

(iii) Description and Quantity or Quantities of Articles or Services under Consideration for Purchase:

Major Defense Equipment (MDE):

Three thousand eight hundred forty-five (3,845) KMU-558B/B Joint Direct Attack Munition (JDAM) guidance kits for the BLU-109 bomb body.

Three thousand two hundred eighty (3,280) KMU-572 F/B JDAM guidance kits for the MK 82 bomb body.

Non-Major Defense Equipment: The following non-MDE items will also be included: U.S. government and contractor engineering, logistics, and technical support services; and other related elements of logistics and program support.

(iv) Military Department: Navy (IS-P-AVR).

(v) Prior Related Cases, if any: None.

(vi) Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid: None known at this time.

(vii) Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold: See Attached Annex.

(viii) Date Report Delivered to Congress: June 30, 2025.

*As defined in Section 47(6) of the Arms Export Control Act.

POLICY JUSTIFICATION

Israel—Munitions Guidance Kits and Munitions Support

The Government of Israel has requested to buy three thousand eight hundred forty-five (3,845) KMU-558B/B Joint Direct Attack Munition (JDAM) guidance kits for the BLU-109 bomb body and three thousand two hundred eighty (3,280) KMU-572 F/B JDAM guidance kits for the MK 82 bomb body. The following non-MDE items will also be included: U.S. government and contractor engineering, logistics, and technical support services; and other related elements of logistics and program support. The estimated total cost is \$510 million.

The United States is committed to the security of Israel, and it is vital to U.S. national interests to assist Israel to develop and maintain a strong and ready self-defense capability. This proposed sale is consistent with those objectives.

The proposed sale will enhance Israel's capability to meet current and future threats by improving its ability to defend Israel's borders, vital infrastructure, and population centers. This proposed sale will increase the interoperability with U.S. forces and conveys U.S. commitment to Israel's security and armed forces modernization. Israel will have no difficulty absorbing this equipment into its armed forces.

The proposed sale of this equipment and support will not alter the basic military balance in the region.

The principal contractor will be The Boeing Company, located in St. Charles, MO. Part of the JDAM guidance kit requirement may be transferred from U.S. government stock. At this time, the U.S. government is not aware of any offset agreement proposed in connection with this potential sale. Any offset agreement will be defined in negotiations between the purchaser and the contractor.

Implementation of this proposed sale will not require the assignment of any additional U.S. government or contractor representatives to Israel.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

TRANSMITTAL NO. 25-59

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act

Annex Item No. vii

(vii) Sensitivity of Technology:

1. Joint Direct-Attack Munitions (JDAM) consist of a bomb body paired with a warhead-specific guidance kit containing an Inertial Navigation System (INS)/Global Positioning System (GPS) guidance capability with Selective Availability Anti-Spoofing Module (SAASM) or M-Code that converts unguided free-fall bombs into accurate, adverse weather "smart" munitions. The JDAM weapon can be delivered from modest standoff ranges at high or low altitudes against a variety of land and surface targets during the day or night. The JDAM can receive target coordinates via preplanned mission data from the delivery aircraft, by on-board aircraft sensors (e.g., forward-looking infrared, radar) during captive carry, or from a third-party source via manual or automated aircrew cockpit entry.

a. The KMU-558 guidance kit is paired with a BLU-109 class warhead to assemble a GBU-31 JDAM.

b. The KMU-572 guidance kit is paired with a MK 82 class warhead to assemble a GBU-38 JDAM.

2. The highest level of classification of defense articles, components, and services included in this potential sale is UNCLASSIFIED.

3. If a technologically advanced adversary were to obtain knowledge of the specific hardware and software elements, the information could be used to develop countermeasures that might reduce system effectiveness or be used in the development of a system with similar or advanced capabilities.

4. A determination has been made that Israel can provide substantially the same degree of protection for the sensitive technology being released as the U.S. Government. This sale is necessary in furtherance of the U.S. foreign policy and national security objectives outlined in the Policy Justification.

5. All defense articles and services listed in this transmittal have been authorized for release and export to the Government of Israel.

U.S. GOVERNMENT ACCOUNTABILITY OFFICE LEGAL OPINION

Mr. BOOKER. Mr. President, I ask unanimous consent to have printed in the RECORD the GAO Congressional Review Act legal opinion dated May 28, 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, U.S. Fish and Wildlife Service—Applicability of the Congressional Review Act to Record of Decision for Barred Owl Management Strategy.

File: B-337059.

Date: May 28, 2025.

DIGEST

In August 2024, the U.S. Department of the Interior, U.S. Fish and Wildlife Service (FWS) issued a record of decision titled, Record of Decision for Final Barred Owl Management Strategy Implementation and Issuance of a Migratory Bird Treaty Act Special Purpose Permit in Washington, Oregon, and California (Barred Owl ROD or ROD). The ROD announced FWS's decision to adopt a barred owl management strategy to improve the survival and recovery of northern spotted owls and to prevent declines in California spotted owls, both of which compete with barred owls. The Barred Owl Management Strategy adopted by the ROD provides a framework for federal, state, or tribal gov-

ernment agencies, or private landowners, to implement barred owl management through the lethal removal of barred owls.

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 incorporates the Administrative Procedure Act's (APA) definition of a rule for this purpose, with three exceptions. We conclude that the Barred Owl ROD is a rule for purposes of CRA because it meets the APA definition of a rule, and no CRA exception applies. Therefore, the ROD is subject to CRA's submission requirements.

DECISION

In August 2024, the U.S. Department of the Interior (Interior), U.S. Fish and Wildlife Service (FWS) announced its decision to adopt a barred owl management strategy. Record of Decision for Final Barred Owl Management Strategy Implementation and Issuance of a Migratory Bird Treaty Act Special Purpose Permit in Washington, Oregon, and California (Aug. 2024) (Barred Owl ROD or ROD). We received a request for a decision as to whether the Barred Owl ROD is a rule for purposes of the Congressional Review Act (CRA). As discussed below, we conclude that the ROD is a rule subject to CRA's submission requirements.

Our practice when rendering decisions is to contact the relevant agencies to obtain factual information and their legal views on the subject of the request. Accordingly, we reached out to Interior on February 4, 2025, and received Interior's response on March 18, 2025.

BACKGROUND

Barred Owl ROD

The Barred Owl ROD documents FWS's decision to adopt the Final Barred Owl Management Strategy (Barred Owl Management Strategy or Strategy) and issue an associated permit under the Migratory Bird Treaty Act (MBTA) to implement the Strategy. The ROD states that the purpose of the action "is to reduce barred owl populations to improve the survival and recovery of northern spotted owls" (a threatened species under the Endangered Species Act) "and to prevent declines in California spotted owls" (proposed for listing under the Endangered Species Act). The ROD explains that barred owls, a non-native invasive species in western North America, compete with northern and California spotted owls, and this competition "is a primary cause of the rapid and ongoing decline of northern spotted owl populations" and poses a similar risk to California spotted owls as barred owl populations expand southward.

The Barred Owl Management Strategy provides a framework for federal, state, or tribal government agencies, or private landowners, to implement barred owl management. The Strategy involves the lethal removal of barred owls from specific areas and describes removal protocols and a monitoring plan for FWS as well as governmental and non-governmental entities designated by FWS. The Strategy provides for barred owl management in all provinces in the northern spotted owl range and throughout the California spotted owl range.

The MBTA prohibits the lethal removal of protected migratory bird species, including the barred owl, unless authorized by FWS in accordance with 50 C.F.R. parts 13 and 21. As part of the Barred Owl ROD, FWS approved the issuance of a Special Purpose Agency Species Protection Permit to the FWS Oregon Fish and Wildlife Office under the MBTA to implement the Strategy in Washington, Oregon, and California, and to authorize the lethal removal of barred owls by

FWS and other governmental or non-governmental entities designated by FWS. In particular, implementers and removal specialists designated by FWS under the MBTA Permit must meet the training and skill requirements described in the Strategy and must follow the Strategy's removal protocols.

The ROD states that it was prepared in accordance with the requirements of the National Environmental Policy Act of 1969, as amended (NEPA), the Council on Environmental Quality's NEPA implementing regulations in effect when the NEPA process commenced, and Interior's NEPA regulations. As part of the NEPA process, FWS developed a draft strategy and shared it for public comment along with a draft Environmental Impact Statement (EIS). After considering and addressing comments and input from the public and various stakeholders, FWS revised the draft Strategy and released it with a final EIS. The final EIS evaluated six alternatives, and the ROD adopted the preferred alternative, with some minor clarifying edits and corrections to the Strategy.

Congressional Review Act (CRA)

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 the Comptroller General for review before the 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 APA 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.

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

DISCUSSION

To determine whether the Barred Owl ROD 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 the ROD meets this definition. The next step is to determine whether the document falls into one of the categories of APA rules excepted from CRA's requirements. We conclude that the ROD does not fall within any of the exceptions. Therefore, the ROD is a rule subject to CRA's submission requirements.

The Barred Owl ROD is a Rule Under APA

The Barred Owl ROD meets the APA definition of a rule. First, the ROD is an agency statement as it is an official document issued by FWS.

Second, the ROD is of future effect. An agency action of future effect is one "concerned with policy considerations for the future rather than the evaluation of past or present conduct." In particular, we previously examined another FWS record of de-

cision documenting the actions necessary to restore and maintain certain types of fish in a particular river. We determined that the essential purpose of the record of decision was "to set policy for the future," and it was "clearly intended to have future effect, namely the restoration and maintenance of . . . [certain] fishery resources in the . . . [river]." Like the record of decision at issue in B-287557, the Barred Owl ROD sets policy for the future, namely the adopted Barred Owl Management Strategy, and is likewise intended to restore and maintain certain wildlife populations, in this case the northern spotted owl and California spotted owl, in particular geographic areas, specifically portions of Washington, Oregon, and California.

Finally, the Barred Owl ROD prescribes and implements law and policy and describes agency procedure and practice requirements. An agency statement implements, interprets, or prescribes law or policy when the action creates new regulations, changes regulatory requirements or official policy, or alters how the agency will exercise its discretion, among other things. The ROD prescribes and implements a new policy, the Barred Owl Management Strategy, to improve the survival and recovery of northern spotted owls and to prevent declines in California spotted owls from barred owl competition through the lethal removal of barred owls from specific areas.

An agency statement describes agency organization, procedure, or practice requirements when the statement discusses the internal operations of an agency, including statements that govern the conduct of agency proceedings. The Barred Owl ROD adopts the Barred Owl Management Strategy, which includes detailed procedures and practices for barred owl management, and these procedures and practices apply to FWS to the extent the agency itself engages in barred owl management. The Strategy also describes procedures for designating other governmental and non-governmental entities as implementers and removal specialists. In particular, the Strategy describes the information that requesting entities and individuals must submit to FWS and the process for FWS review and approval. In addition, the Strategy includes a monitoring program under which implementers must submit certain information to ensure actions are consistent with the Strategy and to assess the success of the management effort.

CRA Exceptions

Having determined that the Barred Owl ROD meets the APA definition of rule, we next consider whether the ROD falls within one of the three categories of APA rules not subject to CRA.

(1) Rule of Particular Applicability

The Barred Owl ROD is not a rule of particular applicability. Such rules are addressed to a specific, identified person or entity and address actions that person or entity may or may not take, taking into account facts and circumstances specific to that person or entity. In determining whether a rule is one of general or particular applicability, we have noted that a rule need not apply to the population as a whole to be considered a rule of general applicability; rather, all that is required is that the rule has general applicability within its intended range, regardless of the magnitude of the range. For example, we have determined that a rule is one of general applicability even if the rule is limited to a specific geographic area, so long as the rule does not apply to specific, identified persons or entities.

The Barred Owl ROD adopts the Barred Owl Management Strategy, and although the Strategy is focused on specific areas within

Washington, Oregon, and California, the Strategy is not addressed to specific, identified persons or entities. Instead, the Strategy provides a framework for any federal, state, or tribal government agency, or private landowner, to implement barred owl management.

(2) Rule of Agency Management or Personnel

The Barred Owl ROD is not a rule of agency management or personnel. This exception applies to rules relating to "purely internal agency matters." These include rules related to controlling, directing, or supervising internal management issues, as well as those related to personnel issues like communications between employees and managers, leave, or benefits.

The Barred Owl ROD does not involve internal agency management or personnel matters. Rather, the ROD adopts a Barred Owl Management Strategy that provides a framework for federal, state, or tribal government agencies, or private landowners, to implement barred owl management. Although FWS will be one entity implementing the Strategy—as demonstrated by the issuance of the MBTA Permit to the FWS Oregon Fish and Wildlife Office—FWS contemplates designating other governmental and non-governmental entities to implement the Strategy under its MBTA Permit and also expects that other entities could potentially apply for their own permit using the Strategy.

(3) Rule of Agency Organization, Procedure, or Practice that Does Not Substantially Affect Non-Agency Parties

Finally, the Barred Owl ROD is not a rule of agency organization, procedure, or practice that does not substantially affect the rights or obligations of non-agency parties. A rule of agency organization, procedure, or practice is a rule that is limited to an agency's methods of operation or how the agency organizes its internal operations. Although certain rules directed at non-agency parties are considered rules of agency organization, procedure, or practice—such as those that affect the way regulated entities submit information to an agency, how the agency reviews that information, or the type or timing of actions the agency will take based on that submission—rules that are directed at and primarily concerned with the behavior of non-agency parties do not fall within this category.

As discussed above, the Barred Owl Management Strategy adopted by the ROD provides a framework for non-agency parties to implement barred owl management. This includes detailed requirements and guidance for non-agency parties designated by FWS to implement the Strategy, including removal protocols and how those parties might prioritize actions under the Strategy. These elements of the Strategy are primarily focused on the behavior of those non-agency parties rather than FWS's internal operations.

On the other hand, the Barred Owl Management Strategy also describes FWS's methods of operation. For example, the implementation requirements and guidance apply to FWS to the extent the agency itself engages in barred owl management under the Strategy. The Strategy also describes procedures for designating other governmental and non-governmental entities as implementers and removal specialists. In particular, the Strategy describes the information that requesting entities and individuals must submit to FWS and the process for FWS review and approval. However, notwithstanding the inclusion of these agency procedures and practices, the Strategy's primary focus on the conduct of non-agency parties implementing barred owl management establishes that the

ROD does not qualify as a rule of agency organization, procedure, or practice.

In addition, the ROD substantially affects the rights or obligations of non-agency parties. Although the Strategy adopted by the ROD does not require an entity to implement barred owl management and actions are limited to the lands of willing landowners and land managers, we have previously concluded that rules establishing requirements for voluntary programs may still substantially affect non-agency parties that choose to participate.

In B-334146, we examined U.S. Department of Agriculture actions establishing four new financial assistance programs. The actions prescribed each program's eligibility requirements, application requirements, calculation and distribution of funds, and, in some cases, reporting requirements and limitations on how funds could be used. Although participation in the programs was voluntary, we concluded that the actions substantially affected non-agency parties because they directly determined whether interested entities would receive funding under the programs, and, for certain programs, imposed additional implementation and reporting requirements on program participants.

The ROD's adoption of the Barred Owl Management Strategy establishes a new voluntary program for interested governmental and non-governmental entities. Like the eligibility and application requirements included in the actions at issue in B-334146, the Strategy prescribes the information that must be submitted by non-agency parties interested in becoming implementers and removal specialists, as well as qualifications for persons participating in removal activities. And just as some of the actions in B-334146 imposed additional requirements on program participants, the Strategy includes requirements for individuals and entities designated as implementers by FWS. For example, the Strategy prescribes detailed protocols for removal activities, as well as reporting requirements. In short, the ROD and adopted Strategy substantially affect non-agency parties by describing who may implement barred owl removal activities, the information those persons or entities must submit to FWS (both to be designated as implementers or removal specialists and as part of subsequent reporting requirements), and the protocols those persons or entities must follow when conducting removal activities.

CONCLUSION

The Barred Owl ROD meets the APA definition of a rule, and no exception applies. Therefore, the ROD is subject to CRA's requirement that it be submitted to Congress and the Comptroller General before it can take effect.

TRIBUTE TO PAULA BRADLEY

Mr. WHITEHOUSE. Mr. President, I rise today to celebrate and wish a very happy 90th birthday to Paula Bradley, who serves as a senior field representative in my Providence office. Paula has served in the Federal workforce for 30 distinguished years, first for former Congressman Patrick Kennedy before joining my team in 2011.

Paula is a fixture in senior communities all across the State of Rhode Island. She is a walking encyclopedia of the State and Federal programs available to help our seniors. And she is a tireless advocate when redtape gets in the way of a senior accessing their hard-earned benefits. From restoring

interrupted Medicare coverage, to reinstating Social Security benefits, to facilitating a ride or a Meals on Wheels delivery, Paula consistently gets results when called into action.

Paula is beloved by the seniors she assists and the senior center staffs she interacts with on a daily basis. She is an excellent listener, quick to remember faces and names, and is always checking back in with her seniors to ensure their problems remain resolved. She is loved and admired by my staff for the care with which she treats her seniors and the hopeful spirit she embodies.

A proud Portsmouth resident, Paula has generously devoted herself to volunteer service in her local community on Aquidneck Island. Though Paula has never sought publicity for her hard work, she recently received a 2024 Vision Award from the East Bay Community Action Program for decades of service in their Retired and Senior Volunteer Program. Kim Wetherald, East Bay Community Action Program's director of volunteer services, said it best: "Paula makes things happen for people."

I know how important Rhode Island's senior community is to Paula, but nothing is more important to her than her beloved husband Dale; her children Mary-Ellen, Bill, Peter, and Paul; her grandchildren Jennifer, John, Stephanie, James, Andrew, Brad, and Veronica; and her many great-grandchildren.

Thank you, Paula, for your dedication to the people of Rhode Island. My team, Ocean State seniors, and our State as a whole are better off because of your decades of exceptional service. I wish you all the best as you celebrate with your cherished family and friends. Happy birthday, my friend.

MESSAGE FROM THE HOUSE

At 12:57 p.m., a message from the House of Representatives, delivered by Mr. McLaughlin, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate: H.R. 4. An act to rescind certain budget authority proposed to be rescinded in special messages transmitted to the Congress by the President on June 3, 2025, in accordance with section 1012(a) of the Congressional Budget and Impoundment Control Act of 1974.

MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 4. An act to rescind certain budget authority proposed to be rescinded in special messages transmitted to the Congress by the President on June 3, 2025, in accordance with section 1012(a) of the Congressional Budget and Impoundment Control Act of 1974; referred jointly to the Committee on Appropriations; the Budget pursuant to the order of 1/30/1975 as amended by the order of 4/1/1986.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-1271. A communication from the Secretary of Defense, transmitting the report of an officer authorized to wear the insignia of the grade of vice admiral in accordance with title 10, United States Code, section 777a; to the Committee on Armed Services.

EC-1272. A communication from the Secretary of Defense, transmitting the report of an officer authorized to wear the insignia of the grade of admiral in accordance with title 10, United States Code, section 777a; to the Committee on Armed Services.

EC-1273. A communication from the Director of the Regulations Development Staff, Food Safety and Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Publication Method of Lists of States With and Without State Meat or Poultry Inspection Programs" (RIN0583-AE03) received in the Office of the President of the Senate on July 9, 2025; to the Committee on Agriculture, Nutrition, and Forestry.

EC-1274. A communication from the Attorney-Advisor, Federal Transit Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "School Bus Operations, 49 CFR Part 605" (RIN2132-AB53) received in the Office of the President of the Senate on July 9, 2025; to the Committee on Banking, Housing, and Urban Affairs.

EC-1275. A communication from the Associate Director of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Revising the Duration of Design Certifications" (RIN3150-AL26) received in the Office of the President of the Senate on July 9, 2025; to the Committee on Environment and Public Works.

EC-1276. A communication from the Attorney-Advisor, Federal Transit Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Transportation for Elderly and Handicapped Persons" (RIN2132-AB54) received in the Office of the President of the Senate on July 9, 2025; to the Committee on Banking, Housing, and Urban Affairs.

EC-1277. A communication from the Attorney-Advisor, Federal Transit Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Transit Asset Management" (RIN2132-AB56) received in the Office of the President of the Senate on July 9, 2025; to the Committee on Banking, Housing, and Urban Affairs.

EC-1278. A communication from the Attorney-Advisor, Federal Transit Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Charter Service" (RIN2132-AB38) received in the Office of the President of the Senate on July 9, 2025; to the Committee on Banking, Housing, and Urban Affairs.

EC-1279. A communication from the Attorney-Advisor, Federal Transit Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision of National Environmental Policy Act Regulations" (RIN2132-AB51) received in the Office of the President of the Senate on July 9, 2025; to the Committee on Banking, Housing, and Urban Affairs.

EC-1280. A communication from the Attorney-Advisor, Federal Transit Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule