

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 Buffalo RMPA. In its response to us, Interior provided additional information about the Buffalo RMPA but did not state a position as to whether it is a rule under CRA.

DISCUSSION

At issue here is whether the Buffalo RMPA meets CRA’s definition of rule, which adopts APA’s definition of a rule, with three exceptions. As explained below, we conclude that it does and that no exceptions apply. Consequently, the Buffalo RMPA is subject to review under CRA.

The Buffalo RMPA is a Rule under APA

Applying APA’s definition of rule, the Buffalo RMPA meets all of the required elements. First, the Buffalo RMPA is an agency statement as it was issued by BLM, a federal agency.

Second, the Buffalo RMPA is of future effect as it is to be used prospectively to guide and direct the leasing and allocation of coal within the federal government’s mineral estate administered by BLM’s Buffalo Field Office. The management decisions made in the Buffalo RMPA became effective November 20, 2024, when the Record of Decision was signed. As of that date, the Buffalo RMPA replaced prior decisions on the availability of coal leasing by making certain areas unavailable for such leasing until 2038. Any subsequent program- or activity-level management actions must adhere to the directive established in the Buffalo RMPA. Therefore, the Buffalo RMPA has future effect.

Finally, the Buffalo 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. Specifically, the Buffalo RMPA designated approximately 48.12 billion short tons of coal as unavailable for further leasing consideration to help reduce greenhouse gas emissions.

Our conclusion here is consistent with our previous decisions finding similar land use plans and RMPs implement, interpret, or prescribe law or policy. *See, e.g.*, B-337163, June 25, 2025; B-337175, June 25, 2025; B-329065, Nov. 15, 2017; B-238859, Oct. 23, 2017; B-274505, Sept. 16, 1996. For example, in B-337163, June 25, 2025, we concluded that BLM’s Miles City Resource Management Plan Amendment (Miles City RMPA) implemented law and prescribed policy by foreclosing coal leasing on BLM-administered land pursuant to its duties under FLPMA and other applicable statutes to manage land use and the government’s mineral resources. Similarly in B-337200, June 25, 2025, we concluded that an RMP issued by BLM implemented law and prescribed policy by designating or foreclosing specific activities or land use on BLM-administered land within its Central Yukon planning area (Central Yukon RMP).

Like the Miles City RMPA and the Central Yukon RMP, the Buffalo RMPA carries out BLM’s legal mandates related to land use planning and resource allocation. It prescribes policy by modifying prior decisions for the allocation of BLM administered coal

and prohibiting all coal leasing within the Buffalo Field Office planning area. As such, the Buffalo RMPA meets the third element of the APA definition of rule. Having satisfied all the required elements, the Buffalo RMPA 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 Buffalo RMPA is a rule of general applicability, rather than particular applicability. For example, in B-337163, June 25, 2025, BLM issued the Miles City RMPA that established land use designations to govern all coal activities by any person or entity within the planning area of its Miles City Field Office. Because the Miles City RMPA governed all coal activities by any person within its purview, we concluded that the Miles City RMPA was a rule of general applicability. Similarly, the Buffalo RMPA establishes land use designations that prohibit coal leasing by any person or entity within the Buffalo planning area, making it a rule of general applicability.

(2) Rule of Agency Management or Personnel

The Buffalo RMPA 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 Buffalo RMPA 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 Buffalo RMPA 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-337163, June 25, 2025, we declined to apply CRA’s third exception to BLM’s Miles City RMPA, because it was not limited to changes in BLM’s internal operations. Instead, the Miles City RMPA foreclosed non-agency parties from leasing coal

within designated areas of the government’s mineral estate. Similarly, in B-337200, June 25, 2025, we declined to apply CRA’s third exception to the Central Yukon RMP because it foreclosed certain actions by non-agency entities, through the establishment of land use designations and delineation of the activities that may be undertaken in the planning area.

Here, the Buffalo RMPA does entail some changes to agency procedure in that BLM will no longer consider coal leasing applications within the designated planning area. However, like the Miles City RMPA and the Central Yukon RMP, the Buffalo RMPA is not limited to changes to internal agency operations. Instead, the Buffalo RMPA is directed at, and concerns itself primarily with, regulating the allocation of coal and coal leasing by non-agency parties. Therefore, the Buffalo RMPA does not qualify as a rule of agency organization, procedure or practice.

We must also consider whether the Buffalo RMPA 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 concluded that where an RMP designates use by non-agency parties in the areas it governs, it has a substantial effect. *See, e.g.*, B-337163, June 25, 2025; B-337175, June 25, 2025; B-329065, Nov. 15, 2017; B-238859, Oct. 23, 2017; B-274505, Sept. 16, 1996. For instance, in B-337163, June 25, 2025, we explained that the Miles City RMPA altered substantive rights and obligations of non-agency parties by excluding 1,745,040 acres of BLM-administered land from coal leasing, effectively precluding these parties from pursuing coal leases within the Miles City planning area. Similarly, in B-337200, June 25, 2025, we concluded that the Central Yukon RMP substantially affected non-agency parties by imposing, among other things, land use restrictions, such as designating areas of critical environmental concern and closing certain tracts for land for mineral extraction and recreational use.

Consistent with our prior decisions concerning other RMPs, the Buffalo RMPA has a substantial effect on non-agency parties. The Buffalo RMPA designates approximately 481,000 acres of subsurface federal coal mineral estate as closed to coal leasing by any person or entity. This action removes an estimated 48.12 billion short tons of federal coal from future leasing. As a result, BLM has precluded nonagency parties from pursuing new federal coal leases in the planning area, thereby altering their substantive rights and obligations. Accordingly, the Buffalo RMPA fails to meet CRA’s third exception.

CONCLUSION

The Buffalo RMPA is a rule for purposes of CRA because it meets the definition of a rule under APA and no CRA exception applies. Therefore, the Buffalo RMPA 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.

ARMS SALES NOTIFICATION

Mr. RISCH. Mr. President, section 36(b) of the Arms Export Control Act requires that Congress receive prior notification of certain proposed arms

sales as defined by that statute. Upon such notification, the Congress has 30 calendar days during which the sale may be reviewed. The provision stipulates that, in the Senate, the notification of proposed sales shall be sent to the chairman of the Senate Foreign Relations Committee.

In keeping with the committee's intention to see that relevant information is still available to the full Senate, I ask unanimous consent to have printed in the RECORD the notifications that have been received. If the cover letter references a classified annex, then such an annex is available to all Senators in the office of the Foreign Relations Committee, room SD-423.

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

DEFENSE SECURITY
COOPERATION AGENCY,
Washington, DC.

Hon. JAMES E. RISCH,
Chairman, Committee on Foreign Relations,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: Pursuant to the reporting requirements of Section 36(b)(5)(C) of the Arms Export Control Act (AECA), as amended, we are forwarding Transmittal No. 25-1G. This notification relates to enhancements or upgrades from the level of sensitivity of technology or capability described in the Section 36(b)(1) AECA certification 22-35 of July 15, 2022.

Sincerely,

MARY BETH MORGAN,
(For Michael F. Miller, Director).

Enclosure.

TRANSMITTAL NO. 25-1G

Report of Enhancement or Upgrade of Sensitivity of Technology or Capability (Sec. 36(b)(5)(C), AECA)

(i) Prospective Purchaser: Government of Estonia.

(ii) Sec. 36(b)(1), AECA Transmittal No.: 22-35.

Date: July 15, 2022.

Implementing Agency: Army.

Funding Source: National Funds.

(iii) Description: On July 15, 2022, Congress was notified by congressional certification transmittal number 22-35, of the possible sale under Section 36(b)(1) of the Arms Export Control Act, of six (6) M142 High Mobility Artillery Rocket System (HIMARS) Launchers; thirty-six (36) M30A2 Guided Multiple Launch Rocket System (GMLRS) Alternative Warhead (AW) Missile Pods with Insensitive Munitions Propulsion System (IMPS) and Frequency Modulated Continuous Wave—Directional Doppler Ranging (FMCW-DDR) Proximity Height-of-Burst (HOB) Sensor Capability; thirty-six (36) M31A2 GMLRS Unitary High Explosive (HE) Missile Pods with IMPS and FMCW-DDR Proximity HOB Sensor Capability; thirty-six (36) XM403 Extended Range GMLRS (ER GMLRS) Alternative Warhead (AW) Missile Pods with IMPS and Side Mounted Proximity Sensor (SMPS) HOB Capability; thirty-six (36) XM404 ER GMLRS Unitary Pods with IMPS and SMPS HOB Capability; and eighteen (18) M57 Army Tactical Missile System (ATACMS) Missile Pods. Also included were M28A2 Low Cost Reduced Range Practice Rocket (LCRRPR) pods; ruggedized laptops; training equipment; publications for HIMARS and munitions/missiles; and other related elements of program and logistics support. The total estimated cost was \$500 million. Major Defense Equipment (MDE) constituted \$455 million of this total.

This transmittal notifies the inclusion of the following additional MDE items: six (6) M142 High Mobility Artillery Rocket Systems (HIMARS); two hundred fifty (250) M31A2 Guided Multiple Launch Rocket System (GMLRS) Unitary Alternative Warhead (AW), unitary High Explosive missile pods with Insensitive Munition Propulsion System (IMPS) capability; two hundred fifty (250) M30A2 GMLRS AW missile pods with IMPS; two hundred fifty (250) XM403 Extended Range (ER) GMLRS AW missile pods with IMPS and Side Mounted Proximity Sensor (SMPS) Height-of-Burst (HOB) capability; two hundred fifty (250) XM404 ER GMLRS Unitary pods with IMPS and SMPS HOB capability; and two hundred (200) M57 Army Tactical Missile Systems (ATACMS). The following non-MDE items are also included: M282 Low Cost Reduced Range Practice Rocket (LCRRPR) pods; communications equipment; publications for HIMARS and munitions/missiles; and other related elements of program and logistics support. The estimated total value of the new items is \$4.23 billion. The estimated non-MDE value will increase by \$125 million to a revised \$170 million. The estimated total case value will increase by \$4.23 billion to a revised \$4.73 billion. MDE constitutes \$4.56 billion of this total.

(iv) Significance: This notification is being provided as the additional MDE items were not enumerated in the original notification. The inclusion of this MDE represents an increase in capability over what was previously notified. The proposed sale will improve Estonia's capability to meet current and future threats and enhance its interoperability with U.S. and other allied forces. It will also allow for continued modernization of Estonia's armed forces while expanding capability to strengthen homeland defense and deter regional threats.

(v) Justification: This proposed sale will support the foreign policy and national security objectives of the United States by improving the security of a NATO Ally that continues to be an important force for political stability and economic progress in Europe.

(vi) Sensitivity of Technology: The Sensitivity of Technology statement contained in the original notification applies to items reported here.

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

(vii) Date Report Delivered to Congress: September 26, 2025.

ARMS SALES NOTIFICATION

Mr. RISCH. Mr. President, section 36(b) of the Arms Export Control Act requires that Congress receive prior notification of certain proposed arms sales as defined by that statute. Upon such notification, the Congress has 30 calendar days during which the sale may be reviewed. The provision stipulates that, in the Senate, the notification of proposed sales shall be sent to the chairman of the Senate Foreign Relations Committee.

In keeping with the committee's intention to see that relevant information is still available to the full Senate, I ask unanimous consent to have printed in the RECORD the notifications that have been received. If the cover letter references a classified annex, then such an annex is available to all Senators in the office of the Foreign Relations Committee, room SD-423.

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

DEFENSE SECURITY
COOPERATION AGENCY,
Washington, DC.

Hon. JAMES E. RISCH,
Chairman, Committee on Foreign Relations,
Senate, Washington, DC.

DEAR MR. CHAIRMAN: Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 25-81, concerning the Air Force's proposed Letter(s) of Offer and Acceptance to the Government of Germany for defense articles and services estimated to cost \$1.23 billion. We will issue a news release to notify the public of this proposed sale upon delivery of this letter to your office.

Sincerely,

MICHAEL F. MILLER,
Director.

Enclosures.

TRANSMITTAL NO. 25-81

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

(i) Prospective Purchaser: Government of Germany.

(ii) Total Estimated Value:

Major Defense Equipment* \$1.10 billion.

Other \$0.13 billion.

Total \$1.23 billion.

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

Major Defense Equipment (MDE):

Up to four hundred (400) AIM-120D-3 Advanced Medium Range Air-to-Air Missiles (AMRAAM).

Up to twelve (12) AIM-120D-3 AMRAAM guidance sections, including precise positioning provided by either Selective Availability Anti-Spoofing Module or M-Code.

One (1) AIM-120 AMRAAM Integrated Test Vehicle.

Non-Major Defense Equipment: The following non-MDE items will also be included: AMRAAM telemetry kits, control sections, containers, and support equipment; ADU-891 Adaptor Group Test Sets; KGV-135 A encryption devices; spare parts, consumables and accessories, and repair and return support; weapons system support and software; classified and unclassified software delivery and support; classified and unclassified publications and technical documentation; personnel training and training equipment; U.S. Government and contractor engineering, technical, and logistics support services; and other related elements of logistics and program support.

(iv) Military Department: Air Force (GY-D-YAM).

(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: September 25, 2025.

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

POLICY JUSTIFICATION

Germany—AIM-120D-3 Advanced Medium Range Air-to-Air Missiles

The Government of Germany has requested to buy up to four hundred (400) AIM-120D-3 Advanced Medium Range Air-to-Air Missiles (AMRAAM); up to twelve (12) AIM-120D-3 AMRAAM guidance sections, including precise positioning provided by either Selective Availability Anti-Spoofing Module or M-