

(2) Rule of Agency Management or Personnel

The 2022 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 rules related to personnel issues like communications between employees and managers, leave, or benefits. For example, we concluded that the BLM plans at issue in B-329065, Nov. 15, 2017, did not meet this exception because they were concerned with management of uses of the relevant areas by the public rather than with management of BLM itself or its personnel.

The 2022 ROD does not involve internal agency management or personnel matters. Rather, the ROD adopts a new integrated activity plan for BLM’s future management of the NPR-A. This plan governs activities by non-agency parties in the area, including oil and gas exploration and development. Therefore, the ROD 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 2022 ROD 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.

As discussed above, the 2022 ROD adopts a new integrated activity plan that governs activities by non-agency parties in the NPR-A, including oil and gas exploration and development. In particular, the ROD reduces the area available for oil and gas leasing and new infrastructure compared to the 2020 Record of Decision. The ROD also establishes performance-based required operating proce-

dures and lease stipulations for activities carried out by non-agency parties, a number of which differ from those in the 2020 Record of Decision. Although the ROD also describes various BLM practices and procedures related to the permitting process, the ROD is directed at and primarily concerned with the behavior and activities of non-agency parties in the NPR-A rather than the agency’s methods of operation. Therefore, 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. We have previously determined that agency plans establishing the uses and activities that non-agency parties may engage in on public lands substantially affect the rights or obligations of those parties. For example, in B-275178, July 3, 1997, we concluded that a Forest Service Land and Resource Management Plan substantially affected non-agency parties because it described the uses and activities that non-agency parties could conduct in specific areas, the minimum standards for accomplishing the activities, and guidelines on how to meet the standards. We concluded that the plan had such effects notwithstanding that there would be a second stage of decision-making involving site-specific determinations.

Like the plan at issue in B-275178, the 2022 ROD describes uses and activities non-agency parties may conduct in specific areas of the NPR-A. The ROD reduces the area available for oil and gas leasing and new infrastructure and states that these changes “will likely result in less leasing over time.” The ROD also makes changes to the “stipulations that apply to all future leases issued under” the plan adopted by the ROD as well as to the required operating procedures that “BLM will impose on applicants during the permitting process.” Accordingly, even though the ROD indicates that further BLM action will be necessary to enter into leases or permit activities, the ROD governs those future decisions. Therefore, the ROD substantially affects the rights or obligations of non-agency parties.

CONCLUSION

The 2022 ROD is a rule for purposes of CRA because it meets the definition of a rule under APA and no CRA 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.

EDDA EMMANUELLI PEREZ,
General Counsel.

VOTE EXPLANATION

Mr. GALLEGO. Mr. President, I missed the following votes, but had I been present, I would have voted no on rollcall Vote No. 426, confirmation of Executive Calendar No. 91, Arielle Roth, of the District of Columbia, to be Assistant Secretary of Commerce for Communications and Information.

I missed the following votes, but had I been present, I would have voted no on rollcall Vote No. 437, motion to invoke cloture on Executive Calendar No. 292, Emil J. Bove III of Pennsylvania, to be United States Circuit Judge for the Third Circuit.

ADDITIONAL STATEMENTS

RECOGNIZING LOUISIANA FIRST RESPONDERS

● Mr. CASSIDY. Mr. President, I want to thank the 12 Louisiana firefighters who recently left their homes and families to provide critical support for people in Texas after devastating flooding earlier this month.

I am deeply grateful for their bravery, selflessness, and strength.

The loss of life and property—which we in Louisiana have experienced—is a tragedy that spreads beyond State borders.

But so does our commitment to help.

Samuel, Turner, Gordon, Steven, Roy, Christopher, Justin, Colby, David, Austin, Chris, and Craig represent the best of our State and remind us that, in times of crisis, we are stronger when we come together.

Thanks to all of you for your courage and sacrifice. You make Louisiana proud.●

RECOGNIZING SWEETS BY KEKE

● Ms. ERNST. Mr. President, as chair of the Senate Committee on Small Business and Entrepreneurship, each week I recognize an outstanding Iowa small business that exemplifies the American entrepreneurial spirit. This week, it is my privilege to recognize Sweets by Keke of New Hampton, IA, as the Senate Small Business of the Week.

In January 2021, mother-daughter duo, Jenny and Kenzie Bouillon, started Sweets by Keke in their garage with the vision of selling homemade baked goods to their community. By October, Sweets by Keke expanded to a location on East Main Street in New Hampton, IA, where the bakery still operates today. The name, Sweets by Keke, is inspired by Kenzie, who helps run the family business with her mom Jenny, her dad Randy, and siblings Chelsie and Carver. When the business was just taking off, Kenzie was a high school student and took classes towards her associate’s degree from Northeast Iowa Community College. In May of 2021, Kenzie graduated with both her high school and college diplomas, highlighting her hard-working character that has led to the business’ success.

The sweets are made from special Bouillon family recipes. Two fan favorites are their cheesecakes and sugar cookies. Cheesecakes are a specialty product made by Kenzie, who creates and rotates new flavors weekly, including raspberry swirl, sea salt caramel, key lime, and more. The bakery produces a wide variety of products, including homemade mini cakes, apple cinnamon snickerdoodles, and custom sugar cookies. Sweets by Keke also offers lunch specials. The business has become the go-to spot for the Chickasaw County community for baked goods for holidays, weddings, and events.

Sweets by Keke not only serves quality baked goods but also gives back to their community. Jenny and her family are consistently contributing to local fire departments, schools, and more. Every spring, the family works with local schools through the National Honor Society to provide prizes and sweet treats for their annual proms. Sweets by Keke also donates and provides baked goods year-round for local events supporting army veterans, a cause that is very near and dear to the family. Sweets by Keke is also a member of the New Hampton Chamber of Commerce.

Through their sweet offerings and dedication to the community, Sweets by Keke has become a standout business in New Hampton, IA. This year, Sweets by Keke looks forward to celebrating its fourth anniversary in Iowa. I want to congratulate Jenny and Kenzie Bouillion and the entire Bouillion family for their hard work and dedication to providing exceptional services to families across Iowa and beyond. I look forward to seeing their continued growth and success.●

TRIBUTE TO JUAN REYES

● Ms. LUMMIS. Mr. President, one of my favorite annual events in Wyoming is the Wyoming State Fair, held each year in Douglas. The Wyoming State Fair is a big deal in my State and always one heck of a good time. It represents the culmination of the various county fairs and brings together folks from all over Wyoming to see the best of agriculture in our State, eat some delicious food, and celebrate some hometown pride. As a rancher myself, I love nothing more than spending a day viewing some prize-winning livestock and witnessing the future generation of agriculture in Wyoming truly shine.

At the heart of the State fair is what I believe to be its marquee event: the induction of new members to the Wyoming Agriculture Hall of Fame. This year, it is my distinct honor and privilege to welcome Juan Reyes of Wheatland, WY, into this prestigious group. I am so pleased by his selection as there are few who deserve this honor more.

Juan's journey to Wyoming is nothing short of remarkable and inspiring. It began in a place that could hardly be more different from Wheatland or Tie Siding, WY—Covadonga, Cuba. There, Juan and his family faced a heart-breaking decision that no family should ever have to make: sending their young children away to a foreign land while their home and way of life were threatened by Fidel Castro's regime.

As an 11-year-old boy, with a little more than the clothes on their back, Juan and his sisters were sent to Florida as a part of Operation Peter Pan, where they spent the next 8 months living in a refugee camp along with other orphans who also made the journey. From there, Juan and his sisters

were taken to Colfax, in Washington State, where they were able to live with a family who had a wheat farm and a few cattle. There, Juan was able to receive some good exposure to working on the farm by helping the family out, and eventually, his parents from Cuba were able to come to Colfax and work on the farm as well.

After a short stint in college in Washington, Juan visited Laramie, WY, and, like many before him, decided that he found where he wanted and needed to be. He ultimately transferred to the University of Wyoming, and it was probably one of the best decisions he has ever made, because it was there where he would meet his wife and where he would lay the foundation for his ranching operation.

Juan's first foray into ranching was not easy to say the least. He and his wife became partners with John Milor who owned a ranch in Tie Siding, WY, and Juan was set to manage the operations. While Juan and his wife had experience with cattle, they did not have experience with cattle during the brutal winters and at the altitude which can top 8,000 feet, which is pretty close to a mile and a half and, needless to say, is considerably different from Washington State or Cuba for that matter. This elevation proved especially challenging as many of the cows became susceptible to pulmonary artery pressure, which ultimately took the lives of many cows and caused significant financial hardship for his family. Not to be discouraged, Juan decided to look for solutions to his problem. After some research, he was able to find a unique breed of cow called Amerifax, which had characteristics that helped them withstand the climate and elevation.

Juan and his family decided they wanted to find another location where they could raise more cattle and have a less challenging winter and chose to purchase 483 acres in Wheatland, WY, not too far from Tie Siding and just up the road from Cheyenne. There, his family was able to find immense success and has grown to a 7,000 head feedlot and 1,000 head of cattle. His success over the years had allowed him the luxury of purchasing the MR Angus Ranch, where he worked with John Milnor in Tie Siding.

A lot of folks would probably consider these accomplishments to be worthy of the hall of fame, but Juan did not stop here. Juan has made countless contributions to agriculture in Wyoming through not only his expertise, but through his membership on numerous boards and organizations. These include the Albany County Stockgrowers, the Wheatland Irrigation District's Board of Commissioners, the University of Wyoming Ag College Advisory Committee, the Wyoming Stock Growers Association, the National Cattlemen's Beef Association and the American Angus Association, where he at one point served as the president.

One of Juan's unique and impressive passions is his ability to train border collie dogs for the ranch life. In Wyoming and across our Nation, border collies play an important role in keeping livestock on task and together, and Juan has built up a national reputation as one of the best when it comes to training them. His success with the border collies led him to be a founding member and president of the National Cattle Dog Association and to serve as a member of the American Border Collie Association.

Juan is currently living what many would consider the American dream. He has done so much for Wyoming, and I really can't emphasize enough how happy I am for him to be inducted this year into the Wyoming Agriculture Hall of Fame. Juan will be joining the likes of a select few who have done so much for agriculture in our State. His legacy is something to behold and appreciate. I tip my hat to him.●

REMEMBERING LLOYD WAYNE COPPEDGE

● Mr. SCOTT of South Carolina. Mr. President, I rise today to honor the life of a truly exceptional man, Mr. Lloyd Wayne Coppedge of Myrtle Beach, SC, who passed away on July 19 at the age of 80, surrounded by his beloved family and friends.

Born in Abilene, TX, Lloyd was a devoted husband, father, grandfather, great-grandfather, and friend. After earning a degree in accounting from Texas Tech, he pursued a successful business career marked by both heart and integrity.

In 1988, Lloyd purchased Wolverine Brass in Myrtle Beach, where he not only led the company to success but also created a workplace culture built on compassion and respect. He knew every employee and their family members by name and treated them as if they were his own family.

His entrepreneurial spirit also had a significant impact on the restaurant industry, where, as a partner in Divine Dining, he helped grow a beloved local institution while continuing to uplift those around him through his generosity and leadership. This year, Lloyd turned 80 and continued to work daily in the restaurant business until weeks before his passing.

Lloyd's most significant legacy, however, lies in the lives he touched. From his wife Judi and daughters Tracie and Allison, to his grandchildren and great-grandchildren, as well as the many friends and "adopted" family members whose lives were better because of him.

Lloyd Coppedge led with kindness, gave without hesitation, and inspired by example. He was the kind of friend you could count on, a quiet guardian angel in the lives of many. May we all strive to carry his spirit forward with grace, compassion, and unwavering integrity in the way we treat others.●