

me a question about my stance as it relates to a women's right to choose or abortion. Rather than be a dad in that moment—and I have been a dad a lot of moments raising our four children, two boys and two girls—I think sometimes it is best for us to collect and kind of give some thought as to how to answer that question.

So I ask: How many of you have a smartphone?

Most every one of those students has a phone.

Let's do a thoughtful experiment here. Go to Google and type in "15 week baby"—1–5 week baby—and then touch on the "images" link on top. Let's talk about what we see there.

Of course, the students—there is not a lot more said at that point; it is silence.

I have done this many, many times. I just ask a basic question: Let's just have a debate. Is that life or not?

If we were NASA scientists and the Mars rover lands on Mars and that image was projected back to a group of Ph.D. scientists, literally rocket scientists, would they conclude that is life or not?

I have done this many, many times, and I will tell you, it is just silence as we all reflect on that basic question.

Why did I pick a 15-week baby in the womb? Because that was the line of demarcation that Mississippi had in their Dobbs case that defined—Mississippi said that is where life begins, that is where protections begin. It was on that basis that case went before the U.S. Supreme Court, what a 15-week baby looks like.

I think all of us should reflect on that no matter where we are politically, where we are in terms of advocacy. Just take a look at those images and reflect and ask yourself: Is that a baby or not? I think the images and technology today, with the clarity of ultrasounds, are a pretty convincing argument.

So this week, as we celebrate this historic anniversary of the Dobbs decision, let's reflect with grateful hearts on the progress we made. Let's look forward with hope to a future where every life, whether born or unborn, is valued.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. PETERS. Mr. President, I ask unanimous consent that the scheduled rollcall vote be called immediately.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### VOTE ON KIES NOMINATION

The question is, Will the Senate advise and consent to the Kies nomination?

Mr. PETERS. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Nevada (Ms. CORTEZ

MASTO) and the Senator from Massachusetts (Mr. MARKEY) are necessarily absent.

The result was announced—yeas 53, nays 45, as follows:

[Rollcall Vote No. 327 Ex.]

#### YEAS—53

Banks	Graham	Moreno
Barrasso	Grassley	Mullin
Blackburn	Hagerty	Murkowski
Boozman	Hawley	Paul
Britt	Hoeven	Ricketts
Budd	Husted	Risch
Capito	Hyde-Smith	Rounds
Cassidy	Johnson	Schmitt
Collins	Justice	Scott (FL)
Cornyn	Kennedy	Scott (SC)
Cotton	Lankford	Sheehy
Cramer	Lee	Sullivan
Crapo	Lummis	Thune
Cruz	Marshall	Tillis
Curtis	McConnell	Tuberville
Daines	McCormick	Wicker
Ernst	Moody	Young
Fischer	Moran	

#### NAYS—45

Alsobrooks	Hickenlooper	Rosen
Baldwin	Hirono	Sanders
Bennet	Kaine	Schatz
Blumenthal	Kelly	Schiff
Blunt Rochester	Kim	Schumer
Booker	King	Shaheen
Cantwell	Klobuchar	Slotkin
Coons	Lujan	Smith
Duckworth	Merkley	Van Hollen
Durbin	Murphy	Warner
Fetterman	Murray	Warnock
Gallego	Ossoff	Warren
Gillibrand	Padilla	Welch
Hassan	Peters	Whitehouse
Heinrich	Reed	Wyden

#### NOT VOTING—2

Cortez Masto      Markey

The nomination was confirmed.

(Mr. MORENO assumed the Chair.)

The PRESIDING OFFICER (Mr. HUSTED). Under the previous order, the motion to reconsider is considered made and laid upon the table, and the President will be immediately notified of the Senate's action.

### LEGISLATIVE SESSION

#### MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, the Senate will resume legislative session and be in a period of morning business, with Senators permitted to speak up to 10 minutes each.

#### PROMOTING RESILIENT SUPPLY CHAINS ACT

Ms. CANTWELL. Mr. President, I ask unanimous consent to enter into a colloquy with the Senator of Oregon regarding S. 257, the Promoting Resilient Supply Chains Act, a bill to improve the resilience of critical supply chains, and for other purposes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. CANTWELL. Mr. President, I introduced the Promoting Resilient Supply Chains Act, S. 257, with Senators BLACKBURN and BLUNT ROCHESTER to mitigate or prevent disruptions of critical supply chains that could have a devastating impact on the U.S. econ-

omy. The bill charges the Department of Commerce's Assistant Secretary for Industry and Analysis with promoting the stability and resilience of critical supply chains. It creates a new government-wide Supply Chain Resilience Working Group, led by the Assistant Secretary, to prepare for and respond to supply chain shocks by mapping, monitoring, and modeling U.S. supply chains for critical industries and emerging technologies in consultation with the private sector. The group will identify any gaps or vulnerabilities for critical goods, including any gaps in manufacturing, warehousing, transportation, and distribution and providing strategies to mitigate supply chain shocks. The bill calls for consultation with allies and key international partner nations to identify potential critical goods or manufacturing capacity in their countries that might be needed to avert supply chain disruptions. Finally, the bill requires ongoing reporting to inform Congress and the public, including a national strategy and review on critical supply chain resiliency and U.S. manufacturing.

Mr. WYDEN. Mr. President, international trade is critical to the resilience and functioning of global supply chains, with goods and services—including industrial inputs and manufacturing equipment being imported and exported along the way. The trade policies and trade actions of the U.S. Government impact the structure, operation, efficiency, and security of U.S. supply chains, and the Office of the U.S. Trade Representative (USTR) plays a key role in developing and coordinating the implementation of those trade policies and actions. USTR can provide valuable input to the Supply Chain Resilience Working Group, and the committees with jurisdiction over trade—the Senate Committee on Finance and House Committee on Ways and Means—can likewise provide valuable oversight. I look forward to working with my colleagues who sponsor this bill to bring those trade interests into the fold. In addition, I look forward to working to clarify the definition of "ally or key international partner nation" to ensure that this bill will focus on supporting more secure and resilient supply chains in the United States and reliable partner nations, while limiting our critical supply chains' exposure to foreign countries that may not be aligned with the economic or security interests of the United States. I thank my colleague Senator CANTWELL for her work on this bill and her willingness to work with me on these issues.

Ms. CANTWELL. Thank you, Senator WYDEN, I agree with you and will work with you and our House colleagues to incorporate these changes into the bill as the legislative process moves forward.

## U.S. GOVERNMENT ACCOUNTABILITY OFFICE LEGAL OPINION

Mr. DAINES. Mr. President, I ask unanimous consent to have printed in the RECORD the Government Accountability Office opinion letter dated June 25, 2025.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

## DECISION

Matter of: U.S. Department of the Interior, Bureau of Land Management—Applicability of the Congressional Review Act to Miles City Field Office Record of Decision and Approved Resource Management Plan Amendment

File: B-337163

Date: June 25, 2025

## DIGEST

The U.S. Department of the Interior, Bureau of Land Management (BLM) issued the Miles City Field Office: Record of Decision and Approved Resource Management Plan Amendment (Miles City RMPA). The Miles City RMPA guides the management of BLM-administered lands in the Miles City Field Office and designates which areas are available for coal leasing consideration.

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 Miles City RMPA meets the APA definition of a rule, and no CRA exception applies. Therefore, the Miles City RMPA is a rule subject to CRA’s submission requirements.

## DECISION

On November 20, 2024, the U.S. Department of the Interior (Interior), Bureau of Land Management (BLM) issued a record of decision and resource management plan amendment titled, Miles City Field Office: Record of Decision and Approved Resource Management Plan Amendment (Miles City RMPA).<sup>1</sup> We received a request for a decision as to whether the Miles City RMPA is a rule for purposes of the Congressional Review Act (CRA).<sup>2</sup> As discussed below, we conclude that the Miles City RMPA 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.<sup>3</sup> Accordingly, we reached out to Interior to obtain the agency’s legal views.<sup>4</sup> We received Interior’s response on May 2, 2025.<sup>5</sup>

## 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.”<sup>6</sup> 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.<sup>7</sup> Pursuant to FLPMA, BLM established procedures for the development, revision, and amendment of RMPs.<sup>8</sup>

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.<sup>9</sup> 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.<sup>10</sup>

BLM may amend an RMP to account for, among other things, new data, new or revised policy, or a change in circumstances.<sup>11</sup> Amendments are to be made through an environmental assessment of the proposed change or an environmental impact statement, if needed, and must involve public involvement and interagency coordination.<sup>12</sup>

*Miles City Resource Management Plan*

In 2015, BLM revised and combined two previously issued RMPs into a new RMP for the Miles City Field Office.<sup>13</sup> The 2015 Miles City RMP provided direction for approximately 2.75 million surface acres and 10.6 million acres of mineral estate managed by BLM across 17 eastern Montana counties.<sup>14</sup> It established goals, objectives, land use allocations, and management direction for the BLM-administered surface and mineral estate.<sup>15</sup>

Following its issuance, the 2015 Miles City RMP was challenged in the United States District Court for the District of Montana on the basis that BLM improperly approved the plan in violation of the National Environmental Policy Act (NEPA).<sup>16</sup> The court found that BLM violated NEPA in its final environmental impact statement and ordered BLM to complete a new coal screening and remedial NEPA analysis.<sup>17</sup>

In response, BLM proposed an RMP amendment for the Miles City Field Office in 2019.<sup>18</sup> The 2019 Miles City RMP was also challenged in court. Once again, the court found that BLM violated NEPA. In its order, the court directed BLM to consider no coal leasing and limited coal leasing alternatives and to disclose the public health impacts, both climate and non-climate, of burning fossil fuels from the planning areas.<sup>19</sup>

On November 20, 2024, BLM approved the Miles City RMPA and subsequently published a notice of its availability in the Federal Register.<sup>20</sup> The Miles City RMPA consists of the Record of Decision and the RMP amendment, which is based on Alternative D in the final environmental impact statement. The Miles City RMPA provides specific coal screen designations for the 11.7 million acres of subsurface federal mineral coal estate for which BLM has authority to determine its availability. It also addresses the NEPA deficiencies identified by the court order.<sup>21</sup>

Additionally, the Miles City RMPA allocates 1,745,040 acres as unavailable for further consideration for leasing in order to reduce greenhouse gas emissions.<sup>22</sup> As such, BLM will not accept new coal lease applications. However, existing coal leases may be developed in accordance with lease terms and conditions.<sup>23</sup> The Miles City RMPA does not modify other resource allocation management decisions that were previously made in the 2015 Miles City RMP.<sup>24</sup>

*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.<sup>25</sup> The report must contain a copy of the rule, “a concise general statement relating to the rule,” and the rule’s proposed effective date.<sup>26</sup> CRA allows Congress to review and disapprove rules issued by federal agencies for a period of 60 days using special procedures.<sup>27</sup> If a resolution of disapproval is enacted, then the new rule has no force or effect.<sup>28</sup>

CRA adopts the definition of a 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.”<sup>29</sup> 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.<sup>30</sup>

Interior did not submit a CRA report to Congress or the Comptroller General on the Miles City RMPA.<sup>31</sup> In its response to us, Interior provided additional information about the Miles City RMPA but did not state a position as to whether it is a rule under CRA.<sup>32</sup>

## DISCUSSION

To determine whether the Miles City RMPA 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 Miles City RMPA falls within any CRA exceptions. We conclude that it does not. As such, the Miles City RMPA is subject to review under CRA.

*The Miles City RMPA is a Rule Under APA*

Applying APA’s definition of rule, the Miles City RMPA meets all of the required elements. First, the Miles City RMPA is an agency statement as it was issued by BLM, a federal agency.<sup>33</sup>

Second, the Miles City RMPA is of future effect as it is to be used prospectively to guide the management of the BLM mineral coal estate administered by the Miles City Field Office.<sup>34</sup> Decisions made in the Miles City RMPA became effective November 20, 2024, when the Record of Decision was signed.<sup>35</sup> As of that date, the Miles City RMPA replaces decisions for coal resource leasing availability by making certain acres of BLM-administered land unavailable for leasing going forward. Therefore, the Miles City RMPA has future effect.

Finally, the Miles City RMPA implements, interprets, or prescribes law or policy, because it designates which areas of BLM-administered land are available for coal leasing consideration in accordance with BLM’s responsibilities for land use management under FLPMA. The Miles City RMPA also sets policy by providing specific coal screen designations for the 11.7 million acres of subsurface federal mineral coal estate for which BLM has authority to determine its availability.

Our conclusion here is consistent with our previous decisions finding similar land use and RMPs implement, interpret, or prescribe law or policy.<sup>36</sup> 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.<sup>37</sup>

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.<sup>38</sup> The same can be said of the Miles City RMPA at issue here. The Miles City RMPA implements FLPMA and prescribes policy by designating which areas of BLM-administered land are available for coal leasing consideration. As such, the Miles City RMPA meets the third