

revised their mission statement, as directed by the ADVANCE Act.

Following his departure from the NRC, Mr. Nieh gained firsthand experience in understanding the role of regulatory compliance as a senior executive for a large nuclear facility. He also served on loan to the Institute of Nuclear Power Operations—the industry's own nuclear safety watchdog that seeks to promote excellence in nuclear performance.

I support Ho Nieh's nomination to serve as a member of the Nuclear Regulatory Commission because of his outstanding technical expertise, his real-world knowledge of regulatory compliance, his strong leadership and experience, and his commitment to executing the recently updated NRC mission statement.

I urge my colleagues to join me in voting for his confirmation to the NRC. I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

Mrs. CAPITO. I ask unanimous consent that we begin the scheduled roll-call vote immediately.

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

EXECUTIVE SESSION

EXECUTIVE CALENDAR

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to consider the following nomination, which the clerk will report.

The bill clerk read the nomination of Ho Nieh, of Alabama, to be a Member of the Nuclear Regulatory Commission for the remainder of the term expiring June 30, 2029.

VOTE ON NIEH NOMINATION

The PRESIDING OFFICER. All postcloture time has expired.

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

Mr. SCHATZ. 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 bill clerk called the roll.

Mr. BARRASSO. The following Senators are necessarily absent: the Senator from Idaho (Mr. CRAPO) and the Senator from West Virginia (Mr. JUSTICE).

The result was announced—yeas 66, nays 32, as follows:

[Rollcall Vote No. 620 Ex.]

YEAS—66

Banks	Collins	Duckworth
Barrasso	Coons	Ernst
Blackburn	Cornyn	Fetterman
Boozman	Cotton	Fischer
Britt	Cramer	Gallego
Budd	Cruz	Graham
Capito	Curtis	Grassley
Cassidy	Daines	Hagerty

Hawley	McConnell	Schmitt
Heinrich	McCormick	Scott (FL)
Hoehn	Moody	Scott (SC)
Husted	Moran	Sheehy
Hyde-Smith	Moreno	Sullivan
Johnson	Mullin	Thune
Kelly	Murkowski	Tillis
Kennedy	Ossoff	Tuberville
King	Padilla	Warner
Klobuchar	Paul	Warnock
Lankford	Reed	Welch
Lee	Ricketts	Whitehouse
Lummis	Risch	Wicker
Marshall	Rounds	Young

NAYS—32

Alsobrooks	Hickenlooper	Sanders
Baldwin	Hirono	Schatz
Bennet	Kaine	Schiff
Blumenthal	Kim	Schumer
Blunt Rochester	Lujan	Shaheen
Booker	Markey	Slotkin
Cantwell	Merkley	Smith
Cortez Masto	Murphy	Van Hollen
Durbin	Murray	Warren
Gillibrand	Peters	Wyden
Hassan	Rosen	

NOT VOTING—2

Crapo	Justice
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The nomination was confirmed.

The PRESIDING OFFICER (Mr. RICKETTS). 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 actions.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:53 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mrs. BLACKBURN).

The PRESIDING OFFICER. The Senator from Wyoming.

LEGISLATIVE SESSION

Ms. LUMMIS. I ask unanimous consent that the Senate resume legislative session.

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

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 "BUFFALO FIELD OFFICE RECORD OF DECISION AND APPROVED RESOURCE MANAGEMENT PLAN AMENDMENT"—Motion to Proceed

Ms. LUMMIS. Madam President, Wyoming became a State in 1890. It was the 44th State to enter the Union. In 1893, Wyoming adopted our State seal, which also appears on our State flag inside the buffalo, and on that seal are two figures that tell the story of Wyoming.

(Mr. SCHMITT assumed the Chair.)

One figure represents the livestock industry and the ranchers and cattlemen of Wyoming, and the other represents our mining heritage—here, it says mining and oil—the miners that

power America and have powered it for years.

These two industries are instrumental to my State, but in terms of gross State product, no industry comes close to the energy industry. Wyoming is an energy-producing State.

For over 130 years, these figures have stood as a testament to Wyoming's values: hard work, self-reliance, and providing for our Nation.

The Biden administration looked at that seal and decided Wyoming's way of life has to end. They wanted to unilaterally rip the mining symbol from our State's seal. One way they wanted to end this mining heritage was via the Buffalo Resource Management Plan amendment, which was a deliberate, calculated attack on our miners and an assault on every Wyoming family that depends on coal. Wyoming has since 1986 been the No. 1 coal producer in the Nation. We produce 40 percent of America's coal.

So today, I come before the Senate in defense of the people of Wyoming and our rich energy sector. In a last-minute, desperate, post-election attempt to promote his anti-energy Green New Deal scam, President Biden issued the Buffalo Resource Management Plan amendment to cripple Wyoming's coal industry. Biden's Bureau of Land Management zeroed out almost 500,000 acres of coal in Wyoming, shutting down the possibility of any future coal leasing.

This is why I introduced the congressional resolution of disapproval with Senator BARRASSO to overturn this reckless, anti-Wyoming assault. We have the backing of the Department of the Interior, and we have the full support of President Trump.

As I said earlier, Wyoming produces 40 percent of America's coal. The Powder River Basin holds more than 48 billion short tons—enough to power our Nation for more than a century.

The Biden plan would have destroyed thousands of high-paying Wyoming jobs, erased billions in labor income, and gutted the State revenue that funds our communities and, more importantly, our K-through-12 school system.

Moreover, the Biden Bureau of Land Management and this resource management plan didn't just attack coal, it aimed to lock up Federal land that belongs to the American people.

While the Biden administration tried to shutter American coal mines, our foreign adversaries are ramping up production. Their coal is dirtier, their environmental standards are nonexistent, and their labor practices include child labor and human rights abuses no American would ever tolerate.

Shuttering U.S. coal doesn't help the planet; it outsources pollution to the worst polluters on Earth and sends American jobs straight overseas.

American coal—Wyoming coal—is the cleanest, safest, and most responsibly produced coal in the world. The most recent coal plant that was built

in Wyoming was so clean that they didn't even want to report to the EPA how clean the emissions were because the EPA had moved from a standard of most affordable to most attainable emissions. Well, attainability is you—regardless of what it costs, if you can attain this level of emissions, you have to produce that low level of emissions.

That is what makes Wyoming coal the cleanest, safest, and most responsibly produced coal in the world.

The last time I visited that coal-fired powerplant, where we have people testing the effluence and able to practice and provide experiments for new methodologies to produce cleaner coal, the Chinese were there in Campbell County, WY, trying to learn.

The Buffalo RMPA is national security sabotage disguised as a far-left environmental policy.

President Trump has already made it clear that if this resolution reaches his desk, he will sign it. He knows Wyoming coal is vital to his American energy dominance agenda.

By passing this resolution, we will reopen 481,000 acres for coal leasing in the Powder River Basin, protect over 4,000 Wyoming jobs, safeguard more than \$1.9 billion in labor output, preserve the revenue that keeps Wyoming schools strong, and ensure that coal remains available to power America's future.

I will not let unelected bureaucrats—
The PRESIDING OFFICER (Mr. BANKS). Time is expired.

Ms. LUMMIS. I urge my colleagues to stand with Wyoming workers and to stand with affordable, reliable energy by voting to pass this measure.

MOTION TO PROCEED

I move to proceed to S.J. Res. 89.

The PRESIDING OFFICER. The clerk will report the motion.

The senior assistant legislative clerk read as follows:

Motion to proceed to Calendar No. 270, S.J. Res. 89, 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 "Buffalo Field Office Record of Decision and Approved Resource Management Plan Amendment".

VOTE ON MOTION

The PRESIDING OFFICER. The question is on agreeing to the motion.

Mr. WICKER. 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 senior assistant legislative clerk called the roll.

Mr. BARRASSO. The following Senators are necessarily absent: the Senator from West Virginia (Mr. JUSTICE), the Senator from North Carolina (Mr. TILLIS).

The result was announced—yeas 51, nays 47, as follows:

[Rollcall Vote No. 621 Leg.]

YEAS—51

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

NAYS—47

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

NOT VOTING—2

Justice Tillis

The motion was agreed to.

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 "BUFFALO FIELD OFFICE RECORD OF DECISION AND APPROVED RESOURCE MANAGEMENT PLAN AMENDMENT"

(Ms. LUMMIS assumed the Chair.)

The PRESIDING OFFICER (Mr. BANKS). The clerk will report.

The legislative clerk read as follows:

A joint resolution (S.J. Res. 89) 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 "Buffalo Field Office Record of Decision and Approved Resource Management Plan Amendment".

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. HEINRICH. Mr. President, just last month, I stood here on this floor to speak about the dangers of using a congressional resolution of disapproval to change resource management plans for public lands around the country. I described how using congressional resolutions to circumvent public input would upend decades of public land planning practice, how it would put our entire public lands management process at risk.

Since then, Congress has passed three separate congressional resolutions of disapproval to amend resource management plans: one in central and northern Alaska, one in eastern Montana, and one in North Dakota. And now, this week, the Senate will vote on a new resolution of disapproval under the

Congressional Review Act—this time for northeastern Wyoming.

While none of those first three have been signed by the President yet, I stand here today, as we prepare to vote on this new congressional resolution of disapproval, to reiterate the message that I shared weeks ago: We cannot and we should not manage our public lands through the Congressional Review Act resolutions.

First, there are very real consequences of reversing decades-old resource management plans, and those consequences could be devastating to communities, to businesses, to jobs, and to our public lands.

Until this year, Congress had never used a congressional resolution of disapproval to change or overturn a land use plan. That is because no administration ever considered land use plans to be "rules" under the law.

Let me say that again. No administration, Republican or Democratic, since the Congressional Review Act became law in 1996, has ever treated these land use plans as "rules." Here is what that means: No land use plan has been submitted to Congress, as is required for rules. What does that mean? Because the Congressional Review Act prohibits rules from going into effect until 60 days after they are submitted to Congress and no administration has ever submitted a land use plan to Congress, ever, then if these plans are rules, every land use plan after 1996 never actually went into effect. If they never went into effect, then all of the leases and the permits and the rights-of-way that were issued under them may not be legally valid, throwing us effectively into chaos on our public lands. We are talking about every grazing permit, every energy right-of-way, recreational permit, timber sale, or, yes, oil and gas lease issued under a plan finalized after 1996. All of them are now open to litigation—every single one.

The actual impacts on real Americans could be devastating. For the country, it means potential chaos and uncertainty about what areas are protected on our public lands. The damage could be irreparable to the landscape, to our American birthright in these public lands, and to the communities that depend on these places to make a living.

Secondly, we know that CRAs cut the public out of land use planning. This vote and all the votes like it sweep away years and years of public input in conversations both about the public lands on a particular landscape and public lands nationally.

To put it bluntly, Senate Republicans found a way to rewrite the rules of the game because they didn't like the outcome, and every vote they take to do it is insulting to the public.

Resource management plans are meant to include communities in the process of deciding how to use our public lands, not exclude them. Does that mean everyone agrees with what is in