

identity discrimination.⁵ The Court also stayed the Rule's effective date as to specific provisions, insofar as the Rule was intended to extend discrimination on the basis of sex to include discrimination on the basis of gender identity.

On October 22, 2025, the court issued a final judgment vacating the following parts of the 2024 Rule to the extent that they expand Title IX's definition of sex discrimination to include gender-identity discrimination: 42 CFR 438.3(d)(4), 42 CFR 438.206(c)(2), 42 CFR 440.262 (which apply to CHIP managed care through cross-references in §§ 457.1201(d) and 457.1230(a), and CHIP fee-for-service through cross-reference at § 457.495(e)), 42 CFR 460.98(b)(3), 42 CFR 460.112(a), 45 CFR 92.101(a)(2)(iv), 45 CFR 92.206(b)(1)–(4), 45 CFR 92.207(b)(3)–(5), 45 CFR 92.8(b)(1), 45 CFR 92.10(a)(1)(i), and 45 CFR 92.208.⁶ The court also issued plaintiffs the following declaratory judgment: “HHS exceeded its statutory authority when (1) it interpreted Title IX, as incorporated into Section 1557, to prohibit discrimination on the basis of gender identity, and (2) when it implemented Section 1557 regulations concerning gender identity and ‘gender affirming care.’”⁷

As long as the specified provisions of the 2024 Section 1557 Rule remain vacated, those provisions are legally void to the extent that they expand Title IX's definition of sex discrimination to include gender-identity discrimination. OCR cannot and will not investigate or enforce compliance with, the provisions of the 2024 Rule that were vacated, to the extent that such provisions expanded Title IX's definition of sex discrimination to include gender-identity discrimination.

II. Who/what is covered by this notification?

This Notification applies to all covered entities with respect to their compliance with the provisions of the 2024 Section 1557 Rule that were deemed unlawful and vacated by the court.

III. Who/what is not covered by this notification?

This Notification does not apply to the provisions of the Section 1557 Rule

⁵ *Tennessee v. Becerra*, No. 1:24-cv-161-LG-BWR (S.D. Miss. July 3, 2024) Dkt. 30.

⁶ *Tennessee v. Kennedy*, No. 1:24-cv-161-LG-BWR (S.D. Miss. Oct. 22, 2025). The court held “universal vacatur is the appropriate remedy” and that HHS exceeded its statutory authority. Dkt. 79 at 21.

⁷ Final Judgment, *Tennessee v. Kennedy*, No. 1:24-cv-161-LG-BWR (S.D. Miss. Oct. 22, 2025), Dkt. 80 at 1–2.

that were not vacated in the Court's October 22, 2025, final judgment or to the specified provisions to the extent they relate to things other than expanding Title IX's definition of discrimination to include gender-identity discrimination. The other provisions of the 2024 Rule remain in force.

IV. Collection of Information Requirements

This Notification creates no legal obligations and no legal rights. Because this Notification imposes no information collection requirements, it need not be reviewed by the Office of Management and Budget under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

The Administrator of the Centers for Medicare & Medicaid Services (CMS), Mehmet Oz, having reviewed and approved this document, authorizes Evell Barco Holland, who is the **Federal Register Liaison**, to electronically sign this document for purposes of publication in the **Federal Register**.

Paula M. Stannard,

Director, Office for Civil Rights.

Evell Barco Holland,

Federal Register Liaison, Centers for Medicare & Medicaid Services.

[FR Doc. 2026–11015 Filed 6–1–26; 8:45 am]

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FEDERAL MARITIME COMMISSION

46 CFR Part 506

[Docket No. FMC–2026–0232]

RIN 3072–AD05

Inflation Adjustment of Civil Monetary Penalties

AGENCY: Federal Maritime Commission.

ACTION: Final rule.

SUMMARY: The Federal Maritime Commission (the Commission or FMC)'s civil monetary penalty amounts will not increase for the 2026 calendar year. The FMC is generally required by statute to annually adjust for inflation the maximum civil penalty amounts subject to the Commission's jurisdiction. In accordance with guidance from the Office of Management and Budget (OMB), however, the FMC will continue to use the 2025 civil monetary penalty levels due to the absence of a cost-of-living adjustment for 2026.

DATES: This rule is effective June 2, 2026.

FOR FURTHER INFORMATION CONTACT: David Eng, Secretary; Phone: (202) 523–5725; Email: Secretary@fmc.gov.

SUPPLEMENTARY INFORMATION: The Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015 (Pub. L. 114–74, sec. 701), which further amended the Federal Civil Penalties Inflation Adjustment Act of 1990 (Pub. L. 101–410), was enacted on November 2, 2015.¹ The 2015 Act requires agencies to annually adjust the level of civil monetary penalties for inflation based on Consumer Price Index (CPI–U) data from the Bureau of Labor Statistics (BLS).² Per the 2015 Act, the annual civil monetary penalties cost-of-living adjustment is based on BLS data from the month of October of the prior year. Due to the Government shutdown, BLS did not release a CPI–U for October 2025.

On April 17, 2026, OMB issued memorandum M–26–11, *Cancellation of Penalty Inflation Adjustments for 2026, Regarding the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015*, informing agencies of the cancellation of the inflation adjustment for 2026. Based on the lack of CPI–U data for October 2025, which is needed to make adjustments under the 2015 Act, and in accordance with OMB Memorandum M–26–11, the Commission will continue using the 2025 civil monetary penalty levels.

Rulemaking Analyses and Notices

Administrative Procedure Act

Adjustments under the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015, as amended, are not subject to the procedural rulemaking requirements of 5 U.S.C. 553, including the requirements for prior notice, an opportunity for comment, and a delay between the issuance of a final rule and its effective date.³

Executive Order 12866

OIRA has determined that this rule is not significant for purposes of section 3 of Executive Order 12866.

¹ Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015, § 701(b)(1)(A) (codified as amended at 28 U.S.C. 2461 note).

² OMB Memorandum M–16–06, *Implementation of the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015* (Feb. 24, 2016), guided agencies on initial “catch-up” adjustment requirements, and subsequent memoranda, including, for example, M–24–07, guided agencies on annual adjustment requirements.

³ Federal Civil Penalties Inflation Adjustment Act of 1990, Public Law 101–410, section 4(b)(2), 104 Stat. 890 (codified at 28 U.S.C. 2461 note).

Congressional Review Act

The rule is not a “major rule” as defined by the Congressional Review Act, codified at 5 U.S.C. 801 *et seq.* The rule will not result in: (1) an annual effect on the economy of \$100,000,000 or more; (2) a major increase in costs or prices; or (3) significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of United States-based companies to compete with foreign-based companies. 5 U.S.C. 804(2).

Regulatory Flexibility Act

The Regulatory Flexibility Act (codified as amended at 5 U.S.C. 601–612) provides that whenever an agency promulgates a final rule after being required to publish a notice of proposed rulemaking under the APA (5 U.S.C. 553), the agency must prepare and make available a final regulatory flexibility analysis describing the impact of the rule on small entities or the head of the agency must certify that the rule will

not have a significant economic impact on a substantial number of small entities. 5 U.S.C. 604–605. As indicated above, this final rule is not subject to the APA’s notice and comment requirements, and the Commission is therefore not required to either conduct a regulatory flexibility analysis or certify that the final rule would not have a significant economic impact on a substantial number of small entities.

Paperwork Reduction Act

The Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3521) requires an agency to seek and receive approval from the Office of Management and Budget (OMB) before collecting information from the public. 44 U.S.C. 3507. The agency must submit collections of information in rules to OMB in conjunction with the publication of the notice of proposed rulemaking. 5 CFR 1320.11. This final rule does not contain any collection of information, as defined by 44 U.S.C. 3502(3) and 5 CFR 1320.3(c).

List of Subjects in 46 CFR Part 506

Administrative practice and procedure, Claims, Penalties.

For the reasons stated in the preamble, 46 CFR part 506 is amended as follows:

PART 506—CIVIL MONETARY PENALTY INFLATION ADJUSTMENT

■ 1. The authority citation for part 506 continues to read as follows:

Authority: 28 U.S.C. 2461.

■ 2. Amend § 506.4 by revising paragraph (d) to read as follows:

§ 506.4 Cost of living adjustments of civil monetary penalties.

* * * * *

(d) *Inflation adjustment.* Maximum civil monetary penalties within the jurisdiction of the Federal Maritime Commission are adjusted for inflation as follows:

TABLE 1 TO PARAGRAPH (d)

United States Code citation	Civil monetary penalty description	Maximum penalty as of January 15, 2025	Maximum penalty as of January 15, 2026
46 U.S.C. 42304	Adverse impact on U.S. carriers by foreign shipping practices	\$2,626,135	\$2,626,135
46 U.S.C. 41107(a)	Knowing and Willful violation/Shipping Act of 1984, or Commission regulation or order.	74,943	74,943
46 U.S.C. 41107(a)	Violation of Shipping Act of 1984, Commission regulation or order, not knowing and willful.	14,988	14,988
46 U.S.C. 41108(b)	Operating in foreign commerce after tariff suspension	149,887	149,887
46 U.S.C. 42104	Failure to provide required reports, etc./Merchant Marine Act of 1920	11,823	11,823
46 U.S.C. 42106	Adverse shipping conditions/Merchant Marine Act of 1920	2,364,503	2,364,503
46 U.S.C. 42108	Operating after tariff or service contract suspension/Merchant Marine Act of 1920.	118,225	118,225
46 U.S.C. 44102, 44104	Failure to establish financial responsibility for non-performance of transportation.	29,864	29,864
46 U.S.C. 44103, 44104	Failure to establish financial responsibility for death or injury	996	996
31 U.S.C. 3802(a)(1)	Program Fraud Civil Remedies Act/making false claim	29,864	29,864
31 U.S.C. 3802(a)(2)	Program Fraud Civil Remedies Act/giving false statement	996	996
		14,308	14,308
		14,308	14,308

By the Commission.

David Eng,

Secretary.

[FR Doc. 2026–10996 Filed 6–1–26; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

49 CFR Parts 107, 171, and 173

[Docket No. PHMSA–2020–0103 (HM–257A)]

RIN 2137–AF50

Hazardous Materials: Streamlining Requirements for the Approval of Certain Energetic Materials

AGENCY: Pipeline and Hazardous Materials Safety Administration (PHMSA), Department of Transportation (DOT).

ACTION: Final rule.

SUMMARY: PHMSA is amending the Hazardous Materials Regulations (HMR) by streamlining the classification and approval process for transporting certain low-hazard fireworks, revising the criteria for small arms cartridges to include tracer ammunition as eligible for self-classification, designating the PHMSA portal as the sole method to submit applications for all explosives approvals, and authorizing voluntary termination of an explosive approval by the approval holder.

DATES:

Effective Date: This final rule is effective on July 2, 2026. The