of priorities. It is disappointing, Mr. Speaker, deeply disappointing.

If one digs into this particular resource management plan, I think you will find that using this blunt instrument, as I have called it during our prior debate, in this instance is probably the most insidious of all.

There are a couple of reasons why. One, the resource management plan

that was adopted replaced a plan that was nearly 40 years old. This resource management plan provided a modern framework that balances responsible energy and mineral development with the protection of wildlife habitat, water resources, cultural sites, and recreational opportunities. It provides a stable and predictable framework to guide and balance the multiple uses of our public lands and resources based on the needs of today and into the future.

It is important to recognize that even if one disagrees with the way in which this resource management plan balances public land uses—and I understand there are good faith disagreements with the resource management plan. The chairman mentioned our mutual good friend, my dear friend, Kelly Armstrong, now the Governor of North Dakota. I recognize we may disagree with the nuances of the resource management plan, but, again, the broader point here is that the CRA is not the proper vehicle for registering one's objection to a resource management plan.

Why is that? It is because using the CRA does not return the resource management plan to the status quo.

The Federal Land Policy and Management Act outlines the proper process for updating a resource management plan. That is a process that centers on the voices and needs of local land users, while preserving regulatory certainty.

By contrast, the CRA strips the public out of the process, and it throws public lands into chaos. What do I mean by that, Mr. Speaker? Here is what I mean. If Congress passes this resolution, if the President signs this resolution into law, it will call into question all the leases, all the permits, and any other related authorizations that stem from the resource management plan. Grazing permits, resource development projects, transmission rights-of-way, all of those leases and permits, and so on, will be tied up in litigation if this resolution is passed.

It makes no sense to me why my colleagues have chosen to take this approach and endanger grazing permits in North Dakota when there is a much easier way to do this.

Interestingly enough, Mr. Speaker, the Secretary of the Interior is the former Governor of North Dakota. It is true that he could simply change this. He could, through administrative fiat, modify the resource management plan for the State for which he served as the chief executive. He could do that now, and it would not call into question any of the permits or leases.

Instead, House Republicans have taken this approach, and I don't think it is going to achieve the stated objective of my colleagues on the other side of the aisle—far from it.

Again, I hope my colleagues might reconsider. I don't have the Secretary of the Interior's phone number, but I suspect my colleagues do. They can call him. I am sure they can get this worked out, and we can save you, Mr.

Speaker, and the few Americans watching on C-SPAN from this stale debate over yet another resolution of disapproval.

Mr. Speaker, I reserve the balance of my time.

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

Mr. Speaker, what is ironic is the fact that Secretary Burgum, when he was the Governor of North Dakota, vehemently opposed this resource management plan, but the prior administration just brushed him off. They didn't care what he thought or what the people of North Dakota thought, just like they didn't care what the Governor of Montana thought, what the Governor of Alaska thought, and what the people who lived in Montana and Alaska thought.

All they cared about was what their NGO and environmentalist friends in Washington, D.C., New York, and Los Angeles thought about lands in far-away rural places and how they wanted to impose their will on what happens in these rural areas where our resources abound.

Isn't it ironic that the resource management plans for the three States that we are talking about are Alaska, Montana, and North Dakota, States with very large landmasses, with abundant resources, and not a lot of people? That is the definition of rural America.

The previous administration was attacking rural America, and they used these misguided resource management plans as their tool to do that.

Mr. Speaker, I yield 6 minutes to the gentlewoman from North Dakota (Mrs. FEDORCHAK), the lead sponsor of this legislation and the only Representative from North Dakota.

Mrs. FEDORCHAK. Mr. Speaker, I thank Mr. WESTERMAN, the chairman, for his leadership on this issue and all energy-related issues. He is providing a great service to our Conference and to the country.

Mr. Speaker, I rise today in strong support of my resolution to repeal the Biden administration's Bureau of Land Management Resource Management Plan for North Dakota.

First, let me respond briefly to my colleague from Colorado's comments about energy costs. His constituents, the dear people of Colorado, and many other constituents in blue States, like New York and California, probably are paying record prices for electricity and other energy products. That is because of their very own States' unrealistic and radical energy policies.

I promise, in North Dakota, citizens are not paying record prices. In fact, they are paying the lowest prices of any other State for electricity. I know this because, for the last 12 years, I helped set those policies. Changing these policies so that the rest of America could also pay lower energy prices was one of the driving forces of my running for this office.

In my State, energy production isn't a political debate. It is our way of life.

It provides paychecks that feed our families, revenue that funds our schools, and power that keeps America moving forward.

Unfortunately, President Biden, in his very last week of office, chose to put special interests above all of that.

□ 1600

Mr. Speaker, North Dakotans saw the Biden administration's plan for exactly what it was. It was a backdoor attempt to shut down fossil fuels in our State. That is why our State immediately filed a lawsuit against the previous administration.

As our filing made clear: "The amended RMP is not only unlawful and unwise but it is also emblematic of everything that was wrong with the prior administration's approach to cooperative federalism."

Amen. That is exactly why we are here.

The truth is because of the checkerboard nature of Federal land and minerals across our State, this plan would close vast amounts of North Dakota to oil, gas, and coal leases for future development.

In fact, it would lock up nearly 99 percent of North Dakota's Federal coal acreage. That is more than 4 million acres. It would also block nearly half of our federally owned oil and gas acreage. That is nearly 213,000 acres.

This is absolutely the wrong direction. As demand for energy reaches record highs and Americans want to pay less for everything, we should unleash American energy, not shut it down.

North Dakota does have a very clear vision for energy development. We have proven that responsible energy development and environmental stewardship actually go hand in hand. We have invested billions in clean and emissions-controlled technology. We have reclaimed our lands and maintained some of the strongest air quality records in the Nation.

We can grow the economy, power the country, and steward the environment all at once. That is the American Way, and that is certainly the North Dakota way.

The Biden administration failed to recognize that and completely ignored all of my State's concerns with the plan. If we want to talk about intellectual dishonesty, that is the definition of it. So is so much of the Democrat's energy policy that ignores current technical realities at the peril of our American citizens.

Mr. Speaker, that is why my resolution is so important. It reverses the Biden administration's plan that ignored my State's serious concerns, restores true cooperation between the State and Federal Government, and gets North Dakota energy back on track.

The SPEAKER pro tempore (Mr. FINE). The time of the gentlewoman has expired.

Mr. WESTERMAN. Mr. Speaker, I yield an additional 1 minute to the gentlewoman from North Dakota.

Mrs. FEDORCHAK. At its core, this is about more than North Dakota. If Washington can override State expertise here, it sets a dangerous precedent for every energy-producing State in the U.S. Congress must reassert its role to prevent unelected bureaucrats from locking up resources, raising costs, and undermining our energy security.

Mr. Speaker, I urge my colleagues to support this resolution. Stand with innovation. Stand with American workers. Stand with the families who power this Nation. This resolution puts States like North Dakota back in the driver's seat where they belong.

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

Mr. Speaker, I understand that my colleague from North Dakota disagrees with the resource management plan. As I said, there are good faith reasons my colleagues have in opposition to the resource management plan.

There is a way to register that opposition. Change the plan. Modify it. Amend it. Edit it. Call the former Governor of North Dakota. Chairman WESTERMAN noted he objected to this plan when he was Governor. Give him a call. He is now the Secretary of the Interior. Ask him to modify this plan. That would be the way for one to register their objections.

My colleagues on the other side of the aisle have chosen a very different approach. Again, I am just leveling with my colleagues. They are putting at great risk grazing permits and leases that have been issued pursuant to that resource management plan.

This story is not going to end with the President's signature on the CRA. Litigation will immediately follow. It is unclear to me why House Republicans would prefer that outcome, unless, of course, they are bereft of substantive ideas and an affirmative vision for solving the cost-of-living crisis that so many of our constituents are facing that they have made the decision that it is better to spend their time on disapproval of Biden administration-era rules.

That is the only conclusion I am left with. Perhaps my colleague from Oregon will expound on that.

Mr. Speaker, I yield such time as she may consume to the distinguished gentlewoman from Oregon (Ms. DEXTER).

Ms. DEXTER. Mr. Speaker, I thank my colleague from Colorado for his advocacy against this Congressional Review Act resolution.

Mr. Speaker, I rise today in strong opposition to these dangerous and unprecedented resolutions. A resource management plan is not some obscure rule. It is the playbook for how we manage America's public lands: balancing energy, grazing, and recreation with protecting clean water, wildlife, and the long-term health of the land.

The three plans under attack today took years to develop. They reflect extensive Tribal consultation, public input, and the expertise of career scientists.

As the gentleman just said, these resolutions don't just undo those protections. Under the Congressional Review Act, once a plan is overturned, the Bureau of Land Management is banned from writing a new one that is even remotely similar. In other words, the agency's hands are tied and not just today but for years to come. That is unprecedented.

If we go down this road, we will politicize the very foundation of how we steward America's public lands. We will silence communities, ignore science, and block future administrations from protecting our climate and our health.

Mr. Speaker, public lands belong to all of us. They are a shared inheritance and our shared responsibility. I urge my colleagues to stand up for our public lands and vote "no."

Mr. WESTERMAN. Mr. Speaker, I reserve the balance of my time.

Mr. NEGUSE. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, unless I can convince the chairman to have a final colloquy, I suppose I will conclude as well.

Mr. Speaker, using the CRA to overturn land use plans, as I have said previously, does take us into uncharted territory. It is not, as some have suggested, a way to return us to the way that we used to manage public lands in North Dakota or elsewhere.

The resolution pulls the rug out from under all public land users. It calls into question the validity of grazing rights, permits, transmission rights-of-way, and other permits and authorizations that are premised on the land use plan being nullified.

It disregards the Tribes, local land users, communities, and businesses who provided input over years to craft a modern plan to guide land and resource management for these respective States.

Instead, it puts the courts in charge of deciding the day-to-day management of lands and minerals in North Dakota and beyond. Mr. Speaker, even if one disagrees with the resource management plan for North Dakota, Montana, and Alaska, the way to change it is through an administrative review and a public process and not through a blunt and inflexible tool like the CRA.

Mr. Speaker, I urge my colleagues to keep local voices and land managers in the driver's seat by voting "no" on this CRA resolution, and I yield back the balance of my time.

□ 1610

Mr. WESTERMAN. Mr. Speaker, as we wrap up today on this final RMP, I include in the RECORD this GAO report that found that the RMP is subject to the CRA.

U.S. GOVERNMENT  
ACCOUNTABILITY OFFICE,  
Washington, DC, June 25, 2025.

Matter of U.S. Department of the Interior,  
Bureau of Land Management—Applicability of the Congressional Review Act to North Dakota Field Office Record of Decision and Approved Resource Management Plan  
File B-337175

#### DIGEST

The U.S. Department of the Interior, Bureau of Land Management (BLM) issued the North Dakota Field Office Record of Decision and Approved Resource Management Plan (North Dakota RMP). The North Dakota RMP replaced the 1988 North Dakota Resource Management Plan and provides directives and guidance for the management of BLM-administered lands across North Dakota.

The Congressional Review Act (CRA) requires that before a rule can take effect, an agency must submit the rule to both the House of Representatives and the Senate, as well as the Comptroller General. CRA adopts the definition of "rule" under the Administrative Procedure Act (APA) but excludes certain categories of rules from coverage. We conclude that the North Dakota RMP meets the APA definition of a rule, and no CRA exception applies. Therefore, the North Dakota RMP is a rule subject to CRA's submission requirements.

#### DECISION

On January 14, 2025, the U.S. Department of the Interior (Interior), Bureau of Land Management (BLM), issued the North Dakota Field Office Record of Decision and Approved Resource Management Plan (North Dakota RMP). We received a request for a decision as to whether the North Dakota RMP is a rule for purposes of the Congressional Review Act (CRA). As discussed below, we conclude that the North Dakota RMP is a rule for purposes of CRA.

Our practice when issuing decisions is to obtain the legal views of the relevant agency on the subject of the request. Accordingly, we reached out to Interior to obtain the agency's views. We received Interior's response on April 18, 2025.

#### BACKGROUND

##### BLM Public Land Management

Under the Federal Land Policy and Management Act of 1976, as amended (FLPMA), BLM is responsible for developing, maintaining, and, when appropriate, revising "land use plans which provide by tracts or areas for the use of the public lands." BLM land use plans, referred to as "resource management plans" (RMPs), establish goals and objectives to guide future land and resource management actions implemented by BLM. Pursuant to FLPMA, BLM established procedures for the development, revision, and amendment of RMPs.

The objective of resource management planning is to maximize resource values for the public through a rational, consistently applied set of regulations and procedures which promote the concept of multiple use management. An RMP generally establishes land use designations; allowable resource uses, resource conditions, goals, and objectives; program constraints and general management practices; areas to be covered by more specific plans; and other related information.

##### North Dakota Resource Management Plan

BLM determined that its 1988 North Dakota RMP needed revision to address significant changes in resource conditions, evolving demands for land use, advances in technology, updated policies and program guid-

ance, and the availability of new scientific data since the original RMP was developed in 1988. On July 28, 2020, BLM issued a notice in the Federal Register initiating the process to revise the 1988 North Dakota RMP.

On January 8, 2025, following a comprehensive planning process, including public scoping and comment, data analysis, alternative development, environmental review, stakeholder engagement, and selection of a preferred management approach, BLM approved the North Dakota RMP through a Record of Decision (ROD) incorporated into the document. The ROD states that it represents the agency's final decision, issued after completing procedures required by FLPMA, environmental reviews in accordance with the National Environmental Policy Act (NEPA), and considering public comments.

The North Dakota RMP provides directives and guidance on how 58,500 acres of BLM-administered surface land and 4.1 million acres of BLM-administered mineral estate, mostly split estate, across North Dakota will be used and managed over the next 20 years. More specifically, it establishes various land uses for recreation, motorized vehicles, oil and gas leasing, renewable energy projects, grazing, wildlife habitat protection, and cultural preservation.

##### Congressional Review Act

CRA, enacted in 1996 to strengthen congressional oversight of agency rulemaking, requires federal agencies to submit a report on each new rule to both houses of Congress and to the Comptroller General for review before a rule can take effect. The report must contain a copy of the rule, "a concise general statement relating to the rule," and the rule's proposed effective date. CRA allows Congress to review and disapprove rules issued by federal agencies for a period of 60 days using special procedures. If a resolution of disapproval is enacted, then the new rule has no force or effect.

CRA adopts the definition of "rule" under the Administrative Procedure Act (APA), which states that a rule is "the whole or a part of an agency statement of general or particular applicability and future effect designed to implement, interpret, or prescribe law or policy or describing the organization, procedure, or practice requirements of an agency." However, CRA excludes three categories of rules from coverage: (1) rules of particular applicability; (2) rules relating to agency management or personnel; and (3) rules of agency organization, procedure, or practice that do not substantially affect the rights or obligations of non-agency parties.

Interior did not submit a CRA report to Congress or the Comptroller General on the North Dakota RMP. In its response to us, Interior provided additional information about the North Dakota RMP but did not state a position as to whether it is a rule under CRA.

#### DISCUSSION

To determine whether the North Dakota RMP is a rule subject to review under CRA, we first address whether it meets the APA definition of a rule. As explained below, we conclude that it does. We then consider whether the North Dakota RMP falls within any CRA exceptions. We conclude that it does not. As such, the North Dakota RMP is subject to review under CRA.

The North Dakota RMP is a Rule under APA

Applying APA's definition of rule, the North Dakota RMP meets all of the required elements. First, the North Dakota RMP is an agency statement as it was issued by BLM, a federal agency.

Second, the rule is of future effect as it is to be used to guide the use of the public land

for the next 20 years. Decisions made in the North Dakota RMP became effective on January 8, 2025, when the Record of Decision was signed. As of that date, according to BLM, the North Dakota RMP will guide management of BLM-managed public lands in the planning area for the next 15 to 20 years for the benefit of current and future generations. Therefore, the North Dakota RMP has future effect.

Finally, the North Dakota RMP implements, interprets, or prescribes law or policy, because it designates areas of BLM-administered land for certain purposes in accordance with BLM's responsibilities for land use management under FLPMA. The North Dakota RMP establishes a broad framework for land use management, governing approximately 58,500 acres of BLM-administered surface land and 4.1 million subsurface acres of BLM-managed land and minerals across North Dakota. Specifically, it designates various land uses for the public, including recreation, motorized vehicle access, oil and gas leasing, renewable energy development, grazing, wildlife habitat conservation, and cultural preservation.

Our conclusion here is consistent with our previous decisions finding that similar land use plans and RMPs implement, interpret, or prescribe law or policy. For instance, in B-238859, Oct. 23, 2017, we found that an amendment to the Forest Service's Tongass Land and Resource Management Plan (Tongass Amendment) implemented law by establishing new criteria for the sale of timber to non-agency parties. We explained that with the Tongass Amendment, the Forest Service set forth its policy for timber sales and thus implemented its statutory responsibility under the National Forest Management Act.

Similarly in B-329065, Nov. 15, 2017, we concluded that four RMPs issued by BLM prescribed policy by establishing available uses for the areas that each RMP covered. We noted that each RMP implemented provisions of FLPMA and other applicable statutory and regulatory provisions. The same can be said for the North Dakota RMP as issue here. The North Dakota RMP implements FLPMA and prescribes policy by designating or foreclosing specific activities or land use on BLM-administered land. As such, the North Dakota RMP meets the third element of APA's definition of a rule. Having satisfied all the required elements, the North Dakota RMP meets the APA definition of rule.

#### CRA Exceptions

We must next determine whether any of CRA's three exceptions apply. CRA provides for three types of rules that are not subject to its requirements: (1) rules of particular applicability; (2) rules relating to agency management or personnel; and (3) rules of agency organization, procedure, or practice that do not substantially affect the rights or obligations of non-agency parties.

##### (1) Rule of Particular Applicability

Consistent with our previous decisions, the North Dakota RMP is a rule of general applicability, rather than particular applicability. In B-238859, Oct. 23, 2017, the Forest Service proffered that its Tongass Amendment was a rule of particular applicability because it applied to a single national forest. We disagreed, noting that the Tongass Amendment governed all natural resource management activities, all projects approved to take place, and all persons or entities using the forest. As such, it was a rule of general applicability. Likewise, the North Dakota RMP establishes land use designations that govern all activities conducted by any person or entity on BLM-administered land and subsurface estate managed by the North Dakota Field Office, making it a rule of general applicability.

##### (2) Rule of Agency Management or Personnel

The North Dakota RMP is not a rule of agency management or personnel. We have previously held that rules that fall into this category relate to purely internal agency matters. Because the North Dakota RMP is concerned with public use of the areas it governs rather than management of BLM itself or its personnel, it does not meet CRA's second exception.

##### (3) Rule of Agency Organization, Procedure, or Practice that does not Substantially Affect Non-Agency Parties

Lastly, the North Dakota RMP is not a rule of agency organization, procedure, or practice that does not substantially affect the rights or obligations of non-agency parties.

We have previously explained that this exception was modeled on the APA exception to notice-and-comment rulemaking requirements for "rules of agency organization, procedure, or practice[.]" The purpose of the APA exception is to ensure "that agencies retain latitude in organizing their internal operations," so long as such rules do not have a substantial impact on non-agency parties.

Following this interpretation in the CRA context, we have only applied CRA's third exception to rules that primarily focus on the internal operations of an agency. For instance, in B-329926, Sept. 10, 2018, we found that updates to a Social Security Administration (SSA) hearing manual governing SSA adjudicators' use of information from the internet qualified as a rule of agency organization, procedure, or practice. There, the manual outlined procedures for SSA employees to follow in processing and adjudicating benefits claims. Because the manual was directed to and binding only on SSA officials without imposing new burdens on claimants, we concluded that the manual met CRA's third exception.

In contrast, rules that are directed at and primarily concerned with the behavior of non-agency parties do not fall within this category. Thus, in B-274505, Sept. 16, 1996, we declined to apply CRA's third exception to a Forest Service memorandum on the Emergency Salvage Timber Sale Program, because it was not limited to the Forest Service's methods of operations. Instead, the memorandum established the standards by which program determinations would be made, thus directly affecting the area for and number of timber sales that would result in contracts. In essence the memorandum went beyond how the Forest Service organized its internal operations. Similarly, in B-238859, Oct. 23, 2017, we declined to apply CRA's third exception to the Tongass Amendment, because it was directed at land and resource use by non-agency parties.

Here, the North Dakota RMP does entail some changes to agency procedure as it introduces new internal directives, practices, and procedures necessary to carry out these policies. However, like the Forest Service memorandum in B-274505 and the Tongass Amendment in B-238859, the North Dakota RMP is not limited to changes in internal agency operations. Instead, the North Dakota RMP is directed at, and concerns itself primarily with, the behavior of non-agency parties. Therefore, the North Dakota RMP does not qualify as a rule of agency organization, procedure or practice.

We must also consider whether the North Dakota RMP substantially affects the rights or obligations of non-agency parties. When analyzing this aspect of CRA's third exception, "the critical question is whether the agency action alters the rights or interests of the regulated entities." Along similar lines, courts have determined that "[a]n

agency rule that modifies substantive rights and interests can only be nominally procedural, and the exemption for such rules of agency procedure cannot apply."

In previous decisions, we have consistently concluded that where an RMP designates use by non-agency parties in the areas it governs, it has a substantial effect. For instance, in B-275178, July 3, 1997, we reached this conclusion by noting that the Forest Service's RMP provided a "management prescription" giving general direction on what may occur within an area allocated to a particular land use designation. Similarly, in B-329065, Nov. 15, 2017, we concluded that four BLM RMPs had a substantial effect on non-agency parties where the plans limited the use of public land and prohibited mining and operation of off-highway vehicles in the areas they governed.

Consistent with our caselaw on other RMPs, the North Dakota RMP has a substantial effect on non-agency parties. Specifically, it governs when and where the public may engage in activities such as recreation, motorized vehicle use, oil and gas leasing, renewable energy development, and grazing, thereby altering their substantive rights and obligations. Accordingly, the North Dakota RMP fails to meet CRA's third exception.

#### CONCLUSION

The North Dakota RMP is a rule for purposes of CRA because it meets the definition of a rule under APA and no CRA exception applies. Therefore, the North Dakota RMP is subject to CRA's requirement that it be submitted to Congress and the Comptroller General before it can take effect.

EDDA EMMANUELLI PEREZ,

*General Counsel.*

Mr. WESTERMAN. Mr. Speaker, when we talk about lawsuits, there are already lawsuits that are being created because of this bad resource management plan that the former administration put in place.

After we do the CRA and we prevent this administration or future administrations from putting a similar resource management plan in place without it coming back to Congress, then maybe the current administration and Secretary Burgum can write a new resource management plan that actually makes sense, that actually takes into account America's need for energy, and that actually listens to the people in these States where these resources reside. While they are doing that, the previous resource management plan would be in existence.

Again, it is just fear-mongering to say that there will basically be no rules if this resource management plan gets removed under the Congressional Review Act.

Again, I thank the gentlewoman from North Dakota for her leadership on this important issue. The North Dakota RMP will have devastating ramifications not just in North Dakota but beyond. This CRA which rejects the failed energy policies of the previous administration is in alignment with the current administration's executive orders on unleashing American energy and reinvigorating America's coal industry.

In combination with the provisions that Republicans enacted through the reconciliation bill, this CRA will ensure that American energy remains affordable, reliable, and abundant.

America's future is bright as we unleash responsible natural resources development to meet our energy and mineral leads, to create jobs, and to drive economic growth across the country.

Mr. Speaker, I urge adoption of this resolution, and I yield back the balance of my time.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to House Resolution 672, the previous question is ordered on the joint resolution.

The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the joint resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. NEGUSE. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

#### ENERGY AND WATER DEVELOPMENT AND RELATED AGENCIES APPROPRIATIONS ACT, 2026

##### GENERAL LEAVE

Mr. FLEISCHMANN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on H.R. 4553 and that I may include tabular material on the same.

The SPEAKER pro tempore (Mr. WESTERMAN). Is there objection to the request of the gentleman from Tennessee?

There was no objection.

The SPEAKER pro tempore. Pursuant to House Resolution 672 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the consideration of the bill, H.R. 4553.

The Chair appoints the gentleman from Florida (Mr. FINE) to preside over the Committee of the Whole.

□ 1615

##### IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 4553) making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2026, and for other purposes, with Mr. FINE in the chair.

The Clerk read the title of the bill.

The CHAIR. Pursuant to the rule, the bill is considered read the first time.

General debate shall be confined to the bill and shall not exceed 1 hour equally divided and controlled by the chair and ranking minority member of

the Committee on Appropriations or their respective designees.

The gentleman from Tennessee (Mr. FLEISCHMANN) and the gentlewoman from Ohio (Ms. KAPTUR) each will control 30 minutes.

The Chair recognizes the gentleman from Tennessee.

Mr. FLEISCHMANN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I am pleased to bring the fiscal year 2026 Energy and Water Development bill to the floor today.

I begin by thanking my good friend and Ranking Member MARCY KAPTUR for her partnership throughout this process. I realize we have some bona fide differences and issues on this bill, but we always have very cordial discussions. I do appreciate her very much.

Mr. Chairman, this bill provides a total of \$57.3 billion to safeguard the United States' national security, strengthen our economy, and unleash American energy dominance.

The bill delivers strong support for our national defense and provides \$25.3 billion for the National Nuclear Security Administration prioritizing and continued modernization of the nuclear weapons stockpile and the United States Navy nuclear fleet.

The bill strengthens our Nation's energy security by advancing American leadership in deploying new nuclear technologies and supporting the administration's efforts to make full use of our Nation's vast fossil fuel resources.

This bill will reduce reliance on foreign materials and secure the full supply chain of critical minerals.

The bill furthers our Nation's scientific and technological leadership, providing \$8.4 billion for the Department of Energy's Office of Science.

At the same time, the bill reduces funding by 25 percent across numerous other department programs, including the applied energy technology offices, to ensure taxpayer resources are focused on the highest priority research and development projects.

The bill also strengthens our economy and promotes public safety providing \$9.9 billion for the Army Corps of Engineers, including full funding of the Harbor Maintenance Trust Fund activities and the highest priority ongoing construction projects on the inland waterways system. Funding for the Bureau of Reclamation is prioritized to projects that increase water supply and support drought resilience.

Finally, the bill provides a number of provisions to codify President Trump's executive actions to protect American values and prevent our resources and intellectual properties from falling into the hands of foreign adversaries.

This legislation reflects a clear commitment to fiscal responsibility while safeguarding our national security and increasing economic prosperity for all of our citizens.

Mr. Chairman, I urge my colleagues to support it, and I reserve the balance of my time.

□ 1620

Ms. KAPTUR. Mr. Chair, I yield myself such time as I may consume.

I also compliment the chair of our subcommittee, Mr. FLEISCHMANN of Oak Ridge, Tennessee, for his very gentlemanly behavior on both sides of the aisle so that we can actually move bills, which is our public responsibility.

I thank our diligent staff for all their hard work on this bill. I have to say I am very proud that ours is one of the first three bills to come to the floor. They are long delayed, not because we didn't do our work. We are ready. We want to pass funding for the new fiscal year, which begins on October 1.

I also thank the minority staff, Scott McKee, Anisha Singh, and Adam Wilson, and my personal staff, Kaitlin Ulin, TJ Lowdermilk, and Margaret McInnis. I thank them all, and I thank them for putting up with me.

Engineered energy and water systems undergird America's way of life. Energy and water are not optional but essential to sustaining life.

Of late, we have been piercingly reminded about our subcommittee's purpose. July brought nearly double the usual flood warnings, the second highest in 40 years. On July Fourth, Kerr County, Texas, sadly, saw one of the deadliest flash floods in U.S. history, with 117 lives lost. These tragedies inform us of the power of water and wild energy in our atmosphere.

Let me be clear: No matter how much Members on the other side of the aisle want to pretend that climate change is not happening, for the record, the last 10 years are the 10 hottest in recorded history. Think about that.

Our Great Lakes, the region I represent, comprise the largest body of freshwater on Earth. Specifically, Lake Erie, the southernmost of the lakes, no longer freezes over. Some of our favorite sports, ice boating and ice fishing, are now becoming a memory of the past, and hockey is now played indoors.

America's electric grid is old and under deep strain. The Energy Information Administration documented that the U.S. just set new records twice in July for peak electricity demand. The old grid system is being tested by hotter weather and higher usage. When the grid strains, costs rise and the most vulnerable families suffer first. How would you like to be in Tucson at 120 degrees week after week?

Unchecked growth in data centers alone could raise average U.S. electricity generation costs by roughly 8 percent by 2030. This is not hypothetical. It is happening as we meet today.

In Ohio, rapid demand growth from Big Tech data centers pushes electricity prices dramatically higher every month. Starting this July, households in Ohio saw their monthly energy bills increase a minimum of 10 percent. Some more than doubled. Families noticed a massive increase in monthly bills. I have one constituent