FEDERAL REGISTER

Vol. 90 Friday,

No. 209 October 31, 2025

Pages 48909–49008

OFFICE OF THE FEDERAL REGISTER

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Contents

Federal Register

Vol. 90, No. 209

Friday, October 31, 2025

Separate Parts In This Issue

Reader Aids

Consult the Reader Aids section at the end of this issue for phone numbers, online resources, finding aids, and notice of recently enacted public laws.

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CFR PARTS AFFECTED IN THIS ISSUE

A cumulative list of the parts affected this month can be found in the Reader Aids section at the end of this issue.

3 CFR

Administrative Orders:

Presidential Determinations:

No. 2025–13 of September 30, 2025 49005

No. 2025–14 of September 30, 2025 49007

34 CFR

685 48966

40 CFR

180 48909

50 CFR

Proposed Rules:

17 48912

Rules and Regulations

Federal Register
Vol. 90, No. 209
Friday, October 31, 2025

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[EPA–HQ–OPP–2023–0621; FRL–12859–01–OCSPP]

Priestia Megaterium Strain SYM36613; Exemption From the Requirement of a Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes an exemption from the requirement of a tolerance for residues of *Priestia megaterium* strain SYM36613, formerly *Bacillus aryabhattai* strain SYM36613 (*P. megaterium* strain SYM36613) in or on all food commodities when used in accordance with label directions and good agricultural practices. Indigo Ag, Inc. submitted a petition to EPA under the Federal Food, Drug, and Cosmetic Act (FFDCA), requesting an exemption from the requirement of a tolerance. This regulation eliminates the need to establish a maximum permissible level for residues of *P. megaterium* strain SYM36613 under FFDCA when used in accordance with this exemption.

DATES: This regulation is effective October 31, 2025. Objections and requests for hearings must be received on or before December 30, 2025 and must be filed in accordance with the instructions provided in 40 CFR part 178 (see also Unit I.C. of the **SUPPLEMENTARY INFORMATION**).

ADDRESSES: The docket for this action, identified by docket identification (ID) number EPA–HQ–OPP–2023–0621, is available at *https://www.regulations.gov.* Additional information about dockets generally, along with instructions for visiting the docket center in person, is available at *https://www.epa.gov/dockets.*

FOR FURTHER INFORMATION CONTACT: Shannon Borges, Biopesticides and Pollution Prevention Division (7511M), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001; main telephone number: (202) 566–1400; email address: *BPPDFRNotices@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Executive Summary

A. Does this action apply to me?

You may be potentially affected by this action if you are an agricultural producer, food manufacturer, or pesticide manufacturer. The following list of North American Industrial Classification System (NAICS) codes is not intended to be exhaustive, but rather provides a guide to help readers determine whether this document applies to them. Potentially affected entities may include:

- Crop production (NAICS code 111).
- Animal production (NAICS code 112).
- Food manufacturing (NAICS code 311).
- Pesticide manufacturing (NAICS code 32532).

If you have any questions regarding the applicability of this action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

B. What is EPA's authority for taking this action?

EPA is issuing this rulemaking under section 408 of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 346a. FFDCA section 408(b)(2)(A)(i) allows EPA to establish a tolerance (the legal limit for a pesticide chemical residue in or on a food) only if EPA determines that the tolerance is ''safe.'' FFDCA section 408(b)(2)(A)(ii) defines ''safe'' to mean that ''there is a reasonable certainty that no harm will result from aggregate exposure to the pesticide chemical residue, including all anticipated dietary exposures and all other exposures for which there is reliable information.'' This includes exposure through drinking water and in residential settings but does not include occupational exposure. FFDCA section 408(b)(2)(C) requires EPA to give special consideration to exposure of infants and children to the pesticide chemical residue in establishing a tolerance and to ''ensure that there is a reasonable certainty that no harm will result to infants and children from aggregate exposure to the pesticide chemical residue . . .''

C. How can I file an objection or hearing request?

Under FFDCA section 408(g), 21 U.S.C. 346a(g), any person may file an objection to any aspect of this regulation and may also request a hearing on those objections. If you fail to file an objection to the final rule within the time period specified in the final rule, you will have waived the right to raise any issues resolved in the final rule. You must file your objection or request a hearing on this regulation in accordance with the instructions provided in 40 CFR part 178. To ensure proper receipt by EPA, you must identify docket ID number EPA–HQ–OPP–2023–0621 in the subject line on the first page of your submission. All objections and requests for a hearing must be in writing and must be received by the Hearing Clerk on or before December 30, 2025.

EPA's Office of Administrative Law Judges (OALJ), in which the Hearing Clerk is housed, urges parties to file and serve documents by electronic means only, notwithstanding any other particular requirements set forth in other procedural rules governing those proceedings. *See* ''Revised Order Urging Electronic Filing and Service,'' dated June 22, 2023, which can be found at *https://www.epa.gov/system/files/documents/2023-06/2023-06-22%20-%20revised%20order%20urging%20electronic%20filing%20and%20service.pdf.* Although EPA's regulations require submission via U.S. Mail or hand delivery, EPA intends to treat submissions filed via electronic means as properly filed submissions; therefore, EPA believes the preference for submission via electronic means will not be prejudicial. When submitting documents to the OALJ electronically, a person should utilize the OALJ e-filing system at *https://yosemite.epa.gov/oa/eab/eab-alj_upload.nsf.*

In addition to filing an objection or hearing request with the Hearing Clerk as described in 40 CFR part 178, please submit a copy of the filing (excluding any Confidential Business Information (CBI)) for inclusion in the public docket at *https://www.regulations.gov.* Follow the online instructions for submitting comments. Do not submit electronically

any information you consider to be CBI or other information whose disclosure is restricted by statute. If you wish to include CBI in your request, please follow the applicable instructions at *https://www.epa.gov/dockets/commenting-epa-dockets#rules* and clearly mark the information that you claim to be CBI. Information not marked confidential pursuant to 40 CFR part 2 may be disclosed publicly by EPA without prior notice.

II. Petitioned for Exemption

In the **Federal Register** of February 9, 2024 (89 FR 9104) (FRL–10579–12–OCSPP), EPA issued a notice pursuant to FFDCA section 408(d)(3), 21 U.S.C. 346a(d)(3), announcing the filing of a pesticide tolerance exemption petition (PP 3F9071) by Indigo Ag, Inc., 500 Rutherford Ave., Charlestown, MA 02129. The petition requested that 40 CFR part 180 be amended by establishing an exemption from the requirement of a tolerance for residues of the fungicide *P. megaterium* strain SYM36613 in or on all food commodities. That notice referenced a summary of the petition prepared by the petitioner Indigo Ag, Inc. and available in the docket via *https://www.regulations.gov.* EPA received no comments in response to the notice of filing.

Based upon review of data and other information supporting the petition, EPA modified the active ingredient name from *Bacillus aryabhattai* strain SYM36613 to *Priestia megaterium* strain SYM36613.

III. Final Tolerance Actions

A. EPA's Safety Determination

EPA evaluated the available toxicological and exposure data on *P. megaterium* strain SYM36613 and considered their validity, completeness, and reliability, as well as the relationship of this information to human risk. A full explanation of the data upon which EPA relied and its risk assessment based on those data can be found within the document entitled ''Human Health Risk Assessment of *Priestia* (formerly *Bacillus*) *megaterium (formerly aryabhattai)* strain SYM36613, a New Active Ingredient, in [*Priestia megaterium* strain SYM36613 MUP (Manufacturing-use Product)] and Indigo® 398 FP and Indigo® 398 WD (End-use Products)] Proposed for Registration and an Associated Petition Requesting a Tolerance Exemption,'' or the *P. megaterium* strain SYM36613 Human Health Risk Assessment. This document, as well as other relevant information, is available in the docket for this action as described under **ADDRESSES**.

The toxicological profile of *P. megaterium* strain SYM36613 is described in the *P. megaterium* strain SYM36613 Human Health Risk Assessment. Based upon its evaluation, EPA concludes that with regards to humans, *P. megaterium* strain SYM36613 is not anticipated to be toxic, pathogenic, or infective. Significant dietary and non-occupational exposure to residues of *P. megaterium* strain SYM36613 are not expected as the products will only be applied in agricultural settings early in the growing season, will only be applied directly to soil and seed, and have not been approved for any residential uses. Other non-occupational exposure through drift or other means are also considered unlikely due to the low application rates proposed for end-use products that are not expected to significantly increase the levels of *P. megaterium* strain SYM36613 naturally present in the treated environment. If this active ingredient were to enter surface or ground water to some degree, it would likely be present at levels below that of the naturally occurring *P. megaterium* organism and it would be even further reduced in numbers by way of standard municipal drinking water practices. Even if dietary and non-occupational exposures to residues of *P. megaterium* strain SYM36613 were to occur, there are no risks of concern due to the lack of adverse effects from toxicity, pathogenicity, or infectivity of *P. megaterium* strain SYM36613 from the results of the guideline mammalian toxicology testing. Further, because food crops undergo postharvest washing, it is unlikely that significant residues of *P. megaterium* strain would remain on treated crops.

EPA determined that no additional margin of safety is necessary to protect infants and children as part of the qualitative assessment conducted, as data and rationale demonstrated that there are no threshold levels of concern with the toxicity, pathogenicity or infectivity of *P. megaterium* strain SYM36613.

Based upon its evaluation in the *P. megaterium* strain SYM36613 Human Health Risk Assessment, which concludes that there are no risks of concern from aggregate exposure to *P. megaterium* strain SYM36613, EPA concludes that there is a reasonable certainty that no harm will result to the U.S. population, including infants and children, from aggregate exposure to residues of *P. megaterium* strain SYM36613.

B. Analytical Enforcement Methodology

An analytical method is not required for *P. megaterium* strain SYM36613 because EPA is establishing an exemption from the requirement of a tolerance without any numerical limitation.

C. Conclusion

Therefore, an exemption from the requirement of a tolerance is established for residues of *P. megaterium* strain SYM36613 in or on all food commodities when used in accordance with label directions and good agricultural practices.

IV. Statutory and Executive Order Reviews

Additional information about these statutes and Executive Orders can be found at *https://www.epa.gov/laws-regulations/laws-and-executive-orders.*

A. Executive Order 12866: Regulatory Planning and Review

This action is exempt from review under Executive Order 12866 (58 FR 51735, October 4, 1993), because it establishes or modifies a pesticide tolerance or a tolerance exemption under FFDCA section 408 in response to a petition submitted to the Agency. The Office of Management and Budget (OMB) has exempted these types of actions from review under Executive Order 12866.

B. Executive Order 14192: Unleashing Prosperity Through Deregulation

Executive Order 14192 (90 FR 9065, February 6, 2025) does not apply because actions that establish a tolerance exemption under FFDCA section 408 are exempted from review under Executive Order 12866.

C. Paperwork Reduction Act (PRA)

This action does not impose an information collection burden under the PRA, 44 U.S.C. 3501 *et seq.,* because it does not contain any information collection activities.

D. Regulatory Flexibility Act (RFA)

This action is not subject to the RFA, 5 U.S.C. 601 *et seq*. The RFA applies only to rules subject to notice and comment rulemaking requirements under the Administrative Procedure Act (APA), 5 U.S.C. 553, or any other statute. This rule is not subject to the APA but is subject to FFDCA section 408(d), which does not require notice and comment rulemaking to take this action in response to a petition.

E. Unfunded Mandates Reform Act (UMRA)

This action does not contain an unfunded mandate of $100 million or more (in 1995 dollars and adjusted annually for inflation) as described in UMRA, 2 U.S.C. 1531–1538, and does not significantly or uniquely affect small governments. The action imposes no enforceable duty on any State, local or Tribal governments or the private sector.

F. Executive Order 13132: Federalism

This action does not have federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999), because it will not have substantial direct effects on the States, on the relationship between the National Government and the States, or on the distribution of power and responsibilities among the various levels of government.

G. Executive Order 13175: Consultation and Coordination With Indian Tribal Governments

This action does not have tribal implications as specified in Executive Order 13175 (65 FR 67249, November 9, 2000), because it will not have substantial direct effects on tribal governments, on the relationship between the Federal Government and the Indian Tribes, or on the distribution of power and responsibilities between the Federal Government and Indian Tribes.

H. Executive Order 13045: Protection of Children From Environmental Health Risks and Safety Risks

This action is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997) because it is not a significant regulatory action under section 3(f)(1) of Executive Order 12866 (See Unit IV.A.), and because EPA does not believe the environmental health or safety risks addressed by this action present a disproportionate risk to children.

However, EPA's 2021 Policy on Children's Health applies to this action. This rule finalizes an exemption from the requirement of a tolerance under the FFDCA, which requires EPA to give special consideration to exposure of infants and children to the pesticide chemical residue in establishing a tolerance exemption and to ''ensure that there is a reasonable certainty that no harm will result to infants and children from aggregate exposure to the pesticide chemical residue. . . .'' (FFDCA 408(b)(2)(C)). The Agency's consideration is documented in Unit III.A.

I. Executive Order 13211: Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution or Use

This action is not subject to Executive Order 13211 (66 FR 28355) (May 22, 2001) because it is not a significant regulatory action under Executive Order 12866.

J. National Technology Transfer Advancement Act (NTTAA)

This action does not involve technical standards that would require Agency consideration under NTTAA section 12(d), 15 U.S.C. 272.

K. Congressional Review Act (CRA)

This action is subject to the CRA, 5 U.S.C. 801 *et seq.,* and EPA will submit a rule report to each House of the Congress and to the Comptroller General of the United States. This action not a ''major rule'' as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 180

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: October 21, 2025.

Edward Messina,

Director, Office of Pesticide Programs.

Therefore, for the reasons stated in the preamble, EPA is amending 40 CFR chapter I as follows:

PART 180—TOLERANCES AND EXEMPTIONS FOR PESTICIDE CHEMICAL RESIDUES IN FOOD

■ 1. The authority citation for part 180 continues to read as follows:

Authority: 21 U.S.C. 321(q), 346a and 371.

■ 2. Add § 180.1420 to subpart D to read as follows:

§ 180.1420 *Priestia megaterium* strain SYM36613; exemption from the requirement of a tolerance.

An exemption from the requirement of a tolerance is established for residues of *Priestia megaterium* strain SYM36613 in or on all food commodities when used in accordance with label directions and good agricultural practices.

[FR Doc. 2025–19728 Filed 10–30–25; 8:45 am]

BILLING CODE 6560–50–P

Proposed Rules

Federal Register
Vol. 90, No. 209
Friday, October 31, 2025

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

[Docket No. FWS–HQ–ES–2023–0246; FF09E22000–256–FXES11130900000FEDR]

Endangered and Threatened Wildlife and Plants; Review of Species That Are Candidates for Listing as Endangered or Threatened; Annual Notification of Findings on Resubmitted Petitions; Annual Description of Progress on Listing Actions

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notification of review.

SUMMARY: In this candidate notice of review (CNOR), we, the U.S. Fish and Wildlife Service (Service or FWS), present an updated list of plant and animal species that we regard as candidates for or have proposed for addition to the Lists of Endangered and Threatened Wildlife and Plants under the Endangered Species Act of 1973, as amended. This document also includes our findings on resubmitted petitions and describes our progress in revising the Lists of Endangered and Threatened Wildlife and Plants (Lists) during the period October 1, 2022, through September 30, 2024. Combined with other decisions for individual species that were published separately from this CNOR in the past two years, the current number of species that are candidates for listing or uplisting is 16 (as of September 30, 2024). Identification of candidate species can assist environmental planning efforts by providing advance notice of potential listings, and by allowing landowners, resource managers, States, Tribes, range countries, and other stakeholders to take actions to alleviate threats and thereby possibly remove the need to list species as endangered or threatened. Even if we subsequently list a candidate species, the early notice provided here could result in more options for species management and recovery by prompting earlier candidate conservation measures to alleviate threats to the species.

DATES: We are publishing this document on October 31, 2025. We will accept information on any of the species in this document at any time.

ADDRESSES: This document is available on the internet at *https://www.regulations.gov* and *https://www.fws.gov/library/collections/candidate-notice-review*.

Species assessment forms with information and references on a particular candidate species' range, status, habitat needs, and listing priority assignment are available for review on our website (*https://ecos.fws.gov/tess_public/reports/candidate-species-report*). Please submit any new information, materials, comments, or questions of a general nature on this document to the address listed under **FOR FURTHER INFORMATION CONTACT**. Please submit any new information, materials, comments, or questions pertaining to a particular species to the address of the Regional Director or Branch Chief in the appropriate office listed under Request for Information in **SUPPLEMENTARY INFORMATION**.

FOR FURTHER INFORMATION CONTACT: For foreign species: Rachel London, Manager, Branch of Delisting and Foreign Species, Ecological Services Program, U.S. Fish and Wildlife Service, MS: ES, 5275 Leesburg Pike, Falls Church, VA 22041–3803; telephone 703–358–1961. For domestic species: Caitlin Snyder, Chief, Branch of Domestic Listing, U.S. Fish and Wildlife Service, MS: ES, 5275 Leesburg Pike, Falls Church, VA 22041–3803 (telephone: 703–358–1961). Individuals in the United States who are deaf, deafblind, hard of hearing, or have a speech disability may dial 711 (TTY, TDD, or TeleBraille) to access telecommunications relay services. Individuals outside the United States should use the relay services offered within their country to make international calls to the point-of-contact in the United States.

SUPPLEMENTARY INFORMATION:

Background

The Endangered Species Act of 1973 (Act; 16 U.S.C. 1531 *et seq.*), as amended, requires that we identify species of wildlife and plants that are endangered or threatened based solely on the best scientific and commercial data available. As defined in section 3 of the Act, an endangered species is any species that is in danger of extinction throughout all or a significant portion of its range, and a threatened species is any species that is likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range. Through the Federal rulemaking process, we add species that meet these definitions to the List of Endangered and Threatened Wildlife in title 50 of the Code of Federal Regulations (CFR) at § 17.11 (50 CFR 17.11) or the List of Endangered and Threatened Plants at 50 CFR 17.12. As part of this process, we maintain a list of species that we regard as candidates for listing. A candidate species is one for which we have on file sufficient information on biological vulnerability and threats to support a proposal for listing as endangered or threatened, but for which preparation and publication of a proposal is precluded by higher priority listing actions. We may identify a species as a candidate for listing after we have conducted an evaluation of its status—either on our own initiative, or in response to a petition we have received. If we have made a finding on a petition to list a species and have found that listing is warranted but precluded by other higher priority listing actions, we will add the species to our list of candidates.

We maintain this list of candidates for a variety of reasons: (1) To notify the public that these species are facing threats to their survival; (2) to provide advance knowledge of potential listings that could affect decisions of environmental planners and developers; (3) to provide information that may stimulate and guide conservation efforts that will remove or reduce threats to these species and possibly make listing unnecessary; (4) to request input from interested parties to help us identify those candidate species that may not require protection under the Act, as well as additional species that may require the Act's protections; and (5) to request necessary information for setting priorities for preparing listing proposals. We encourage collaborative conservation efforts for candidate species and offer technical and financial assistance to facilitate such efforts. For additional information regarding such

assistance, please contact the appropriate Office listed under Request for Information, below, or visit our website at: *https://www.fws.gov/program/endangered-species/what-we-do*.

Previous CNORs

We have been publishing CNORs since 1975. The most recent was published on June 27, 2023 (88 FR 41560). CNORs published since 1994 are available on our website at *https://www.fws.gov/library/collections/candidate-notice-review.* For copies of CNORs published prior to 1994, please contact the Branch of Delisting and Foreign Species or the Branch of Domestic Listing (see **FOR FURTHER INFORMATION CONTACT**, above).

On September 21, 1983, we published guidance for assigning a listing priority number (LPN) for each candidate species (48 FR 43098). Using this guidance, we assign each candidate an LPN of 1 to 12, depending on the magnitude of threats, immediacy of threats, and taxonomic status; the lower the LPN, the higher the listing priority (that is, a species with an LPN of 1 would have the highest listing priority). Section 4(h)(3) of the Act (16 U.S.C. 1533(h)(3)) requires the Secretary to establish guidelines for such a priority-ranking system. As explained below, in using this system, we first categorize based on the magnitude of the threat(s), then by the immediacy of the threat(s), and finally by taxonomic status.

Under this priority-ranking system, magnitude of threat can be either ''high'' or ''moderate to low.'' This criterion helps ensure that the species facing the greatest threats to their continued existence receive the highest listing priority. All candidate species face threats to their continued existence, so the magnitude of threats is in relative terms. For all candidate species, the threats are of sufficiently high magnitude to put them in danger of extinction or make them likely to become in danger of extinction in the foreseeable future. However, for species with higher magnitude threats, the threats have a greater likelihood of bringing about extinction or are expected to bring about extinction on a shorter timescale (once the threats are imminent) than for species with lower magnitude threats. Because we do not routinely quantify how likely or how soon extinction would be expected to occur absent listing, we must evaluate factors that contribute to the likelihood and time scale for extinction. We, therefore, consider information such as: (1) The number of populations or extent of range of the species affected by the threat(s), or both; (2) the biological significance of the affected population(s), taking into consideration the life-history characteristics of the species and its current abundance and distribution; (3) whether the threats affect the species in only a portion of its range, and, if so, the likelihood of persistence of the species in the unaffected portions; (4) the severity of the effects and the rapidity with which they have caused or are likely to cause mortality to individuals and accompanying declines in population levels; (5) whether the effects are likely to be permanent; and (6) the extent to which any ongoing conservation efforts reduce the severity of the threat(s).

As used in our priority-ranking system, immediacy of threat is categorized as either ''imminent'' or ''nonimminent,'' and is based on when the threats will begin. If a threat is currently occurring or likely to occur in the very near future, we classify the threat as imminent. Determining the immediacy of threats helps ensure that species facing actual, identifiable threats are given priority for listing proposals over species for which threats are only potential or species that are intrinsically vulnerable to certain types of threats but are not known to be presently facing such threats.

Our priority-ranking system has three categories for taxonomic status: Species that are the sole members of a genus; full species (in genera that have more than one species); and subspecies and distinct population segments of vertebrate species (DPSs).

The result of the ranking system is that we assign each candidate an LPN of 1 to 12. For example, if the threats are of high magnitude, with immediacy classified as imminent, the listable entity is assigned an LPN of 1, 2, or 3 based on its taxonomic status (*i.e.,* a species that is the only member of its genus would be assigned to the LPN 1 category, a full species to LPN 2, and a subspecies or DPS would be assigned to LPN 3). In summary, the LPN ranking system provides a basis for making decisions about the relative priority for preparing a proposed rule to list a given species. No matter which LPN we assign to a species, each species included in this document as a candidate is one for which we have concluded that we have sufficient information to prepare a proposed rule for listing because it is in danger of extinction or likely to become endangered within the foreseeable future throughout all or a significant portion of its range.

For more information on the process and standards used in assigning LPNs, a copy of the 1983 guidance is available at: *https://www.govinfo.gov/content/pkg/FR-2016-07-27/pdf/2016-17818.pdf*. The species assessment and listing priority assignment form for each candidate contains the LPN chart and a more-detailed explanation—including citations to, and more-detailed analyses of, the best scientific and commercial data available—for our determination of the magnitude and immediacy of threat(s) and assignment of the LPN; these forms are available for review on the website provided above in **ADDRESSES**.

Summary of This CNOR

Since publication of the previous CNOR on June 27, 2023 (88 FR 41560), we reviewed the available information on candidate species to ensure that a proposed listing is justified for each species, and reevaluated the relative LPN assigned to each species. We also evaluated the need to emergency list any of these species, particularly species with higher priorities (*i.e.,* species with LPNs of 1, 2, or 3). This review and reevaluation ensures that we focus conservation efforts on those species at greatest risk.

In addition to reviewing candidate species since publication of the last CNOR, we have worked on findings in response to petitions to list species, on proposed rules to list species under the Act, and on final listing determinations. Some of these findings and determinations have been completed and published in the **Federal Register**, while work on others is still under way (see Preclusion and Expeditious Progress, below, for details).

Combined with other findings and determinations published separately from this CNOR, as of September 30, 2024, 16 candidate species are awaiting preparation of a proposed listing rule or ''not-warranted'' finding. Table 5 (below) identifies these 16 candidate species, along with the 56 species proposed for listing (including one species proposed for listing due to similarity of appearance) as of September 30, 2024.

Table 6 (below) lists the changes for species identified in the previous CNOR and includes 48 species identified in the previous CNOR as either proposed for listing or classified as candidates that are no longer in those categories because we have published a final listing rule.

Petition Findings

The Act provides two mechanisms for considering species for listing. One method allows the Secretary, on the Secretary's own initiative, to identify species for listing under the standards of section 4(a)(1). The second method

provides a mechanism for the public to petition us to add a species to the Lists. As described further in the paragraphs that follow, the CNOR serves several purposes as part of the petition process: (1) In some instances (in particular, for petitions to list species that the Service has already identified as candidates on its own initiative), it serves as the initial petition finding; (2) for candidate species for which the Service has made a warranted-but-precluded petition finding, it serves as a ''resubmitted'' petition finding that the Act requires the Service to make each year; and (3) it documents the Service's compliance with the statutory requirement to monitor the status of species for which listing is warranted but precluded, and to ascertain if they need emergency listing.

First, the CNOR serves as an initial 12-month finding in some instances. Under section 4(b)(3)(A) of the Act, when we receive a petition to list a species, we must determine within 90 days, to the maximum extent practicable, whether the petition presents substantial information indicating that listing may be warranted (a ''90-day finding''). If we make a positive 90-day finding, we must promptly commence a status review of the species under section 4(b)(3)(A), and then, in accordance with section 4(b)(3)(B), we must make, within 12 months of the receipt of the petition, one of the following three possible findings (a ''12-month finding''):

(1) The petitioned action is not warranted, in which case we must promptly publish the finding in the **Federal Register**;

(2) The petitioned action is warranted (in which case we must promptly publish a proposed regulation to implement the petitioned action; once we publish a proposed rule for a species, sections 4(b)(5) and 4(b)(6) of the Act govern further procedures, regardless of whether or not we issued the proposal in response to a petition); or

(3) The petitioned action is warranted, but (a) the immediate proposal of a regulation and final promulgation of a regulation implementing the petitioned action is precluded by pending proposals to determine whether any species is endangered or threatened, and (b) expeditious progress is being made to add qualified species to the Lists and to remove from the Lists species for which the protections of the Act are no longer necessary. We refer to this third option as a ''warranted-but-precluded finding,'' and after making such a finding, we must promptly publish it in the **Federal Register**.

We define ''candidate species'' to mean those species for which the Service has on file sufficient information on biological vulnerability and threats to support issuance of a proposed rule to list, but for which issuance of the proposed rule is precluded by higher priority listing actions (61 FR 64481; December 5, 1996). The standard for making a species a candidate through our own initiative is identical to the standard for making a warranted-but-precluded 12-month petition finding on a petition to list.

Therefore, all candidate species identified through our own initiative already have received the equivalent of substantial 90-day and warranted-but-precluded 12-month findings. Nevertheless, if we receive a petition to list a species that we have already identified as a candidate, we review the status of the newly petitioned candidate species and in a CNOR publish specific section 4(b)(3) findings (*i.e.,* substantial 90-day and warranted-but-precluded 12-month findings) in response to the petitions to list these candidate species. We publish these findings as part of the first CNOR following receipt of the petition.

Second, the CNOR serves as a ''resubmitted'' petition finding. Section 4(b)(3)(C)(i) of the Act requires that when we make a warranted-but-precluded finding on a petition, we treat the petition as one that is resubmitted on the date of the finding. Thus, we must make a 12-month petition finding for each such species at least once a year in compliance with section 4(b)(3)(B) of the Act, until we publish a proposal to list the species or make a final not-warranted finding. We make these annual resubmitted petition findings through the CNOR. To the extent these annual findings differ from the initial 12-month warranted-but-precluded finding or any of the resubmitted petition findings in previous CNORs, they supersede the earlier findings, although all previous findings are part of the administrative record for the new finding, and in the new finding, we may rely upon them or include them by reference as appropriate, in addition to explaining why the finding has changed. We have identified the candidate species for which we received petitions and made a continued warranted-but-precluded finding on a resubmitted petition by the code ''C'' in the category column on the left side of table 5, below.

Third, through undertaking the analysis required to complete the CNOR, the Service determines if any candidate species needs emergency listing. Section 4(b)(3)(C)(iii) of the Act requires us to implement a system to monitor effectively the status of all species for which we have made a warranted-but-precluded 12-month finding and to make prompt use of the emergency listing authority under section 4(b)(7) to prevent a significant risk to the well-being of any such species. The CNOR plays a crucial role in the monitoring system that we have implemented for all candidate species by providing notice that we are actively seeking information regarding the status of those species. We review all new information on candidate species as it becomes available, prepare an annual species assessment form that reflects monitoring results and other new information, and identify any species for which emergency listing may be appropriate. If we determine that emergency listing is appropriate for any candidate, we will make prompt use of the emergency listing authority under section 4(b)(7) of the Act.

A number of court decisions have elaborated on the nature and specificity of information that we must consider in making and describing the petition findings in the CNOR. The CNOR that published on November 9, 2009 (74 FR 57804), describes these court decisions in further detail. As with previous CNORs, we continue to incorporate information of the nature and specificity required by the courts. For example, we include a description of the reasons why the listing of every petitioned candidate species is both warranted and precluded at this time. We make our determinations of preclusion on a nationwide basis to ensure that the species most in need of listing will be addressed first and also because we allocate our listing budget on a nationwide basis. Our preclusion determinations are further based upon our budget for listing activities for non-listed species only, and we explain the priority system and why the work we have accomplished has precluded action on listing candidate species.

In preparing this CNOR, we reviewed the current status of, and threats to, the 14 candidate species for which we have received a petition to list where we found the action warranted but precluded and 2 species for which we continue to find uplisting warranted but precluded. We find that the immediate issuance of a proposed rule and timely promulgation of a final rule for each of these species has been, for the preceding months, and continues to be, precluded by higher priority listing actions. Summaries for the monarch butterfly and Rio Grande cutthroat trout are not included in this CNOR, as a proposed

listing rule (89 FR 100662) and 12-month finding (89 FR 99207), respectively, have been published prior to the publication of this document.

The immediate publication of proposed rules to list or uplist these species was precluded by our work on higher priority listing actions, listed below, during the period from October 1, 2022, through September 30, 2024. Below, we describe the actions that continue to preclude the immediate proposal and final promulgation of a regulation implementing each of the petitioned actions for which we have made a warranted-but-precluded finding, and we describe the expeditious progress we are making to add qualified species to, and remove species from, the Lists. We will continue to monitor the status of all candidate species, including petitioned species, as new information becomes available to determine if a change in status is warranted, including the need to emergency list a species under section 4(b)(7) of the Act. As described above, under section 4 of the Act, we identify and propose species for listing based on the factors identified in section 4(a)(1)—either on our own initiative or through the mechanism that section 4 provides for the public to petition us to add species to the Lists of Endangered or Threatened Wildlife and Plants.

Preclusion and Expeditious Progress

To make a finding that a particular action is warranted but precluded, the Service must make two determinations: (1) That the immediate proposal and timely promulgation of a final regulation is precluded by pending proposals to determine whether any species is endangered or threatened; and (2) that expeditious progress is being made to add qualified species to either of the Lists and to remove species from the Lists (16 U.S.C. 1533(b)(3)(B)(iii)).

Preclusion

A listing proposal is precluded if the Service does not have sufficient resources available to complete the proposal because there are competing demands for those resources and the relative priority of those competing demands is higher. Thus, in any given fiscal year (FY), multiple factors dictate whether it will be possible to undertake work on a proposed listing regulation or whether promulgation of a proposal is precluded by higher priority listing actions—(1) the amount of resources available for completing the listing-related function; (2) the estimated cost of completing the proposed listing regulation; and (3) the Service's workload, along with the Service's prioritization of the proposed listing regulation, in relation to other actions in its workload.

Available Resources

The resources available for listing-related actions are determined through the annual congressional appropriations process. In FY 1998 and for each fiscal year since then, Congress has placed a statutory cap on funds that may be expended for the Listing Program (spending cap). This spending cap was designed to prevent the listing function from depleting funds needed for other functions under the Act (for example, recovery functions, such as removing species from the Lists), or for other Service programs (see House Report 105–163, 105th Congress, 1st Session, July 1, 1997). The funds within the spending cap are available to support work involving the following listing actions: Proposed and final rules to add species to the Lists or to change the status of species from threatened to endangered; 90-day and 12-month findings on petitions to add species to the Lists or to change the status of a species from threatened to endangered; annual ''resubmitted'' petition findings on prior warranted-but-precluded petition findings as required under section 4(b)(3)(C)(i) of the Act; critical habitat petition findings; proposed rules designating critical habitat or final critical habitat determinations; and litigation-related, administrative, and program-management functions (including preparing and allocating budgets, responding to Congressional and public inquiries, and conducting public outreach regarding listing and critical habitat).

For more than two decades, the size and cost of the workload in these categories of actions have far exceeded the amount of funding available to the Service under the spending cap for completing listing and critical habitat actions under the Act. As we cannot exceed the spending cap without violating the Anti-Deficiency Act (see 31 U.S.C. 1341(a)(1)(A)), each year we have been compelled to determine that work on at least some actions was precluded by work on higher priority actions. We make our determinations of preclusion on a nationwide basis to ensure that the species most in need of listing will be addressed first, and because we allocate our listing budget on a nationwide basis. Through the listing cap and the amount of funds needed to complete court-mandated actions within the cap, Congress and the courts have in effect determined the amount of money remaining (after completing court-mandated actions) for listing activities nationwide. Therefore, the funds that remain within the listing cap—after paying for work needed to comply with court orders or court-approved settlement agreements—set the framework within which we make our determinations of preclusion and expeditious progress.

For FY 2023, through the Consolidated Appropriations Act, 2023 (Pub. L. 117–328, December 29, 2022), Congress appropriated $23,398,000 for all domestic and foreign listing work. For FY 2024, through the Further Consolidated Appropriations Act, 2024 (Pub. L. 118–42, March 9, 2024), Congress appropriated $22,000,000 for all domestic and foreign listing work. The amount of funding Congress will appropriate in future years is uncertain.

Costs of Listing Actions

The work involved in preparing various listing documents can be extensive, and may include, but is not limited to: gathering and assessing the best scientific and commercial data available and conducting analyses used as the basis for our decisions; requesting peer and partner review on our analyses that support listing decisions and incorporating those comments, as appropriate; writing and publishing documents; and obtaining, reviewing, and evaluating public comments on proposed rules and incorporating relevant information from those comments into final rules. The number of listing actions that we can undertake in a given year also is influenced by the complexity of those listing actions; that is, more complex actions generally are more costly. Our practice of proposing to designate critical habitat concurrently with listing domestic species requires additional coordination and an analysis of the economic impacts of the designation, and thus adds to the complexity and cost of our work. Completing all of the outstanding listing and critical habitat actions has for so long required more funding than is available within the spending cap that the Service has developed several ways to prioritize its workload actions under the Act and to identify the work it can complete with the available funding for listing and critical habitat actions each year.

Prioritizing Listing Actions

The Service's Listing Program workload is broadly composed of four types of actions, which the Service prioritizes as follows: (1) Compliance with court orders and court-approved settlement agreements requiring that petition findings or listing determinations or critical habitat

designations be completed by a specific date; (2) essential litigation-related, administrative, and listing program-management functions; (3) section 4 (of the Act) listing and critical habitat actions with absolute statutory deadlines; and (4) section 4 listing actions that do not have absolute statutory deadlines.

In previous years, the Service received many new petitions, including multiple petitions to list numerous species—in one example, a single petition sought to list 404 domestic species. The emphasis that petitioners placed on seeking listing for hundreds of species at a time through the petition process significantly increased the number of actions within the third category of our workload—actions that have absolute statutory deadlines for making findings on those petitions. In addition, the necessity of dedicating all of the Listing Program funding towards determining the status of 251 candidate species and complying with other court-ordered requirements between 2011 and 2016 added to the number of petition findings awaiting action. Because we are not able to work on all of these actions at once, the Service's most recent effort to prioritize its workload focuses on addressing the backlog in petition findings that has resulted from the influx of large multi-species petitions and the 5-year period in which the Service was compelled to suspend making 12-month findings for most of those petitions. The number of petitions awaiting status reviews and accompanying 12-month findings illustrates the considerable extent of this backlog. As a result of the outstanding petitions to list hundreds of species, and our efforts to make initial petition findings within 90 days of receiving the petition to the maximum extent practicable, at the beginning of FY 2024 we had 289 12-month petition findings yet to be completed.

To determine the relative priorities of the outstanding 12-month petition findings, the Service developed a prioritization methodology (methodology) (81 FR 49248; July 27, 2016), after providing the public with notice and an opportunity to comment on the draft methodology (81 FR 2229; January 15, 2016). Under the methodology, we assign each 12-month finding to one of five priority bins: (1) The species is critically imperiled; (2) strong data are already available about the status of the species; (3) new science is underway that would inform key uncertainties about the status of the species; (4) conservation efforts are in development or underway and likely to address the status of the species; or (5) the available data on the species are limited. As a general matter, 12-month findings with a lower bin number have a higher priority than, and are scheduled before, 12-month findings with a higher bin number. However, we make some limited exceptions—for example, we may schedule a lower priority finding earlier if batching it with a higher priority finding would generate efficiencies. We may also consider whether there are any special circumstances whereby an action should be moved up (or down) in scheduling. For example, one limitation that might result in divergence from priority order is when the current highest priorities are clustered in a geographic area, such that our scientific expertise at the field office level is fully occupied with their existing workload. We recognize that the geographic distribution of our scientific expertise will in some cases require us to balance workload across geographic areas. Since before Congress first established the spending cap for the Listing Program in 1998, the Listing Program workload has required considerably more resources than the amount of funds Congress has allowed for the Listing Program. Therefore, it is important that we be as efficient as possible in our listing process.

After finalizing the prioritization methodology, we then applied that methodology to develop multiyear workplans for domestic and foreign species for completing the outstanding status assessments and accompanying 12-month findings, along with other outstanding work such as designating critical habitat and acting on the status of candidate species.

Domestic Species Workplan

The purpose of the National Listing Workplan (Workplan) is to provide transparency and predictability to the public about when the Service anticipates completing specific 12-month findings for domestic species while allowing for flexibility to update the Workplan when new information changes the priorities. In April 2023 and May 2024, the Service released updated Workplans for addressing the Act's domestic listing and critical habitat decisions over the subsequent 5 years. The updated May 2024 Workplan identified the Service's schedule for addressing the two domestic species on the candidate list and conducting 225 status reviews and accompanying 12-month findings by FY 2028 for domestic species that have been petitioned for Federal protections under the Act. The National Listing Workplan is available online at: *https://www.fws.gov/project/national-listing-workplan.*

Foreign Species Workplan

Similar to the National Listing Workplan, the Foreign Species Workplan provides the Service's multiyear schedule for addressing our foreign species listing workload. The Foreign Species Workplan provides transparency and predictability to the public about when the Service anticipates completing specific 12-month findings and candidate species while allowing for flexibility to update the Foreign Species Workplan when new information changes the priorities. In June 2023, the Service released its Foreign Species Workplan for addressing the Act's foreign listing decisions over the subsequent 5 years. A more recent Foreign Species Workplan was published in November 2024; however, this CNOR addresses the time period of October 1, 2022, through September 30, 2024, so for the purposes of this CNOR, we reference the June 2023 version. The Foreign Species Workplan identifies the Service's prioritization for addressing the 14 foreign species on the candidate list and 48 status reviews and accompanying 12-month findings for petitioned species, and it identifies which actions we plan to complete by FY 2029. As we implement our Foreign Species Workplan and work on 12-month findings and proposed rules for the highest priority species, we increase efficiency by preparing multi-species proposals when appropriate, and these may include species with lower priority if they overlap geographically or have the same threats as one of the highest priority species. The Foreign Species Workplan is available online at: *https://www.fws.gov/project/foreign-species-listing-workplan.*

For the 12-month findings, consistent with our prioritization methodology, within the five priority bins we determine the relative timing of foreign species actions using sub-ranking considerations, *i.e.,* as tie-breakers for determining relative timing within each of the five bins (see the August 9, 2021, CNOR (86 FR 43474–43476) for a detailed description of tie-breakers). We consider the extent to which the protections of the Act would be able to improve conditions for that species and its habitat relative to the other species within the same bin, and in doing so, we give weight to the following considerations, in order from greater weight to lesser weight.

1. FWS Office of Law Enforcement (OLE) enforcement capacity;

2. Species in trade to or from the United States;

3. Species in trade through U.S. ports (*i.e.,* in-transit or transshipment);

4. Within the United States, interstate trade;

5. Status under the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES); and

6. International Union for Conservation of Nature (IUCN) Red List status.

Prioritization of Domestic and Foreign Species

An additional way in which we determine relative priorities of outstanding actions for species in the section 4 program is application of the listing priority guidelines (48 FR 43098; September 21, 1983; see Previous CNORs, above). Proposed rules for listing foreign species, including foreign candidate species, are generally lower in priority than domestic listings because we generally have more resources and authorities to achieve higher conservation outcomes when listing domestic species. The Service has a responsibility to conserve both domestic and foreign species; however, our choice to dedicate the bulk of our funding cap to domestic actions is a rational one given the likelihood of obtaining better conservation outcomes for domestic species versus foreign species under the Act.

The Act makes no distinction between foreign species and domestic species in listing species as endangered or threatened. The protections of the Act generally apply to both listed foreign species and domestic species, and section 8 of the Act provides authorities for international cooperation on foreign species. However, some significant differences in the Service's authorities result in differences in our ability to affect conservation for foreign and domestic species under the Act. The major differences are that the Service has no regulatory jurisdiction over take of a listed species in a foreign country, or of trade in listed species outside the United States by persons not subject to the jurisdiction of the United States (see 50 CFR 17.21). The Service also does not designate critical habitat within foreign countries or in other areas outside of the jurisdiction of the United States (50 CFR 424.12(g)).

Additionally, section 7 of the Act in part requires Federal agencies to ensure that activities they authorize, fund, or carry out are not likely to jeopardize the continued existence of the species or destroy or adversely modify its critical habitat, and to enter into consultation with the Service if a Federal action may affect a listed species or its critical habitat. An ''action'' that is subject to the consultation provisions of section 7(a)(2) is defined in our implementing regulations at 50 CFR 402.02 as all activities or programs of any kind authorized, funded, or carried out, in whole or in part, by Federal agencies in the United States or upon the high seas. In view of this regulatory definition, foreign species are rarely subject to section 7 consultation, apart from consultations for permits issued under the Act. This differs from the considerable benefits section 7 affords to domestic species whose life cycle occurs in whole or in part in the United States, and for which we do designate critical habitat, which are routinely subject to section 7 consultations and the conservation benefits that result from those.

These differences in the Service's authorities for foreign and domestic species under the Act, including relating to take, critical habitat, and section 7 consultation, mean that listing foreign species is likely to have relatively less conservation effect than for domestic species. The protections of the Act through listing are likely to have their greatest conservation effect for foreign species that are in trade to, from, through, or within the United States. The majority (likely 12 out of the 14) of current foreign candidate species are not known to be in trade. Therefore, we made a rational decision to dedicate more resources to listing domestic species.

Additionally, proposed rules for reclassification of threatened species status to endangered species status (uplisting) are generally lower in priority because, as listed species, they are already afforded the protections of the Act and implementing regulations. However, for efficiency reasons, we may choose to work on a proposed rule to reclassify a species to endangered species status if we can combine this action with higher priority work.

Listing Program Workload

The National Listing Workplan that the Service released in 2024 outlined work for domestic species over the period from FY 2024 to FY 2028. The Foreign Species Workplan that the Service released in 2023 outlined work for foreign species over the period from FY 2024 to FY 2029. Tables 1 and 2 under *Expeditious Progress,* below, identify the higher priority listing actions that we completed through FY 2024 (September 30, 2024), as well as those we have been working on in FY 2024 but have not yet completed. For FY 2023 and FY 2024, our workload includes 48 12-month findings or proposed listing actions that are at various stages of completion at the time of this finding. In addition to the actions scheduled in the National Listing Workplan and the Foreign Species Workplan (''Workplans''), the overall Listing Program workload also includes development and revision of regulations required by new court orders or settlement agreements to address the repercussions of any new court decisions, and proposed and final critical habitat designations or revisions for species that have already been listed. The Service's highest priorities for spending its funding in FY 2023 and FY 2024 were actions included in the Workplans and actions required to address court decisions.

Expeditious Progress

As explained above, a determination that listing is warranted but precluded must also demonstrate that expeditious progress is being made to add and remove qualified species to and from the Lists. Please note that in the Code of Federal Regulations, the ''Lists'' are grouped as one list of endangered and threatened wildlife (see 50 CFR 17.11(h)) and one list of endangered and threatened plants (see 50 CFR 17.12(h)). However, the ''Lists'' referred to in the Act mean one list of endangered species (wildlife and plants) and one list of threatened species (wildlife and plants). For the purposes of evaluating our expeditious progress, when we refer to the ''Lists,'' we mean this latter grouping of one list of endangered species and one list of threatened species.

As with our ''precluded'' finding, the evaluation of whether expeditious progress is being made is a function of the resources available and the competing demands for those funds. As discussed earlier, the FY 2023 appropriations law appropriated $23,398,000 for all domestic and foreign listing activities, and the FY 2024 appropriations law appropriated $22,000,000 for all domestic and foreign listing activities.

As discussed below, given the limited resources available for listing, the competing demands for those funds, and the completed work catalogued in the tables below, we find that we are making expeditious progress to add qualified species to the Lists and to remove from the Lists species for which the protections of the Act are no longer necessary.

The work of the Service's domestic listing and foreign listing programs in FY 2023 and FY 2024 (as of September

30, 2024) included all three of the steps necessary for adding species to the Lists: (1) Identifying species that may warrant listing (including 90-day petition findings); (2) undertaking an evaluation of the best available scientific data about those species and the threats they face to determine whether or not listing is warranted (a status review and, for petitioned species, an accompanying 12-month finding); and (3) adding qualified species to the Lists (by publishing proposed and final listing rules). We explain in more detail how we are making expeditious progress in all three of the steps necessary for adding qualified species to the Lists (identifying, evaluating, and adding species). Subsequent to discussing our expeditious progress in adding qualified species to the Lists, we explain our expeditious progress in removing from the Lists species that no longer require the protections of the Act.

First, we are making expeditious progress in identifying species that may warrant listing. In FY 2023 and FY 2024 (as of September 30, 2024), we completed 90-day findings on petitions to list 21 domestic species and 5 foreign species.

Second, we are making expeditious progress in evaluating the best scientific and commercial data available about species and threats they face (status reviews) to determine whether or not listing is warranted. In FY 2023 and FY 2024 (as of September 30, 2024), we completed 12-month findings for 99 domestic species and 1 foreign species. In addition, we initiated 12-month findings for 89 domestic species, 23 foreign species, and 2 candidates. Although we did not complete all of those actions during FY 2023 or FY 2024 (as of September 30, 2024), we made expeditious progress towards doing so by initiating and making progress on the status reviews to determine whether adding these species to the Lists is warranted.

Third, we are making expeditious progress in adding qualified species to the Lists. In FY 2023 and FY 2024 (as of September 30, 2024), we published final listing rules for 48 domestic species and 5 foreign species, including final critical habitat designations for 22 of those domestic species and final protective regulations under the Act's section 4(d) for 33 of those domestic species and 2 foreign species. In addition, we published proposed rules to list an additional 45 domestic species and 6 foreign species (including concurrent proposed critical habitat designations for 24 domestic species and concurrent protective regulations under the Act's section 4(d) for 15 domestic species and 1 foreign species).

Fourth, we are also making expeditious progress in removing (delisting) species, as well as reclassifying endangered species to threatened species status (downlisting). Delisting and downlisting actions are funded through the recovery line item in the budget of the Endangered Species Program. Thus, delisting and downlisting actions do not factor into our assessment of preclusion; that is, work on recovery actions does not preclude the availability of resources for completing new listing work. However, work on recovery actions does count towards our assessment of making expeditious progress because the Act states that expeditious progress includes both adding qualified species to, and removing qualified species from, the Lists of Endangered and Threatened Wildlife and Plants. In FY 2023 and FY 2024 (as of September 30, 2024), we finalized downlisting rules for 6 domestic species with concurrent final protective regulations under the Act's section 4(d), finalized delisting rules for 34 domestic species, proposed delisting rules for 9 domestic species, and completed a 90-day finding for 1 domestic species.

Preclusion and Expeditious Progress

The tables below catalog the Service's progress in FY 2023 and FY 2024 (as of September 30, 2024) as it pertains to our evaluation of preclusion and expeditious progress. Table 1 includes completed and published domestic and foreign listing actions. Table 2 includes domestic and foreign listing actions funded and initiated in previous fiscal years and in FY 2023 and FY 2024 that were not yet complete as of September 30, 2024. Table 3 includes completed and published proposed and final downlisting and delisting actions for domestic and foreign species.

TABLE 1—PUBLISHED DOMESTIC AND FOREIGN LISTING ACTIONS (PROPOSED AND FINAL LISTING AND UPLISTING RULES) IN FY 2023 AND FY 2024

[As of September 30, 2024]

Publication date	Title	Action(s)	**Federal Register** citation
10/06/2022 ...	Endangered Species Status for Lassics Lupine and Designation of Critical Habitat.	Proposed Listing—Endangered with Critical Habitat.	87 FR 60612–60638.
10/07/2022 ...	Endangered Species Status for the San Francisco Bay-Delta Distinct Population Segment of the Longfin Smelt.	Proposed Listing—Endangered	87 FR 60957–60975.
10/12/2022 ...	Finding for the Gopher Tortoise Eastern and Western Distinct Population Segments.	12-month Petition Findings	87 FR 61834–61868.
10/14/2022 ...	Endangered Species Status for Rim Rock Crowned Snake and Key Ring-Necked Snake and Designation of Critical Habitat.	Proposed Listing—Endangered with Critical Habitat.	87 FR 62614–62674.
10/18/2022 ...	12-Month Finding for the Kern Plateau Salamander; Threatened Species Status With Section 4(d) Rule for the Kern Canyon Slender Salamander and Endangered Species Status for the Relictual Slender Salamander; Designation of Critical Habitat.	12-month Petition Finding; Proposed Listing—Threatened with a Section 4(d) Rule and Critical Habitat; Proposed Listing—Endangered with Critical Habitat.	87 FR 63150–63199.
10/19/2022 ...	90-Day Findings for Four Species	90-day Petition Findings	87 FR 63468–63472.
10/26/2022 ...	Threatened Species Status for Emperor Penguin With Section 4(d) Rule.	Final Listing—Threatened with a Section 4(d) Rule.	87 FR 64700–64720.
11/08/2022 ...	Threatened Species Status With Section 4(d) Rule for Sickle Darter.	Final Listing—Threatened with a Section 4(d) Rule.	87 FR 67380–67396.
11/25/2022 ...	Lesser Prairie-Chicken; Threatened Status With Section 4(d) Rule for the Northern Distinct Population Segment and Endangered Status for the Southern Distinct Population Segment.	Final Listing—Threatened with a Section 4(d) Rule; Final Listing—Endangered.	87 FR 72674–72755.
11/30/2022 ...	Endangered Species Status for Northern Long-Eared Bat	Final Listing—Endangered	87 FR 73488–73504.

TABLE 1—PUBLISHED DOMESTIC AND FOREIGN LISTING ACTIONS (PROPOSED AND FINAL LISTING AND UPLISTING RULES) IN FY 2023 AND FY 2024—Continued

[As of September 30, 2024]

Publication date	Title	Action(s)	**Federal Register** citation
12/01/2022 ...	Threatened Species Status With Section 4(d) Rule for Puerto Rican Harlequin Butterfly and Designation of Critical Habitat.	Final Listing—Threatened with a Section 4(d) Rule and Critical Habitat.	87 FR 73655–73682.
12/02/2022 ...	Endangered Species Status for the Dixie Valley Toad	Final Listing—Endangered	87 FR 73971–73994.
12/13/2022 ...	Endangered Status for the Dolphin and Union Caribou	Final Listing—Endangered	87 FR 76112–76125.
12/15/2022 ...	Threatened Species Status With Section 4(d) Rule for Whitebark Pine (*Pinus albicaulis*).	Final Listing—Threatened with a Section 4(d) Rule.	87 FR 76882–76917.
12/16/2022 ...	Endangered Species Status and Designation of Critical Habitat for Tiehm's Buckwheat.	Final Listing—Endangered with Critical Habitat.	87 FR 77368–77401.
12/29/2022 ...	One Species Not Warranted for Delisting and Seven Species Not Warranted for Listing as Endangered or Threatened Species.	12-month Petition Findings*	87 FR 80080–80088.
01/31/2023 ...	Endangered Species Status for Sacramento Mountains Checkerspot Butterfly.	Final Listing—Endangered	88 FR 6177–6191.
02/23/2023 ...	California Spotted Owl; Endangered Status for the Coastal-Southern California Distinct Population Segment and Threatened Status With Section 4(d) Rule for the Sierra Nevada Distinct Population Segment.	12-month Petition Finding; Proposed Listing—Endangered; Proposed Listing—Threatened with a Section 4(d) Rule.	88 FR 11600–11639.
02/28/2023 ...	Endangered Species Status for Prostrate Milkweed and Designation of Critical Habitat.	Final Listing—Endangered with Critical Habitat.	88 FR 12572–12602.
03/02/2023 ...	Threatened Species Status With Section 4(d) Rule for the Upper Coosa River Distinct Population Segment of Frecklebelly Madtom and Designation of Critical Habitat.	Final Listing—Threatened with a Section 4(d) Rule and Critical Habitat.	88 FR 13038–13070.
03/09/2023 ...	Threatened Species Status With Section 4(d) Rule for Longsolid and Round Hickorynut and Designation of Critical Habitat.	Final Listing—Threatened with a Section 4(d) Rule and Critical Habitat.	88 FR 14794–14869.
03/09/2023 ...	Petition Finding for Joshua Trees (*Yucca brevifolia* and *Y. jaegeriana*).	12-month Petition Finding	88 FR 14536–14560.
03/15/2023 ...	Endangered Species Status for Bog Buck Moth	Final Listing—Endangered	88 FR 15921–15938.
03/20/2023 ...	Endangered Species Status With Critical Habitat for Texas Heelsplitter, and Threatened Status With Section 4(d) Rule and Critical Habitat for Louisiana Pigtoe.	Proposed Listing—Endangered with Critical Habitat; Proposed Listing—Threatened with a Section 4(d) Rule and Critical Habitat.	88 FR 16776–16832.
03/21/2023 ...	90-Day Findings for Four Species	90-day Petition Findings	88 FR 16933–16937.
03/30/2023 ...	Threatened Species Status With Section 4(d) Rule for Egyptian Tortoise.	Final Listing—Threatened with a Section 4(d) Rule.	88 FR 19004–19017.
04/03/2023 ...	Significant Portion of Its Range Analysis for the Northern Distinct Population Segment of the Southern Subspecies of Scarlet Macaw.	Final Determination; Notification of Additional Analysis.	88 FR 19549– 19559.
04/11/2023 ...	Threatened Species Status With Section 4(d) Rule for Bracted Twistflower and Designation of Critical Habitat.	Final Listing—Threatened with a Section 4(d) Rule and Critical Habitat.	88 FR 21844–21876.
04/25/2023 ...	Determination of Threatened Status for Wright's Marsh Thistle With a Section 4(d) Rule and Designation of Critical Habitat.	Final Listing—Threatened with a Section 4(d) Rule and Critical Habitat.	88 FR 25208–25249.
04/27/2023 ...	Endangered Species Status for South Llano Springs Moss	Final Listing—Endangered	88 FR 25543–25557.
04/27/2023 ...	Threatened Species Status With Section 4(d) Rule for Big Creek Crayfish and St. Francis River Crayfish and Designation of Critical Habitat.	Final Listing—Threatened with a Section 4(d) Rule and Critical Habitat.	88 FR 25512–25542.
05/31/2023 ...	Endangered Species Status for Sira Curassow and Southern Helmeted Curassow.	Proposed Listing—Endangered	88 FR 34800–34810.
06/08/2023 ...	Endangered Species Status for Swale Paintbrush	Proposed Listing—Endangered	88 FR 37490–37504.
06/13/2023 ...	Endangered Species Status for Navasota False Foxglove and Designation of Critical Habitat.	Proposed Listing—Endangered with Critical Habitat.	88 FR 38455–38477.
06/21/2023 ...	Endangered Species Status for Southern Elktoe and Designation of Critical Habitat.	Proposed Listing—Endangered with Critical Habitat.	88 FR 40160–40189.
06/27/2023 ...	Threatened Species Status With Section 4(d) Rule for Western Fanshell and "Ouachita" Fanshell and Designation of Critical Habitat.	Final Listing—Threatened with a Section 4(d) Rule and Critical Habitat.	88 FR 41724–41771.
06/27/2023 ...	Review of Species That Are Candidates for Listing as Endangered or Threatened; Annual Notification of Findings on Resubmitted Petitions; Annual Description of Progress on Listing Actions.	CNOR and 12-Month Petition Findings.	88 FR 41560–41585.
07/03/2023 ...	Endangered Species Status for the Dunes Sagebrush Lizard ...	Proposed Listing—Endangered	88 FR 42661–42677.
07/20/2023 ...	Threatened Species Status With Section 4(d) Rule for Cactus Ferruginous Pygmy-Owl.	Final Listing—Threatened with a Section 4(d) Rule.	88 FR 46910–46950.
07/25/2023 ...	Endangered Species Status for Salina Mucket and Mexican Fawnsfoot and Designation of Critical Habitat.	Proposed Listing—Endangered with Critical Habitat.	88 FR 47952–47988.
07/25/2023 ...	Two Species Not Warranted for Listing as Endangered or Threatened Species.	12-month Petition Findings*	88 FR 47839–47843.

TABLE 1—PUBLISHED DOMESTIC AND FOREIGN LISTING ACTIONS (PROPOSED AND FINAL LISTING AND UPLISTING RULES) IN FY 2023 AND FY 2024—Continued

[As of September 30, 2024]

Publication date	Title	Action(s)	**Federal Register** citation
07/26/2023 ...	Threatened Species Status With Section 4(d) Rule for Green Floater and Designation of Critical Habitat.	Proposed Listing—Threatened with a Section 4(d) Rule and Critical Habitat.	88 FR 48294–48349.
07/27/2023 ...	Endangered Species Status for the Fluminense Swallowtail, Harris' Mimic Swallowtail, and Hahnel's Amazonian Swallowtail.	Proposed Listing—Endangered	88 FR 48414–48424.
08/17/2023 ...	90-Day Findings for Five Species	90-day Petition Findings	88 FR 55991–55995.
08/17/2023 ...	Endangered Species Status for Texas Kangaroo Rat and Designation of Critical Habitat.	Proposed Listing—Endangered with Critical Habitat.	88 FR 55962–55991.
08/18/2023 ...	Endangered Species Status for Magnificent Ramshorn and Designation of Critical Habitat.	Final Listing—Endangered with Critical Habitat.	88 FR 56471–56489.
08/22/2023 ...	Threatened Status With Section 4(d) Rule for Brawleys Fork Crayfish and Designation of Critical Habitat.	Proposed Listing—Threatened with a Section 4(d) Rule and Critical Habitat.	88 FR 57292–57327.
08/22/2023 ...	Endangered Species Status for Toothless Blindcat and Widemouth Blindcat.	Proposed Listing—Endangered	88 FR 57046–57060.
08/22/2023 ...	Endangered Status for Salamander Mussel and Designation of Critical Habitat.	Proposed Listing—Endangered with Critical Habitat.	88 FR 57224–57290.
08/22/2023 ...	Threatened Species Status With Section 4(d) Rule for Sand Dune Phacelia and Designation of Critical Habitat.	Final Listing—Threatened with a Section 4(d) Rule and Critical Habitat.	88 FR 57180–57222.
08/22/2023 ...	Endangered Species Status for Tennessee Clubshell, Tennessee Pigtoe, and Cumberland Moccasinshell.	Proposed Listing—Endangered	88 FR 57060–57077.
08/23/2023 ...	Nine Species Not Warranted for Listing as Endangered or Threatened Species.	12-month Petition Findings*	88 FR 57388–57400.
08/29/2023 ...	Foothill Yellow-Legged Frog; Threatened Status With Section 4(d) Rule for Two Distinct Population Segments and Endangered Status for Two Distinct Population Segments.	Final Listing—Threatened with a Section 4(d) Rule; Final Listing—Endangered.	88 FR 59698–59727.
09/13/2023 ...	Endangered and Threatened Wildlife and Plants; Endangered Species Status for Quitobaquito Tryonia and Designation of Critical Habitat.	Proposed Listing—Endangered with Critical Habitat.	88 FR 62725–62747.
09/20/2023 ...	Threatened Species Status With Section 4(d) Rule for the Miami Cave Crayfish.	Proposed Listing—Threatened with a Section 4(d) Rule.	88 FR 64856–64870.
09/20/2023 ...	One Species Not Warranted for Delisting and Six Species Not Warranted for Listing as Endangered or Threatened Species.	12-month Petition Findings*	88 FR 64870–64880.
10/03/2023 ...	Threatened Species Status With Section 4(d) Rule for the Northwestern Pond Turtle and Southwestern Pond Turtle; Proposed Rule.	Proposed Listing—Threatened with a Section 4(d) Rule.	88 FR 68370–68399.
10/03/2023 ...	Threatened Species Status With Section 4(d) Rule for Short-Tailed Snake.	Proposed Listing—Threatened with a Section 4(d) Rule.	88 FR 68070–68093.
10/05/2023 ...	Endangered Species Status for Lassics Lupine and Designation of Critical Habitat.	Final Listing—Endangered with Critical Habitat.	88 FR 69074–69098.
10/12/2023 ...	90-Day Findings for Two Petitions To Reclassify the West Indian Manatee.	90-day Petition Findings	88 FR 70634–70637.
10/31/2023 ...	Endangered Species Status for Oblong Rocksnail (*Leptoxis compacta*).	Proposed Listing—Endangered	88 FR 74390–74400.
11/29/2023 ...	Seven Species Not Warranted for Listing as Endangered or Threatened Species.	12-month Petition Findings*	88 FR 83368–83377.
11/30/2023 ...	Threatened Species Status With Section 4(d) Rule for North American Wolverine.	Final Listing—Threatened with a Section 4(d) Rule.	88 FR 83726–83772.
12/05/2023 ...	Threatened Status With Section 4(d) Rule for the Northern and Southern Distinct Population Segments of the Western Spadefoot.	Proposed Listing—Threatened with a Section 4(d) Rule.	88 FR 84252–84278.
12/20/2023 ...	Ten Species Not Warranted for Listing as Endangered or Threatened Species.	12-month Petition Findings*	88 FR 88035–88040.
12/20/2023 ...	Endangered Species Status for West Virginia Spring Salamander and Designation of Critical Habitat.	Proposed Listing—Endangered with Critical Habitat.	88 FR 88012–88035.
12/21/2023 ...	Threatened Species Status for Coal Darter With Section 4(d) Rule.	Proposed Listing—Threatened with a Section 4(d) Rule.	88 FR 88338–88359.
12/28/2023 ...	Endangered Species Status for Black-Capped Petrel	Final Listing—Endangered	88 FR 89611–89626.
01/25/2024 ...	90-Day Findings for 10 Species	90-day Petition Findings	89 FR 4884–4890.
02/06/2024 ...	Two Species Not Warranted for Listing as Endangered or Threatened Species.	12-month Petition Findings*	89 FR 8137–8141.
02/07/2024 ...	Finding for the Gray Wolf in the Northern Rocky Mountains and the Western United States.	12-month Petition Findings	89 FR 8391–8395.
02/08/2024 ...	90-Day Finding for the Kings River Pyrg	90-day Petition Findings	89 FR 8629–8631.
02/15/2024 ...	Threatened Species Status With Section 4(d) Rule for the Silverspot Butterfly.	Final Listing—Threatened with a Section 4(d) Rule.	89 FR 11750–11772.

TABLE 1—PUBLISHED DOMESTIC AND FOREIGN LISTING ACTIONS (PROPOSED AND FINAL LISTING AND UPLISTING RULES) IN FY 2023 AND FY 2024—Continued

[As of September 30, 2024]

Publication date	Title	Action(s)	Federal Register citation
03/19/2024 ...	Endangered Species Status for Bushy Whitlow-Wort and Designation of Critical Habitat.	Proposed Listing—Endangered with Critical Habitat.	89 FR 19526–19546.
03/26/2024 ...	Threatened Species Status With Section 4(d) Rule for Pygmy Three-Toed Sloth.	Proposed Listing—Threatened with a Section 4(d) Rule.	89 FR 20928–20939.
04/23/2024 ...	12-Month Finding for Lake Sturgeon	12-month Petition Findings	89 FR 30311–30314.
05/20/2024 ...	Endangered Species Status for the Dunes Sagebrush Lizard ...	Final Listing—Endangered	89 FR 43748–43769.
06/04/2024 ...	Endangered Species Status With Critical Habitat for Guadalupe Fatmucket, Texas Fatmucket, Guadalupe Orb, Texas Pimpleback, Balcones Spike, and False Spike, and Threatened Species Status With Section 4(d) Rule and Critical Habitat for Texas Fawnsfoot.	Final Listing—Endangered with Critical Habitat; Final Listing—Threatened with a Section 4(d) Rule and Critical Habitat.	89 FR 48034–48130.
06/20/2024 ...	Three Species Not Warranted for Listing as Endangered or Threatened Species.	12-month Petition Findings *	89 FR 51864–51869.
06/27/2024 ...	Threatened Status for the Suwannee Alligator Snapping Turtle with a Section 4(d) Rule.	Final Listing—Threatened with a Section 4(d) Rule.	89 FR 53507–53528.
07/03/2024 ...	Threatened Species Status for Mount Rainier White-Tailed Ptarmigan With a Section 4(d) Rule.	Final Listing—Threatened with a Section 4(d) Rule.	89 FR 55091–55113.
07/12/2024 ...	Threatened Species Status for Pearl River Map Turtle With Section 4(d) Rule; and Threatened Species Status for Alabama Map Turtle, Barbour's Map Turtle, Escambia Map Turtle, and Pascagoula Map Turtle Due to Similarity of Appearance With Section 4(d) Rule.	Final Listing—Threatened with a Section 4(d) Rule.	89 FR 57206–57236.
07/25/2024 ...	Endangered Species Status for Sira Curassow and Southern Helmeted Curassow.	Final Listing—Endangered	89 FR 60319–60328.
07/30/2024 ...	Endangered Species Status for the San Francisco Bay-Delta Distinct Population Segment of the Longfin Smelt.	Final Listing—Endangered	89 FR 61029–61049.
08/06/2024 ...	Endangered Status for the Eastern Regal Fritillary, and Threatened Status With Section 4(d) Rule for the Western Regal Fritillary.	Proposed Listing—Endangered; Final Listing—Threatened with a Section 4(d) Rule.	89 FR 63888–63909.
08/08/2024 ...	Endangered Species Status for Cedar Key Mole Skink and Designation of Critical Habitat.	Proposed Listing—Endangered with Critical Habitat.	89 FR 65124–65160.
08/08/2024 ...	Endangered Species Status for the Long Valley Speckled Dace	Proposed Listing—Endangered	89 FR 64852–64865.
08/13/2024 ...	Threatened Species Status With Section 4(d) Rule for the Santa Ana Speckled Dace.	Proposed Listing—Threatened with a Section 4(d) Rule.	89 FR 65816–65835.
09/10/2024 ...	Endangered Species Status for the Alabama Hickorynut and Threatened Status With Section 4(d) Rule for *Obovaria* cf. *unicolor*.	Proposed Listing—Endangered; Proposed Listing—Threatened with a Section 4(d) Rule.	89 FR 73330–73349.
09/10/2024 ...	Endangered Species Status for Black Creek Crayfish and Designation of Critical Habitat.	Proposed Listing—Endangered with Critical Habitat.	89 FR 73512–73554.
09/17/2024 ...	Endangered Species Status for Kentucky Creekshell and Designation of Critical Habitat.	Proposed Listing—Endangered with Critical Habitat.	89 FR 76196–76233.

* Batched 12-month findings may include findings regarding listing and delisting petitions. The total number of 12-month findings reported in this assessment of preclusion and expeditious progress pertains to listing petitions only.

TABLE 2—DOMESTIC AND FOREIGN LISTING ACTIONS (PROPOSED AND FINAL LISTINGS AND UPLISTINGS) FUNDED AND INITIATED IN PREVIOUS FYS AND IN FY 2024 THAT WERE NOT PUBLISHED AS OF SEPTEMBER 30, 2024

Species	Action
Amur sturgeon	Final listing determination.
Bethany Beach firefly	12-month finding.*
Big Bar hesperian	12-month finding.
Big red sage	12-month finding.*
Bi-state sage grouse	Final listing determination.
Blanding's turtle	12-month finding.
Bleached sandhill skipper	Discretionary proposed listing determination.*
Blueridge springfly	12-month finding.
Blue tree monitor	12-month finding.*
Bog spicebush	12-month finding.
Bornean earless monitor	12-month finding.
Brawleys Fork crayfish	Final listing determination.
California spotted owl (Coastal-Southern California DPS)	Final listing determination.
California spotted owl (Sierra Nevada DPS)	Final listing determination.
Cascade Caverns salamander	12-month finding.
Cascade torrent salamander	12-month finding.
Coosa creekshell	12-month finding.
Cumberland moccasinshell	Final listing determination.

TABLE 2—DOMESTIC AND FOREIGN LISTING ACTIONS (PROPOSED AND FINAL LISTINGS AND UPLISTINGS) FUNDED AND INITIATED IN PREVIOUS FYS AND IN FY 2024 THAT WERE NOT PUBLISHED AS OF SEPTEMBER 30, 2024—Continued

Species	Action
Eastern diamondback rattlesnake	12-month finding.
Edwards Aquifer diving beetle	12-month finding.
Flat-tailed tortoise	12-month finding.
Florida Keys mole skink	Final listing determination.
Florida pine snake	12-month finding.
Fluminense swallowtail	Final listing determination.*
Giraffe	12-month finding.*
Hahnel's Amazonian butterfly	Final listing determination.*
Harris' mimic swallowtail	Final listing determination.*
Kern Canyon slender salamander	Final listing determination.
Key ring-neck snake	Final listing determination.
Las Vegas bearpoppy	12-month finding.*
Lobed roachfly	12-month finding.
Longnose darter	12-month finding.
Long-tailed chinchilla	12-month finding.
Louisiana pigtoe	Final listing determination.
Lowland loosestrife	12-month finding.
Miami cave crayfish	Final listing determination.
Monarch butterfly	12-month finding.*
Navasota false foxglove	Final listing determination.
Northern bog lemming	12-month finding.
Ocmulgee skullcap	Final listing determination.*
Pangolin	12-month finding.*
Pecos pupfish	12-month finding.*
Peñasco least chipmunk	Final listing determination.*
Peppered shiner	12-month finding.
Persian sturgeon	Final listing determination.
Piebald madtom	12-month finding.
Pygmy three-toed sloth	Final listing determination.
Quitobaquito tryonia	Final listing determination.
Relictual slender salamander	Final listing determination.
Rim rock crown snake	Final listing determination.
Rio Grande cutthroat trout	12-month finding.*
Robust redhorse	12-month finding.
Russian sturgeon	Final listing determination.
Salamander mussel	Final listing determination.
Saltmarsh sparrow	Discretionary proposed listing determination.
Shasta chaparral	12-month finding.
Shasta hesperian	12-month finding.
Shasta sideband	12-month finding.
Ship sturgeon	Final listing determination.
Short-tailed chinchilla	12-month finding.
Southern elktoe	Final listing determination.
Spider tortoise	12-month finding.
Spotted turtle	12-month finding.
Stellate sturgeon	Final listing determination.
Swale paintbrush	Final listing determination.*
Tennessee clubshell	Final listing determination.
Tennessee pigtoe	Final listing determination.
Texas heelsplitter	Final listing determination.
Texas kangaroo rat	Final listing determination.
Texas salamander	12-month finding.
Texas screwstem	12-month finding.
Tharp's bluestar	12-month finding.
Toothless blindcat	Final listing determination.
Tri-colored bat	Final listing determination.
Virginia stone	12-month finding.
West Indian manatee	12-month finding.*
Western bumble bee	12-month finding.
Widemouth blindcat	Final listing determination.
Wintu sideband	12-month finding.
Wood turtle	12-month finding.

* Denotes species for which a 12-month finding or listing determination has published subsequent to the end of FY 2024 (after September 30, 2024).

TABLE 3—PUBLISHED DOMESTIC AND FOREIGN PROPOSED AND FINAL DOWNLISTINGS AND DELISTINGS IN FY 2023 AND FY 2024

[As of September 30, 2024]

Publication date	Title	Action(s)	Federal Register citation
10/05/2022 ...	Removing the Snail Darter From the List of Endangered and Threatened Wildlife.	Final Rule—Delisting	87 FR 60298–60313.
11/04/2022 ...	Reclassification of Palo de Rosa From Endangered to Threatened With a Section 4(d) Rule.	Final Rule—Downlisting with Section 4(d) Rule.	87 FR 66591–66607.
12/01/2022 ...	Removing Island Bedstraw and Santa Cruz Island Dudleya From the List of Endangered and Threatened Plants.	Proposed Rule—Delisting	87 FR 73722–73741.
12/02/2022 ...	Reclassification of *Eugenia woodburyana* From Endangered to Threatened With a Section 4(d) Rule.	Final Rule—Downlisting with Section 4(d) Rule.	87 FR 73994–74013.
01/12/2023 ...	Reclassifying Fender's Blue Butterfly From Endangered to Threatened With a Section 4(d) Rule.	Final Rule—Downlisting with Section 4(d) Rule.	88 FR 2006–2028.
01/25/2023 ...	Removing Five Species That Occur on San Clemente Island From the Federal Lists of Endangered and Threatened Wildlife and Plants.	Final Rule—Delisting	88 FR 4761–4792.
02/06/2023 ...	90-Day Findings for Three Petitions To Delist the Grizzly Bear in the Lower-48 States.	90-day Petition Findings	88 FR 7658–7660.
02/15/2023 ...	Removal of the Southeast U.S. Distinct Population Segment of the Wood Stork From the List of Endangered and Threatened Wildlife.	Proposed Rule—Delisting	88 FR 9830–9850.
04/11/2023 ...	Removal of the Colorado Hookless Cactus From the Federal List of Endangered and Threatened Wildlife.	Proposed Rule—Delisting	88 FR 21582–21600.
05/10/2023 ...	Reclassifying Furbish's Lousewort (*Pedicularis furbishiae*) From Endangered to Threatened Status With a Section 4(d) Rule.	Final Rule—Downlisting with Section 4(d) Rule.	88 FR 30047–30057.
06/28/2023 ...	Removal of the Okaloosa Darter From the Federal List of Endangered and Threatened Wildlife.	Final Rule—Delisting	88 FR 41835–41854.
07/19/2023 ...	Removing Golden Paintbrush From the Federal List of Endangered and Threatened Plants.	Final Rule—Delisting	88 FR 46088–46110.
08/11/2023 ...	Removing the Apache Trout From the List of Endangered and Threatened Wildlife.	Proposed Rule—Delisting	88 FR 54548–54564.
09/27/2023 ...	Reclassification of the Relict Darter From Endangered to Threatened With a Section 4(d) Rule.	Final Rule—Downlisting with Section 4(d) Rule.	88 FR 66280–66296.
10/17/2023 ...	Removal of 21 Species From the List of Endangered and Threatened Wildlife; Final Rule.	Final Rule—Delisting	88 FR 71644–71682.
10/17/2023 ...	Removing Nelson's Checker-Mallow From the Federal List of Endangered and Threatened Plants.	Final Rule—Delisting	88 FR 71491–71504.
11/01/2023 ...	Reclassifying *Mitracarpus polycladus* From Endangered to Threatened With a Section 4(d) Rule.	Final Rule—Downlisting with Section 4(d) Rule.	88 FR 74890–74907.
11/07/2023 ...	Removing Island Bedstraw and Santa Cruz Island Dudleya From the List of Endangered and Threatened Plants.	Final Rule—Delisting	88 FR 76679–76696.
03/05/2024 ...	Removal of *Chrysopsis floridana* (Florida Golden Aster) From the Federal List of Endangered and Threatened Plants.	Final Rule—Delisting	89 FR 15763–15779.
03/19/2024 ...	Removal of the North Park Phacelia From the List of Endangered and Threatened Plants.	Proposed Rule—Delisting	89 FR 19546–19566.
04/02/2024 ...	Removal of Roanoke Logperch From the List of Endangered and Threatened Wildlife.	Proposed Rule—Delisting	89 FR 22649–22662.
07/02/2024 ...	Removal of White Sedge (*Carex albida*) From the List of Endangered and Threatened Plants.	Proposed Rule—Delisting	89 FR 54758–54761.
07/31/2024 ...	Removal of Northeastern Bulrush From the Federal List of Endangered and Threatened Plants.	Proposed Rule—Delisting	89 FR 61387–61396.
09/06/2024 ...	Removal of the Apache Trout From the List of Endangered and Threatened Wildlife.	Final Rule—Delisting	89 FR 72739–72757.

Another way that we have been expeditious in making progress in adding and removing qualified species to and from the Lists is that we have made our actions as efficient and timely as possible, given the requirements of the Act and regulations and constraints relating to workload and personnel. We are continually seeking ways to streamline processes or achieve economies of scale, such as batching related actions together for publication. Given our limited budget for implementing section 4 of the Act, these efforts also contribute toward our expeditious progress in adding and removing qualified species to and from the Lists.

Findings for Petitioned Candidate Species

For all 14 candidates, we continue to find that listing is warranted but precluded as of the date of publication of this document. In the course of preparing proposed listing rules or not-warranted petition findings, we continue to monitor new information about these species' status so that we can make prompt use of our authority under section 4(b)(7) of the Act in the case of an emergency posing a significant risk to any of these species.

Below are updated summaries for 14 of the petitioned candidates for which we published findings under section 4(b)(3)(B) of the Act and did not change the LPN. We note that species-specific discussions below are summaries. More detailed information is available in the associated species assessment forms, including information on relevant

developments with respect to the species since publication of the last CNOR, which are available on *https://www.regulations.gov* under docket number FWS–HQ–ES–2023–0246.

In accordance with section 4(b)(3)(C)(i), we treat any petitions for which we made warranted-but-precluded 12-month findings within the past year as having been resubmitted on the date of the warranted-but-precluded finding. We are making continued warranted-but-precluded 12-month findings on the petitions for these species.

Jamaican Kite Swallowtail

The Jamaican kite swallowtail (*Protographium* (*Eurytides*) *marcellinus*) is a small blue-green and black butterfly endemic to Jamaica. This butterfly is regarded as Jamaica's most endangered butterfly. On January 10, 1994, we received a petition from Ms. Dee E. Warenycia to list seven foreign swallowtail butterflies, including the Jamaican kite swallowtail (*Protographium* (*Eurytides*) *marcellinus*), under the Act. On May 10, 1994, we published in the **Federal Register** (59 FR 24117) a 90-day finding in which we announced that the petition to add the seven species of foreign swallowtail butterflies contained substantial information indicating that listing may be warranted for all species. On December 7, 2004, we published in the **Federal Register** (69 FR 70580) our finding that listing the species was warranted but precluded by higher priority actions, and we added the entity to our list of candidate species.

The Jamaican kite swallowtail is restricted to limestone forests; breeding populations only occur in rare, dense stands of its only known larval host plant, black lancewood (*Oxandra lanceolata*). Five known sites have supported colonies of the Jamaican kite swallowtail. Two of the sites may be extirpated, the status of one site is uncertain, and two sites are viable with strong numbers in some years. There is no known estimate of population size, and numbers of mature adults are low in most years; however, occasionally there are strong flight seasons in which adult densities are relatively higher.

The primary threat to the Jamaican kite swallowtail is habitat loss and fragmentation. Forests were cleared for agriculture and timber extraction, and more recently for sapling cutting for yam sticks, fish pots, or charcoal. Additional threats include mining for limestone that is used for roadbuilding and bauxite production that is an important economic activity, and charcoal-making also carries the risk of fire. Only around 8 percent of the total land area of Jamaica is natural forest with minimal human disturbance. Collection and trade of the species occurred in the past. Currently, however, this threat may be negligible because of heavy fines under the Jamaican Wildlife Protection Act. Predation from native predators, including spiders, the Jamaican tody (*Todus todus*), and praying mantis (*Mantis religiosa*), may be adversely affecting the Jamaican kite swallowtail, especially in the smaller subpopulations. In years with large populations of spiders, very few swallowtail larvae survive. Additionally, this species may be at greater risk of extinction due to natural events such as hurricanes.

Since 2001, the Jamaican kite swallowtail has been protected under the Jamaican Wildlife Protection Act. The species is also included in their National Strategy and Action Plan on Biological Diversity. The two strongest subpopulations occur in protected areas, although habitat destruction within these areas continues. Since 1985, the Jamaican kite swallowtail has been categorized on IUCN's Red List as vulnerable, but the assessment is marked as ''needs updating.'' This species is not included in the Appendices to CITES or the European Union Wildlife Trade Regulations.

In the May 3, 2022, CNOR (87 FR 26152), and again in the June 27, 2023, CNOR (88 FR 41560), the Jamaican kite swallowtail was assigned an LPN of 2. After reevaluating the factors affecting the Jamaican kite swallowtail for this CNOR, we have determined that no change in LPN is warranted. Only five small subpopulations of the species are known, and as few as two of these subpopulations may presently be viable. Therefore, an LPN of 2 remains valid to reflect imminent threats of high magnitude.

Kaiser-i-Hind Swallowtail

Kaiser-i-Hind swallowtail (*Teinopalpus imperialis*) is a large, ornate, and colorful swallowtail butterfly that displays sexual dimorphism (sexes differ in size and coloration). The species is native to the Himalayan regions of Bhutan, China, India, Laos, Myanmar, Nepal, Thailand, and Vietnam. On January 10, 1994, we received a petition from Ms. Dee E. Warenycia to list seven different butterfly species, including the Kaiser-i-Hind swallowtail butterfly, under the Act. On May 10, 1994, we published in the **Federal Register** (59 FR 24117) a 90-day finding in which we announced that the petition to add the seven species of foreign butterflies contained substantial information indicating that listing may be warranted for all species. On December 7, 2004, we published in the **Federal Register** (69 FR 70580) our finding that listing the species was warranted but precluded by higher priority actions, and we added the entity to our list of candidate species.

The Kaiser-i-Hind swallowtail has a large range and was likely more widespread historically; however, it is currently restricted to higher elevations, 1,500 to 3,000 meters (m) (4,900 to 10,000 feet (ft)) above sea level, in the foothills of the Himalayan Mountains and other mountainous regions farther east. The species prefers undisturbed (primary) broad-leaved-evergreen forests or montane deciduous forests. Specific details on locations or population status are not readily available, and despite widespread distribution, populations are described as being local and never abundant.

Habitat destruction negatively affects this species. Comprehensive information on the rate of degradation of Himalayan forests containing the Kaiser-i-Hind swallowtail is not available, but ongoing habitat loss is consistently reported as one of the primary threats to the species. In China and India, the Kaiser-i-Hind swallowtail populations are affected by habitat modification and destruction due to commercial and illegal logging, as well as clearing for agriculture in India. In Nepal, the species is affected by habitat disturbance and destruction resulting from mining, wood collection for use as fuel, deforestation, collection of fodders and fiber plants, forest fires, invasion of bamboo species into the oak forests, agriculture, and grazing animals. In Vietnam, the forest habitat is reportedly declining. Additionally, collection for commercial trade is also regarded as a threat to the species. The Kaiser-i-Hind swallowtail is highly valued and has been collected and traded despite various prohibitions. Although it is difficult to assess the potential impacts from collection, the removal of individuals from the wild in combination with other stressors contributes to local extirpations.

In China, the species is protected by the Law of the People's Republic of China on the Protection of Wildlife. In India, the species is listed on Schedule II of the Indian Wildlife Protection Act. In Thailand, all butterflies in the genus *Teinopalpus,* including the Kaiser-i-Hind swallowtail, are listed under Thailand's Wild Animal Reservation and Protection Act. In Vietnam, the species is listed as ''vulnerable'' in the 2007 Vietnam Red Data Book and is

reported to be the most valuable of all butterflies in Vietnam. In 2006, the species was listed on Vietnam's Schedule IIB of Decree No. 32 on management of endangered, precious, and rare forest plants and animals. Since 1996, the Kaiser-i-Hind swallowtail has been categorized on the IUCN Red List as lower risk/near threatened, but IUCN indicates that this assessment needs updating. The Kaiser-i-Hind swallowtail has been included in CITES Appendix II since 1987. Additionally, the Kaiser-i-Hind swallowtail is listed on Annex B of the European Union Wildlife Trade Regulations; species listed on Annex B require an import permit.

In the May 3, 2022, CNOR (87 FR 26152), and again in the June 27, 2023, CNOR (88 FR 41560), the Kaiser-i-Hind swallowtail was assigned an LPN of 8. After reevaluating the threats to this species for this CNOR, we have determined that no change in its LPN of 8 is warranted. The species has a wide distribution, although populations are local and never abundant. Habitat loss and collection are expected to continue in the future. Therefore, an LPN of 8 remains valid to reflect imminent threats of moderate magnitude.

Black-Backed Tanager

The black-backed tanager (*Tangara peruviana*) is a vibrant and patterned bird endemic to the coastal Atlantic Forest region of southeastern Brazil. The species is known to historically occur in the coastal states of Rio de Janeiro, São Paulo, Paranà, and Santa Catarina, Brazil. On May 6, 1991, we received a petition from the International Council for Bird Preservation (ICBP) to list 53 different bird species, including the black-backed tanager, under the Act. On December 16, 1991, we published in the **Federal Register** (56 FR 65207) a 90-day finding in which we announced that the petition to add 53 species of foreign birds contained substantial information indicating that listing may be warranted for all species. On May 21, 2004, we published in the **Federal Register** (69 FR 29354) our resubmitted petition findings that listing the species was warranted but precluded by higher priority actions, and we added the entity to our list of candidate species.

The black-backed tanager is generally restricted in range and is associated with sand forest ''restinga'' habitat, which is a coastal component habitat of the greater Atlantic Forest complex of Brazil. The black-backed tanager is generally considered not rare within suitable habitat, with periodic local fluctuations in numbers owing to seasonal movements. The species is described as a regional migrant and is one of just a few tanagers known to migrate seasonally within the coastal Atlantic Forest region of Brazil. The best available information indicates the range is severely fragmented, consisting of approximately 316,000 square kilometers (km^2) (122,000 square miles (mi^2)) of breeding range with a slightly larger nonbreeding range of 377,000 km^2 (146,000 mi^2). The population size is estimated between 2,500 and 10,000 mature adults. Both the habitat and species population are decreasing.

The primary factor affecting this species is the rapid and widespread loss and fragmentation of habitat, mainly due to urban expansion and beachfront development. Much of the species' suitable habitat in Rio de Janeiro and Paraná has been destroyed. As much as 88 to 95 percent of the area historically covered by tropical forests within the Atlantic Forest biome has been lost or severely degraded as the result of human activities. Intact lowland forest, restinga, and mangrove habitat used by resident black-backed tanagers on the northern part of Santa Catarina Island (in the state of Santa Catarina) is unprotected, making the species vulnerable to extirpation on the island as development looms. Sea-level rise may alter the regional vegetation and structure and exacerbate the threat of habitat loss from ongoing coastal development.

The black-backed tanager is classified as vulnerable by the IUCN. The species is also listed as vulnerable in Brazil and protected by law. It is not included in the Appendices to CITES, although it has infrequently been illegally sold in the pet trade.

In the May 3, 2022, CNOR (87 FR 26152), and again in the June 27, 2023, CNOR (88 FR 41560), we assigned the black-backed tanager an LPN of 8. After reevaluating the available information for this CNOR, we have determined that no change to an LPN is warranted. The magnitude of threats to the black-backed tanager is moderate, based on its likely decreasing population size and widespread and ongoing habitat loss, although a recent evaluation of its population size is lacking. Small portions of the species' range occur in six protected areas, but these areas are not effectively protected. Therefore, an LPN of 8 remains valid for this species to reflect imminent threats of moderate magnitude.

Bogotá Rail

The Bogotá rail (*Rallus semiplumbeus*) is a medium-sized, nonmigratory bird that occurs in the eastern Andean mountain range of Colombia at elevations from 2,500–4,000 m (8,200–13,000 ft) above sea level. On May 6, 1991, we received a petition from the ICBP to list 53 foreign bird species, including the Bogotá rail, as endangered or threatened species under the Act. On December 16, 1991, we published in the **Federal Register** (56 FR 65207) a 90-day finding in which we announced that the petition to add 53 species of foreign birds contained substantial information indicating that listing may be warranted for all species. On May 21, 2004, we published in the **Federal Register** (69 FR 29354) our resubmitted petition findings that listing the species was warranted but precluded by higher priority actions, and we added the entity to our list of candidate species.

The rail is found in savanna and páramo (high-elevation habitats above tree line) marshes surrounding Bogotá, Colombia, on the Ubaté-Bogotá Plateau. The species relies on specific vegetation in wetland and lakeshore habitats at high elevations in the eastern flank of the eastern Andean mountain range of Colombia. The bird requires vegetation associated with these habitats for breeding and foraging. As of 2016, the population was estimated between 1,000 and 2,500 individuals, and the estimated extent of the resident/breeding habitat was 11,200 km^2 (4,300 mi^2) and shrinking.

The primary threat to the rail is habitat loss and degradation of wetlands. Suitable habitat for the Bogotá rail occurs around the most populated area in Colombia with approximately 11 million people in the greater Bogotá metropolitan area. Wetlands in the area cover only approximately 3 percent of their historical extent. Although portions of the Bogotá rail's range occur in protected areas such as Chingaza National Park and Carpanta Biological Reserve, most savanna wetlands are virtually unprotected. Ongoing threats to remaining major wetlands include encroachment of human infrastructure and agriculture that causes loss of habitat and altered water levels, soil erosion, eutrophication caused by untreated effluent and agrochemicals, hunting, wildfire, and incidental spread of invasive species.

The Bogotá rail is listed as endangered by IUCN. The species is not known to be in international trade and is not included in the Appendices to CITES.

In the May 3, 2022, CNOR (87 FR 26152), and again in the June 27, 2023, CNOR (88 FR 41560), the Bogotá rail was assigned an LPN of 2. After reevaluating the threats to this species for this CNOR, we have determined that

no change in the LPN for the species is warranted. The species' range is very small, fragmented, and rapidly contracting because of ongoing widespread habitat loss and degradation of wetlands. Therefore, an LPN of 2 remains valid for this species to reflect imminent threats of high magnitude.

Brasília Tapaculo

The Brasília tapaculo (*Scytalopus novacapitalis*) is a small, gray, ground-dwelling bird with limited flight ability. It is endemic to the Cerrado in Brazil, the largest tropical savanna in the world with a mosaic of habitats composed mostly of savannas and patches of dry forests. On May 6, 1991, we received a petition from the ICBP to list 53 different bird species, including the Brasília tapaculo, as endangered or threatened species under the Act. On December 16, 1991, we published in the **Federal Register** (56 FR 65207) a 90-day finding in which we announced that the petition to add 53 species of foreign birds contained substantial information indicating that listing may be warranted for all species. On May 21, 2004, we published in the **Federal Register** (69 FR 29354) our resubmitted petition findings that listing the species was warranted but precluded by higher priority actions, and we added the entity to our list of candidate species.

The Brasília tapaculo's core habitat is dense, narrow strips of swampy gallery forests at elevations of approximately 800–1,000 m (2,600–3,300 ft). The species' range is located within six protected areas within the Cerrado and is not found outside protected areas. The Brasília tapaculo is described as rare, and the population size is unknown. However, the population is assumed to be declining because of the ongoing decline of the species' gallery forest habitat.

The primary threat to the Brasília tapaculo is ongoing habitat loss and fragmentation from agricultural activities. The Cerrado is the largest, most diverse, and possibly most threatened tropical savanna in the world. Land is converted for intensive grazing and mechanized agriculture, mostly for soybean production. Agriculture causes direct effects to gallery forests from wetland drainage and diversion of water for irrigation, as well as burning to create space. The species' habitat has been less directly affected by clearing for agriculture than the surrounding Cerrado. However, it is unclear how much core gallery forest has been destroyed because of habitat conversion for agriculture. Additionally, changes in precipitation and temperature patterns may also be negatively altering the Cerrado and reducing the amount of specialized habitat for the species.

The IUCN lists the species as endangered, and the Brazilian Red List assessed the species as endangered, because the species' small, fragmented range is continuing to decline in area and quality. International trade is not a significant threat to the species, and the species is not included in the Appendices to CITES.

In the May 3, 2022, CNOR (87 FR 26152), and again in the June 27, 2023, CNOR (88 FR 41560), we assigned the Brasília tapaculo an LPN of 2. After reevaluating the available information for this CNOR, we have determined that no change to an LPN is warranted. The species occurs in only a handful of small, protected areas, and is reported as rare. Habitat conversion is ongoing. Therefore, an LPN of 2 remains valid for this species to reflect imminent threats of high magnitude.

Chatham Islands Oystercatcher

The Chatham Islands oystercatcher (*Haematopus chathamensis;* formerly referred to as the Chatham oystercatcher) is the rarest oystercatcher in the world, endemic to the four islands of the Chatham Island group 860 km (530 mi) east of mainland New Zealand. On November 28, 1980, we received a petition from the ICBP to list 79 bird species, of which 19 were species on U.S. territory and 60 were foreign species, including Chatham Islands oystercatcher, as endangered or threatened species under the Act. On May 12, 1981, we published in the **Federal Register** (46 FR 26464) a 90-day finding in which we announced that the petition contained substantial information indicating that listing may be warranted for 77 of the 79 bird species, including the Chatham Islands oystercatcher. On May 21, 2004, we published in the **Federal Register** (69 FR 29354) our resubmitted petition findings that listing the species was warranted but precluded by higher priority actions, and we added the entity to our list of candidate species.

Chatham Islands oystercatchers are restricted to the coasts, mainly occurring along rocky shores, including wide volcanic rock platforms, and occasionally on sandy or gravelly beaches. Humans inhabit the two largest islands, Chatham and Pitt Islands, while South East and Mangere Islands are uninhabited nature reserves. Isolated pairs may also breed on other smaller islands in the archipelago. The population of the species is approximately 250 mature individuals. The Chatham Islands oystercatcher uses its long, sturdy bill to hammer open mollusks from rocky shores and to probe and peck for worms and other small invertebrates in sand, gravel, or tidal debris. Pairs occupy their breeding and feeding territories all year, and females lay clutches of one to three eggs in scrape nests (shallow-rimmed depressions in soil or vegetation) on sandy beaches, or among rocks above the shoreline. Mean longevity has been estimated at 7.7 years, and the oldest banded bird lived more than 30 years.

Predation of eggs and chicks (and to a lesser extent, predation of adults) is likely the primary threat to the Chatham Islands oystercatcher. Mangere and South East Islands are free of all mammalian predators; nonnative mammalian predators inhabit Chatham and Pitt Islands. Feral cats are the most common predator of oystercatcher eggs. Trampling of nests by livestock (sheep and cattle) and humans has been noted on beaches. Additionally, nonnative Marram grass (*Ammophila arenaria*) has altered the sand dunes and leaves few open nesting sites. Consequently, the Chatham Islands oystercatcher is forced to nest closer to shore where nests are vulnerable to high tides and storm surges. Up to 50 percent of eggs have been lost because of storms or high tides. Projected rise in sea level associated with climate change will likely increase storm frequency and severity, putting at risk most shorelines that the Chatham Islands oystercatcher relies on for nesting habitat.

The species has experienced a three-fold increase in its population since the first reliable census was conducted in 1987. Most of this increase occurred during a period of intensive management, especially predator control, from 1998 through 2004. Some of these efforts continue at a reduced level because of a lack of resources but are still effective at reducing trampling, predation, and loss of nests/eggs. The Chatham Island Oystercatcher Recovery Plan guides conservation actions for the species. The New Zealand Department of Conservation lists the Chatham Islands oystercatcher as nationally critical, and it is protected under New Zealand's Wildlife Act. It is classified as endangered on the IUCN Red List, and the species is not included in the Appendices to CITES and not known to be in international trade.

In the May 3, 2022, CNOR (87 FR 26152), and again in the June 27, 2023, CNOR (88 FR 41560), the Chatham Islands oystercatcher was assigned an LPN of 8. After reevaluating the available information for this CNOR, we have determined that no change in the LPN is warranted. Although the

population appears to have stabilized, it remains very small (approximately 250 mature individuals), and occupied breeding habitat is also small (fewer than 800 hectares (2,000 acres)). Active management has been instrumental in maintaining stable population levels, but the species continues to face threats to its nests and habitat. Therefore, an LPN of 8 is valid for this species to reflect imminent threats of moderate magnitude.

Ghizo White-Eye

The Ghizo white-eye (*Zosterops luteirostris*) is a passerine (perching) bird described as ''warbler-like.'' It is endemic to the small island of Ghizo within the Solomon Islands in the South Pacific Ocean, east of Papua New Guinea. On November 28, 1980, we received a petition from the ICBP to list 79 bird species, of which 19 were species on U.S. territory and 60 were foreign species, including the Ghizo white-eye, as endangered or threatened species under the Act. On May 12, 1981, we published in the **Federal Register** (46 FR 26464) a 90-day finding in which we announced that the petition contained substantial information indicating that listing may be warranted for 77 of the 79 bird species, including the Ghizo white-eye. On May 21, 2004, we published in the **Federal Register** (69 FR 29354) our resubmitted petition findings that listing the species was warranted but precluded by higher priority actions, and we added the entity to our list of candidate species.

The Ghizo white-eye prefers old-growth forest patches that cover approximately 1 km^2 (0.4 mi^2) of Ghizo Island. The species has been observed in forest edge, regrowth, and mature secondary forest. Limited information is available to determine whether sustainable populations can exist outside of forested habitats. The population size of the Ghizo white-eye is approximately 250 to 999 mature individuals in an estimated area of 35 km^2 (14 mi^2).

Habitat loss is the primary threat to the species. Logging, conversion of forest for agricultural purposes, and local resource extraction for firewood are the main causes for loss of old-growth and secondary-growth forests. Human population growth in the Solomon Islands has contributed to development on Ghizo Island, such as construction of temporary housing. Additionally, catastrophic events, such as the 2007 tsunami, degraded forested areas that were found less likely to support the species even 5 years later in 2012. Sea-level rise in the future and an increase in storms could result in coastal flooding and erosion, saltwater intrusion, and damage to inland habitats.

The IUCN Red List classifies this species as endangered. It is not included in the Appendices to CITES, and this species is not known to be in international trade.

In the May 3, 2022, CNOR (87 FR 26152), and again in the June 27, 2023, CNOR (88 FR 41560), the Ghizo white-eye was assigned an LPN of 2. After reevaluating the available information for this CNOR, we find that no change in the LPN is warranted. The species has a small population size, and suitable habitat is declining. Therefore, an LPN of 2 remains valid for this species to reflect imminent threats of high magnitude.

Helmeted Woodpecker

The helmeted woodpecker (*Celeus galeatus*) is a small, nonmigratory woodpecker native to regions of southern Brazil, eastern Paraguay, and northeastern Argentina. It is one of the rarest woodpeckers in the Americas. On May 6, 1991, we received a petition from ICBP requesting the addition of 53 foreign bird species, including helmeted woodpecker, as endangered or threatened species under the Act. On December 16, 1991, we published in the **Federal Register** (56 FR 65207) a 90-day finding in which we announced that the petition contained substantial information indicating that listing may be warranted for the 53 bird species, including the helmeted woodpecker. On May 21, 2004, we published in the **Federal Register** (69 FR 29354) our resubmitted petition findings that listing the species was warranted but precluded by higher priority actions, and we added the entity to our list of candidate species. At the time of the petition, the helmeted woodpecker was classified as *Drycopus galeatus.* We recognized the helmeted woodpecker in the genus *Celeus* in 2021 (as reflected in our May 3, 2022, CNOR (87 FR 26152)), and we recognize the species as *C. galeatus* and treat *D. galeatus* and *Hylatomus galeatus* as synonyms.

Helmeted woodpeckers prefer mature trees in old-growth tropical and subtropical semi-deciduous forests as well as in mixed deciduous-coniferous forests in the southern Atlantic Forest up to elevations of 1,000 m (3,280 ft). The species typically forages in the midstory of the tree canopy, pecking at wet bark and rotten wood. Its diet is not well known, but it has been observed eating insect larvae, ants, berries, and small fruit. The species seems to favor nesting cavities in dead or decaying trees. A portion of the nest cavities used by helmeted woodpeckers have partly covered openings that may help to conceal the cavities from predators.

The primary threat to the species is habitat loss, degradation, and fragmentation, which includes loss of nesting cavities. The Atlantic Forest biome has lost 88 to 95 percent of the tropical forests to human activities. Currently, less than 1 percent of the remaining Atlantic Forest is primary forest preferred by the helmeted woodpecker. The species occurs in 17 protected areas throughout its range, although selective logging and other activities continue to degrade the habitat.

The helmeted woodpecker is listed as endangered in Brazil and as vulnerable by the IUCN. The species is not included in the Appendices to CITES and not known to be in international trade.

In the May 3, 2022, CNOR (87 FR 26152), and again in the June 27, 2023, CNOR (88 FR 41560), we assigned the helmeted woodpecker an LPN of 8. After reevaluating the available information for this CNOR, we find that no change in the LPN for the species is warranted. The species is rare, and although the species may have a wider distribution, loss of primary Atlantic Forest habitat is ongoing. Therefore, an LPN of 8 remains valid to reflect imminent threats of moderate magnitude.

Lord Howe Island Pied Currawong

The Lord Howe Island pied currawong (*Strepera graculina crissalis*) is a large, crow-like bird that is endemic to Lord Howe Island, off the coast of New South Wales, Australia. On November 28, 1980, we received a petition from the ICBP to list 79 bird species, of which 19 were occurring on U.S. territory and 60 were foreign species, including Lord Howe Island pied currawong, as endangered or threatened species under the Act. On May 12, 1981, we published in the **Federal Register** (46 FR 26464) a 90-day finding in which we announced that the petition contained substantial information indicating that listing may be warranted for 77 of the 79 bird species, including the Lord Howe Island pied currawong. On May 21, 2004, we published in the **Federal Register** (69 FR 29354) our resubmitted petition findings that listing the species was warranted but precluded by higher priority actions, and we added the entity to our list of candidate species.

The Lord Howe Island pied currawong is a subspecies of the pied currawong, and occurs throughout the island, although it is most numerous in

mountainous regions. The subspecies breeds in rainforests and palm forests, particularly along streams, and descends to forage in lowlands. It is omnivorous, eating fruits, seeds, snails, insects, and small vertebrates such as rats and mice, small birds, and bird eggs and nestlings. Lord Howe Island pied currawongs are bold and inquisitive birds that readily adapt to the presence of humans and can occupy areas around human settlements, in addition to natural habitats. They are territorial during the breeding season, with some territories defended in the nonbreeding seasons. The average territory size is between 4.4 to 7.3 hectares (11 to 18 acres).

The primary threats to the subspecies are the introduction of nonnative rodents to the island ecosystem and the effects of climate change. The Lord Howe Island pied currawong has persisted among invasive black rats (*Rattus rattus*). However, because currawongs often prey on small rodents and are naturally curious, they were subject to nontarget poisoning during an islandwide rat-baiting program. Around half the population was taken into captivity to protect them during the rodent eradication efforts, and they have subsequently been released back into the wild. Additionally, the effects of climate change may affect the cloud layer on the island's mountaintops, resulting in drying of the forest where the subspecies procures roughly half its food. The small, isolated population of currawongs on Lord Howe Island is at risk from loss of genetic diversity and stochastic (random) environmental events. However, this population may have always been small and may not have the capacity for additional growth.

The Australian Government owns Lord Howe Island. Approximately 75 percent of the island, plus all outlying islets and rocks within the Lord Howe Island group, is protected under the Permanent Park Preserve. The Lord Howe Island Biodiversity Management Plan is the formal recovery plan for threatened species and communities of the Lord Howe Island Group. Following the removal of poison bait traps in 2020, monitoring is underway across the island to see if it has become rodent-free. The New South Wales Threatened Species Conservation Act of 1995 lists the Lord Howe Island pied currawong as vulnerable, as does Australia's Environment Protection and Biodiversity Conservation Act List of Threatened Fauna. The subspecies is not listed on the IUCN Red List, is not included in the Appendices to CITES, and is not known to be in international trade.

In the May 3, 2022, CNOR (87 FR 26152), and again in the June 27, 2023, CNOR (88 FR 41560), the Lord Howe Island pied currawong was assigned an LPN of 6. After reevaluating the threats to the Lord Howe Island pied currawong for this CNOR, we have determined that no change in the LPN for the subspecies is warranted. The small population faces risks from nontarget poisoning from rodent control, although significant conservation efforts have been implemented. Therefore, based on the best information available, an LPN of 6 remains valid to reflect nonimminent threats of high magnitude.

Okinawa Woodpecker

The Okinawa woodpecker (*Dendrocopos noguchii*) is a relatively large woodpecker endemic to Okinawa Island, Japan, and one of the world's rarest woodpecker species. Much of the mature forest that supports the species is located within the Jungle Warfare Training Center (formerly known as the Northern Training Area or Camp Gonsalves), part of the U.S. Marine Corps installation on Okinawa Island. On November 28, 1980, we received a petition from the ICBP to list 79 bird species, of which 19 were occurring on U.S. territory and 60 were foreign species, including the Okinawa woodpecker, as endangered or threatened species under the Act. On May 12, 1981, we published in the **Federal Register** (46 FR 26464) a 90-day finding in which we announced that the petition contained substantial information indicating that listing may be warranted for 77 of the 79 bird species, including the Okinawa woodpecker. On May 21, 2004, we published in the **Federal Register** (69 FR 29354) our resubmitted petition findings that listing the species was warranted but precluded by higher priority actions, and we added the entity to our list of candidate species. At the time of the petition, the Okinawa woodpecker (*Dendrocopos noguchii*) was classified as *Sapheopipo noguchii.* We recognized the Okinawa woodpecker in the genus *Dendrocopos* in 2009, and we recognize the species as *D. noguchii* and treat *S. noguchii* as a synonym (74 FR 40540, August 12, 2009, p. 40548).

The Okinawa woodpecker's main breeding areas lie in the northern part of Okinawa Island, including well-forested areas of Yambaru, a region of approximately 300 km² (116 mi²). Population surveys have found that the number of Okinawa woodpeckers detected at Yambaru sites increases as the area of hardwood forest increases. The species feeds on large arthropods, notably beetle larvae, spiders, moths, and centipedes, as well as fruit, berries, seeds, acorns, and other nuts. Both males and females search dead and live tree trunks and bamboo in old-growth forests, but males also forage on the ground, sweeping away leaf-litter and probing for soil-dwelling prey. The Okinawa woodpecker nests in the decaying heartwood of large trees that are at least 25 centimeters (9.8 inches) in diameter and 3 to 10 m (9.8 to 33 ft) off the ground, which are typically found in mature forests that are at least 30 years old.

The primary threats to the Okinawa woodpecker are deforestation in the Yambaru region and introduced predators such as feral dogs and cats, small Indian mongoose (*Urva auropunctata*), and Japanese weasel (*Mustela itatsi*). As of the mid 1990s, only 40 km² (15 mi²) of suitable habitat was available for the Okinawa woodpecker, mostly in the Jungle Warfare Training Center, which is relatively undisturbed. Much of the remaining old-growth forest in Yambaru is protected by Japanese legislation, and forests have been regrowing following a reduction in logging in recent decades. While forest regrowth is reaching ages that meet minimum suitability requirements for Okinawa woodpeckers and protected areas have improved the habitat, suitable habitat for the species remains fragmented and old-growth forest is scarce within the species' range. Mongoose control fences were erected in 2005 and 2006, and efforts to eradicate mongoose from the Yambura forest are ongoing and appear to be effective. Complete eradication of mongooses from the Yambaru region is targeted for 2027. Efforts to control feral cats have been less successful.

The Japanese Government established Yambaru National Park in 2016. In July 2021, the United Nations Educational, Scientific, and Cultural Organization (UNESCO) added Amami-Oshima Island; Tokunoshima Island; the northern part of the main Okinawa Island, which contains Yambaru National Park; and Iriomote Island to the list of natural World Heritage sites. The species is listed as critically endangered in the Red List of Threatened Birds in Japan and is protected from acquisition and transfer under Japan's wildlife protection system. The Okinawa woodpecker is not included in the Appendices to CITES and is not known to be in international trade.

In the May 3, 2022, CNOR (87 FR 26152), and again in the June 27, 2023, CNOR (88 FR 41560), the Okinawa woodpecker was assigned an LPN of 2.

After reevaluating the best available information for this CNOR, we have determined that no change in LPN for the species is warranted. The population is very small, and threats to its old-growth habitat and predation by nonnative mammals are ongoing. The Japanese Government is actively taking steps to address the threats of habitat loss and predation, but the threats remain high in magnitude due to the species' restricted range, small population size, and historical habitat loss. Therefore, an LPN of 2 remains valid for this species to reflect imminent threats of high magnitude.

Orange-Fronted Parakeet

The orange-fronted parakeet (*Cyanoramphus malherbi*) is the rarest parakeet in New Zealand and the remaining naturally occurring colonies are restricted to three valleys on the South Island in the Canterbury Mountains. Captive-bred orange-fronted parakeets have been translocated to four predator-free islands, as well as Brook Waimārama Sanctuary on the South Island. On November 28, 1980, we received a petition from the ICBP to list 79 bird species, of which 19 were occurring on U.S. territory and 60 were foreign species, including orange-fronted parakeet, as endangered or threatened species under the Act. On May 12, 1981, we published in the **Federal Register** (46 FR 26464) a 90-day finding in which we announced that the petition contained substantial information indicating that listing may be warranted for 77 of the 79 bird species, including the orange-fronted parakeet. On May 21, 2004, we published in the **Federal Register** (69 FR 29354) our resubmitted petition findings that listing the species was warranted but precluded by higher priority actions, and we added the entity to our list of candidate species.

Orange-fronted parakeet populations on New Zealand's South Island inhabit subalpine mature beech forests (*Nothofagus* spp.), making their nests within natural cavities of these trees. Orange-fronted parakeets rely heavily on beech seeds as a major component of their diet, but also feed on a range of plant material including buds, sprouts, fruits, blossoms, leaves, ferns, and grasses; they also eat invertebrates such as aphids and caterpillars. Breeding is linked with the irregular seeding of beech trees. During mast years, in which seed production levels are high, parakeet numbers can increase substantially.

The primary threats affecting the species on the mainland are predation by nonnative mammals (rats and stoats (*Mustela erminea*)), as well as habitat destruction due to deforestation. Numbers of nonnative mammals spike during mast years, due to abundant food sources, and thus orange-fronted parakeets are particularly vulnerable to predation in those years. Habitat loss and degradation has historically affected large areas of native forest on the mainland. Removal of mature beech trees with nest cavities has increased competition with other native parakeets for nest sites. Trade of this species is not known to be a threat.

The New Zealand Department of Conservation (NZDOC) initiated a captive-breeding program and established small populations on four predator-free islands, one of which is self-sustaining. Another population has been introduced to a predator-free wildlife sanctuary with suitable beech forest habitat on the South Island. The species was uplisted from nationally endangered to nationally critical by the NZDOC in 2016; it is protected under New Zealand's Wildlife Act and is listed as critically endangered on the IUCN's Red List. The orange-fronted parakeet is included in Appendix II to CITES.

In the May 3, 2022, CNOR (87 FR 26152), and again in the June 27, 2023, CNOR (88 FR 41560), the orange-fronted parakeet was assigned an LPN of 8. After reevaluating the threats to the orange-fronted parakeet for this CNOR, we have determined that no change in LPN for the species is warranted. The current population is small, and the species' distribution is limited. Nonnative predators and loss of suitable habitat continue to threaten the species. The NZDOC is actively aiding the recovery of the species. Therefore, an LPN of 8 remains valid to reflect imminent threats of moderate magnitude.

Takahē

The takahē (*Porphyrio hochstetteri*) is the largest extant rail in the world. The species is flightless, native to the South Island of New Zealand, and present on the North Island, other offshore islands, and Kahurangi National Park due to reintroduction and conservation efforts. On November 28, 1980, we received a petition from the ICBP to list 79 bird species, of which 19 were occurring on U.S. territory and 60 were foreign species, including the takahē, as endangered or threatened species under the Act. On May 12, 1981, we published in the **Federal Register** (46 FR 26464) a 90-day finding in which we announced that the petition contained substantial information indicating that listing may be warranted for 77 of the 79 bird species, including the takahē. On May 21, 2004, we published in the **Federal Register** (69 FR 29354) our resubmitted petition findings that listing the species was warranted but precluded by higher priority actions, and we added the entity to our list of candidate species.

The takahē was once widespread in the forest and grassland ecosystems of the South Island. Since the mid-1990s, the species remains present in only a relatively small area of the Murchison Mountains. In their relict range, takahē are largely herbivorous, feeding on tussocks (clumps of long grass that are thicker and longer than the grass growing around them). In the winter, the birds move into forested valleys, where their major food source is the rhizomes of thousand-leaved ferns (*Hypolepis millefolium*). In introduced populations at secure sites, takahē exhibit more generalist behavior, eating fallen fruits, small reptiles, and chicks of other bird species. The species is largely solitary and will not form dense colonies, even in optimal habitat, and will aggressively defend their territories, which can be up to 100 hectares (247 acres).

Primary threats to the takahē include hunting, competition from nonnative species, disease outbreaks in the captive population, and nonnative predators such as stoats and weasels. Stoats and weasels appear to be the most significant predator to takahē. The NZDOC is actively managing populations through conservation efforts that include captive-rearing and reintroductions, predator control, management of grassland habitats, and adaptive research. The conservation efforts have slowly increased the number of populations and the species' overall population size.

New Zealand considers the takahē a nationally vulnerable species, and it is protected under New Zealand's Wildlife Act. The takahē is listed as endangered on the IUCN Red List. The species is not known to be in international trade, and the species is not included in the Appendices to CITES.

In the May 3, 2022, CNOR (87 FR 26152), and again in the June 27, 2023, CNOR (88 FR 41560), the takahē was assigned an LPN of 8. After reevaluating the threats to the takahē for this CNOR, we have determined that no change in LPN for the species is warranted. The takahē has a small population size and limited range. The NZDOC is actively managing threats to aid in the recovery of the species. Therefore, the LPN remains at 8 to reflect imminent threats of low to moderate magnitude.

Yellow-Browed Toucanet

The yellow-browed toucanet (*Aulacorhynchus huallagae*) is a member of the toucan family that occurs in the Andes Mountains in Peru. On May 6, 1991, we received a petition from the ICBP to list 53 different bird species, including the yellow-browed toucanet, under the Act. On December 16, 1991, we published in the **Federal Register** (56 FR 65207) a 90-day finding in which we announced that the petition to add 53 species of foreign birds contained substantial information indicating that listing may be warranted for all species. On May 21, 2004, we published in the **Federal Register** (69 FR 29354) our resubmitted petition findings that listing the species was warranted but precluded by higher priority actions, and we added the entity to our list of candidate species.

The yellow-browed toucanet relies on humid montane forests on the eastern slope of the Andes in north-central Peru, at elevations of 2,000–2,600 m (6,562–8,530 ft). The species currently occupies three small locations. Habitat is dominated by tall *Clusia* (*Clusia* spp.) trees, where the species forages in the canopy for fruit and seeds and uses cavities in the trees to nest. The species is most frequently seen in pairs but is occasionally found in small groups of three to four individuals.

Deforestation for livestock, agriculture, timber, and gold mining appears to be the primary threat to the viability of the yellow-browed toucanet. Habitat loss and destruction from deforestation for agriculture have been widespread in the region. Given the inherent threats to small populations (*e.g.,* loss of genetic diversity via genetic drift, stochastic environmental events), continued habitat loss and degradation will exacerbate the risk to the species.

The species is listed as endangered in the IUCN Red List. The species is not included in the Appendices of CITES and is not known to be in international trade.

In the May 3, 2022, CNOR (87 FR 26152), and again in the June 27, 2023, CNOR (88 FR 41560), the yellow-browed toucanet was assigned an LPN of 2. After reevaluating the available information for this CNOR, we find that no change in the LPN is warranted. The estimated population is small within a restricted range. The magnitude of threats to the habitat remains high, and its population is likely declining. Therefore, an LPN of 2 remains valid for this species to reflect imminent threats of high magnitude.

Colorado Delta Clam

The Colorado Delta clam (*Mulinia modesta;* junior synonym = *M. coloradoensis*) is a relatively large, light-colored estuarine bivalve that was once very abundant at the head of the Gulf of California in the Colorado River estuary. The species currently occurs in the upper, northern, and central portions of the Gulf of California, and is capable of living in salinities ranging from brackish (mixture of salt and fresh water) to full seawater. In March 2012, the Colorado Delta clam became a candidate species through the Arizona Ecological Services field office (FWS 2012, entire). A 12-month finding published in the **Federal Register** on April 25, 2013 (78 FR 24604), determined that the species warrants protection, but was precluded from listing at the time.

The species inhabits shallow, muddy waters of the coast and requires adequate substrate and water salinity to successfully breed and develop. The range of the species is relatively large, although densities are significantly lower than they were historically.

We are not aware of any estimates of the total population for the entire range of the species. The historical population of the Colorado Delta clam in the upper Gulf of California was estimated to be at least 5 billion individuals, accounting for 84–95 percent of all bivalve mollusks in the upper Gulf. However, after decades of dam building on the Colorado River and its tributaries, the Colorado Delta clam is estimated to have lost 94% of its population in the upper Gulf since dam construction began. Environmental changes to the estuary associated with reduced river flow include increased salinity, decreased sediment load, decreased input of naturally derived nutrients, and elimination of the spring/summer flood. From the 1990s until 2017, 0 percent of the Colorado River flowed into the Gulf. Since 2017, 2 percent of the river flow has reached the Gulf of California. Low flows are expected to continue or worsen if anticipated drought reduces river flow.

A binational agreement with Mexico requires the United States to invest in water conservation, habitat restoration, and scientific monitoring projects in the delta and release approximately 2 percent of natural flow through 2026. The clam will likely benefit from ongoing efforts to conserve other species and their habitats within the greater Gulf of California, *e.g.,* the totoaba (*Totoaba macdonaldi*) and the vaquita porpoise (*Phocoena sinus*). Portions of the species' range occur within two protected areas that are part of the UNESCO Biosphere Reserve Program and are owned and managed by the Mexican Government.

In the May 3, 2022, CNOR (87 FR 26152), and again in the June 27, 2023, CNOR (88 FR 41560), the Colorado Delta clam was assigned an LPN of 8. After reevaluating the threats to this species for this CNOR, we have determined that no change in its LPN of 8 is warranted. The threat of habitat loss and degradation in the Colorado Delta region is ongoing. However, this threat appears to be affecting the clam in the upper Gulf of California and not throughout remainder of its range. Therefore, an LPN of 8 remains valid to reflect imminent threats of moderate magnitude.

Petitions To Reclassify Species Already Listed

We previously made warranted-but-precluded findings on petitions seeking to reclassify threatened species to endangered status for delta smelt (*Hypomesus transpacificus*) and northern spotted owl (*Strix occidentalis caurina*). Because these species are already listed under the Act, they are not candidates for listing and are not included in table 5, below. Below, we provide updated summaries for these species previously found to be warranted but precluded for uplisting.

This document and associated species assessment forms constitute the findings for the resubmitted petitions to reclassify the delta smelt and northern spotted owl. Summaries of our updated assessments for these species are provided below. We find that reclassification to endangered status for the delta smelt and northern spotted owl are currently warranted but precluded by work identified above (see Findings for Petitioned Candidate Species, above). One of the primary reasons that the work identified above is considered to have higher priority is that these species are currently listed as threatened and, therefore, already receive certain protections under the Act. For the delta smelt and northern spotted owl, those protections are set forth in our regulations at 50 CFR 17.31 and, by reference, 50 CFR 17.21. It is therefore unlawful for any person, among other prohibited acts, to take (*i.e.,* to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or attempt to engage in such activity) a delta smelt or northern spotted owl, subject to applicable exceptions.

Other protections that currently apply to these threatened species include those under section 7(a)(2) of the Act, whereby Federal agencies must insure

that any action they authorize, fund, or carry out is not likely to jeopardize the continued existence of any endangered or threatened species.

Northern Spotted Owl

The northern spotted owl is the largest of three subspecies of spotted owls. The historical range of the northern spotted owl included most mature forests or stands throughout the Pacific Northwest, from southwestern British Columbia to as far south as Marin County, California. The current range of the northern spotted owl is smaller than the historical range as the northern spotted owl is extirpated or very uncommon in certain areas such as southwestern Washington and British Columbia.

The northern spotted owl is relatively long-lived, has a long reproductive life span, invests significantly in parental care, and exhibits high adult survivorship relative to other North American owls. Nesting and roosting habitat characteristics are usually found in older forests and include moderate to high canopy cover; multiple canopy layers; large trees with deformities such as large cavities, broken tops, or mistletoe infections; large snags and fallen trees; and space beneath the canopy for flight. Foraging habitat varies greatly across the range, as does diet, and may coincide with or differ from nesting and roosting habitat. Landscapes supporting dispersal typically include a high proportion of the area in forested cover with trees larger than 11 inches (28 centimeters) in diameter at breast height and more than 30 to 40 percent canopy cover. Northern spotted owls can be found in younger forest stands that have the structural characteristics of older forests or retained structural elements from the previous forest, especially in redwood forests and mixed conifer-hardwood forests along the coast of northwestern California. We have carefully assessed the best scientific and commercial information available regarding the past, present, and future threats to the northern spotted owl, and we evaluated all relevant factors under the five listing factors, including any regulatory mechanisms and conservation measures addressing these stressors. The incursion of the nonnative barred owl (*Strix varia*) is currently the stressor with the largest negative impact on northern spotted owls.

On Federal lands, the Northwest Forest Plan has reduced habitat loss and allowed for the development of new northern spotted owl habitat, and the 2016 revised Resource Management Plans for the Bureau of Land Management lands in western Oregon are expected to do the same; however, forest ecosystem processes continue to change, and the expansion of barred owl populations is altering the capacity of intact habitat to support northern spotted owls. Therefore, we find that reclassification of the northern spotted owl as an endangered species under the Act is warranted.

Because the northern spotted owl's current classification as threatened and the blanket section 4(d) rule that has prescribed protections for the species since it was listed (see 50 CFR 17.31(a)) already provide the species the full protections afforded by the Act, uplisting the species to endangered status would not substantively increase protections for the northern spotted owl but would more accurately classify the species given its current status. The listing priority number for the northern spotted owl is 3, reflecting the high magnitude of the threats, which are causing steep population declines. It also reflects the immediacy of the threats. Competition with barred owls is depressing demographic rates in nearly all populations throughout the northern spotted owl's range. Finally, the listing priority number reflects the status of the northern spotted owl as a subspecies.

A detailed discussion of the basis for this finding can be found in our northern spotted owl species assessment form (see **ADDRESSES**, above), as well as in our 12-month finding published in the **Federal Register** on December 15, 2020 (85 FR 81144), in which we found that reclassification of the northern spotted owl from threatened to endangered was warranted but precluded by higher-priority actions.

Delta Smelt

Delta smelt are slender-bodied fish, translucent with a steely blue sheen to their sides and are generally about 60 to 70 millimeters (2.36 to 2.75 inches) long. They consist of a single population that primarily occupies open-water habitats in Suisun Bay and marsh and the Sacramento-San Joaquin Delta.

The delta smelt is primarily an annual species, meaning that it completes its life cycle in one year. It occupies pelagic, cool, turbid, low-salinity and freshwater habitats. It feeds on small, planktonic crustaceans, especially calanoid copepods, at all stages of its life. Adults spawn on sandy or hard substrate. As a small fish, delta smelt shift vertically and longitudinally within the water column with the tidal currents to stay where food is available and to distribute throughout the delta to spawn. The species needs clean, contaminant-free water; abundant zooplankton prey; water channels free from invasive vegetation; and hydrologic conditions that place their low-salinity habitat in locations that both maximize the volume of habitat and minimize the fish's risk of entrainment into both poor habitat conditions and water export facilities.

The primary known threats cited in the April 7, 2010, 12-month finding for reclassifying the delta smelt from threatened to endangered (75 FR 17667) are entrainment by water export facilities, increases in salinity due to reductions in freshwater flow and summer and fall increases in water clarity, effects from introduced species, contaminant exposure, and small population size. The 2021 California Department of Fish and Wildlife and Service adult abundance estimates are the lowest ever recorded. Although conservation measures are in place to protect the species, including the 2019 biological opinion, experimental release, and supplementation, these measures have not been sufficient to halt the decline of the species. Therefore, based on a review of the best scientific and commercial information available, we find that the delta smelt still meets the definition of an endangered species under the Act, and that it warrants reclassification from threatened to endangered. However, at this time, the promulgation of a formal rulemaking to reclassify delta smelt is precluded by higher priority actions. Because the delta smelt's current classification as threatened and the blanket section 4(d) rule that has prescribed protections for the species since it was listed (see 50 CFR 17.31(a)) already provide the species the full protections afforded by the Act, uplisting the species to endangered status would not substantively increase protections for the delta smelt but would more accurately classify the species given its current status. In addition, although the identified threats are imminent and substantial, emergency uplisting would provide no additional benefit to the species.

In our 12-month finding published in the **Federal Register** on April 7, 2010 (75 FR 17667), the delta smelt was assigned an LPN of 2. For this update, there is no change in its LPN. The majority of threats identified in 2010 remain. Therefore, the LPN is valid for this species to reflect imminent threats of moderate magnitude.

Current Notice of Review

We gather data on plants and animals, both native and foreign to the United States, that appear to merit consideration for addition to the Lists of

Endangered and Threatened Wildlife and Plants (Lists). This document identifies those species that we currently regard as candidates for addition to the Lists. These candidates include species and subspecies of fish, wildlife, or plants, and DPSs of vertebrate animals. This compilation relies on information from status surveys conducted for candidate assessment and on information from Tribes, State Natural Heritage Programs, other State and Federal agencies, foreign countries, knowledgeable scientists, public and private natural resource interests, and comments received in response to previous CNORs.

Tables 5 and 6, below, list animals arranged alphabetically by common names under the major group headings, and list plants alphabetically by names of genera, species, and relevant subspecies and varieties. Animals are grouped by class or order. Useful synonyms and subgeneric scientific names appear in parentheses with the synonyms preceded by an ''equals'' sign. We sort plants by scientific name due to the inconsistencies in common names, the inclusion of vernacular and composite subspecific names, and the fact that many plants still lack a standardized common name.

Table 5 lists all candidate species, plus species currently proposed for listing under the Act (as of September 30, 2024). We emphasize that in this document that we are not proposing to list any of the candidate species; rather, we will develop and publish proposed listing rules for these species in the future. We encourage Tribes, State agencies, other Federal agencies, foreign countries, and other parties to consider these species in environmental planning.

In table 5, the ''category'' column on the left side of the table identifies the status of each species according to the following codes:

PE—Species proposed for listing as endangered. This category, as well as PT and PSAT (below), does not include species for which we have withdrawn or finalized the proposed rule.

PT—Species proposed for listing as threatened.

PSAT—Species proposed for listing as threatened due to similarity of appearance.

C—Candidates: Species for which we have on file sufficient information on biological vulnerability and threats to support proposals to list them as endangered or threatened. Issuance of proposed rules for these species is precluded at present by other higher priority actions. This category includes species for which we made a 12-month warranted-but-precluded finding on a petition to list. Our analysis for this document included making new findings on all petitions for which we previously made ''warranted-but-precluded'' findings. We identify the species for which we made a continued warranted-but-precluded finding on a resubmitted petition by the code ''C'' in the category column (see Findings for Petitioned Candidate Species, above, for additional information).

The ''Priority'' column indicates the LPN for each candidate species, which we use to determine the most appropriate use of our available resources. Lower numbers have higher priority. We assign LPNs based on the immediacy and magnitude of threats, as well as on taxonomic status. We published a complete description of our listing priority system in the **Federal Register** (48 FR 43098; September 21, 1983).

Following the scientific name (third column) and the family designation (fourth column) is the common name (fifth column). The sixth column provides the known historical range for the species or vertebrate population (for vertebrate populations, this is the historical range for the entire species or subspecies and not just the historical range for the distinct population segment), indicated by postal code abbreviations for States and U.S. territories or by country for foreign species. Many species no longer occur in all of the areas listed.

Species in table 6 of this document are those species that we included either as proposed species or as candidates in the previous CNOR (88 FR 41560; June 27, 2023) that are no longer proposed species or candidates for listing (as of September 30, 2024). In FY 2023 and FY 2024 (or after; please see note to table 6, below), we listed 52 species. The first column indicates the present status of each species, using the following codes:

E—Species we listed as endangered.

T—Species we listed as threatened.

SAT—Species we listed as threatened due to similarity of appearance.

Rc—Species we removed from the candidate list or is no longer proposed for listing, because currently available information does not support a proposed listing.

Rp—Species we removed from the candidate list or is no longer proposed for listing, because we have withdrawn the proposed listing.

The second column indicates why the species is no longer a candidate species or proposed for listing, using the following codes (not all of these codes may have been used in this CNOR):

A—Species that are more abundant or widespread than previously believed and species that are not subject to the degree of threats sufficient that the species is a candidate for listing (for reasons other than that conservation efforts have removed or reduced the threats to the species).

I—Species for which the best available information on biological vulnerability and threats is insufficient to support a conclusion that the species is an endangered species or a threatened species.

L—Species we added to the Lists of Endangered and Threatened Wildlife and Plants.

M—Species we mistakenly included as candidates or proposed species in the last notice of review.

N—Species that are not listable entities based on the Act's definition of ''species'' and current taxonomic understanding.

U—Species that are not subject to the degree of threats sufficient to warrant issuance of a proposed listing and therefore are not candidates for listing, due, in part or totally, to conservation efforts that remove or reduce the threats to the species.

X—Species we believe to be extinct.

The columns describing scientific name, family, common name, and historical range include information as previously described for table 5.

Request for Information

We request additional status information that may be available for any of the candidate species identified in this CNOR. We will consider this information to monitor changes in the status or LPN of candidate species and to manage candidates as we prepare listing documents and future revisions to the CNOR. We also request information on additional species to consider including as candidates as we prepare future updates of this CNOR.

We request you submit any further information on the species named in this document as soon as possible or whenever it becomes available. We are particularly interested in any information:

(1) Indicating that we should add a species to the list of candidate species;

(2) Indicating that we should remove a species from candidate status;

(3) Recommending areas that we should designate as critical habitat, or indicating that designation of critical habitat would not be prudent;

(4) Documenting threats to any of the included species;

(5) Describing the immediacy or magnitude of threats facing candidate species;

(6) Pointing out taxonomic or nomenclature changes for any of the species;

(7) Suggesting appropriate common names; and

(8) Noting any mistakes, such as errors in the indicated historical ranges.

We will consider all information provided in response to this CNOR in deciding whether to propose species for listing and when to undertake necessary listing actions (including whether emergency listing under section 4(b)(7) of the Act is appropriate).

Submit information, materials, or comments regarding the species to the person identified as having the lead responsibility for the species in table 4, below.

TABLE 4—CONTACTS FOR CANDIDATE SPECIES AND SPECIES PROPOSED FOR LISTING

Species	Contact name	Address and telephone
Dolly varden	Bridget Fahey	Acting Regional Director, U.S. Fish and Wildlife Service, Eastside Federal Complex, 911 N.E. 11th Avenue, Portland, OR 97232–4181; telephone: 503–231–2111.
Bushy whitlow-wort, Louisiana pigtoe, Mexican fawnsfoot, Navasota false foxglove, Quitobaquito tryonia, Salina mucket, Texas heelsplitter, Texas kangaroo rat, toothless blindcat, widemouth blindcat.	Stewart Jacks	Acting Regional Director, U.S. Fish and Wildlife Service, 500 Gold Avenue SW., Room 4012, Albuquerque, NM 87102; telephone: 505–248–6620.
Monarch butterfly, salamander mussel	Will Meeks	Regional Director, U.S. Fish and Wildlife Service, 5600 American Blvd. West, Suite 990, Bloomington, MN 55437–1458; telephone: 612–750–9866.
Alabama hickorynut, alligator snapping turtle, Black Creek crayfish, Brawleys Fork crayfish, Cedar Key mole skink, coal darter, Cumberland moccasinshell, Florida Keys mole skink, Key ring-necked snake, Miami Cave crayfish, oblong rocksnail, *Obovaria* cf. *unicolor,* Ocmulgee skullcap, rim rock crowned snake, short-tailed snake, southern elktoe, Tennessee clubshell, Tennessee pigtoe, West Indian manatee.	Mike Oetker	Regional Director, U.S. Fish and Wildlife Service, 1875 Century Boulevard, Suite 200, Atlanta, GA 30345; telephone: 404–679–4000.
Eastern regal fritillary, green floater, tricolored bat, West Virginia spring salamander.	Sharon Marino	Acting Regional Director, U.S. Fish and Wildlife Service, 300 Westgate Center Dr., Hadley, MA 01035; telephone: 413–253–8851.
Western regal fritillary	Matt Hogan	Regional Director, U.S. Fish and Wildlife Service, P.O. Box 25486, Denver Federal Center, Denver, CO 80225–0486; telephone: 303–236–7920.
Bi-state sage-grouse, California spotted owl, Kern Canyon slender salamander, Long Valley speckled dace, northwestern pond turtle, relictual slender salamander, Santa Ana speckled dace, southwestern pond turtle, western spadefoot.	Adam Johnson	Acting Regional Director, U.S. Fish and Wildlife Service, 2800 Cottage Way, Suite W2606, Sacramento, CA 95825; telephone: 541–885–2526.
Amur sturgeon, black-backed tanager, Bogota rail, Brasilia tapaculo, Chatham Island oystercatcher, Colorado delta clam, Ghizo white-eye, helmeted woodpecker, Jamaican kite swallowtail butterfly, Kaiser-i-Hind swallowtail butterfly, Lord Howe pied currawong, Okinawa woodpecker, orange-fronted parakeet, Persian sturgeon, pygmy three-toed sloth, Russian sturgeon, ship sturgeon, stellate sturgeon, takahē, yellow-browed toucanet.	Gina Shultz	Acting Assistant Director, Ecological Services, U.S. Fish and Wildlife Service, 5275 Leesburg Pike, MS: ES, Falls Church, VA 22041; telephone: 202–208–4469.

We will provide information we receive to the office having lead responsibility for each candidate species mentioned in the submission, and information and comments we receive will become part of the administrative record for the species, which we maintain at the appropriate office.

Public Availability of Comments

Before including your address, phone number, email address, or other personal identifying information in your submission, be advised that your entire submission—including your personal identifying information—may be made publicly available at any time. Although you can ask us in your submission to withhold from public review your personal identifying information, we cannot guarantee that we will be able to do so.

Authority

This document is published under the authority of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*).

Brian R. Nesvik

Director, U.S. Fish and Wildlife Service.

TABLE 5—CANDIDATE NOTICE OF REVIEW (ANIMALS AND PLANTS)

[Note: See end of **SUPPLEMENTARY INFORMATION** for an explanation of symbols used in this table.]

Status		Scientific name	Family	Common name	Historical range
Category	Priority				
MAMMALS					
PE		*Perimyotis subflavus*	Vespertilionidae	Bat, tricolored	U.S.A. (AL, AR, CO, CT, DE, DC, FL, GA, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, NE, NH, NJ, NM, NY, NC, OH, OK, PA, RI, SC, SD, TN, TX, VT, VA, WV, WI, WY), Canada, Guatemala, Honduras, Mexico.
PE		*Neotamias minimus atristriatus*	Sciuridae	Chipmunk, Peñasco least*	U.S.A. (NM)
PE		*Dipodomys elator*	Heteromyidae	Kangaroo rat, Texas	U.S.A. (OK, TX).
PT	2	*Bradypus pygmaeus*	Bradypodidae	Sloth, pygmy three-toed	Panama.
BIRDS					
C	6	*Strepera graculina crissalis*	Cracticidae	Currawong, Lord Howe Island pied	Lord Howe Island, New South Wales, Australia.
PE		*Strix occidentalis occidentalis*	Strigidae	Owl, California spotted [Coastal-Southern California DPS].	U.S.A. (CA).
PT		*Strix occidentalis occidentalis*	Strigidae	Owl, California spotted [Sierra Nevada DPS].	U.S.A. (CA, NV).
C	8	*Haematopus chathamensis*	Haematopodidae	Oystercatcher, Chatham	Chatham Islands, New Zealand.
C	8	*Cyanoramphus malherbi*	Psittacidae	Parakeet, orange-fronted	New Zealand.
C	2	*Rallus semiplumbeus*	Rallidae	Rail, Bogota	Colombia.
PT		*Centrocercus urophasianus*	Phasianidae	Sage-grouse, greater [Bi-State DPS].	U.S.A. (CA, NV).
C	8	*Porphyrio hochstetteri*	Rallidae	Takahē	New Zealand.
C	8	*Tangara peruviana*	Thraupidae	Tanager, black-backed	Brazil.
C	2	*Scytalopus novacapitalis*	Rhinocryptidae	Tapaculo, Brasilia	Brazil.
C	2	*Aulacorhynchus huallagae*	Ramphastidae	Toucanet, yellow-browed	Peru.
C	2	*Zosterops luteirostris*	Zosteropidae	White-eye, Ghizo	Solomon Islands.
C	8	*Celeus galeatus*	Picidae	Woodpecker, helmeted	Argentina, Brazil, Paraguay.
C	2	*Dendrocopos noguchii*	Picidae	Woodpecker, Okinawa	Okinawa Island, Japan.
REPTILES					
PE		*Plestiodon egregius insularis*	Scincidae	Skink, Cedar Key mole	U.S.A. (FL).
PT		*Plestiodon egregius egregius*	Scincidae	Skink, Florida Keys mole	U.S.A. (FL).
PE		*Diadophis punctatus acricus*	Colubridae	Snake, Key ring-necked	U.S.A. (FL).
PE		*Tantilla oolitica*	Colubridae	Snake, rim rock crowned	U.S.A. (FL).
PT		*Lampropeltis extenuata*	Colubridae	Snake, short-tailed	U.S.A. (FL).
PT		*Macrochelys temminckii*	Chelydridae	Turtle, alligator snapping	U.S.A. (AL, AR, FL, GA, IL, KS, KY, LA, MS, MO, OK, TN, TX).
PT	4	*Actinemys marmorata*	Chelydridae	Turtle, northwestern pond	U.S.A. (CA, NV, OR, WA).
PT	4	*Actinemys pallida*	Chelydridae	Turtle, southwestern pond	U.S.A (CA), Mexico.
AMPHIBIANS					
PT		*Batrachoseps simatus*	Plethodontidae	Salamander, Kern Canyon slender	U.S.A. (CA).
PE		*Batrachoseps relictus*	Plethodontidae	Salamander, relictual slender	U.S.A. (CA).
PE	3	*Gyrinophilus subterraneus*	Plethodontidae	Salamander, West Virginia spring	U.S.A. (WV).
PT		*Spea hammondii*	Scaphiopodidae	Spadefoot, western [Northern DPS].	U.S.A. (CA).
PT		*Spea hammondii*	Scaphiopodidae	Spadefoot, western [Southern DPS].	U.S.A. (CA) and Mexico.
FISHES					
PE		*Trogloglanis pattersoni*	Ictaluridae	Blindcat, toothless	U.S.A. (TX).
PE		*Satan eurystomus*	Ictaluridae	Blindcat, widemouth	U.S.A. (TX).
PE	3	*Rhinichthys nevadensis caldera*	Leuciscidae	Dace, Long Valley speckled	U.S.A. (CA).
PT	2	*Rhinichthys gabrielino*	Leuciscidae	Dace, Santa Ana speckled	U.S.A. (CA).
PT		*Percina brevicauda*	Percidae	Darter, coal	U.S.A (AL).
PE		*Acipenser schrenckii*	Acipenseridae	Sturgeon, Amur	China, Russia.
PE		*Acipenser persicus*	Acipenseridae	Sturgeon, Persian	Armenia, +5 countries.
PE		*Acipenser gueldenstaedtii*	Acipenseridae	Sturgeon, Russian	Armenia, +19 countries.
PE		*Acipenser nudiventris*	Acipenseridae	Sturgeon, ship	Armenia, +18 countries.
PE		*Acipenser stellatus*	Acipenseridae	Sturgeon, stellate	Armenia, +19 countries.
PSAT		*Salvelinus malma*	Salmonidae	Trout, Dolly varden	U.S.A. (AK, OR, WA), Canada, East Asia.
C	4	*Oncorhynchus clarkii virginalis*	Salmonidae	Trout, Rio Grande cutthroat*	U.S.A. (CO, NM, TX).
CLAMS					
C	8	*Mulinia modesta*	Mactridae	Clam, Colorado delta	Mexico.
PE		*Pleurobema oviforme*	Unionidae	Clubshell, Tennessee	U.S.A. (AL, GA, KY, NC, TN, VA).
PE		*Alasmidonta triangulata*	Unionidae	Elktoe, southern	U.S.A. (AL, GA, FL).
PE		*Truncilla cognata*	Unionidae	Fawnsfoot, Mexican	U.S.A. (TX) and Mexico.
PT		*Lasmigona subviridis*	Unionidae	Floater, green	U.S.A. (DC, GA, MD, NJ, NY, NC, PA, TN, VA, WV).
PE		*Potamilus amphichaenus*	Unionidae	Heelsplitter, Texas	U.S.A. (LA, TX).

TABLE 5—CANDIDATE NOTICE OF REVIEW (ANIMALS AND PLANTS)—Continued

[Note: See end of **SUPPLEMENTARY INFORMATION** for an explanation of symbols used in this table.]

Status		Scientific name	Family	Common name	Historical range
Category	Priority				
PE	3	*Obovaria unicolor*	Unionidae	Hickorynut, Alabama	U.S.A. (AL, MS).
PT		*Obovaria* cf. *unicolor*	Unionidae	Hickorynut, no common name	U.S.A. (AL, LA, MS).
PE		*Medionidus conradicus*	Unionidae	Moccasinshell, Cumberland	U.S.A. (AL, GA, KY, NC, TN, VA).
PE		*Potamilus metnecktayi*	Unionidae	Mucket, Salina	U.S.A. (TX) and Mexico.
PE		*Simpsonaias ambigua*	Unionidae	Mussel, salamander	U.S.A. (AR, IL, IN, IA, KY, MI, MN, MO, NY, OH, PA, TN, WV, WI).
PT		*Pleurobema riddellii*	Unionidae	Pigtoe, Louisiana	U.S.A. (AR, LA, MS, OK, TX).
PE		*Pleuronaia barnesiana*	Unionidae	Pigtoe, Tennessee	U.S.A. (AL, GA, KY, MS, NC, TN, VA, WV).
		SNAILS			
PE	4	*Leptoxis compacta*	Pleuroceridae	Rocksnail, oblong	U.S.A. (AL).
PE		*Tryonia quitobaquitae*	Cochliopidae	Tryonia, Quitobaquito	U.S.A. (AZ).
		INSECTS			
C	8	*Danaus plexippus*	Nymphalidae	Butterfly, monarch*	U.S.A. + 90 Countries.
PE	4	*Argynnis idalia idalia*	Nymphalidae	Fritillary, eastern regal	U.S.A. (PA).
PT	4	*Argynnis idalia occidentalis*	Nymphalidae	Fritillary, western regal	U.S.A. (AR, CO, IL, IN, IA, KS, MN, MO, MT, NE, ND, OK, SD, WI, WY).
PE	2	*Parides ascanius*	Papilionidae	Swallowtail, Fluminense*	Brazil.
PE	2	*Parides hahneli*	Papilionidae	Swallowtail, Hahnel's Amazonian*	Brazil.
PE	3	*Eurytides* (= *Mimoides*) *lysithous harrisianus*.	Papilionidae	Swallowtail, Harris' mimic*	Brazil.
C	2	*Protographium* (= *Eurytides*) *marcellinus*.	Papilionidae	Swallowtail, Jamaican kite	Jamaica.
C	8	*Teinopalpus imperialis*	Papilionidae	Swallowtail, Kaiser-i-Hind	Bhutan, China, India, Loas, Myanmar, Nepal, Thailand, Vietnam.
		CRUSTACEANS			
PE		*Procambarus pictus*	Cambaridae	Crayfish, Black Creek	U.S.A. (FL).
PT		*Cambarus williami*	Cambaridae	Crayfish, Brawleys Fork	U.S.A. (TN).
PT		*Procambarus milleri*	Cambaridae	Crayfish, Miami Cave	U.S.A. (FL).
		FLOWERING PLANTS			
PE	3	*Paronychia congesta*	Caryophyllaceae	Bushy whitlow-wort	U.S.A. (TX).
PE		*Agalinis navasotensis*	Orobanchaceae	Navasota false foxglove	U.S.A. (TX).
PT		*Scutellaria ocmulgee*	Lamiaceae	Ocmulgee skullcap*	U.S.A. (GA, SC).
PE		*Castilleja ornata*	Orobanchaceae	Swale paintbrush*	U.S.A. (NM), Mexico.

*Denotes species for which a proposed or final listing determination has published subsequent to the end of FY 2024 (after September 30, 2024)

TABLE 6—ANIMALS AND PLANTS: FORMERLY CANDIDATES OR FORMERLY PROPOSED FOR LISTING

[Note: See end of **SUPPLEMENTARY INFORMATION** for an explanation of symbols used in this table.]

Status		Scientific name	Family	Common name	Historical range
Category	Expl.				
		MAMMALS			
E	L	*Myotis septentrionalis*	Vespertilionidae	Bat, northern long-eared	U.S.A. (AL, AR, CT, DE, DC, GA, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MT, NC, ND, NE, NH, NJ, NY, OH, OK, PA, RI, SC, SD, TN, VT, VA, WV, WI, WY), Canada.
E	L	*Rangifer tarandus groenlandicus*	Cervidae	Caribou, barren-ground [Dolphin and Union caribou DPS].	Canada (Victoria Island, Coronation Gulf, Dolphin and Union Strait, Dease Strait, and Canadian Mainland in Nunavut and Northwest Territories).
T	L	*Gulo gulo luscus*	Mustelidae	Wolverine, North American [Contiguous U.S. DPS].	U.S.A. (CA, CO, ID, MN, MT, ND, NV, OR, UT, WA, WY).
		BIRDS			
E	L	*Pauxi koepckeae*	Cracidae	Curassow, Sira	Peru.
E	L	*Pauxi unicornis*	Cracidae	Curassow, southern helmeted	Bolivia.
T	L	*Aptenodytes forsteri*	Spheniscidae	Penguin, emperor	Antarctica.
E	L	*Pterodroma hasitata*	Procellariidae	Petrel, black-capped	U.S.A. (FL, GA, LA, NC, PR, SC, VI), Dominican Republic, Haiti.
T	L	*Tympanuchus pallidicinctus*	Phasianidae	Prairie-chicken, lesser [Northern DPS].	U.S.A. (CO, KS, NM, OK, TX).
E	L	*Tympanuchus pallidicinctus*	Phasianidae	Prairie-chicken, lesser [Southern DPS].	U.S.A. (CO, KS, NM, OK, TX).
T	L	*Lagopus leucura rainierensis*	Phasianidae	Ptarmigan, Mount Rainier white-tailed.	U.S.A. (WA), Canada (BC).

TABLE 6—ANIMALS AND PLANTS: FORMERLY CANDIDATES OR FORMERLY PROPOSED FOR LISTING—Continued

[Note: See end of **SUPPLEMENTARY INFORMATION** for an explanation of symbols used in this table.]

Status		Scientific name	Family	Common name	Historical range
Category	Expl.				
T	L	*Glaucidium brasilianum cactorum*	Strigidae	Pygmy-owl, cactus ferruginous	U.S.A. (AZ, TX), Mexico.
REPTILES					
E	L	*Sceloporus arenicolus*	Phrynosomatidae	Lizard, dunes sagebrush	U.S.A. (NM, TX).
T	L	*Testudo kleinmanni*	Testudinidae	Tortoise, Egyptian	Libya, Egypt, and Israel.
Rc	A/U	*Gopherus polyphemus*	Testudinidae	Tortoise, gopher (eastern population).	U.S.A. (AL, FL, GA, LA, MS, SC).
SAT	L	*Graptemys pulchra*	Emydidae	Turtle, Alabama map	U.S.A. (AL, GA, MS, TN).
SAT	L	*Graptemys barbouri*	Emydidae	Turtle, Barbour's map	U.S.A. (AL, FL, GA).
SAT	L	*Graptemys ernsti*	Emydidae	Turtle, Escambia map	U.S.A. (AL, FL).
SAT	L	*Graptemys gibbonsi*	Emydidae	Turtle, Pascagoula map	U.S.A. (AL, MS).
T	L	*Graptemys pearlensis*	Emydidae	Turtle, Pearl River map	U.S.A. (LA, MS).
T	L	*Macrochelys suwanniensis*	Chelydridae	Turtle, Suwannee alligator snapping.	U.S.A. (FL, GA).
AMPHIBIANS					
T	L	*Rana boylii*	Ranidae	Frog, foothill yellow-legged [Central Coast DPS].	U.S.A. (CA, OR).
T	L	*Rana boylii*	Ranidae	Frog, foothill yellow-legged [North Feather DPS].	U.S.A. (CA, OR).
E	L	*Rana boylii*	Ranidae	Frog, foothill yellow-legged [South Coast DPS].	U.S.A. (CA, OR).
E	L	*Rana boylii*	Ranidae	Frog, foothill yellow-legged [South Sierra DPS].	U.S.A. (CA, OR).
E	L	*Anaxyrus williamsi*	Bufonidae	Toad, Dixie Valley	U.S.A. (NV).
FISHES					
T	L	*Percina williamsi*	Percidae	Darter, sickle	U.S.A. (NC, TN, VA).
T	L	*Noturus munitus*	Ictaluridae	Madtom, frecklebelly [Upper Coosa River DPS].	U.S.A. (AL, GA, LA, MS, TN).
E	L	*Spirinchus thaleichthys*	Osmeridae	Smelt, longfin [San Francisco Bay-Delta DPS].	U.S.A. (CA).
CLAMS					
T	L	*Cyprogenia* cf. *aberti*	Unionidae	Fanshell, ''Ouachita''	U.S.A. (AR, LA).
T	L	*Cyprogenia aberti*	Unionidae	Fanshell, western	U.S.A. (AR, KS, MO, OK).
E	L	*Lampsilis bergmanni*	Unionidae	Fatmucket, Guadalupe	U.S.A. (TX).
E	L	*Lampsilis bracteata*	Unionidae	Fatmucket, Texas	U.S.A. (TX).
T	L	*Truncilla macrodon*	Unionidae	Fawnsfoot, Texas	U.S.A. (TX).
T	L	*Obovaria subrotunda*	Unionidae	Hickorynut, round	U.S.A. (AL, GA, IL, IN, KY, MI, MS, NY, OH, PA, TN, WV), Canada.
T	L	*Fusconaia subrotunda*	Unionidae	Longsolid	U.S.A. (AL, GA, IL, IN, KY, MS, NY, NC, OH, PA, SC, TN, VA, WV).
E	L	*Cyclonaias necki*	Unionidae	Orb, Guadalupe	U.S.A. (TX).
Rc	N	*Pleurobema rubrum*	Unionidae	Pigtoe, pyramid	U.S.A. (AL, KY, TN).
E	L	*Cyclonaias petrina*	Unionidae	Pimpleback, Texas	U.S.A. (TX).
E	L	*Fusconaia iheringi*	Unionidae	Spike, Balcones	U.S.A. (TX).
E	L	*Fusconaia mitchelli*	Unionidae	Spike, false	U.S.A. (TX).
SNAILS					
E	L	*Planorbella magnifica*	Planorbidae	Ramshorn, magnificent	U.S.A. (NC).
INSECTS					
T	L	*Atlantea tulita*	Nymphalidae	Butterfly, Puerto Rican harlequin	U.S.A. (PR).
E	L	*Euphydryas anicia cloudcrofti*	Nymphalidae	Butterfly, Sacramento Mountains checkerspot.	U.S.A. (NM).
T	L	*Speyeria nokomis nokomis*	Nymphalidae	Butterfly, silverspot	U.S.A. (CO, NM, UT).
E	L	*Hemileuca maia menyanthevora*	Saturniidae	Moth, bog buck	U.S.A. (NY), Canada.
CRUSTACEANS					
T	L	*Faxonius peruncus*	Cambaridae	Crayfish, Big Creek	U.S.A. (MO).
T	L	*Faxonius quadruncus*	Cambaridae	Crayfish, St. Francis River	U.S.A. (MO).
FLOWERING PLANTS					
T	L	*Streptanthus bracteatus*	Brassicaceae	Bracted twistflower	U.S.A. (TX).
E	L	*Lupinus constancei*	Fabaceae	Lassics lupine	U.S.A. (CA).
E	L	*Asclepias prostrata*	Apocynaceae	Prostrate milkweed	U.S.A. (TX), Mexico.
T	L	*Phacelia argentea*	Boraginaceae	Sand dune phacelia	U.S.A. (CA, OR).
E	L	*Eriogonum tiehmii*	Polygonaceae	Tiehm's buckwheat	U.S.A. (NV).
T	L	*Pinus albicaulis*	Pinaceae	Whitebark pine	U.S.A. (CA, ID, MT, NV, OR, WA, WY), Canada (AB, BC).

TABLE 6—ANIMALS AND PLANTS: FORMERLY CANDIDATES OR FORMERLY PROPOSED FOR LISTING—Continued

[Note: See end of **SUPPLEMENTARY INFORMATION** for an explanation of symbols used in this table.]

Status		Scientific name	Family	Common name	Historical range
Category	Expl.				
T	L	*Cirsium wrightii*	Asteraceae	Wright's marsh thistle	U.S.A. (AZ, NM), Mexico.
LICHENS					
E	L	*Donrichardsia macroneuron*	Brachytheciaceae	South Llano springs moss	U.S.A. (TX).

[FR Doc. 2025–19732 Filed 10–30–25; 8:45 am]

BILLING CODE 4333–15–P

Notices

Federal Register

Vol. 90, No. 209

Friday, October 31, 2025

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF COMMERCE

Bureau of Industry and Security

Order Renewing Order Temporarily Denying Export Privileges

Mahan Airways, Mahan Tower, No. 21, Azadegan St., M.A. Jenah Exp. Way, Tehran, Iran
Pejman Mahmood Kosarayanifard, a/k/a Kosarian Fard, P.O. Box 52404, Dubai, United Arab Emirates;
Mahmoud Amini, G#22 Dubai Airport Free Zone, P.O. Box 393754, Dubai, United Arab Emirates
and
P.O. Box 52404, Dubai, United Arab Emirates
and
Mohamed Abdulla Alqaz Buildin, Al Maktoum Street, Al Rigga, Dubai, United Arab Emirates;
Kerman Aviation, a/k/a GIE Kerman Aviation, 42 Avenue Montaigne 75008, Paris, France
Sirjanco Trading LLC, P.O. Box 8709, Dubai, United Arab Emirates
Mahan Air General Trading LLC, 19th Floor Al Moosa Tower One, Sheik Zayed Road, Dubai 40594, United Arab Emirates
Mehdi Bahrami, Mahan Airways—Istanbul Office, Cumhuriye Cad. Sibil Apt No: 101 D:6, 34374 Emadad, Sisli Istanbul, Turkey
Al Naser Airlines, a/k/a al-Naser Airlines, a/k/a Al Naser Wings Airline, a/k/a Alnaser Airlines and Air Freight Ltd., Home 46, Al-Karrada, Babil Region, District 929, St. 21, Beside Al Jadirya Private Hospital, Baghdad, Iraq
and
Al Amirat Street, Section 309, St. 3/H.20, Al Mansour, Baghdad, Iraq
and
P.O. Box 28360, Dubai, United Arab Emirates
and
P.O. Box 911399, Amman 11191, Jordan
Ali Abdullah Alhay, a/k/a Ali Alhay, a/k/a Ali Abdullah Ahmed Alhay, Home 46, Al-Karrada, Babil Region, District 929, St. 21, Beside Al Jadirya Private Hospital, Baghdad, Iraq
and
Anak Street, Qatif, Saudi Arabia 61177
Bahar Safwa General Trading, P.O. Box 113212 Citadel Tower, Floor-5, Office #504, Business Bay, Dubai, United Arab Emirates
and
P.O. Box 8709, Citadel Tower, Business Bay, Dubai, United Arab Emirates
Sky Blue Bird Group, a/k/a Sky Blue Bird Aviation, a/k/a Sky Blue Bird Ltd., a/k/a Sky Blue Bird FZC, P.O. Box 16111, Ras Al Khaimah Trade Zone, United Arab Emirates
Issam Shammout, a/k/a Muhammad Isam Muhammad Anwar Nur Shammout, a/k/a Issam Anwar, Philips Building, 4th Floor, Al Fardous Street, Damascus, Syria
and
Al Kolaa, Beirut, Lebanon 151515
and
17–18 Margaret Street, 4th Floor, London, W1W 8RP, United Kingdom
and
Cumhuriyet Mah. Kavakli San St. Fulya, Cad. Hazar Sok. No.14/A Silivri, Istanbul, Turkey

Pursuant to Section 766.24 of the Export Administration Regulations, 15 CFR parts 730–774 (2025) (''EAR'' or ''the Regulations''), I hereby grant the request of the Office of Export Enforcement (''OEE'') to renew the temporary denial order issued in this matter on October 29, 2024. I find that renewal of this order, as modified, is necessary in the public interest to prevent an imminent violation of the Regulations and that renewal for an extended period is appropriate because Mahan Airways has engaged in a pattern of repeated, ongoing and/or continuous apparent violations of the EAR.[1]

I. Procedural History

On March 17, 2008, Darryl W. Jackson, the then-Assistant Secretary of Commerce for Export Enforcement (''Assistant Secretary''), signed an order denying Mahan Airways' export privileges for a period of 180 days on the ground that issuance of the order was necessary in the public interest to prevent an imminent violation of the Regulations. The order also named as denied persons Blue Airways, of Yerevan, Armenia (''Blue Airways of Armenia''), as well as the ''Balli Group Respondents,'' namely, Balli Group PLC, Balli Aviation, Balli Holdings, two of its officers, Blue Sky One Ltd., Blue Sky Two Ltd., Blue Sky Three Ltd., Blue Sky Four Ltd., Blue Sky Five Ltd., and Blue Sky Six Ltd., all of the United Kingdom. The order was issued *ex parte* pursuant to Section 766.24(a) of the Regulations, and went into effect on March 21, 2008, the date it was published in the **Federal Register**.

This temporary denial order (''TDO'') was renewed in accordance with Section 766.24(d) of the Regulations.[2] Subsequent renewals also have issued pursuant to Section 766.24(d), including most recently on October 29, 2024.[3]

[1] The Regulations, currently codified at 15 CFR parts 730–774 (2025), originally issued pursuant to the Export Administration Act (50 U.S.C. 4601–4623 (Supp. III 2015)) (''EAA''), which lapsed on August 21, 2001. The President, through Executive Order 13222 of August 17, 2001 (3 CFR, 2001 Comp. 783 (2002)), as extended by successive Presidential Notices, continued the Regulations in effect under the International Emergency Economic Powers Act (50 U.S.C. 1701, *et seq.* (2012)) (''IEEPA''). On August 13, 2018, the President signed into law the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (''NDAA''), which includes the Export Control Reform Act of 2018, 50 U.S.C. 4801–4852 (''ECRA''). While Section 1766 of the NDAA repeals the provisions of the EAA (except for three sections which are inapplicable here), Section 1768 of the NDAA provides, in pertinent part, that all orders, rules, regulations, and other forms of administrative action that were made or issued under the EAA, including as continued in effect pursuant to IEEPA, and were in effect as of ECRA's date of enactment (August 13, 2018), shall continue in effect according to their terms until modified, superseded, set aside, or revoked through action undertaken pursuant to the authority provided under ECRA. Moreover, Section 4820(a)(5) of ECRA authorizes the issuance of temporary denial orders.

[2] Section 766.24(d) provides that BIS may seek renewal of a temporary denial order for additional 180-day renewal periods, if it believes that renewal is necessary in the public interest to prevent an imminent violation. In cases demonstrating a pattern of repeated, ongoing and/or continuous apparent violations, BIS may request the renewal of a temporary denial order for an additional period not exceeding one year. Renewal requests are to be made in writing no later than 20 days before the scheduled expiration date of a temporary denial order. Renewal requests may include discussion of any additional or changed circumstances, and may seek appropriate modifications to the order, including the addition of parties as respondents or related persons, or the removal of parties previously added as respondents or related persons. BIS is not required to seek renewal as to all parties, and a removal of a party can be effected if, without more, BIS does not seek renewal as to that party. Any party included or added to a temporary denial order as a respondent may oppose a renewal request as set forth in Section 766.24(d). Parties included or added as related persons can at any time appeal their inclusion as a related person, but cannot challenge the underlying temporary denial order, either as initially issued or subsequently renewed, and cannot oppose a renewal request. *See also* note 4, *infra.*

[3] The October 29, 2024 renewal order was effective upon issuance and published in the **Federal Register** on November 1, 2024 (89 FR 87329). Prior renewal orders issued on September 17, 2008, March 16, 2009, September 11, 2009, March 9, 2010, September 3, 2010, February 25, 2011, August 24, 2011, February 15, 2012, August 9, 2012, February 4, 2013, July 31, 2013, January 24,

Some of the renewal orders and the modification orders that have issued between renewals have added certain parties as respondents or as related persons, or effected the removal of certain parties.[4]

The September 11, 2009 renewal order continued the denial order as to Mahan Airways, but not as to the Balli Group Respondents or Blue Airways of Armenia.[5] As part of the February 25, 2011 renewal order, Pejman Mahmood Kosarayanifard (a/k/a Kosarian Fard), Mahmoud Amini, and Gatewick LLC (a/k/a Gatewick Freight and Cargo Services, a/k/a Gatewick Aviation Services) were added as related persons to prevent evasion of the TDO.[6] A modification order issued on July 1, 2011, adding Zarand Aviation as a respondent in order to prevent an imminent violation.[7]

As part of the August 24, 2011 renewal, Kerman Aviation, Sirjanco Trading LLC, and Ali Eslamian were added as related persons. Mahan Air General Trading LLC, Equipco (UK) Ltd., and Skyco (UK) Ltd. were added as related persons by a modification order issued on April 9, 2012. Mehdi Bahrami was added as a related person as part of the February 4, 2013 renewal order.

On May 21, 2015, a modification order was issued adding Al Naser Airlines, Ali Abdullah Alhay, and Bahar Safwa General Trading as respondents. As detailed in that order and discussed further *infra,* these respondents were added to the TDO based upon evidence that they were acting together to, *inter alia,* obtain aircraft subject to the Regulations for export or reexport to Mahan in violation of the Regulations and the TDO.

Sky Blue Bird Group and its chief executive officer, Issam Shammout, were added as related persons as part of the July 13, 2015 renewal order.[8] On November 16, 2017, a modification order issued to remove Ali Eslamian, Equipco (UK) Ltd., and Skyco (UK) Ltd. as related persons following a request by OEE for their removal.[9]

The December 11, 2018 renewal order continued the denial of the export privileges of Mahan Airways, Pejman Mahmood Kosarayanifard, Mahmoud Amini, Kerman Aviation, Sirjanco Trading LLC, Mahan Air General Trading LLC, Mehdi Bahrami, Al Naser Airlines, Ali Abdullah Alhay, Bahar Safwa General Trading, Sky Blue Bird Group, and Issam Shammout.

On September 22, 2025, BIS, through OEE, submitted a written request for renewal of the TDO that issued on October 29, 2024. The written request was made more than 20 days before the TDO's scheduled expiration. Notice of the renewal request was provided to Mahan Airways, Al Naser Airlines, Ali Abdullah Alhay, and Bahar Safwa General Trading in accordance with Sections 766.5 and 766.24(d) of the Regulations. No opposition to the renewal of the TDO has been received. Furthermore, no appeal of the related person determinations made as part of the September 3, 2010, February 25, 2011, August 24, 2011, April 9, 2012, February 4, 2013, and July 13, 2015 renewal or modification orders has been made by Kosarian Fard, Mahmoud Amini, Kerman Aviation, Sirjanco Trading LLC, Mahan Air General Trading LLC, Mehdi Bahrami, Sky Blue Bird Group, or Issam Shammout.[10]

II. Renewal of the TDO

A. Legal Standard

Pursuant to Section 766.24, BIS may issue or renew an order temporarily denying a respondent's export privileges upon a showing that the order is necessary in the public interest to prevent an ''imminent violation'' of the Regulations. 15 CFR 766.24(b)(1) and 766.24(d). ''A violation may be 'imminent' either in time or degree of likelihood.'' 15 CFR 766.24(b)(3). BIS may show ''either that a violation is about to occur, or that the general circumstances of the matter under investigation or case under criminal or administrative charges demonstrate a likelihood of future violations.'' *Id.* As to the likelihood of future violations, BIS may show that the violation under investigation or charge ''is significant, deliberate, covert and/or likely to occur again, rather than technical or negligent [.]'' *Id.* A ''lack of information establishing the precise time a violation may occur does not preclude a finding that a violation is imminent, so long as there is sufficient reason to believe the likelihood of a violation.'' *Id.*

If BIS believes that renewal of a denial order is necessary in the public interest to prevent an imminent violation, it may file a written request for renewal, with any modifications if appropriate. 15 CFR 766.24(d)(1). The written request, which must be filed no later than 20 days prior to the TDO's expiration, should set forth the basis for BIS's belief that renewal is necessary, including any

2014, July 22, 2014, January 16, 2015, July 13, 2015, January 7, 2016, July 7, 2016, December 30, 2016, June 27, 2017, December 20, 2017, June 14, 2018, December 11, 2018, June 5, 2019, May 29, 2020, November 24, 2020, May 21, 2021, November 17, 2021, May 13, 2022, November 8, 2022, May 5, 2023, October 31, 2024, and October 29, 2024, respectively. The August 24, 2011 renewal followed the issuance of a modification order that issued on July 1, 2011, to add Zarand Aviation as a respondent. The July 13, 2015 renewal followed a modification order that issued May 21, 2015, and added Al Naser Airlines, Ali Abdullah Alhay, and Bahar Safwa General Trading as respondents. Each of the renewal orders and each of the modification orders referenced in this footnote or elsewhere in this order has been published in the **Federal Register**.

[4] Pursuant to Sections 766.23 and 766.24(c) of the Regulations, any person, firm, corporation, or business organization related to a denied person by affiliation, ownership, control, or position of responsibility in the conduct of trade or related services may be added as a ''related person'' to a temporary denial order to prevent evasion of the order.

[5] Balli Group PLC and Balli Aviation settled proposed BIS administrative charges as part of a settlement agreement that was approved by a settlement order issued on February 5, 2010. The sanctions imposed pursuant to that settlement and order included, *inter alia,* a $15 million civil penalty and a requirement to conduct five external audits and submit related audit reports. The Balli Group Respondents also settled related charges with the Department of Justice and the Treasury Department's Office of Foreign Assets Control.

[6] *See* note 4, *supra,* concerning the addition of related persons to a temporary denial order. Kosarian Fard and Mahmoud Amini remain parties to the TDO. On August 13, 2014, BIS and Gatewick resolved administrative charges against Gatewick, including a charge for acting contrary to the terms of a BIS denial order (15 CFR 764.2(k)). In addition to the payment of a civil penalty, the settlement includes a seven-year denial order. The first two years of the denial period were active, with the remaining five years suspended conditioned upon Gatewick's full and timely payment of the civil penalty and its compliance with the Regulations during the seven-year denial order period. This denial order, in effect, superseded the TDO as to Gatewick, which was not included as part of the January 16, 2015 renewal order. The Gatewick LLC Final Order was published in the **Federal Register** on August 20, 2014. *See* 79 FR 49283 (Aug. 20, 2014).

[7] Zarand Aviation's export privileges remained denied until July 22, 2014, when it was not included as part of the renewal order issued on that date.

[8] The U.S. Department of the Treasury's Office of Foreign Assets Control (''OFAC'') designated Sky Blue Bird and Issam Shammout as Specially Designated Global Terrorists (''SDGTs'') on May 21, 2015, pursuant to Executive Order 13224, for ''providing support to Iran's Mahan Air.'' *See* 80 FR 30762 (May 29, 2015).

[9] The November 16, 2017 modification was published in the **Federal Register** on December 4, 2017. *See* 82 FR 57203 (Dec. 4, 2017). On September 28, 2017, BIS and Ali Eslamian resolved an administrative charge for acting contrary to the terms of the denial order (15 CFR 764.2(k)) that was based upon Eslamian's violation of the TDO after his addition to the TDO on August 24, 2011. Equipco (UK) Ltd. and Skyco (UK) Ltd., two companies owned and operated by Eslamian, also were parties to the settlement agreement and were added to the settlement order as related persons. In addition to other sanctions, the settlement provides that Eslamian, Equipco, and Skyco shall be subject to a conditionally suspended denial order for a period of four years from the date of the settlement order.

[10] A party named or added as a related person may not oppose the issuance or renewal of the underlying temporary denial order, but may file an appeal of the related person determination in accordance with Section 766.23(c). *See* also note 2, *supra.*

additional or changed circumstances. *Id.* ''In cases demonstrating a pattern of repeated, ongoing and/or continuous apparent violations, BIS may request the renewal of a temporary denial order for an additional period not exceeding one year.'' [11] *Id.*

B. The TDO and BIS's Requests for Renewal

OEE's request for renewal is based upon the facts underlying the issuance of the initial TDO, and the renewal and modification orders subsequently issued in this matter, including the May 21, 2015 modification order and the renewal order issued on October 29, 2024, and the evidence developed over the course of this investigation, which indicate a blatant disregard of U.S. export controls and the TDO. The initial TDO was issued as a result of evidence that showed that Mahan Airways and other parties engaged in conduct prohibited by the EAR by knowingly re-exporting to Iran three U.S.-origin aircraft, specifically Boeing 747s (''Aircraft 1–3''), items subject to the EAR and classified under Export Control Classification Number (''ECCN'') 9A991.b, without the required U.S. Government authorization. Further evidence submitted by BIS indicated that Mahan Airways was involved in the attempted re-export of three additional U.S.-origin Boeing 747s (''Aircraft 4–6'') to Iran.

As discussed in the September 17, 2008 renewal order, evidence presented by BIS indicated that Aircraft 1–3 continued to be flown on Mahan Airways' routes after issuance of the TDO, in violation of the Regulations and the TDO itself.[12] It also showed that Aircraft 1–3 had been flown in further violation of the Regulations and the TDO on the routes of Iran Air, an Iranian Government airline. Moreover, as discussed in the March 16, 2009, September 11, 2009 and March 9, 2010 renewal orders, Mahan Airways registered Aircraft 1–3 in Iran, obtained Iranian tail numbers for them (EP–MNA, EP–MNB, and EP–MNE, respectively), and continued to operate at least two of them in violation of the Regulations and the TDO,[13] while also committing an additional knowing and willful violation when it negotiated for and acquired an additional U.S.-origin aircraft. The additional acquired aircraft was an MD–82 aircraft, which subsequently was painted in Mahan Airways' livery and flown on multiple Mahan Airways' routes under tail number TC–TUA.

The March 9, 2010 renewal order also noted that a court in the United Kingdom (''U.K.'') had found Mahan Airways in contempt of court on February 1, 2010, for failing to comply with that court's December 21, 2009 and January 12, 2010 orders compelling Mahan Airways to remove the Boeing 747s from Iran and ground them in the Netherlands. Mahan Airways and the Balli Group Respondents had been litigating before the U.K. court concerning ownership and control of Aircraft 1–3. In a letter to the U.K. court dated January 12, 2010, Mahan Airways' Chairman indicated, *inter alia,* that Mahan Airways opposes U.S. Government actions against Iran, that it continued to operate the aircraft on its routes in and out of Tehran (and had 158,000 ''forward bookings'' for these aircraft), and that it wished to continue to do so and would pay damages if required by that court, rather than ground the aircraft.

The September 3, 2010 renewal order discussed the fact that Mahan Airways' violations of the TDO extended beyond operating U.S.-origin aircraft and attempting to acquire additional U.S.-origin aircraft. In February 2009, while subject to the TDO, Mahan Airways participated in the export of computer motherboards, items subject to the Regulations and designated as EAR99, from the United States to Iran, via the United Arab Emirates (''UAE''), in violation of both the TDO and the Regulations, by transporting and/or forwarding the computer motherboards from the UAE to Iran. Mahan Airways' violations were facilitated by Gatewick LLC, which not only participated in the transaction, but also has stated to BIS that it acted as Mahan Airways' sole booking agent for cargo and freight forwarding services in the UAE.

Moreover, in a January 24, 2011 filing in the U.K. court, Mahan Airways asserted that Aircraft 1–3 were not being used, but stated in pertinent part that the aircraft were being maintained in Iran ''in an airworthy condition'' and that, depending on the outcome of its U.K. court appeal, the aircraft ''could immediately go back into service . . . on international routes into and out of Iran.'' Mahan Airways' January 24, 2011 submission to U.K. Court of Appeal, at p. 25, ¶¶ 108, 110. This clearly stated intent, both on its own and in conjunction with Mahan Airways' prior misconduct and statements, demonstrated the need to renew the TDO in order to prevent imminent future violations. Two of these three 747s subsequently were removed from Iran and are no longer in Mahan Airways' possession. The third of these 747s remained in Iran under Mahan's control. Pursuant to Executive Order 13224, this 747 was designated a Specially Designated Global Terrorist (''SDGT'') by the U.S. Department of the Treasury's Office of Foreign Assets Control (''OFAC'') on September 19, 2012.[14] Furthermore, as discussed in the February 4, 2013 Order, open source information indicated that this 747, painted in the livery and logo of Mahan Airways, had been flown between Iran and Syria, and was suspected of ferrying weapons and/or other equipment to the Syrian Government from Iran's Islamic Revolutionary Guard Corps.

In addition, as first detailed in the July 1, 2011 and August 24, 2011 orders, and discussed in subsequent renewal orders in this matter, Mahan Airways also continued to evade U.S. export control laws by operating two Airbus A310 aircraft, bearing Mahan Airways' livery and logo, on flights into and out of Iran.[15] At the time of the July 1, 2011 and August 24, 2011 orders, these Airbus A310s were registered in France, with tail numbers F–OJHH and F–OJHI, respectively.[16] The August 2012 renewal order also found that Mahan Airways had acquired another Airbus A310 aircraft subject to the Regulations, with MSN 499 and Iranian tail number EP–VIP, in violation of the Regulations.[17] On September 19, 2012, all three Airbus A310 aircraft (tail numbers F–OJHH, F–OJHI, and EP–VIP) were designated as SDGTs.[18]

[11] 88 FR 59791 (Aug. 30, 2023).

[12] Engaging in conduct prohibited by a denial order violates the Regulations. 15 CFR 764.2(a) and (k).

[13] The third Boeing 747 appeared to have undergone significant service maintenance and may not have been operational at the time of the March 9, 2010 renewal order.

[14] *See http://www.treasury.gov/resource-center/sanctions/OFAC-Enforcement/pages/20120919.aspx.*

[15] The Airbus A310s are powered with U.S.-origin engines. The engines are subject to the Regulations and classified under Export Control Classification (''ECCN'') 9A991.d. The Airbus A310s contain controlled U.S.-origin items valued at more than 10 percent of the total value of the aircraft and as a result are subject to the Regulations. They are classified under ECCN 9A991.b. The export or reexport of these aircraft to Iran requires U.S. Government authorization pursuant to Sections 742.8 and 746.7 of the Regulations.

[16] OEE subsequently presented evidence that after the August 24, 2011 renewal, Mahan Airways worked along with Kerman Aviation and others to de-register the two Airbus A310 aircraft in France and to register both aircraft in Iran (with, respectively, Iranian tail numbers EP–MHH and EP–MHI). It was determined subsequent to the February 15, 2012 renewal order that the registration switch for these A310s was cancelled, and that Mahan Airways then continued to fly the aircraft under the original French tail numbers (F–OJHH and F–OJHI, respectively). Both aircraft apparently remain in Mahan Airways' possession.

[17] *See* note 14, *supra.*

[18] *See http://www.treasury.gov/resource-center/sanctions/OFAC-Enforcement/pages/*

The February 4, 2013 renewal order laid out further evidence of continued and additional efforts by Mahan Airways and other persons acting in concert with Mahan, including Kral Aviation and another Turkish company, to procure U.S.-origin engines—two GE CF6–50C2 engines, with MSNs 517621 and 517738, respectively—and other aircraft parts in violation of the TDO and the Regulations.[19] The February 4, 2013 order also added Mehdi Bahrami as a related person in accordance with Section 766.23 of the Regulations. Bahrami, a Mahan Vice-President and the head of Mahan's Istanbul Office, also was involved in Mahan's acquisition of the original three Boeing 747s (Aircraft 1–3) that resulted in the original TDO, and has had a business relationship with Mahan dating back to 1997.

The July 31, 2013 renewal order detailed additional evidence obtained by OEE showing efforts by Mahan Airways to obtain another GE CF6–50C2 aircraft engine (MSN 528350) from the United States via Turkey. Multiple Mahan employees, including Mehdi Bahrami, were involved in or aware of matters related to the engine's arrival in Turkey from the United States, plans to visually inspect the engine, and prepare it for shipment from Turkey.

Mahan Airways sought to obtain this U.S.-origin engine through Pioneer Logistics Havacilik Turizm Yonetim Danismanlik (''Pioneer Logistics''), an aircraft parts supplier located in Turkey, and its director/operator, Gulnihal Yegane, a Turkish national who previously had conducted Mahan related business with Mehdi Bahrami and Ali Eslamian. Moreover, as referenced in the July 31, 2013 renewal order, a sworn affidavit by Kosol Surinanda, also known as Kosol Surinandha, Managing Director of Mahan's General Sales Agent in Thailand, stated that the shares of Pioneer Logistics for which he was the listed owner were ''actually the property of and owned by Mahan.'' He further stated that he held ''legal title to the shares until otherwise required by Mahan'' but would ''exercise the rights granted to [him] exactly and only as instructed by Mahan and [his] vote and/or decisions [would] only and exclusively reflect the wills and demands of Mahan[.]'' [20]

The January 24, 2014 renewal order outlined OEE's continued investigation of Mahan Airways' activities and detailed an attempt by Mahan, which OEE thwarted, to obtain, via an Indonesian aircraft parts supplier, two U.S.-origin Honeywell ALF–502R–5 aircraft engines (MSNs LF5660 and LF5325), items subject to the Regulations, from a U.S. company located in Texas. An invoice of the Indonesian aircraft parts supplier dated March 27, 2013, listed Mahan Airways as the purchaser of the engines and included a Mahan ship-to address. OEE also obtained a Mahan air waybill dated March 12, 2013, listing numerous U.S.-origin aircraft parts subject to the Regulations—including, among other items, a vertical navigation gyroscope, a transmitter, and a power control unit—being transported by Mahan from Turkey to Iran in violation of the TDO.

The July 22, 2014 renewal order discussed open source evidence from the March–June 2014 time period regarding two BAE regional jets, items subject to the Regulations, that were painted in the livery and logo of Mahan Airways and operating under Iranian tail numbers EP–MOI and EP–MOK, respectively.[21] In addition, aviation industry resources indicated that these aircraft were obtained by Mahan Airways in late November 2013 and June 2014, from Ukrainian Mediterranean Airline, a Ukrainian airline that was added to BIS's Entity List (Supplement No. 4 to Part 744 of the Regulations) on August 15, 2011, for acting contrary to the national security and foreign policy interests of the United States.[22] Open source information indicated that at least EP–MOI remained active in Mahan's fleet, and that the aircraft was being operated on multiple flights in July 2014.

The January 16, 2015 renewal order detailed evidence of additional attempts by Mahan Airways to acquire items subject to the Regulations in further violation of the TDO. Specifically, in March 2014, OEE became aware of an inertial reference unit bearing serial number 1231 (''the IRU'') that had been sent to the United States for repair. The IRU is a U.S.-origin item, subject to the Regulations, classified under ECCN 7A103, and controlled for missile technology reasons. Upon closer inspection, it was determined that IRU came from or had been installed on an Airbus A340 aircraft bearing MSN 056. Further investigation revealed that as of approximately February 2014, this aircraft was registered under Iranian tail number EP–MMB and had been painted in the livery and logo of Mahan Airways.

The January 16, 2015 renewal order also described related efforts by the Departments of Justice and Treasury to further thwart Mahan's illicit procurement efforts. Specifically, on August 14, 2014, the United States Attorney's Office for the District of Maryland filed a civil forfeiture complaint for the IRU pursuant to 22 U.S.C. 401(b) that resulted in the court issuing an Order of Forfeiture on December 2, 2014. EP–MMB remains listed as active in Mahan Airways' fleet and has been used on flights into and out of Iran as recently as December 19, 2017.

Additionally, on August 29, 2014, OFAC blocked the property and interests in property of Asian Aviation Logistics of Thailand, a Mahan Airways affiliate or front company, pursuant to Executive Order 13224. In doing so, OFAC described Mahan Airways' use of Asian Aviation Logistics to evade sanctions by making payments on behalf

20120919.aspx. Mahan Airways was previously designated by OFAC as a SDGT on October 18, 2011. 77 FR 64427 (October 18, 2011).

[19] Kral Aviation was referenced in the February 4, 2013 renewal order as ''Turkish Company No. 1.'' Kral Aviation purchased a GE CF6–50C2 aircraft engine (MSN 517621) from the United States in July 2012, on behalf of Mahan Airways. OEE was able to prevent this engine from reaching Mahan by issuing a redelivery order to the freight forwarder in accordance with Section 758.8 of the Regulations. OEE also issued Kral Aviation a redelivery order for the second CF6–50C2 engine (MSN 517738) on July 30, 2012. The owner of the second engine subsequently cancelled the item's sale to Kral Aviation. In September 2012, OEE was alerted by a U.S. exporter that another Turkish company (''Turkish Company No. 2'') was attempting to purchase aircraft spare parts intended for re-export by Turkish Company No. 2 to Mahan Airways. *See* February 4, 2013 renewal order.

On December 31, 2013, Kral Aviation was added to BIS's Entity List, Supplement No. 4 to Part 744 of the Regulations. *See* 78 FR 75458 (Dec. 12, 2013). Companies and individuals are added to the Entity List for engaging in activities contrary to the national security or foreign policy interests of the United States. *See* 15 CFR 744.11.

[20] Pioneer Logistics, Gulnihal Yegane, and Kosol Surinanda also were added to the Entity List on December 12, 2013. *See* 78 FR 75458 (Dec. 12, 2013).

[21] The BAE regional jets are powered with U.S.-origin engines. The engines are subject to the EAR and classified under ECCN 9A991.d. These aircraft contain controlled U.S.-origin items valued at more than 10 percent of the total value of the aircraft and as a result are subject to the EAR. They are classified under ECCN 9A991.b. The export or reexport of these aircraft to Iran requires U.S. Government authorization pursuant to Sections 742.8 and 746.7 of the Regulations.

[22] *See* 76 FR 50407 (Aug. 15, 2011). The July 22, 2014 renewal order also referenced two Airbus A320 aircraft painted in the livery and logo of Mahan Airways and operating under Iranian tail numbers EP–MMK and EP–MML, respectively. OEE's investigation also showed that Mahan obtained these aircraft in November 2013, from Khors Air Company, another Ukrainian airline that, like Ukrainian Mediterranean Airlines, was added to BIS's Entity List on August 15, 2011. Open source evidence indicates the two Airbus A320 aircraft may have been transferred by Mahan Airways to another Iranian airline in October 2014, and issued Iranian tail numbers EP–APE and EP–APF, respectively.

of Mahan for the purchase of engines and other equipment.[23]

The May 21, 2015 modification order detailed the acquisition of two aircraft, specifically an Airbus A340 bearing MSN 164 and an Airbus A321 bearing MSN 550, that were purchased by Al Naser Airlines in late 2014/early 2015 and were under the possession, control, and/or ownership of Mahan Airways.[24] The sales agreements for these two aircraft were signed by Ali Abdullah Alhay for Al Naser Airlines.[25] Payment information reveals that multiple electronic funds transfers (''EFT'') were made by Ali Abdullah Alhay and Bahar Safwa General Trading in order to acquire MSNs 164 and 550.

The May 21, 2015 modification order also laid out evidence showing the respondents' attempts to obtain other controlled aircraft, including aircraft physically located in the United States in similarly-patterned transactions during the same recent time period. Transactional documents involving two Airbus A320s bearing MSNs 82 and 99, respectively, again showed Ali Abdullah Alhay signing sales agreements for Al Naser Airlines.[26] A review of the payment information for these aircraft similarly revealed EFTs from Ali Abdullah Alhay and Bahar Safwa General Trading that follow the pattern described for MSNs 164 and 550, *supra.* MSNs 82 and 99 were detained by OEE Special Agents prior to their planned export from the United States.

The July 13, 2015 renewal order outlined evidence showing that Al Naser Airlines' attempts to acquire aircraft on behalf of Mahan Airways extended beyond MSNs 164 and 550 to include a total of nine aircraft.[27] Four of the aircraft, all of which are subject to the Regulations and were obtained by Mahan from Al Naser Airlines, had been issued the following Iranian tail numbers: EP–MMD (MSN 164), EP–MMG (MSN 383), EP–MMH (MSN 391) and EP–MMR (MSN 416), respectively.[28] Publicly available flight tracking information provided evidence that at the time of the July 13, 2015 renewal, both EP–MMH and EP–MMR were being actively flown on routes into and out of Iran in violation of the Regulations.[29]

The January 7, 2016 renewal order discussed evidence that Mahan Airways had begun actively flying EP–MMD on international routes into and out of Iran. Additionally, the January 7, 2016 order described publicly available aviation database and flight tracking information indicating that Mahan Airways continued efforts to acquire Iranian tail numbers and press into active service under Mahan's livery and logo at least two more of the Airbus A340 aircraft it had obtained from or through Al Naser Airlines: EP–MME (MSN 371) and EP–MMF (MSN 376), respectively.

The July 7, 2016 renewal order described Mahan Airways' acquisition of a BAE Avro RJ–85 aircraft (MSN 2392) in violation of the Regulations and its subsequent registration under Iranian tail number EP–MOR.[30] This information was corroborated by publicly available information on the website of Iran's civil aviation authority. The July 7, 2016 order also outlined Mahan's continued operation of EP–MMF in violation of the Regulations on routes from Tehran, Iran to Beijing, China and Shanghai, China, respectively.

The December 30, 2016 renewal order outlined Mahan's continued operation of multiple Airbus aircraft, including EP–MMD (MSN 164), EP–MMF (MSN 376), and EP–MMH (MSN 391), which were acquired from or through Al Naser Airlines, as previously detailed in pertinent part in the July 13, 2015 and January 7, 2016 renewal orders. Publicly available flight tracking information showed that the aircraft were operated on flights into and out of Iran, including from/to Beijing, China, Kuala Lumpur, Malaysia, and Istanbul, Turkey.[31]

The June 27, 2017 renewal order included similar evidence regarding Mahan Airways' operation of multiple Airbus aircraft subject to the Regulations, including, but not limited to, aircraft procured from or through Al Naser Airlines, on flights into and out of Iran, including from/to Moscow, Russia, Shanghai, China and Kabul, Afghanistan. The June 27, 2017 order also detailed evidence concerning a suspected planned or attempted diversion to Mahan of an Airbus A340 subject to the Regulations that had first been mentioned in OEE's December 13, 2016 renewal request.

The December 20, 2017 renewal order presented evidence that a Mahan employee attempted to initiate negotiations with a U.S. company for the purchase of an aircraft subject to the

[23] *See http://www.treasury.gov/resource-center/sanctions/OFAC-Enforcement/Pages/20140829.aspx*. *See* 79 FR 55073 (Sep. 15, 2014). OFAC also blocked the property and property interests of Pioneer Logistics of Turkey on August 29, 2014. *Id.* Mahan Airways' use of Pioneer Logistics in an effort to evade the TDO and the Regulations was discussed in a prior renewal order, as summarized, *supra,* at 14. BIS added both Asian Aviation Logistics and Pioneer Logistics to the Entity List on December 12, 2013. *See* 78 FR 75458 (Dec. 12, 2013).

[24] Both of these aircraft are powered by U.S.-origin engines that are subject to the Regulations and classified under ECCN 9A991.d. Both aircraft contain controlled U.S.-origin items valued at more than 10 percent of the total value of the aircraft and as a result are subject to the EAR regardless of their location. The aircraft are classified under ECCN 9A991.b. The export or re-export of these aircraft to Iran requires U.S. Government authorization pursuant to Sections 742.8 and 746.7 of the Regulations.

[25] The evidence obtained by OEE showed Ali Abdullah Alhay as a 25% owner of Al Naser Airlines.

[26] Both aircraft were physically located in the United States and therefore are subject to the Regulations pursuant to Section 734.3(a)(1). Moreover, these Airbus A320s are powered by U.S.-origin engines that are subject to the Regulations and classified under Export Control Classification Number ECCN 9A991.d. The Airbus A320s contain controlled U.S.-origin items valued at more than 10 percent of the total value of the aircraft and as a result are subject to the EAR regardless of their location. The aircraft are classified under ECCN 9A991.b. The export or re-export of these aircraft to Iran requires U.S. Government authorization pursuant to Sections 742.8 and 746.7 of the Regulations.

[27] This evidence included a press release dated May 9, 2015, that appeared on Mahan Airways' website and stated that Mahan ''added 9 modern aircraft to its air fleet [,]'' and that the newly acquired aircraft included eight Airbus A340s and one Airbus A321. *See http://www.mahan.aero/en/mahan-air/press-room/44.* The press release was subsequently removed from Mahan Airways' website. Publicly available aviation databases similarly showed that Mahan had obtained nine additional aircraft from Al Naser Airlines in May 2015, including MSNs 164 and 550. As also discussed in the July 13, 2015 renewal order, Sky Blue Bird Group, via Issam Shammout, was actively involved in Al Naser Airlines' acquisition of MSNs 164 and 550, and the attempted acquisition of MSNs 82 and 99 (which were detained by OEE).

[28] The Airbus A340s are powered by U.S.-origin engines that are subject to the Regulations and classified under ECCN 9A991.d. The Airbus A340s contain controlled U.S.-origin items valued at more than 10 percent of the total value of the aircraft and as a result are subject to the EAR regardless of their location. The aircraft are classified under ECCN 9A991.b. The export or re-export of these aircraft to Iran requires U.S. Government authorization pursuant to Sections 742.8 and 746.7 of the Regulations.

[29] There is some publicly available information indicating that the aircraft Mahan Airways is flying under Iranian tail number EP–MMR is now MSN 615, rather than MSN 416. Both aircraft are Airbus A340 aircraft that Mahan acquired from Al Naser Airlines in violation of the Regulations. Moreover, both aircraft were designated as SDGTs by OFAC on May 21, 2015, pursuant to Executive Order 13224. *See* 80 FR 30762 (May 29, 2015).

[30] The BAE Avro RJ–85 is powered by U.S.-origin engines that are subject to the Regulations and classified under ECCN 9A991.d. The BAE Avro RJ–85 contains controlled U.S.-origin items valued at more than 10 percent of the total value of the aircraft and as a result is subject to the EAR regardless of its location. The aircraft is classified under ECCN 9A991.b, and its export or re-export to Iran requires U.S. Government authorization pursuant to Sections 742.8 and 746.7 of the Regulations.

[31] Specifically, on December 22, 2016, EP–MMD (MSN 164) flew from Dubai, UAE to Tehran, Iran. Between December 20 and December 22, 2016, EP–MMF (MSN 376) flew on routes from Tehran, Iran to Beijing, China and Istanbul, Turkey, respectively. Between December 26 and December 28, 2016, EP–MMH (MSN 391) flew on routes from Tehran, Iran to Kuala Lumpur, Malaysia.

Regulations and classified under ECCN 9A610. Moreover, the order highlighted Al Naser Airlines' acquisition, via lease, of at least possession and/or control of a Boeing 737 (MSN 25361), bearing tail number YR–SEB, and an Airbus A320 (MSN 357), bearing tail number YR–SEA, from a Romanian company in violation of the TDO and the Regulations.[32] Open source information indicates that after the December 20, 2017 renewal order publicly exposed Al Naser's acquisition of these two aircraft (MSNs 25361 and 357), the leases were subsequently cancelled and the aircraft returned to their owner.

The December 20, 2017 renewal order also included evidence indicating that Mahan Airways was continuing to operate a number of aircraft subject to the Regulations, including aircraft originally procured from or through Al Naser Airlines, on flights into and out of Iran, including from/to Lahore, Pakistan, Shanghai, China, Ankara, Turkey, Kabul, Afghanistan, and Baghdad, Iraq.

The June 14, 2018 renewal order outlined evidence that Mahan began actively operating EP–MMT, an Airbus A340 aircraft (MSN 292) acquired in 2017 and previously registered in Kazakhstan under tail number UP–A4003, on international flights into and out of Iran.[33] It also discussed evidence that Mahan continued to operate a number of aircraft subject to the Regulations, including, but not limited to, EP–MME, EP–MMF, and EP–MMH, on international flights into and out of Iran, including from/to Beijing, China.

The June 14, 2018 renewal order also noted OFAC's May 24, 2018 designation of Otik Aviation, a/k/a Otik Havacilik Sanayi Ve Ticaret Limited Sirketi, of Turkey, as an SDGT pursuant to Executive Order 13224, for providing material support to Mahan, as well as OFAC's designation as SDGTs of an additional twelve aircraft in which Mahan has an interest.[34] The June 14, 2018 order also cited the April 2018 arrest and arraignment of a U.S. citizen on a three-count criminal information filed in the United States District Court for the District of New Jersey involving the unlicensed exports of U.S.-origin aircraft parts valued at over $2 million to Iran, including to Mahan Airways.

The December 11, 2018 renewal order detailed publicly available information showing that Mahan Airways had continued operating a number of aircraft subject to the EAR, including, but not limited to, EP–MMB, EP–MME, EP–MMF, and EP–MMQ, on international flights into and out of Iran from/to Istanbul, Turkey, Guangzhou, China, Bangkok, Thailand, and Dubai, UAE.[35] It also discussed that OEE's continued investigation of Mahan Airways and its affiliates and agents had resulted in an October 2018 guilty plea by Arzu Sagsoz, a Turkish national, in the U.S. District Court for the District of Columbia, stemming from her involvement in a conspiracy to export a U.S.-origin aircraft engine, valued at approximately $810,000, to Mahan.

The December 11, 2018 order also noted OFAC's September 14, 2018 designation of Mahan-related entities as SDGTs pursuant to Executive Order 13224, namely, My Aviation Company Limited, of Thailand, and Mahan Travel and Tourism SDN BHD, a/k/a Mahan Travel a/k/a Mihan Travel & Tourism SDN BHD, of Malaysia.[36] As general sales agents for Mahan Airways, these companies sold cargo space aboard Mahan Airways' flights, including on flights to Iran, and provided other services to or for the benefit of Mahan Airways and its operations.[37]

The June 5, 2019 renewal order highlighted Mahan's continued violation of the TDO and the Regulations. An end-use check conducted by BIS in Malaysia in March 2019 uncovered evidence that, on approximately ten occasions, Mahan had caused, aided and/or abetted the unlicensed export of U.S.-origin items subject to the Regulations from the United States to Iran via Malaysia. The items included helicopter shafts, transmitters, and other aircraft parts, some of which are listed on the Commerce Control List and controlled on anti-terrorism grounds. The June 5, 2019 order also detailed publicly available flight tracking information showing that Mahan continued to unlawfully operate a number of aircraft subject to the EAR on flights into and out of Iran, including on routes to and from Damascus, Syria.[38]

The June 5, 2019 order also described actions taken by both BIS and OFAC to thwart efforts by entities connected to or acting on behalf of Mahan Airways to violate U.S. export controls and sanctions related to Iran. On May 14, 2019, BIS added Manohar Nair, Basha Asmath Shaikh, and two co-located companies that they operate, Emirates Hermes General Trading and Presto Freight International, LLC, to the Entity List pursuant to Section 744.11 of the Regulations, including for engaging in activities to procure U.S.-origin items on Mahan's behalf.[39] On January 24, 2019, OFAC designated as SDGTs Flight Travel LLC, which is Mahan's general service agent in Yerevan, Armenia, and Qeshm Fars Air, an Iranian airline which operates two U.S.-origin Boeing

[32] The Airbus A320 is powered with U.S.-origin engines, which are subject to the EAR and classified under Export Control Classification (''ECCN'') 9A991.d. The engines are valued at more than 10 percent of the total value of the aircraft, which consequently is subject to the EAR. The aircraft is classified under ECCN 9A991.b, and its export or reexport to Iran would require U.S. Government authorization pursuant to Sections 742.8 and 746.7 of the Regulations.

[33] The Airbus A340 is powered by U.S.-origin engines that are subject to the Regulations and classified under ECCN 9A991.d. The Airbus A340 contains controlled U.S.-origin items valued at more than 10 percent of the total value of the aircraft and as a result is subject to the Regulations regardless of its location. The aircraft is classified under ECCN 9A991.b. The export or re-export of this aircraft to Iran requires U.S. Government authorization pursuant to Sections 742.8 and 746.7 of the Regulations. On June 4, 2018, EP–MMT (MSN 292) flew from Bangkok, Thailand to Tehran, Iran.

[34] *See* 83 FR 27828 (June 14, 2018). OFAC's related press release stated in part that ''[o]ver the last several years, Otik Aviation has procured and delivered millions of dollars in aviation-related spare and replacement parts for Mahan Air, some of which are procured from the United States and the European Union. As recently as 2017, Otik Aviation continued to provide Mahan Air with replacement parts worth well over $100,000 per shipment, such as aircraft brakes.'' The twelve additional Mahan-related aircraft that were designated are: EP–MMA (MSN 20), EP–MMB (MSN 56), EP–MMC (MSN 282), EP–MMJ (MSN 526), EP–MMV (MSN 2079), EP–MNF (MSN 547), EP–MOD (MSN 3162), EP–MOM (MSN 3165), EP–MOP (MSN 2257), EP–MOQ (MSN 2261), EP–MOR (MSN 2392), and EP–MOS (MSN 2347). *See https://home.treasury.gov/news/press-releases/sm0395. See also https://www.treasury.gov/resource-center/sanctions/OFAC-Enforcement/Pages/20180524.aspx.*

[35] Flight tracking information showed that on December 10, 2018, EP–MMB (MSN 56) flew from Istanbul, Turkey to Tehran, Iran, and EP–MME (MSN 371) flew from Guangzhou, China to Tehran, Iran. Additionally, on December 6, 2018, EP–MMF (MSN 376) flew from Bangkok, Thailand to Tehran, Iran, and on December 9, 2018, EP–MMQ (MSN 449) flew on routes between Dubai, United Arab Emirates and Tehran, Iran.

[36] *See* 83 FR 34301 (July 19, 2018) (designation of Mahan Travel and Tourism SDN BHD on July 9, 2018), and 83 FR 53359 (Oct. 22, 2018) (designation of My Aviation Company Limited and updating of entry for Mahan Travel and Tourism SDN BHD on September 14, 2018).

[37] OFAC's press release concerning its designation of My Aviation Company Limited on September 14, 2018, states in part that ''[t]his Thailand-based company has disregarded numerous U.S. warnings, issued publicly and delivered bilaterally to the Thai government, to sever ties with Mahan Air.'' My Aviation provides cargo services to Mahan Airways, including freight booking, and works with local freight forwarding entities to ship cargo on regularly scheduled Mahan Airways' flights to Tehran, Iran. My Aviation has also provided Mahan Airways with passenger booking services. *See https://home.treasury.gov/news/press-releases/sm484.*

[38] Specifically, on May 26, 2019, EP–MMJ (MSN 526) flew from Damascus, Syria to Tehran, Iran. In addition, on May 24, 2019, EP–MNF (MSN 547) flew on routes between Moscow, Russia and Tehran, and on May 23, 2019, EP–MMF (MSN 376) flew from Dubai, UAE to Tehran.

[39] *See* 84 FR 21233 (May 14, 2019).

747s[40] and is owned or controlled by Mahan, and also linked to the Islamic Revolutionary Guard Corps-Qods Force (IRGC–QF).[41]

The December 2, 2019 renewal order noted that OEE's on-going investigation revealed that U.S.-origin passenger flight and database management software subject to the Regulations was provided to a company in Turkey and subsequently used to facilitate and service Mahan's operations into and out of Turkey in further violation of the Regulations.

Additionally, open source information, including flight tracking data and news articles published in October 2019, showed that Mahan Airways was now operating a U.S.-origin Boeing 747 on routes between Iranian airports in Tehran, Kish Island, and Mashhad. This aircraft, bearing Iranian tail number EP–MNB, appears to be one of the three aircraft that Mahan illegally acquired via Blue Airways of Armenia and U.K.-based Balli Group that resulted in the issuance of the original TDO.[42] *See supra* at 10–12.

Evidence was also described in the December 2, 2019 renewal order showing that on or about November 11, 2019, Mahan caused, aided and/or abetted the unlicensed export of a U.S.-origin atomic absorption spectrometer, an item subject to the Regulations, from the United States to Iran via the UAE. Finally, publicly available flight tracking information showed that Mahan continued to unlawfully operate a number of aircraft subject to the EAR on flights into and out of Iran, including on routes to and from Guangzhou, China, Istanbul, Turkey, and Kuala Lumpur, Malaysia.[43]

The May 29, 2020 renewal order cited Mahan's operation of EP–MMD, EP–MMF, and EP–MMI, aircraft originally acquired from Al Naser Airlines, on international flights into and out of Iran from/to Bangkok, Thailand, Dubai, UAE, and Shanghai, China in violation of the TDO and EAR.[44] The May 29, 2020 renewal order also detailed the indictment of Ali Abdullah Alhay and Issam Shammout, parties added to the TDO in May and July 2015, respectively, in the United States District Court for the District of Columbia. Alhay and Shammout were charged with, among other violations, conspiring to export aircraft and parts to Mahan in violation of export control laws and the embargo on Iran beginning around August 2012 through May 2015.

In addition to detailing the operation of multiple aircraft in violation of the Regulations,[45] the November 24, 2020 renewal order discussed a related TDO issued on August 19, 2020, denying for 180 days the export privileges of Indonesia-based PT MS Aero Support (''PTMS Aero''), PT Antasena Kreasi (''PTAK''), PT Kandiyasa Energi Utama (''PTKEU''), Sunarko Kuntjoro, Triadi Senna Kuntjoro, and Satrio Wiharjo Sasmito based on their involvement in the unlicensed export of aircraft parts to Mahan Airways—often in coordination with Mustafa Ovieci, a Mahan executive.[46] These parties also facilitated the shipment of damaged Mahan parts to the United States for repair and subsequent export back to Iran in further violation of U.S. laws. In both instances, the fact that the items were destined to Iran/Mahan was concealed from U.S. companies, shippers, and freight forwarders.[47]

The November 24, 2020 renewal order also includes actions taken by other U.S. government agencies such as OFAC's August 19, 2020 designation of UAE-based Parthia Cargo, its CEO Amin Mahdavi, and Delta Parts Supply FZC as SDGTs pursuant to Executive Order 13224 for providing ''key parts and logistics services for Mahan Air. . . .'' The OFAC press release further states, in part, that Mahdavi ''has directly coordinated the shipment of parts on behalf of Mahan Air.''[48] In addition, Mahdavi and Parthia Cargo were indicted in the United States District Court for the District of Columbia for violating sanctions on Iran.[49]

Moreover, in October 2020, the U.S. District Court for the District of New Jersey sentenced Joyce Eliasbachus to 18 months of confinement based on her role in a conspiracy to export $2 million dollars' worth of aircraft parts from the United States to Iran, including to Mahan Airways.[50]

The May 21, 2021 renewal order outlined Mahan's continued operation of a number of aircraft subject to the EAR, including, but not limited to, EP–MMH, EP–MMI, and EP–MMQ, on international flights into and out of Iran from/to Shanghai, China, and Dubai, United Arab Emirates, and Guangzhou, China, respectively.[51]

Open source news reporting also indicated that after five years of maintenance, Mahan Air is now operating EP–MNE, a Boeing 747 on domestic flights within Iran.[52] In addition to this aircraft being one of the original three Boeing aircraft Mahan obtained in violation of the Regulations, any service or maintenance involving parts subject to the EAR would further violate the TDO.

The November 17, 2021 order details Mahan's continued operation of a number of aircraft subject to the EAR, including, but not limited to EP–MME, EP–MMJ, EP–MMQ, on flights into and out of Iran from/to Istanbul, Turkey, and Dubai, United Arab Emirates, and Shenzhen, China, respectively.[53]

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[40] These 747s are registered in Iran with tail numbers EP–FAA and EP–FAB, respectively.

[41] OFAC's press release concerning these designations states that Qeshm Fars Air was being designated for ''being owned or controlled by Mahan Air, as well as for assisting in, sponsoring, or providing financial, material or technological support for, or financial or other services to or in support of, the IRGC–QF,'' and that Flight Travel LLC was being designated for ''acting for or on behalf of Mahan Air.'' It further states, *inter alia,* that ''Mahan Air employees fill Qeshm Fars Air management positions, and Mahan Air provides technical and operational support for Qeshm Fars Air, facilitating the airline's illicit operations.'' *See https://home.treasury.gov/news/press-releases/*sm590. *See also https://www.treasury.gov/resource-center/sanctions/OFAC-Enforcement/Pages/*20190124.aspx.

[42] The same open sources indicated this aircraft continued to operate on flights within Iran to include a May 11, 2020 flight from Tehran, Iran to Kerman, Iran.

[43] Publicly available flight tracking information shows that on November 23, 2019, EP–MME (MSN 371) flew from Guangzhou, China to Tehran, Iran, and on November 21, 2019, EP–MMF (MSN 376) flew on routes between Istanbul, Turkey and Tehran, Iran. Additionally, on November 20, 2019, EP–MMQ (MSN 449) flew from Kuala Lumpur, Malaysia, to Tehran, Iran.

[44] Publicly available flight tracking information shows that on May 8, 2020, EP–MMD (MSN 164) flew on routes between Bangkok, Thailand and Tehran, Iran, and on May 10, 2020, EP–MMF (MSN 376) flew on routes between Dubai, UAE and Tehran. In addition, on May 9, 2020, EP–MMI (MSN 416) flew on routes between Shanghai, China and Tehran.

[45] Publicly available flight tracking information shows that on November 13, 2020, EP–MMQ (MSN 449) flew on routes between Istanbul, Turkey and Tehran, Iran, and on November 15, 2020, EP–MMI (MSN 416) flew on routes between Shenzhen, China and Tehran.

[46] *See* 85 FR 52321 (Aug. 25, 2020).

[47] PTMS Aero, PTAK, PTKEU, and Sunarko Kuntjoro were each indicted in December 2019 on multiple counts related to this conspiracy in the United States District Court for the District of Columbia.

[48] *https://home.treasury.gov/news/press-releases/sm1098.*

[49] *https://www.justice.gov/opa/pr/iranian-national-and-uae-business-organization-charged-criminal-conspiracy-violate-iranian.*

[50] Eliasbachus' arrest and arraignment were detailed in the June 14, 2018 renewal order, as described *supra* at 21.

[51] Publicly available flight tracking information shows that on May 14, 2021, EP–MMH (MSN 391) flew on routes between Shanghai, China and Tehran, Iran, and on May 13, 2021, EP–MMI (MSN 416) flew on routes between Dubai, United Arab Emirates and Tehran. In addition, on May 20, 2021, EP–MMQ (MSN 346) flew on routes between Guangzhou, China and Tehran.

[52] *https://simpleflying.com/mahan-air-747-300-flies-again/.*

[53] Publicly available flight tracking information shows that on November 7, 2021, EP–MME (MSN 376) flew on routes between Istanbul, Turkey and Tehran, Iran, and on November 9, 2021, EP–MMJ (MSN 526) flew on routes between Dubai, United Arab Emirates and Tehran, Iran. In addition, on November 8, 2021, EP–MMQ (MSN 346) flew on routes between Shenzhen, China and Tehran, Iran.

Additionally, publicly available industry sources showed that EP–MMG (MSN 383), an aircraft that Mahan acquired from Al Naser Air in violation of both the TDO and Regulations, was in a maintenance, repair, overhaul (''MRO'') status at Iran's Imam Khomeini International Airport in Tehran, Iran.

The May 13, 2022 renewal order outlines Mahan's continuing violation of the TDO and/or Regulations including, but not limited to the operation of EP–MME, EP–MNO, and EP–MMB on flights into and out of Iran from/to Moscow, Russia, Damascus, Syria, and Guangzhou, China, respectively.[54] Open source press reports also indicates that as of April 2022, Mahan Air increased its service into Moscow, Russia by adding two weekly flights to Moscow's Sheremetyevo Airport (''SVO'') to its current service into Moscow's Vnukovo Airport (''VKO'').[55] Mahan flights into Russia after February 24, 2022 violated the stringent export controls imposed on aviation-related (*e.g.,* Commerce Control List Categories 7 and 9) items to Russia in response to Russia's further invasion of Ukraine. These controls include a license requirement for the export, reexport or transfer (in-country) to Russia of any aircraft or aircraft parts specified in Export Control Classification Number (ECCN) 9A991 (Section 746.8(a)(1) of the EAR).[56]

The May 13, 2022 renewal order also cited OFAC's recent administrative enforcement action with an Australian freight forwarder resulting in a $6,131,855 civil penalty, which resolved, in part, allegations of receiving 327 payments from Mahan that were processed through U.S. financial institutions or foreign branches of U.S. financial institutions in apparent violation of OFAC sanctions.[57]

The November 8, 2022 order detailed Mahan Air's continued violation of the TDO and Regulations, including the Russia-related export controls set out in Section 746.8 of the Regulations. On September 19, 2022, BIS publicly identified Mahan's EP–MEE aircraft for its unlicensed reexport to Russia in apparent violation of Section 746.8 of the Regulations.[58] Additionally, open source evidence showed that Mahan continues to operate EP–MME, EP–MMJ, and EP–MMQ on flights into and out of Iran from/to Moscow, Russia, and Dubai, United Arab Emirates, respectively, without the requisite authorization.[59]

Further, on August 2, 2022, BIS took a related enforcement action against Venezuela-based cargo airline Empresa de Transporte Aéreocargo del Sur, S.A., a/k/a Aerocargo del Sur Transportation Company, a/k/a EMTRASUR (''EMTRASUR''), for acquiring custody and/or control from Mahan Air of a U.S.-origin Boeing 747 aircraft bearing manufacturer's serial number 23413 (''MSN 23413'') in violation of the TDO.[60] In or around October 2021, Mahan Air transferred custody and control of MSN 23413 to EMTRASUR's parent company, CONVIASA,[61] through an intermediary.

The May 5, 2023 renewal order outlined open source evidence showing Mahan continuing to operate EP–MNF, EP–MMQ, and EP–MME on flights into and out of Iran from/to Guangzhou, China, Kabul, Afghanistan, and Moscow, Russia, respectively, without the requisite authorization.[62] The renewal order also noted the national security and foreign policy concerns raised by Mahan's intention to start direct flights from Iran to Minsk, Belarus.[63] Lastly, the May 3, 2023 renewal order cited publicly available information showing that Russian airline Aeroflot, which is currently subject to its own TDO,[64] has begun sending its aircraft to Mahan for repairs and/or maintenance.[65]

OEE's October 31, 2023 renewal outlined Mahan's continued violation of the TDO by operating aircraft including EP–MME, EP–MMQ, and EP–MMB on flights into and out of Iran from/to Erbil, Iraq, Shanghai, China, Lahore, Pakistan, and Moscow, Russia.[66] The October 31, 2023 order also highlighted OEE's continued investigation into Mahan's recent acquisition of an Airbus A340 (MSN 75) bearing Iranian tail number EP–MJA, and its flights to/from Tehran, Iran and Moscow, Russia.

The October 31, 2023 renewal order also detailed the on-going national security and foreign policy threats and concerns raised by Mahan's destabilizing activities. Specifically, open source reporting details October 12, 2023 airstrikes at Syria's Damascus and Aleppo airports made in an effort to divert a Mahan A340 (MSN 282 and bearing tail number EP–MMC) [67] which was in route at the time from Tehran, Iran to Syria and suspected of carrying weapons.[68]

The October 31, 2024 renewal order outlined Mahan's on-going violations of the TDO by operating aircraft including EP–MME, EP–MMQ, EP–MMR on flights into and out Iran from/to Guangzhou, China, Moscow, Russia, and Erbil, Iraq.[69] Additionally, a May 2024 BIS post-shipment verification indicated that Taiwanese Company No. 1 diverted several shipments of electronic components to Russia via Iran aboard Mahan aircraft.[70]

[54] Publicly available flight tracking information shows that on May 2, 2022, EP–MME (MSN 376) flew on routes between Moscow, Russia and Tehran, Iran, and on May 5, 2022, EP–MNO (MSN 595) flew on routes between Damascus, Syria and Tehran, Iran. In addition, on May 6, 2022, EP–MMB (MSN 56) flew on routes between Guangzhou, China and Tehran, Iran.

[55] *https://centreforaviation.com/news/mahan-air-launches-moscow-sheremetyevo-service-1131185.*

[56] The TDO prohibits Mahan from being eligible to use license exception Aircraft, Vessels, and Spacecraft (AVS) (Section 740.15 of the EAR).

[57] *https://home.treasury.gov/system/files/126/20220425_toll.pdf.*

[58] *https://bis.doc.gov/index.php/documents/about-bis/newsroom/press-releases/3138-bis-press-release-gp10-iranian-craft-additions/file.*

[59] Publicly available flight tracking information shows that on October 9, 2022, EP–MME (MSN 376) flew on routes between Tehran, Iran and Moscow, Russia's VTO airport, and on October 26, 2022, EP–MMJ (MSN 526) flew on routes between Tehran, Iran and Moscow, Russia's SVO airport. On October 28, 2022, EP–MMQ (MSN 346) flew on routes between Dubai, United Arab Emirates and Tehran, Iran.

[60] BIS issued a separate TDO denying the export privileges of EMTRASUR for a period of 180 days. *See* 87 FR 47964 (Aug. 5, 2022).

[61] On or about February 7, 2020, U.S. Department of the Treasury's Office of Foreign Assets Control (''OFAC'') added CONVIASA, a Venezuelan state-owned airline, to the list of Specially Designated Nationals (''SDN'') pursuant to Executive Order (E.O.) 13884. *See https://home.treasury.gov/news/press-releases/sm903.*

[62] Publicly available flight tracking information shows that on April 24, 2023, EP–MMQ (MSN 346) flew on routes between Guangzhou, China, and Tehran, Iran, and on April 27, 2023, EP–MNF (MSN 547) flew on routes between Kabul, Afghanistan and Tehran, Iran. On April 28, 2023, EP–MME (MSN 371) flew on routes between Moscow, Russia and Tehran, Iran.

[63] *https://iranpress.com/content/76332/mahan-air-launches-direct-flight-from-tehran-minsk.*

[64] *See* 88 FR 66807 (Sep. 28, 2023).

[65] *https://simpleflying.com/aeroflot-airbus-a330-maintenance-iran-mahan-air/.*

[66] Publicly available flight tracking information shows that on October 24, 2023, EP–MME (MSN 371) flew on routes between Erbil, Iraq and Tehran, Iran, and on October 23, 2023, EP–MMB (MSN 56) flew on routes between Moscow, Russia and Tehran, Iran. On October 21–22, 2023, EP–MMQ (MSN 346) flew on routes between Lahore, Pakistan and Tehran, Iran.

[67] *See supra* at footnote 34.

[68] *https://www.jns.org/syria-airport-strikes-said-to-stop-iranian-missile-shipment/; https://www.reuters.com/world/middle-east/syria-state-tv-says-israeli-attack-targets-aleppo-damascus-airports-2023-10-12/; https://www.israelhayom.com/2023/10/17/revealed-this-could-be-why-israel-allegedly-bombed-2-airports-simultaneously/.*

[69] Publicly available flight tracking information shows that on October 13–14, 2024, EP–MME (MSN 371) flew on routes between Guangzhou, China and Tehran, Iran, and on October 10, 2024, EP–MMQ (MSN 346) flew on routes between Moscow, Russia and Tehran, Iran. On October 15, 2024, EP–MMR (MSN 416) flew on routes between Erbil, Iraq and Tehran, Iran.

[70] The items at issue were subject to the Regulations and included items classified under

Continued

OEE's September 22, 2025 TDO renewal request along with its on-going investigation, illustrates that Mahan continues operating aircraft including EP–MMR, EP–MMT, and EP–MMG on flights into and out of Iran from/to Moscow, Russia, Lahore, Pakistan, and Shanghai, China.[71] Recent open source evidence also indicates Mahan's further efforts to violate the TDO and U.S. sanctions by obtaining five additional U.S.-origin aircraft. Multiple news sources and industry databases describe the evasive steps by Mahan and third parties to divert five Boeing 777–212ER aircraft to Iran via multiple intermediary countries. Mahan and its proxies were able to coordinate a complex series of re-positioning and re-registrations of the aircraft, which at one point were registered in the United States, utilizing multiple front companies in a number of countries. Evidence indicates the five aircraft were reportedly placed in long-term storage until late 2023, and were then relocated and placed in storage at Lanzhou Airport in China. The aircraft, which bore U.S. registered tail numbers, appeared to have been stored in Lanzhou Airport in China until early July 2025, when they were relocated to Cambodia via Indonesia's Soekarno-Hatta International Airport, and re-registered under temporary Madagascar aircraft registration.[72] On or about July 15, 2025, all five aircraft departed Cambodia and reportedly turned their transponders off over Afghanistan rendering their flight paths untraceable until they landed at Iranian airports, to include Mashhad International Airport and Zahedan International Airport.[73]

Aircraft	MSN	U.S. registry	Madagascar temporary registry
Boeing 777–212ER	33369	N99001	5R–RIJ.
Boeing 777–212ER	32334	N99002	5R–RIS.
Boeing 777–212ER	30866	N99003	5R–ISA.
Boeing 777–212ER	28527	N99004	5R–IJA.
Boeing 777–212ER	28522	N99005	5R–HER.

C. Findings

Under the applicable standard set forth in Section 766.24 of the Regulations and my review of the entire record, I find that the evidence presented by BIS convincingly demonstrates that the denied persons have acted in violation of the Regulations and the TDO; that such violations have been significant, deliberate and covert; and that given the foregoing and the nature of the matters under investigation, there is a likelihood of imminent violations. Moreover, I find that renewal for an extended period is appropriate given the pattern of repeated, ongoing and/or continuous apparent violations of the EAR. Therefore, renewal of the TDO is necessary in the public interest to prevent imminent violation of the Regulations and to give notice to companies and individuals in the United States and abroad that they should continue to avoid dealing with Mahan Airways and Al Naser Airlines and the other denied persons, in connection with export and reexport transactions involving items subject to the Regulations and in connection with any other activity subject to the Regulations.

III. Order

It is therefore ordered:

First, that MAHAN AIRWAYS, Mahan Tower, No. 21, Azadegan St., M.A. Jenah Exp. Way, Tehran, Iran; PEJMAN MAHMOOD KOSARAYANIFARD A/K/A KOSARIAN FARD, P.O. Box 52404, Dubai, United Arab Emirates; MAHMOUD AMINI, G#22 Dubai Airport Free Zone, P.O. Box 393754, Dubai, United Arab Emirates, and P.O. Box 52404, Dubai, United Arab Emirates, and Mohamed Abdulla Alqaz Building, Al Maktoum Street, Al Rigga, Dubai, United Arab Emirates; KERMAN AVIATION A/K/A GIE KERMAN AVIATION, 42 Avenue Montaigne 75008, Paris, France; SIRJANCO TRADING LLC, P.O. Box 8709, Dubai, United Arab Emirates; MAHAN AIR GENERAL TRADING LLC, 19th Floor Al Moosa Tower One, Sheik Zayed Road, Dubai 40594, United Arab Emirates; MEHDI BAHRAMI, Mahan Airways-Istanbul Office, Cumhuriye Cad. Sibil Apt No: 101 D:6, 34374 Emadad, Sisli Istanbul, Turkey; AL NASER AIRLINES A/K/A AL-NASER AIRLINES A/K/A AL NASER WINGS AIRLINE A/K/A ALNASER AIRLINES AND AIR FREIGHT LTD., Home 46, Al-Karrada, Babil Region, District 929, St 21, Beside Al Jadirya Private Hospital, Baghdad, Iraq, and Al Amirat Street, Section 309, St. 3/H.20, Al Mansour, Baghdad, Iraq, and P.O. Box 28360, Dubai, United Arab Emirates, and P.O. Box 911399, Amman 11191, Jordan; ALI ABDULLAH ALHAY A/K/A ALI ALHAY A/K/A ALI ABDULLAH AHMED ALHAY, Home 46, Al-Karrada, Babil Region, District 929, St 21, Beside Al Jadirya Private Hospital, Baghdad, Iraq, and Anak Street, Qatif, Saudi Arabia 61177; BAHAR SAFWA GENERAL TRADING, P.O. Box 113212, Citadel Tower, Floor-5, Office #504, Business Bay, Dubai, United Arab Emirates, and P.O. Box 8709, Citadel Tower, Business Bay, Dubai, United Arab Emirates; SKY BLUE BIRD GROUP A/K/A SKY BLUE BIRD AVIATION A/K/A SKY BLUE BIRD LTD A/K/A SKY BLUE BIRD FZC, P.O. Box 16111, Ras Al Khaimah Trade Zone, United Arab Emirates; and ISSAM SHAMMOUT A/K/A MUHAMMAD ISAM MUHAMMAD ANWAR NUR SHAMMOUT A/K/A ISSAM ANWAR, Philips Building, 4th Floor, Al Fardous Street, Damascus, Syria, and Al Kolaa, Beirut, Lebanon 151515, and 17–18 Margaret Street, 4th Floor, London, W1W 8RP, United Kingdom, and Cumhuriyet Mah. Kavakli San St. Fulya, Cad. Hazar Sok. No.14/A Silivri, Istanbul, Turkey, and when acting for or on their behalf, any successors or assigns, agents, or employees (each a ''Denied Person'' and collectively the ''Denied Persons'') may not, directly or indirectly, participate in any way in any transaction involving any commodity, software or technology (hereinafter collectively referred to as ''item'')

ECCN 3A991.a.2 and others listed in Tier 1 of BIS's Common High Prior List. Since February 24, 2022, BIS has implemented a series of stringent export controls that restrict Russia's access to the technologies and other items that it needs to sustain its brutal attack on Ukraine. Tier 1 items are of the highest concern due to their critical role in the production of advanced Russian precision-guided weapons systems, Russia's lack of domestic production, and limited global manufacturers.

[71] Publicly available flight tracking information shows that on May 25, 2025, EP–MMR (MSN 615) flew on routes between Moscow, Russia and Tehran, Iran, and on September 7, 2025, EP–MMT (MSN 292) flew on routes between Lahore, Pakistan and Tehran, Iran. On September 9, 2025, EP–MMG (MSN 383) flew on routes between Shanghai, China and Tehran, Iran.

[72] *https://aviationa2z.com/index.php/2025/07/25/irans-mahan-air-smuggle-ex-singapore-airlines-777s/.*

[73] *https://onemileatatime.com/news/iranian-aircraft-smuggling-disappearing-planes/.*

exported or to be exported from the United States that is subject to the EAR, or in any other activity subject to the EAR including, but not limited to:

A. Applying for, obtaining, or using any license, license exception, or export control document;

B. Carrying on negotiations concerning, or ordering, buying, receiving, using, selling, delivering, storing, disposing of, forwarding, transporting, financing, or otherwise servicing in any way, any transaction involving any item exported or to be exported from the United States that is subject to the EAR, or engaging in any other activity subject to the EAR; or

C. Benefitting in any way from any transaction involving any item exported or to be exported from the United States that is subject to the EAR, or from any other activity subject to the EAR.

Second, that no person may, directly or indirectly, do any of the following:

A. Export, reexport, or transfer (in-country) to or on behalf of a Denied Person any item subject to the EAR;

B. Take any action that facilitates the acquisition or attempted acquisition by a Denied Person of the ownership, possession, or control of any item subject to the EAR that has been or will be exported from the United States, including financing or other support activities related to a transaction whereby a Denied Person acquires or attempts to acquire such ownership, possession or control;

C. Take any action to acquire from or to facilitate the acquisition or attempted acquisition from a Denied Person of any item subject to the EAR that has been exported from the United States;

D. Obtain from a Denied Person in the United States any item subject to the EAR with knowledge or reason to know that the item will be, or is intended to be, exported from the United States; or

E. Engage in any transaction to service any item subject to the EAR that has been or will be exported from the United States and which is owned, possessed or controlled by a Denied Person, or service any item, of whatever origin, that is owned, possessed or controlled by a Denied Person if such service involves the use of any item subject to the EAR that has been or will be exported from the United States. For purposes of this paragraph, servicing means installation, maintenance, repair, modification or testing.

Third, that, after notice and opportunity for comment as provided in section 766.23 of the EAR, any other person, firm, corporation, or business organization related to a Denied Person by ownership, control, position of responsibility, affiliation or other connection in the conduct of trade or business may also be made subject to the provisions of this Order.

Fourth, that this Order does not prohibit any export, reexport, or other transaction subject to the EAR where the only items involved that are subject to the EAR are the foreign-produced direct product of U.S.-origin technology.

In accordance with the provisions of Sections 766.24(e) of the EAR, Mahan Airways, Al Naser Airlines, Ali Abdullah Alhay, and/or Bahar Safwa General Trading may, at any time, appeal this Order by filing a full written statement in support of the appeal with the Office of the Administrative Law Judge, U.S. Coast Guard ALJ Docketing Center, 40 South Gay Street, Baltimore, Maryland 21202–4022. In accordance with the provisions of Sections 766.23(c)(2) and 766.24(e)(3) of the EAR, Pejman Mahmood Kosarayanifard, Mahmoud Amini, Kerman Aviation, Sirjanco Trading LLC, Mahan Air General Trading LLC, Mehdi Bahrami, Sky Blue Bird Group, and/or Issam Shammout may, at any time, appeal their inclusion as a related person by filing a full written statement in support of the appeal with the Office of the Administrative Law Judge, U.S. Coast Guard ALJ Docketing Center, 40 South Gay Street, Baltimore, Maryland 21202–4022.

In accordance with the provisions of Section 766.24(d) of the EAR, BIS may seek renewal of this Order by filing a written request not later than 20 days before the expiration date. A renewal request may be opposed by Mahan Airways, Al Naser Airlines, Ali Abdullah Alhay, and/or Bahar Safwa General Trading as provided in Section 766.24(d), by filing a written submission with the Assistant Secretary of Commerce for Export Enforcement, which must be received not later than seven days before the expiration date of the Order.

A copy of this Order shall be provided to Mahan Airways, Al Naser Airlines, Ali Abdullah Alhay, and Bahar Safwa General Trading and each related person, and shall be published in the **Federal Register**.

This Order is effective immediately and shall remain in effect for one year.

David Peters,

Assistant Secretary of Commerce for Export Enforcement.

[FR Doc. 2025–19727 Filed 10–30–25; 8:45 am]

BILLING CODE 3510–DT–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OAR–2004–0489; FRL–13052–01–OMS]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; Air Emissions Reporting Requirements (Renewal)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency (EPA) has submitted an information collection request (ICR), Air Emissions Reporting Requirements (EPA ICR Number 2170.09, OMB Control Number 2060–0580) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act. This is a proposed extension of the ICR, which is currently approved through October 31, 2025. Public comments were previously requested via the **Federal Register** on June 5, 2025, during a 60-day comment period (90 FR 23932). This notice allows for an additional 30 days for public comments.

DATES: Comments may be submitted on or before December 1, 2025.

ADDRESSES: Submit your comments, referencing Docket ID Number EPA–HQ–OAR–2004–0489, to EPA online using *www.regulations.gov* (our preferred method), by email to *houyoux.marc@epa.gov,* or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 28221T, 1200 Pennsylvania Ave. NW, Washington, DC 20460.

EPA's policy is that all comments received will be included in the public docket without change including any personal information provided, unless the comment includes profanity, threats, information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.

Submit written comments and recommendations to OMB for the proposed information collection within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

FOR FURTHER INFORMATION CONTACT: Marc Houyoux, Air Quality Assessment Division, Office of Air Quality Planning and Standards, C339–02, Environmental

Protection Agency, 109 TW Alexander Drive, RTP, NC 27711; telephone number: (919) 541–3649; email address: *houyoux.marc@epa.gov.*

SUPPLEMENTARY INFORMATION: This is a proposed extension of the ICR, which is currently approved through October 31, 2025. An agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

Public comments were previously requested via the **Federal Register** on June 5, 2025, during a 60-day comment period (90 FR 23932). This notice allows for an additional 30 days for public comments. Supporting documents, which explain in detail the information that the EPA will be collecting, are available in the public docket for this ICR. The supporting documents include a response to comments document that compiles and responds to comments received in the first notice. The docket can be viewed online at *www.regulations.gov* or in person at the EPA Docket Center, WJC West, Room 3334, 1301 Constitution Ave. NW, Washington, DC. The telephone number for the Docket Center is 202–566–1744. For additional information about EPA's public docket, *visit http://www.epa.gov/dockets.*

Abstract: The EPA promulgated the Air Emissions Reporting Requirements (AERR) (40 CFR part 51, subpart A) to coordinate emissions inventory reporting requirements. Under this reporting, 54 State and territorial air quality agencies, including the District of Columbia, as well as an estimated 9 local air quality agencies, must submit emissions data every 3 years for all point sources and some non-point, on-road mobile, and non-road mobile sources of volatile organic compounds, oxides of nitrogen, carbon monoxide, sulfur dioxide, particulate matter less than or equal to 10 micrometers in diameter, particulate matter less than or equal to 2.5 micrometers in diameter, ammonia, and lead. In addition, the air quality agencies must submit annual emission data for point sources for a subset of point sources every year. An estimated 5 Tribal air agencies voluntarily submit point and nonpoint sources in triennial years.

The data collected from the emission reporting is necessary to compile and make publicly available a national inventory of air pollutant emissions. The information collected supports both EPA's implementation of the CAA, and State/Local/Tribal air agencies in fulfilling their requirements under CAA sections 110(a), 172, 182, 187, and 189 to implement primary and secondary national ambient air quality standards (NAAQS). A comprehensive inventory updated at regular intervals is essential to allow the EPA to fulfill its mandate to monitor and plan for the attainment and maintenance of the NAAQS established for criteria pollutants in the CAA.

Form Numbers: None.

Respondents/affected entities: Entities potentially affected by this collection request are generally State, territorial, and local government air quality managements programs. Tribal governments are not affected unless they have sought and obtained ''Treatment as a State'' (TAS) status under the Tribal Authority Rule and, on that basis, are authorized to implement and enforce the AERR rule. For the most recent 2023 triennial inventory, no Tribes have TAS for emissions inventory reporting, and 2 Tribal agencies voluntarily reported to the NEI.

Additionally, State and local agencies collect data from owners/operators to be able to provide it to the EPA. The EPA seeks information from State and local air agencies to indicate the degree to which emissions data collection is due to the AERR rather than something that these agencies would impose even in the absence of the AERR.

Respondent's obligation to respond: This information is collected under 23 U.S.C. 101; 42 U.S.C. 7401–7671q, and the authority of the AERR. This information is mandatory and, as specified, cannot be treated as confidential by the EPA.

Estimated number of respondents: 68 (total including voluntarily reporting) State, local and Tribal agencies and 12,379 owners/operators reporting to State and local agencies.

Frequency of response: Annual.

Total estimated burden: 53,482 hours (per year) including 7,865 voluntary hours (per year) for State, local, and Tribal air agencies and 145,077 hours (per year) for owners/operators including 84 voluntary hours (per year). Burden is defined at 5 CFR 1320.03(b).

Total estimated cost: $19,854,038 (per year) for State, local, and Tribal air agencies, which includes $712,432 for voluntary activities and $15,130,399 annualized capital or operation and maintenance costs. $16,578,243 (per year) for owners/operators.

Changes in the estimates: There is an increase of 4,780 hours in the total estimated respondent burden for State, local, and Tribal air agencies and an increase of 145,077 hours for owners/operators compared with the ICR currently approved by OMB. This increase for State, local, and Tribal air agencies is due to improvements in the way the EPA estimates the burden. The increase for owners/operators is due to including the burden on owners/operators for the first time in the approach.

Courtney Kerwin,

Director, Information Engagement Division.

[FR Doc. 2025–19733 Filed 10–30–25; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF HOMELAND SECURITY

[Docket No. USCIS–2025–0337]

Privacy Act of 1974; System of Records

AGENCY: U.S. Department of Homeland Security, U.S. Citizenship and Immigration Services.

ACTION: Notice of a modified system of records.

SUMMARY: In accordance with the Privacy Act of 1974, the Department of Homeland Security (DHS) proposes to modify and reissue a DHS system of records notice (SORN) titled, ''Department of Homeland Security/U.S. Citizenship and Immigration Services (USCIS)–004 Systematic Alien Verification for Entitlements Program (SAVE).'' As described in this modified SORN, USCIS, an agency within DHS, collects and maintains records on applicants for public benefits, licenses, grants, governmental credentials, and other statutorily authorized purposes through the SAVE program. SAVE allows registered user agencies to verify the immigration status/category (''immigration status'') and U.S. citizenship (including for U.S. citizens by birth, naturalized and certain acquired citizens) of individuals applying for or receiving a public benefit, license or other authorized purpose (''benefit''). ''Acquired citizenship'' refers to U.S. citizenship conveyed to children through the naturalization of parents or, under certain circumstances, at birth to foreign-born children of U.S. citizens, provided certain conditions are met. DHS/USCIS is updating this SORN to include updates and modifications to the (1) purpose(s) of the system, (2) categories of individuals covered by the system, (3) categories of records in the system, (4) records source categories, and (5) routine uses of records maintained in the system. Additionally, this notice includes non-substantive changes to simplify the formatting and text of the previously published notice.

This modified system will be included in DHS's inventory of record systems.

DATES: Submit comments on or before December 1, 2025. This modified system will be effective upon publication. New or modified routine uses will be effective December 1, 2025.

ADDRESSES: You may submit comments, identified by docket number USCIS–2025–0337 by one of the following methods:

- *Federal e-Rulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Fax:* 202–343–4010.
- *Mail:* Roman Jankowski, Chief Privacy Officer, Privacy Office, Department of Homeland Security, Washington, DC 20528–0655.

Instructions: All submissions received must include the agency name and docket number USCIS–2025–0337. All comments received will be posted without change to *http://www.regulations.gov,* including any personal information provided.

Docket: For access to the docket to read background documents or comments received, go to *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: For general questions, please contact: Angela Y. Washington, 240–721–3705, Privacy Officer, U.S. Citizenship and Immigration Services, USCIS Headquarters, 5900 Capital Gateway Dr., Camp Springs, MD 20746. For privacy questions, please contact: Roman Jankowski, (202) 343–1717, Chief Privacy Officer, Privacy Office, Department of Homeland Security, Washington, DC 20528–0655.

SUPPLEMENTARY INFORMATION:

I. Background

In accordance with the Privacy Act of 1974, 5 U.S.C. 552a, the Department of Homeland Security (DHS), U.S. Citizenship and Immigration Services (USCIS) is proposing to modify and reissue a current DHS SORN titled, ''DHS/USCIS–004 Systematic Alien Verification for Entitlements Program System of Records.''

This modified SORN is being published to update the purpose of SAVE to include the addition of expanded search functionality for registered SAVE user agencies to verify the U.S. citizenship of U.S. citizens by birth and to clarify use of SAVE for voter verification.

This SORN modification also clarifies and informs the public that SAVE has removed transaction charges for all state, local, tribal, and territorial government agencies that use the system. Federal agencies are still charged a fee to use SAVE.

DHS/USCIS is adding individuals that are U.S. citizens by birth to the categories of individuals covered by the system.

DHS/USCIS is updating the categories of records in the system to include collecting both full and truncated (last four digits) Social Security number (other than those collected on Form G–845, Verification Request), U.S. passport number, driver's license number, and information from the Social Security Administration.

DHS/USCIS is revising the record source categories to add SSA–60–0058 Master Files of Social Security Number Holders, Social Security Number Applications, February 20, 2025 (90 FR 10025) and state or other national agencies that issue or maintain driver's license information.

DHS/USCIS is amending the routine uses section of the SORN to include adding Routine Use L, to support sharing with Social Security Administration and other federal organizations, and Routine Use M, to support sharing with federal agencies (*e.g.,* the Department of Health and Human Services) to support auditing of federal programs administered by state, local, and tribal governments (*e.g.,* Medicaid).

Additionally, this notice includes non-substantive changes, including reorganizing of categories of records, change in the use of terms such as from ''derived'' citizen/citizenship to ''acquired'' citizen/citizenship, and spelling out of form names from the previously published system of records notice.

Consistent with DHS's information sharing mission, information stored in DHS/USCIS SAVE may be shared with other DHS Components that have a need to know of the information to carry out their national security, law enforcement, immigration, intelligence, or other homeland security functions. In addition, DHS/USCIS may share information with appropriate federal, state, local, tribal, territorial, foreign, or international government agencies consistent with the routine uses set forth in this system of records notice. Information in SAVE, including records submitted by the user agency, is not to be used for administrative (non-criminal) immigration enforcement purposes. *See* Immigration Reform and Control Act (IRCA), Public Law 99–603, Part C, Section 121(c)(1) (Nov. 6, 1986).

This modified system will be included in DHS's inventory of record systems. USCIS administers SAVE. SAVE is an online intergovernmental service designed to help federal, state, territorial, tribal, local government agencies, benefit-granting agencies, other authorized entities (*e.g.,* Airport Operators under the Federal Aviation Administration (FAA) Extension, Safety and Security Act of 2016), and licensing bureaus, as authorized by law (collectively, ''SAVE user agencies''), determine the U.S. citizenship and immigration status of individuals within their jurisdiction for the purpose of granting benefits, licenses, and other lawful purposes. Uses of SAVE may include verification of immigration status or category and U.S citizenship, including U.S. citizens by birth as well as naturalized and certain acquired citizens, when issuing benefits such as Social Security numbers, public health care, Supplemental Nutrition Assistance Program payments, Temporary Assistance for Needy Families, Medicaid, Children's Health Insurance Program; conducting background investigations, armed forces recruitment, REAL ID compliance; or any other purpose authorized by law, including verification of registrants and registered voters in voter registration and voter list maintenance processes. Prior to accessing SAVE, an agency must register as a user and enter into a Memorandum of Agreement with DHS/USCIS. The prospective user provides the legal authorities requiring or permitting verification of immigration status or U.S. citizenship as part of issuing a benefit. SAVE does not determine a benefit applicant's eligibility for a specific benefit. Only the user agency makes that determination.

A typical SAVE verification involves a registered federal, state, territorial, tribal, or local government benefit or license-granting agency verifying the immigration status or U.S. citizenship of a benefit applicant. SAVE is not a database for immigration status and citizenship information. Rather, SAVE accesses the USCIS Verification Data Integration Service which searches multiple government databases or systems to provide a SAVE response. The initial SAVE response is derived from information contained in government systems accessed by SAVE using information from U.S. government-issued documents, such as a Social Security card, Permanent Resident Card (often referred to as a Green Card) or an Employment Authorization Document. For a SAVE user agency to create a SAVE case, the agency must collect and enter certain identifiers from the benefit applicant's identity document(s). The verification process is driven by identifiers generally

located on immigration documents (*e.g.,* Alien Registration Number (Alien Number or A-Number)/USCIS Number, Card Number/I–797 Receipt Number, or Citizenship/Naturalization Certificate Number) or other government-issued documents (*e.g.,* a Social Security number). The identifier presented by the individual determines the verification process.

SAVE user agencies input data elements pertaining to the applicant through SAVE. SAVE then connects to the internal USCIS Verification Data Integration Service to process the request using the user agency provided data. These data elements may include last name, first name, middle name, date of birth, Social Security number, passport number, driver's license number, one or more DHS immigration enumerators (*e.g.,* Alien Registration Number/USCIS Number, Arrival-Departure Record I–94 Number, Student and Exchange Visitor Information System Identification Number, Certificate of Naturalization Number, Certificate of Citizenship Number, or Unexpired Foreign Passport Number), and other information from immigration documentation (*e.g.,* country of birth, date of entry, or employment authorization category). If the USCIS Verification Data Integration Service locates a corresponding record, it will convey a response to SAVE, and SAVE will send a SAVE case response that includes the data elements used to create the case. It may add one or more additional data elements such as a verification case number, U.S. citizenship or immigration data (*e.g.,* U.S. citizenship, immigration status or category, immigration class of admission and/or employment authorization.), grant date, and sponsorship data. SAVE's responses are based upon the user agency's authority to use SAVE and the type of benefit administered by the user agency.

If SAVE is unable to provide an initial automated response verifying the benefit applicant's immigration status or U.S. citizenship, SAVE will provide instructions on actions the user agency may take, including requesting additional verification. Users may also request additional verification when they have questions about a SAVE response or when requested by the benefit applicant. SAVE additional verification procedures generally entail in-depth electronic and manual research in available records (including both electronic records as well as paper Alien Files (A-Files), when necessary) by USCIS status verification staff to verify the benefit applicant's immigration status or U.S. citizenship.

On January 20, 2025, and March 25, 2025, respectively, the President issued Executive Orders 14159, *Protecting the American People Against Invasion* and 14248, *Preserving and Protecting the Integrity of American Elections.* Executive Order 14159 requires the Secretary to ''promptly issue guidance to ensure maximum compliance by [DHS] personnel with the provisions of 8 U.S.C. 1373 and 8 U.S.C. 1644 and ensure that state and local governments are provided with the information necessary to fulfill law enforcement, U.S citizenship, or immigration status verification requirements authorized by law.'' Executive Order 14248 provides:

. . . Federal laws, such as the National Voter Registration Act (Pub. L. 103–31) and the Help America Vote Act (Pub. L. 107–252), require States to maintain an accurate and current Statewide list of every legally registered voter in the State. And the Department of Homeland Security is required to share database information with States upon request so they can fulfill this duty. See 8 U.S.C. 1373(c).

Executive Order 14159 directs the Secretary to ''ensure that state and local officials have, without the requirement of the payment of a fee, access to appropriate systems for verifying the citizenship or immigration status of individuals registering to vote or who are already registered.''

Pursuant to these Executive Orders, DHS personnel must timely provide verification of U.S. citizenship and immigration status information in response to inquiries from federal, state, and local government agencies to verify or ascertain the U.S. citizenship or immigration status of individuals within the jurisdiction of the State or local government agency for any purpose authorized by law. DHS personnel will comply with these requirements, to the maximum extent possible and permissible under law, considering federal statutory requirements, including the Privacy Act of 1974, 5 U.S.C. 552a and 8 U.S.C. 1367 (special protected class information); as well as other applicable laws, rules, regulations, policies, and requirements regarding verification, information sharing, and confidentiality.

To respond to these requirements, USCIS has incorporated a feature to allow SAVE user agencies to create a SAVE case using a full or partial Social Security number and other government-issued enumerators (*e.g.,* passport number; driver's license number). This allows SAVE user agencies to utilize enumerators that are often more readily available and to verify U.S. citizenship for individuals who do not have an immigration enumerator.

1. Enumerators and Source Systems

a. Social Security Number (Social Security Administration Enumeration System)

When creating a case in SAVE, the user agency must always enter the individual's first and last name, date of birth, and at least one enumerator, which may now include a full 9-digit or partial Social Security number. The ability to create a SAVE case using a full or partial Social Security number is initially limited to users who log into SAVE via a web browser but will eventually be expanded to user agencies who use a system-to-system connection with SAVE via web services.

Where a user uses a full or partial Social Security number to create a SAVE case, USCIS now provides this information to the Social Security Administration Enumeration System for search and response. The Social Security Administration provides the following responses to USCIS:

- Social Security number match (True/False);
- Name match (True/False);
- Date of birth match (True/False);
- Citizenship indicator;
  - ''A''—U.S. Citizen;
  - ''B''—Legal alien, eligible to work;
  - ''C''—Legal alien, not eligible to work;
  - ''D''—Other;
  - ''E''—Alien Student—restricted work authorized; and
  - ''F''—Conditionally legalized alien.
- Foreign born indicator (Citizenship code is not present, but individual was foreign born);
- State/Country code;
- American Samoa indicator (True/False);
- Alien Registration Number (Alien Number or A-Number) (where applicable);
- Death indicator (Yes/No); and
- Error code descriptions (transaction and record levels).

This search functionality allows SAVE the capability to verify the Social Security number and U.S. citizen indicators of many U.S. citizens by birth, as found in the Enumeration System. This is an expansion from the previous SAVE functionality, which limited U.S. citizenship verification to DHS records of naturalized and certain acquired U.S. citizens.

b. U.S. Passport Number (Department of State)

SAVE has added the ability for user agencies to verify acquired citizenship

for individuals using a search by name, date of birth, and passport number. USCIS will compare this information against information available in DHS-accessed systems to provide a match or no match response. Prior to having access to passport records, SAVE could only verify acquired U.S. citizens if the individual applied for and received a Certificate of Citizenship from USCIS or if the U.S. Department of State provided USCIS with a record of the passport citizenship adjudication and, if applicable, USCIS will update the individual's record.

c. Driver's License Number (State Records)

Driver's licenses are the most widely used form of identification. By working with state driver's licensing agencies and national agencies that store driver's license information for legal purposes (such as the National Law Enforcement Telecommunications System (NLETS)), SAVE will use driver's license and state identification card numbers to check and confirm identity information. When the agency provides a driver's license or state identification card number as the enumerator to verify the identity of the applicant, SAVE will use state driver's licensing agencies or another source (such as NLETS) to validate the information and gain access to other government enumerators. This will allow SAVE to match against other sources to verify immigration status and U.S. citizenship, which will improve accuracy and efficiency for SAVE user agencies. It must be noted that the Driver's license number search functionality is not live at the time of publication but will be in the foreseeable future.

2. List Processor Feature

User agencies now have the capability to create cases in SAVE by uploading a file with a list of multiple cases. This provides greater efficiency, because the user agency no longer has to enter cases into SAVE one at a time. Initially, only users who log into SAVE using a web browser will have access to this feature, but USCIS may extend this feature to other users in the future.

After file upload and acceptance of the data, SAVE, through an automated process, creates front-end single-record cases for each entry; this is not batch processing but SAVE creating each case individually for the user agency. Initially, the creation of cases using this feature is limited to cases created using an Alien Registration Number, Citizenship or Naturalization Certificate number, or Social Security number. Agencies are not prompted to institute additional verification when using this process but are instructed to resubmit with additional information when the process is unable to return a response. Expansion of this feature in the future may include the ability to create cases with additional enumerators and the ability to request configured information not automatically selected for the benefit type.

User agencies can access each case created using the list processor feature in SAVE as normal, by viewing the individual case status and response. SAVE also has a feature available to all user agencies to generate a report that will list all the cases created, the status of an individual case, and the SAVE response. Access to generate the report, including what cases are included, vary depending upon the user's permissions. USCIS provides this verification service for all benefit requests.

3. Auditing Verification Records To Support Oversight Organizations

SAVE will support organizations that have entered into required agreements with USCIS and have legal oversight authority over a program or benefit type supported by SAVE through reporting capabilities for auditing purposes. User agencies with a legal authority to monitor and audit benefits granted or voter registration records may view relevant case data such as biographic data, enumerators, case submission date/time, and SAVE response information. Reporting options exist for individual user agencies and their case data.

Additionally, user agencies with appropriate legal authority may now view, within SAVE, other user agencies' case data through a linking mechanism based on either benefit type granted (*e.g.,* Medicare) or by state. This new account type will have reporting options to view case data.

Other account types enable user agencies to create cases within SAVE to verify applicants' current eligibility for benefits previously granted. This will allow organizations, such as federal and state oversight agencies, to ensure user agencies that they legally monitor, and audit are properly verifying immigration status or citizenship status before making an eligibility determination and to ensure previously approved applicants remain eligible for the benefits they are receiving.

4. Voter Registration and Voter List Maintenance

Through this SORN, DHS/USCIS is administratively clarifying the purpose of this system of records by reinserting voter registration that was previously published in 76 FR 58525 (September 21, 2011) and updating to the term ''voter verification'' to include verification of U.S. citizens by birth through Social Security number matching. Also, DHS/USCIS is expanding the purpose to include the additional search functionality to verify the citizenship of U.S. citizens by birth for all registered benefits and licenses by registered SAVE user agencies.

II. Privacy Act

The Privacy Act embodies fair information practice principles in a statutory framework governing the means by which Federal Government agencies collect, maintain, use, and disseminate individuals' records. The Privacy Act applies to information that is maintained in a ''system of records.'' A ''system of records'' is a group of any records under the control of an agency from which information is retrieved by the name of an individual or by some identifying number, symbol, or other identifying particular assigned to the individual. In the Privacy Act, an individual is defined to encompass U.S. citizens and lawful permanent residents. Additionally, and similarly, the Judicial Redress Act provides covered persons with a statutory right to make requests for access and amendment to covered records, as defined by the Judicial Redress Act, along with judicial review for denials of such requests. In addition, the Judicial Redress Act prohibits disclosures of covered records, except as otherwise permitted by the Privacy Act.

Below is the description of the DHS/USCIS–004 SAVE Program System of Records. In accordance with 5 U.S.C. 552a(r), DHS has provided a report of this system of records to the Office of Management and Budget and to Congress.

SYSTEM NAME AND NUMBER:

Department of Homeland Security (DHS)/U.S. Citizenship and Immigration Services (USCIS)–004 Systematic Alien Verification for Entitlements Program System of Records.

SECURITY CLASSIFICATION:

Unclassified

SYSTEM LOCATION:

Records are maintained at the USCIS Headquarters in Camp Springs, MD and at DHS/USCIS field offices. Electronic records for Verification Data Integration Service are stored in a secure, cloud hosted environment.

SYSTEM MANAGER(S):

Chief, Verification Division, *SAVE.help@uscis.dhs.gov,* U.S.

Citizenship and Immigration Services, Department of Homeland Security, 5900 Capital Gateway Drive, Mail Stop 2620, Camp Springs, MD 20588–0009.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Authority for having a system for verification of citizenship and immigration status is found in Immigration and Nationality Act, Public Law 82–414, 66 Stat. 163 (June 27, 1952), as amended, Immigration Reform and Control Act, Public Law 99–603, 100 Stat. 3359 (Nov. 6, 1986); Personal Responsibility and Work Opportunity Reconciliation Act, Public Law 104–193, 110 Stat. 2105 (Aug. 22, 1996); Illegal Immigration Reform and Immigrant Responsibility Act, Public Law 104–208, 110 Stat. 3009 (Sept. 30, 1996); (8 U.S.C. 1373(c)); the REAL ID Act of 2005, Public Law 109–13, 119 Stat. 231 (May 11, 2005); Patient Protection and Affordable Care Act, Public Law 111–148, 124 Stat. 119 (Mar. 23, 2010), as amended by the Health Care and Education Reconciliation Act of 2010, Public Law 111–152, 124 Stat. 1029 (Mar. 30, 2010); and the Federal Aviation Administration (FAA) Extension, Safety, and Security Act of 2016, Public Law 114–190, 130 Stat. 615 (July 15, 2016), 8 CFR part 213a (Affidavits of Support on Behalf of Immigrants).

PURPOSE(S) OF THE SYSTEM:

The purpose of this system is to provide a service (fee-based for federal agencies) that assists federal, state, territorial, tribal, and local benefit-granting agencies, licensing bureaus, and other authorized entities for any legally mandated purpose in accordance with an authorizing statute to verify the U.S. citizenship and immigration status of individual, to include naturalized, derived, and U.S. citizens by birth, within their jurisdiction applying for benefits, and to otherwise efficiently administer their programs, to the extent that such disclosure is necessary to enable these agencies and entities to make decisions related to (1) determining eligibility for a federal, state, territorial, tribal, or local public benefit; (2) issuing a license or grant; (3) issuing a government credential; (4) conducting a background investigation; (5) voter verification or (6) any other lawful purpose. This system is also used for USCIS bond management purposes under section 213 of the Immigration and Nationality Act.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Categories of individuals covered by this system include: (1) individuals who have filed, for themselves or on the behalf of others, applications or other requests for federal, state, territorial, tribal or local licenses or benefits; (2) individuals who are U.S. citizens, including those who are U.S. citizens by birth, and naturalized or acquired U.S. citizens; (3) individuals who have applied for or received other immigration benefits pursuant to 8 U.S.C. 1103 *et seq.* or other applicable law; (4) sponsors and household members listed on the Form I–864 or I–864EZ, *Affidavit of Support Under C Member; Section 213A of the Act* or Form I–864A, *Contract Between Sponsor and Household Member;* (5) individuals subject to certain background investigations; (6) individuals accessing SAVE Case Check; (7) users and administrators who access the system to facilitate U.S citizenship and immigration status verification; and (8) other individuals whose information is verified with SAVE pursuant to an agreement between a user agency and SAVE (*e.g.,* SAVE Memorandum of Agreement). All references to ''sponsor'' or ''sponsors'' include sponsors, joint sponsors, and substitute sponsors, as defined in the regulations at 8 CFR part 213a.

CATEGORIES OF RECORDS IN THE SYSTEM:

Information collected from the benefit applicant by the user agency to facilitate U.S citizenship and immigration status verification may include the following:

- Individual's full name (maiden name if applicable);
- Date of birth;
- Country of birth;
- Citizenship or nationality;
- Alien Registration Number (A-Number)/USCIS number;
- Other immigration number/enumerator (*e.g.,* Employment Authorization Document card number, naturalization certificate number, citizenship certificate number);
- Form I–94, Arrival/Departure Record number;
- Visa number;
- Receipt number/card number;
- Student and Exchange Visitor Information System Identification number;
- Foreign Passport number and country of issuance;
- Social Security number (full and truncated) or other alternate number issued by the SSA (*e.g.,* Individual Tax Identification Number (ITIN);
- U.S Passport number;
- Driver's license number;
- Agency Data Universal Numbering System (DUNS) number;
- Benefit type sought (*e.g.,* background check, driver's license/state identification, education grant/loan/work study, Employment Authorization, housing assistance, Medicaid/Medical Assistance, Social Security number issuance, and voter verification); and
- Copies of original immigration documents.

Information collected from the user agency who accesses the system to facilitate U.S citizenship and immigration status verification may include the following:

- Agency name;
- Address;
- Names of agency points(s) of contact;
- Title of agency point(s) of contact;
- Contact telephone number;
- Fax number;
- Email address;
- User identification; and
- Type of license/benefit(s) the agency issues (*e.g.,* Unemployment Insurance, Educational Assistance, Driver Licensing, and Social Security Enumeration)

Information collected from the Social Security Administration used by SAVE to verify U.S. citizenship or immigration status of an applicant on behalf of a SAVE user agency:

- Social Security number match (True/False);
- Name match (True/False);
- Date of birth match (True/False);
- Death indicator (Yes Deceased/Not Deceased);
- Citizenship indicator;
  - ''A''—U.S. citizen;
  - ''B''—Legal alien, eligible to work;
  - ''C''—Legal alien, not eligible to work;
  - ''D''—Other;
  - ''E''—Alien student-restricted work authorized; and
  - ''F''—Conditionally legalized alien.
- Foreign Born Indicator (Citizenship code is not present, but individual was foreign born);
- Alien Registration Number (Alien Number or A-Number) (where applicable); and
- Error code descriptions (transaction and record levels).

System-generated responses because of the SAVE verification process may include:

- Verification case number; and
- SAVE response.

Information collected from the benefit-granting agency about actions that an agency adjudicating Federal means-tested public benefits takes to deem sponsor income as part of applicant income for purposes of Federal means-tested benefits eligibility and to seek reimbursement from sponsors for the value of benefits provided to sponsored applicants may include:

- Whether the benefit-granting agency approved or denied the application for the means-tested public benefit;
- If the benefit-granting agency denied the application, whether the denial was based upon the information that SAVE provided in its response to the citizenship and immigration status verification request from the benefit-granting agency;
- Whether the benefit-granting agency deemed sponsor/household member income and, if not, the exception or reason for not doing so;
- Whether the benefit-granting agency sent the sponsor a reimbursement request letter (yes/no);
- Whether the sponsor complied with his or her reimbursement obligation; and
- Whether the benefit-granting agency conducted a collection action or other proceedings if the sponsor did not comply with his or her reimbursement obligation (yes/no and if yes, the status, court or forum, and docket or matter number).

Individual information that may be used by SAVE to verify U.S citizenship and immigration status and provide a SAVE response includes:

- Full name;
- Date of birth;
- Country of birth;
- Alien Registration Number (Alien Number or A-Number);
- Social Security number;
- Photograph;
- U.S. passport;
- Driver's license number or State identification number;
- Receipt number/card number (*e.g.,* Form I–551, *Lawful Permanent Resident Card,* Form I–766, *Employment Authorization Document*);
- Other unique identifying numbers (*e.g.,* Student and Exchange Visitor Information System Identification number, Form I–94 number, etc.);
- Visa number;
- Government-issued identification (*e.g.,* foreign passport);
  - Document type;
  - Country of issuance (COI);
  - Document number; and
  - Expiration date.
- Entry/Departure date;
- Port of entry;
- Alien status change date;
- Naturalization date;
- Date admitted until;
- Country of citizenship;
- Document grant date;
- Document receipt number;
- Codes (*e.g.,* class of admission, file control office, provision of law cited for employment authorization);
- Employment Authorization Document (EAD) history;
- Beneficiary information (*e.g.,* full name, Alien Registration Number, date of birth, country of birth, Social Security number);
- Petitioner information (*e.g.,* full name, Alien Registration Number, Social Security number, Individual Taxpayer Identification Number, Naturalization Certificate number); and
- Sponsor(s) and household member(s) information (*e.g.,* Full Name, Address, Social Security number).

SAVE may also access immigration case history for other individuals, including:

- Spouse information (*e.g.,* full name, Alien Registration Number, date of birth, country of birth, country of citizenship, class of admission, date of admission, receipt number, phone number, marriage date and location, naturalization date and location);
- Children information (*e.g.,* full name, Alien Registration Number, date of birth, country of birth, class of admission);
- Employer information (*e.g.,* full name, address, supervisor's name, supervisor's phone number); and
- Individuals associated with background checks information (*e.g.,* full name, Alien Registration Number, date of birth, country of birth).

Case history information may include:

- Alert(s);
- Case summary comments;
- Case category;
- Date of encounter;
- Encounter information;
- Custody actions and decisions;
- Case actions and decisions;
- Bonds;
- Photograph;
- Asylum applicant receipt date;
- Airline and flight number;
- Country of residence;
- City (*e.g.,* where boarded, where visa was issued);
- Date visa issued;
- Address in United States;
- Nationality;
- Decision memoranda; investigatory reports and materials compiled for the purpose of enforcing immigration laws;
- Exhibits;
- Transcripts; and
- Other case-related papers concerning aliens, alleged aliens, or lawful permanent residents brought into the administrative adjudication process.

RECORD SOURCE CATEGORIES:

Records are obtained from several sources including: (A) agencies and entities seeking to determine U.S citizenship or immigration status of benefit applicants; (B) individuals seeking public licenses, benefits, or credentials; (C) other DHS components assisting with enrollment and system maintenance processes; (D) information created by SAVE; (E) state or national organizations issuing and maintaining driver's license or state identification information such as the NLETS; and (F) information collected and covered by the following USCIS, DHS, and other federal agency systems of records:

- DHS/USCIS/ICE/CBP–001 Alien File, Index, and National File Tracking System of Records, September 18, 2017 (FR 82 FR 43556);
- DHS/USCIS–007 Benefits Information System, October 10, 2019 (84 FR 54622);
- DHS/USCIS–010 Asylum Information and Pre-Screening System of Records, November 30, 2015 (80 FR 74781);
- DHS/USCIS–018 Immigration Biometric and Background Check (IBBC) Records System of Records, July 31, 2018 (83 FR 36950);
- DHS/CBP–005 Advance Passenger Information System (APIS), March 13, 2015 (80 FR 13407);
- DHS/CBP–006 Automated Targeting System, May 22, 2012 (77 FR 30297);
- DHS/CBP–007 CBP Border Crossing Information (BCI), December 13, 2016 (81 FR 89957);
- DHS/CBP–011 U.S. Customs and Border Protection TECS, December 19, 2008 (73 FR 77778);
- DHS/CBP–016 Nonimmigrant Information System, March 13, 2015 (80 FR 13398);
- DHS/CBP–021 Arrival and Departure Information System (ADIS), November 18, 2015 (80 FR 72081);
- DHS/ICE–001 DHS/ICE–001 Student and Visitor Exchange Program (SEVP), December 8, 2021 (86 FR 69663);
- DHS/ICE–011 Criminal Arrest Records and Immigration Enforcement Records (CARIER) System of Records, July 5, 2024 (89 FR 55638);
- DHS/ALL–003 Department of Homeland Security General Training Records, November 25, 2008 (73 FR71656);
- DHS/ALL–016 Correspondence Records, September 26, 2018 (83 FR 48645);
- JUSTICE/EOIR–002, Office of the Chief Administrative Hearing Officer (OCAHO) Case Management System (CMS) August 16, 2019 (84 FR 42016);
- STATE–05 Overseas Citizens Services Records and Other Overseas Records, November 20, 2023 (88 FR 80804);
- STATE–26 Passport Records, March 24, 2015 (80 FR 15653);
- STATE–39 Visa Records, November 8, 2021 (86 FR 61822) and

• SSA–60–0058 Master Files of Social Security Number Holders and Social Security Number Applications, February 20, 2025 (90 FR 10025)

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, all or a portion of the records or information contained in this system may be disclosed outside DHS as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

A. To the Department of Justice (DOJ), including the U.S. Attorneys Offices, or other federal agency conducting litigation or proceedings before any court, adjudicative, or administrative body, when it is relevant or necessary to the litigation and one of the following is a party to the litigation or has an interest in such litigation:

1. DHS or any component thereof;

2. Any employee or former employee of DHS in his/her official capacity;

3. Any employee or former employee of DHS in his/her individual capacity, only when DOJ or DHS has agreed to represent the employee; or

4. The United States or any agency thereof.

B. To a congressional office from the record of an individual in response to an inquiry from that congressional office made at the request of the individual to whom the record pertains.

C. To the National Archives and Records Administration (NARA) or General Services Administration pursuant to records management inspections being conducted under the authority of 44 U.S.C. 2904 and 2906.

D. To an agency or organization for the purpose of performing audit or oversight operations as authorized by law, but only such information as is necessary and relevant to such audit or oversight function.

E. To appropriate agencies, entities, and persons when (1) DHS suspects or has confirmed that there has been a breach of the system of records; (2) DHS has determined that as a result of the suspected or confirmed breach there is a risk of harm to individuals, DHS (including its information systems, programs, and operations), the Federal Government, or national security; and (3) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with DHS's efforts to respond to the suspected or confirmed breach or to prevent, minimize, or remedy such harm.

F. To another Federal agency or Federal entity, when DHS determines that information from this system of records is reasonably necessary to assist the recipient agency or entity in (1) responding to a suspected or confirmed breach or (2) preventing, minimizing, or remedying the risk of harm to individuals, the recipient agency or entity (including its information systems, programs, and operations), the Federal Government, or national security, resulting from a suspected or confirmed breach.

G. To an appropriate federal, state, territorial, tribal, local, international, or foreign law enforcement agency or other appropriate authority charged with investigating or prosecuting a violation or enforcing or implementing a law, rule, regulation, or order, when a record, either on its face or in conjunction with other information, indicates a violation or potential violation of law, which includes criminal, civil, or regulatory violations and such disclosure is proper and consistent with the official duties of the person making the disclosure.

H. To contractors and their agents, grantees, experts, consultants, and others performing or working on a contract, service, grant, cooperative agreement, or other assignment for DHS, when necessary to accomplish an agency function related to this system of records. Individuals provided information under this routine use are subject to the same Privacy Act requirements and limitations on disclosure as are applicable to DHS officers and employees.

I. To approved federal, state, territorial, tribal, and local government agencies for any legally mandated purpose (*e.g.,* benefits, licensing, voter verification) in accordance with their authorizing statute or law and when an approved agreement (*e.g.,* Memorandum of Agreement (MOA) or Computer Matching Agreement (CMA) is in place between DHS and the entity.

J. To a federal, state, territorial, tribal, or local government agency that oversees or administers Federal means-tested public benefits for purposes of seeking reimbursement from sponsors for the value of benefits provided to sponsored applicants, as well as reporting on overall sponsor deeming and agency reimbursement efforts to appropriate administrative and oversight agencies.

K. To airport operators to determine the eligibility of individuals seeking unescorted access to any Security Identification Display Area of an airport, as required by the Federal Aviation Administration (FAA) Extension, Safety, and Security Act of 2016.

L. To the Social Security Administration and other federal, state, tribal, territorial, local, governments and other authorized entities to assist user agencies determine U.S. citizenship and immigration status of an individual when a DHS approved agreement is in place between DHS and the entity.

M. To federal, state, territorial, tribal, local, and other entities that have legal authority to provide oversight to programs and benefits supported by SAVE for auditing of program requirements and when a DHS-approved agreement (*e.g.,* Memorandum of Agreement (MOA) or Computer Matching Agreement (CMA)) is in place between DHS and the entity.

N. To the news media and the public, with the approval of the Chief Privacy Officer in consultation with counsel, when there exists a legitimate public interest in the disclosure of the information, when disclosure is necessary to preserve confidence in the integrity of DHS, or when disclosure is necessary to demonstrate the accountability of DHS's officers, employees, or individuals covered by the system, except to the extent the Chief Privacy Officer determines that release of the specific information in the context of a particular case would constitute a clearly unwarranted invasion of personal privacy.

POLICIES AND PRACTICES FOR STORAGE OF RECORDS:

DHS/USCIS stores records in this system electronically or on paper in secure facilities in a locked drawer behind a locked door. The records may be stored on magnetic discs, tapes, and digital media. Additionally, information is located within the USCIS Verification Data Integration Service SAVE Program.

POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS

DHS/USCIS retrieves records by name of applicant or other unique identifier including, but not limited to Verification Case Number, Alien Registration Number (Alien Number or A-Number), I–94 Number, Social Security number, Passport number, Driver's license number, Visa number, Student and Exchange Visitor Information System Identification number, or by the submitting agency name.

POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS:

SAVE records are covered by NARA-approved records retention and disposal schedule, N1–566–08–07. Records collected in the process of enrolling in SAVE and in verifying U.S. citizenship or immigration status are stored and retained in SAVE for ten (10) years from the date of the completion of

verification. However, if the records are part of an ongoing investigation, they will be retained until completion of the investigation and pursuant to the records retention schedule associated with the investigation. This initial 10-year period is based on the statute of limitations for most types of misuse or fraud possible using SAVE (under 18 U.S.C. 3291, the statute of limitations for false statements or misuse regarding passports, citizenship, or naturalization documents).

ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:

DHS/USCIS safeguards records in this system according to applicable rules and policies, including all applicable DHS automated systems security and access policies. USCIS has imposed strict controls to minimize the risk of compromising the information that is being stored. Access to the computer system containing the records in this system is limited to those individuals who have a need to know the information for the performance of their official duties and who have appropriate clearances or permissions.

RECORD ACCESS PROCEDURES:

Absent an authorized exception for disclosure exists, the U.S. Department of Homeland Security protects and withholds the Privacy Act of 1974/Judicial Redress Act of 2015 covered records by law for U.S. citizens, lawful permanent residents, and Judicial Redress Act covered persons from covered countries.

Individuals seeking access to and notification of any record contained in this system of records, or seeking to contest its content, may submit a request online at *https://first.uscis.gov/* or submit a request in writing to the Chief Privacy Officer and to the USCIS FOIA/Privacy Act Officer whose contact information can be found at *http://www.dhs.gov/foia* under ''Contacts Information.'' If an individual believes more than one component maintains Privacy Act records concerning him or her, the individual may submit the request to the Chief Privacy Officer and Chief Freedom of Information Act Officer, Department of Homeland Security, Washington, DC 20528–0655. Even if neither the Privacy Act nor the Judicial Redress Act provide a right of access, certain records about him or her may be available under the Freedom of Information Act.

When an individual is seeking records about himself or herself from this system of records or any other Departmental system of records, the individual's request must conform with the Privacy Act regulations set forth in 6 CFR part 5. The individual must first verify his/her identity, meaning that the individual must provide his/her full name, current address, and date and place of birth. The individual must sign the request, and the individual's signature must either be notarized or submitted under 28 U.S.C. 1746, a law that permits statements to be made under penalty of perjury as a substitute for notarization. While no specific form is required, an individual may obtain forms for this purpose from the Chief Privacy Officer and Chief Freedom of Information Act Officer, *http://www.dhs.gov/foia* or 1–866–431–0486. In addition, the individual should:

- Explain why the individual believes the Department would have information on him/her;
- Identify which component(s) of the Department the individual believes may have the information about him/her;
- Specify when the individual believes the records would have been created; and
- Provide any other information that will help the FOIA staff determine which DHS component agency may have responsive records.

If an individual's request is seeking records pertaining to another living individual, the first individual must include a statement from the second individual certifying his/her agreement for the first individual to access his/her records.

Without the above information, the component(s) may not be able to conduct an effective search, and the individual's request may be denied due to lack of specificity or lack of compliance with applicable regulations.

CONTESTING RECORD PROCEDURES:

For records covered by the Privacy Act or covered the Judicial Redress Act records, see ''Record Access Procedures'' above. For records not covered by the Privacy Act or Judicial Redress Act, individuals may still amend their records at a USCIS Field Office by contacting the USCIS Contact Center at 1–800–375–5283 (TTY 800–767–1833) to request an appointment.

NOTIFICATION PROCEDURES:

See ''Record Access Procedures.''

EXEMPTIONS PROMULGATED FOR THE SYSTEM:

None. However, when this system receives a record from another system exempted in that source system under 5 U.S.C. 552a, DHS will claim the same exemptions for those records that are claimed for the original primary systems of records from which they originated.

HISTORY:

85 FR 31798 (May 27, 2020); 81 FR 78619 (November 8, 2016); 76 FR 58525 (September 21, 2011); 73 FR 75445 (December 11, 2008); 73 FR 10793 (February 28, 2008); 72 FR 17569 (April 9, 2007); 67 FR 64134 (October 17, 2002); and 66 FR 46812 (September 7, 2001).

* * * * *

Roman Jankowski,

Chief Privacy Officer, U.S. Department of Homeland Security.

[FR Doc. 2025–19735 Filed 10–30–25; 8:45 am]

BILLING CODE 9111–97–P

DEPARTMENT OF THE INTERIOR

National Indian Gaming Commission

Fee Rate and Fingerprint Fees

AGENCY: National Indian Gaming Commission, Interior.

ACTION: Notice.

SUMMARY: Notice is hereby given that the National Indian Gaming Commission has adopted its annual fee rates of 0.00% for tier 1 and 0.08% (.0008) for tier 2, which maintain the current fee rates. These rates shall apply to all assessable gross revenues from each gaming operation under the jurisdiction of the Commission. If a tribe has a certificate of self-regulation, the fee rate on Class II revenues shall be 0.04% (.0004) which is one-half of the annual fee rate. The annual fee rates are effective November 1, 2025, and will remain in effect until new rates are adopted. The National Indian Gaming Commission has also adopted its fingerprint processing fee of $44 per card which remains the same as current fingerprint processing fee. The fingerprint processing fee is effective November 1, 2025, and will remain in effect until the Commission adopts a new rate.

FOR FURTHER INFORMATION CONTACT: Yvonne Lee, National Indian Gaming Commission, 1849 C Street NW, Mail Stop #1621, Washington, DC 20240; telephone (202) 632–7003; fax (202) 632–7066.

SUPPLEMENTARY INFORMATION: The Indian Gaming Regulatory Act (IGRA) established the National Indian Gaming Commission, which is charged with regulating gaming on Indian lands.

Commission regulations (25 CFR 514) provide for a system of fee assessment and payment that is self-administered by gaming operations. Pursuant to those regulations, the Commission is required to adopt and communicate assessment

rates and the gaming operations are required to apply those rates to their revenues, compute the fees to be paid, report the revenues, and remit the fees to the Commission. All gaming operations within the jurisdiction of the Commission are required to self-administer the provisions of these regulations, and report and pay any fees that are due to the Commission. It is necessary for the Commission to maintain the fee rate to ensure that the agency has sufficient funding to fully meet its statutory and regulatory responsibilities. In addition, it is critical for the Commission to maintain constantly an adequate transition carryover balance to cover any cash flow variations.

Pursuant to 25 CFR 514, the Commission must also review annually the costs involved in processing fingerprint cards and set a fee based on fees charged by the Federal Bureau of Investigation and costs incurred by the Commission. Commission costs include Commission personnel, supplies, equipment & infrastructure costs, and postage to submit the results to the requesting tribe. In FY26 the Commission will continue its commitment to take necessary measures to comply with the FBI CJIS requirements which ensure the NIGC and participating tribes can continue to use FBI criminal history report information (CHRI) to assist in determining a key employee or primary management official's eligibility for a gaming license.

To ensure compliance with the President issued Executive Order 14247, ''Modernizing Payments To and From America's Bank Account'' which ''mandat[ed] the transition to electronic payments for all Federal disbursements and receipts by digitizing payments'', the NIGC is in the process of phasing out paper check receipts and transitioning to receiving all payments via *Pay.gov,* a secure digital method. Along with other Federal Government bureaus and agencies, all payments made to the NIGC shall be submitted and processed electronically using the *Pay.gov* website. Tribes can visit the Commission's website at *www.nigc.gov* for details on how to sign into the system, information required for submission, and how to change and correct submissions.

Dated: October 23, 2025.

Sharon M. Avery,

Acting Chair.

Jean Hovland,

Vice Chair.

[FR Doc. 2025–19731 Filed 10–30–25; 8:45 am]

BILLING CODE 7565–01–P

NATIONAL CREDIT UNION ADMINISTRATION

Renewal of Agency Information Collection of a Previously Approved Collection; Request for Comments

AGENCY: National Credit Union Administration (NCUA).

ACTION: Notice of submission to the Office of Management and Budget.

SUMMARY: As required by the Paperwork Reduction Act of 1995, The National Credit Union Administration (NCUA) is submitting the following extensions and revisions of currently approved collections to the Office of Management and Budget (OMB) for renewal.

DATES: Written comments should be received on or before December 1, 2025 to be assured consideration.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

FOR FURTHER INFORMATION CONTACT: Copies of the submission may be obtained by contacting Dacia Rogers at (703) 518–6547, emailing *PRAComments@ncua.gov,* or viewing the entire information collection request at *www.reginfo.gov.*

SUPPLEMENTARY INFORMATION:

OMB Number: 3133–0125.

Title: Appraisals, 12 CFR part 722.

Type of Review: Extension of a previously approved collection.

Abstract: Title XI of the Financial Institutions, Reform, Recovery and Enforcement Act of 1989 (FIRREA) was enacted to protect federal financial and public policy interests in real estate related transactions. To achieve this purpose, the statute directed the NCUA to adopt standards for the performance of real estate appraisals in connection with federally related transactions. FIRREA requires that appraisals be maintained in writing and meet certain minimum standards. NCUA's regulation Part 722 carries out the statutory requirements. The information collection activity requires a credit union to obtain a written appraisal on federally related transactions or maintain written support of the estimated market value for transactions not required to have an appraisal. The use of their information by credit unions and NCUA helps ensure that federally insured credit unions are not exposed to risk of loss from inadequate appraisals. New requirements are related to an interagency rule on quality control standards mandated by the Dodd-Frank Wall Street Reform and Consumer Protection Act (Dodd-Frank Act) for the use of automated valuation models (AVMs) by mortgage originators and secondary market issuers in determining the collateral worth of a mortgage secured by a consumer's principal dwelling. Under the proposal, the agencies would require institutions that engage in certain credit decisions or securitization determinations to adopt policies, practices, procedures, and control systems to ensure that AVMs used in these transactions to determine the value of mortgage collateral adhere to quality control standards designed to ensure a high level of confidence in the estimates produced by AVMs; protect against the manipulation of data; seek to avoid conflicts of interest; require random sample testing and reviews; and comply with applicable nondiscrimination laws.

Affected Public: Private Sector: Not-for-profit institutions.

Estimated Number of Respondents: 3,451.

Estimated Number of Responses per Respondent: Varies.

Estimated Total Annual Responses: 1,898,740.

Estimated Hours per Response: 11.

Estimated Total Annual Burden Hours: 215,621.

Reason for Change: The number of responses increased due to an increase in real estate loans.

OMB Number: 3133–0129.

Title: Corporate Credit Unions, 12 CFR part 704.

Type of Review: Extension of a previously approved collection.

Abstract: Part 704 of NCUA's regulations established the regulatory framework for corporate credit unions. This includes various reporting and recordkeeping requirements as well as safety and soundness standards. NCUA has established and regulates corporate credit unions pursuant to its authority under sections 120, 201, and 209 of the Federal Credit Union Act, 12 U.S.C. 1766(a), 1781, and 1789. The collection of information is necessary to ensure that corporate credit unions operate in a safe and sound manner by limiting risk to their natural person credit union members and the National Credit Union Share Insurance Fund.

Affected Public: Private Sector: Not-for-profit institutions.

Estimated Number of Respondents: 11.

Estimated Number of Responses per Respondent: Varies.

Estimated Total Annual Responses: 241.

Estimated Hours per Response: 5.

Estimated Total Annual Burden Hours: 230.

Request for Comments: Comments submitted in response to this notice will be summarized and included in the request for Office of Management and Budget approval. All comments will become a matter of public record. The public is invited to submit comments concerning: (a) whether the collection of information is necessary for the proper performance of the function of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information, including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of the information on the respondents, including the use of automated collection techniques or other forms of information technology.

By the National Credit Union Administration Board.

Melane Conyers-Ausbrooks,

Secretary of the Board.

[FR Doc. 2025–19734 Filed 10–30–25; 8:45 am]

BILLING CODE 7535–01–P

OFFICE OF PERSONNEL MANAGEMENT

Submission for Review: Renewal of an Existing Information Collection, CAHPS Enrollee Survey; OMB Control No. 3206–0274

AGENCY: Office of Personnel Management.

ACTION: 30-Day notice with request for comments.

SUMMARY: Healthcare and Insurance, Office of Personnel Management (OPM) offers the general public and other federal agencies the opportunity to comment on the Consumer Assessment of Healthcare Providers and Systems (CAHPS®) surveys. The CAHPS® surveys ask consumers and patients to report on and evaluate their experiences with health care. These surveys cover topics that are important to consumers and focus on aspects of quality that consumers are best qualified to assess, such as the communication skills of providers and ease of access to health care services.

DATES: Comments are encouraged and will be accepted until December 1, 2025. This process is conducted in accordance with 5 CFR part 1320.

ADDRESSES: Written comments and recommendations for proposed information collection requests should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection request by selecting ''Office of Personnel Management'' under ''Currently Under Review,'' then check ''Only Show ICR for Public Comment'' checkbox.

FOR FURTHER INFORMATION CONTACT: A copy of this information collection request (ICR), with applicable supporting documentation, may be obtained by contacting Meredith Gitangu, Office of Personnel Management, 1900 E Street NW, Washington, DC 20415, or via electronic mail to *FEHBPerformance@OPM.gov.*

SUPPLEMENTARY INFORMATION: The Office of Personnel Management, in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. chapter 35), provides the public with an opportunity to comment on proposed, revised, and continuing collections of information. This helps the Agency assess the impact of its information collection requirements and minimize the public's reporting burden. It also helps the public understand the Agency's information collection requirements and provide the requested data in the desired format. This information collection was previously published in the **Federal Register** on June 25, 2025, 90 FR 27058, and closed August 25, 2025. One (1) comment was received. The commenter recommended not delaying the implementation of the national healthcare system after experiencing denial of a claim for medical services. OPM has determined this comment is outside the scope of the ICR.

OPM is soliciting comments on behalf of OMB for the proposed information collection request (ICR) that is described below. The Office of Management and Budget is particularly interested in comments that:

1. Evaluate whether the proposed collection of information is necessary for the proper performance of functions of the agency, including whether the information will have practical utility;

2. Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

3. Enhance the quality, utility, and clarity of the information to be collected; and

4. Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submissions of responses.

Abstract

OPM uses the CAHPS results as part of the FEHB Plan Performance Assessment (PPA). The PPA enables a consistent, objective evaluation of carrier performance and also provides more transparency for enrollees. This assessment uses a discrete set of quantifiable measures to examine key aspects of performance in the areas of clinical quality, customer service and resource use. Six CAHPS measures are part of this discrete set of quantifiable measures.

Taken together with more traditional assessments of contract administration, these measures help ensure that enrollees receive high quality affordable healthcare and a positive customer experience. The PPA is linked to carrier profit and adjustment factors. FEHB contracts include language to incorporate the PPA as a determinant of the Service Charge or Performance Adjustment.

Analysis

Agency: Office of Personnel Management.

Title: CAHPS Survey.

OMB Number: 3206–0274.

Frequency: Annually.

Affected Public: Federal Employees and Retirees (Including Postal employees and Retirees).

Number of Respondents: 48,829.

Estimated Time per Respondent: 15 Minutes.

Total Burden Hours: 12,207 hours.

Alexys Stanley,

Federal Register Liaison.

[FR Doc. 2025–19736 Filed 10–30–25; 8:45 am]

BILLING CODE 6325–63–P

SUSQUEHANNA RIVER BASIN COMMISSION

Commission Meeting

AGENCY: Susquehanna River Basin Commission.

ACTION: Notice.

SUMMARY: The Susquehanna River Basin Commission will conduct its regular business meeting on December 4, 2025 in Harrisburg, Pennsylvania. Details concerning the matters to be addressed

at the business meeting are contained in the **SUPPLEMENTARY INFORMATION** section of this notice. Also, the Commission published a document in the **Federal Register** on October 3, 2025 concerning its public hearing on October 29, in Harrisburg, Pennsylvania.

DATES: The meeting will be held on Thursday, December 4, 2025 at 9:00 a.m.

ADDRESSES: This public meeting will be conducted in person and digitally from the Susquehanna River Basin Commission at 4423 North Front Street, Harrisburg, Pennsylvania.

FOR FURTHER INFORMATION CONTACT: Jason E. Oyler, General Counsel and Secretary to the Commission, telephone: 717–238–0423; fax: 717–238–2436.

SUPPLEMENTARY INFORMATION: The business meeting will include actions or presentations on the following items: (1) adoption Resolution 2025–07 approving the 2026 Fee Schedule; (2) approval of contract and grants; (3) adopt Resolution 2025–08 for the emergency certificate extension for Mott's LLP—Aspers Plant; and (4) 21 actions on 14 regulatory program projects.

This agenda is complete at the time of issuance, but other items may be added, and some stricken without further notice. The listing of an item on the agenda does not necessarily mean that the Commission will take final action on it at this meeting. When the Commission does take final action, notice of these actions will be published in the **Federal Register** after the meeting. Any actions specific to projects will also be provided in writing directly to project sponsors.

The meeting will be conducted both in person and digitally at the Susquehanna River Basin Commission, 4423 North Front Street, Harrisburg, Pennsylvania. The public is invited to attend the Commission's business meeting. The public may access the Business Meeting remotely via Zoom: *https://us02web.zoom.us/j/81256961855?pwd=JjtXeSxCauchJQlToIUFaqxovbT55N.1* Meeting ID 812 5696 1855; Passcode: SRBC4423! or via telephone: 929–436–2866 or 301–715–8592.

A public hearing and written comment period was provided for the actions on the 14 projects and the comment period on those proposed actions is closed. Written comments pertaining to all other items on the agenda at the business meeting may be mailed to the Susquehanna River Basin Commission, 4423 North Front Street, Harrisburg, Pennsylvania 17110–1788, or submitted electronically at the link Business Meeting Comments. Comments are due to the Commission for all items (other than the proposed project actions subject to the public hearing) on the business meeting agenda on or before December 1, 2025. Comments will not be accepted at the business meeting noticed herein.

Authority: Pub. L. 91–575, 84 Stat. 1509 *et seq.,* 18 CFR parts 801, 806, and 808.

Dated: October 29, 2025.

Jason E. Oyler,

General Counsel and Secretary to the Commission.

[FR Doc. 2025–19742 Filed 10–30–25; 8:45 am]

BILLING CODE 7040–01–P

DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

[Docket No. PHMSA–2020–0007]

Pipeline Safety: Request for Special Permit; Southern Natural Gas Company, LLC

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

ACTION: Notice.

SUMMARY: PHMSA is publishing this notice to solicit public comments on a request for an extension to a special permit segment to be incorporated into special permit PHMSA–2020–0007 submitted by Southern Natural Gas Company, LLC (SNG), a subsidiary of Kinder Morgan, Inc. SNG is seeking relief from compliance with certain requirements in the Federal pipeline safety regulations. PHMSA has proposed conditions to ensure that the special permit is not inconsistent with pipeline safety. At the conclusion of the 30-day comment period, PHMSA will review the comments received from this notice as part of its evaluation to grant or deny the special permit request.

DATES: Submit any comments regarding this special permit request by December 1, 2025.

ADDRESSES: Comments should reference the docket number for this special permit request and may be submitted in the following ways:

- *E-Gov Website: http://www.regulations.gov.* This site allows the public to enter comments on any **Federal Register** notice issued by any agency.
- *Fax:* 1–202–493–2251.
- *Mail:* Docket Management System: U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.
- *Hand Delivery:* Docket Management System: U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590, between 9:00 a.m. and 5:00 p.m., Monday through Friday, except Federal holidays.

Instructions: You should identify the docket number for the special permit request you are commenting on at the beginning of your comments. If you submit your comments by mail, please submit two copies. To receive confirmation that PHMSA has received your comments, please include a self-addressed stamped postcard. Internet users may submit comments at *http://www.regulations.gov.*

Note: There is a privacy statement published on *http://www.regulations.gov.* Comments, including any personal information provided, are posted without changes or edits to *http://www.regulations.gov.*

Confidential Business Information: Confidential Business Information (CBI) is commercial or financial information that is both customarily and treated as private by its owner. Under the Freedom of Information Act (FOIA) (5 United States Code (U.S.C.) § 552), CBI is exempt from public disclosure. If your comments responsive to this notice contain commercial or financial information that is customarily treated as private, that you treat as private, and that is relevant or responsive to this notice, it is important that you clearly designate the submitted comments as CBI. Pursuant to 49 Code of Federal Regulations (CFR) § 190.343, you may ask PHMSA to give confidential treatment to information you give to the agency by taking the following steps: (1) mark each page of the original document submission containing CBI as ''Confidential''; (2) send PHMSA, along with the original document, a second copy of the original document with the CBI deleted; and (3) explain why the information you are submitting is CBI. Unless you are notified otherwise, PHMSA will treat such marked submissions as confidential under the FOIA, and they will not be placed in the public docket of this notice. Submissions containing CBI should be sent to Lee Cooper, DOT, PHMSA–PHP–80, 1200 New Jersey Avenue SE, Washington, DC 20590–0001. Any commentary PHMSA receives that is not specifically designated as CBI will be placed in the public docket for this matter.

FOR FURTHER INFORMATION CONTACT:

General: Lee Cooper by telephone at 202–913–3171, or by email at *lee.cooper@dot.gov.*

Technical: Gabrielle St. Pierre by telephone at 907–202–0029, or by email at *gabrielle.st.pierre@dot.gov.*

SUPPLEMENTARY INFORMATION: PHMSA received a special permit request from SNG, a subsidiary of Kinder Morgan, Inc., on September 26, 2024, seeking an extension to a special permit segment to be incorporated into special permit PHMSA–2020–0007. The extended segment request is a part of the active permit's Special Permit Inspection Area 4. Special permit PHMSA–2020–0007 allows SNG to deviate from the Federal pipeline safety regulations in 49 CFR 192.611(a) and 192.619(a), where a gas transmission pipeline segment has undergone a change from a Class 1 to a Class 3 location.

Special permit PHMSA–2020–0007 is active and was granted on July 27, 2022 and is effective until July 27, 2032. The special permit originally applied to four special permit segments, which included 3,278 feet (approximately 0.62 miles) of the SNG natural gas transmission pipeline system located in Effingham and Harris counties, Georgia, and Clarke County, Mississippi. In 2023, Special Permit Segment 2 underwent pipe replacement and Special Permit Segment 4 was hydrotested; both segments are now compliant with 49 CFR 192.611 and are no longer waived by special permit PHMSA–2020–0007. The present request would extend Special Permit Segment 5 for 997 feet (approximately 0.19 miles). If granted, the special permit segments would total 3,720 feet (approximately 0.70 miles).

The special permit segments, including the requested extension, are detailed in updated Attachment A—Segment Integrity Information. Proposed modifications due to this request are as follows:

SPS No.	Status	County, state	Outside diameter (inches)	Line name	Length (feet)	Year installed	Maximum allowable operating pressure (pounds per square inch gauge)
5	Active Segment.	Harris, Georgia	36	South Main 3rd Line Loop	1,220	2004	1,200
	Extension	Harris, Georgia	36	South Main 3rd Line Loop	997	2004	1,200

Upon receipt of this request, PHMSA reviewed the Final Environmental Assessment (FEA) and finds that the expansion of the proposed special permit would not result in significant impacts to the human environment. Furthermore, the existing FEA and finding of no significant impact remain adequate, pursuant to the National Environmental Policy Act of 1969, as amended (42 U.S.C. 4321 *et seq.*). No further environmental assessment is required for this proposed extension.

SNG's request for an extension to Special Permit Segment 5, active Special Permit with Conditions, and associated environmental document are available for review and public comment in Docket No. PHMSA–2020–0007. PHMSA invites interested persons to review and submit comments in the docket on this request for modification of the special permit. Please submit comments on any potential safety, environmental, and other relevant considerations implicated by the special permit request. Comments may include relevant data.

Before issuing a decision on the special permit request, PHMSA will evaluate all comments received on or before the comment closing date. PHMSA will consider each relevant comment it receives in making its decision to grant or deny this special permit request.

Issued in Washington, DC, on October 29, 2025, under authority delegated in 49 CFR 1.97.

Linda Daugherty,

Acting Associate Administrator for Pipeline Safety.

[FR Doc. 2025–19730 Filed 10–30–25; 8:45 am]

BILLING CODE 4910–60–P

DEPARTMENT OF THE TREASURY

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Multiple Bureau of the Fiscal Service Information Collection Requests

AGENCY: Departmental Offices, U.S. Department of the Treasury.

ACTION: Notice of information collection; request for comment.

SUMMARY: The Department of the Treasury will submit the following information collection requests to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995, on or after the date of publication of this notice. The public is invited to submit comments on these requests.

DATES: Comments should be received on or before December 1, 2025 to be assured of consideration.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

FOR FURTHER INFORMATION CONTACT: Copies of the submissions may be obtained from Spencer W. Clark by emailing *PRA@treasury.gov,* calling (202) 927–5331, or viewing the entire information collection request at *www.reginfo.gov.*

SUPPLEMENTARY INFORMATION:

Bureau of the Fiscal Service (BFS)

1. Title: Regulations Governing U.S. Treasury Securities—State and Local Government Series.

OMB Control Number: 1530–0044.

Type of Request: Extension without change of a currently approved collection.

Description: The regulations govern U.S. Treasury bonds, notes and certificates of indebtedness of the States and Local Government Series. The collection of information is necessary to enable Treasury to establish an investor's account, to issue securities, to ensure that an investor meets the certification requirements, to redeem securities either at or prior to maturity, and to obtain necessary documentation where a waiver is involved.

Form: None.

Affected Public: State or Local or Governments.

Estimated Number of Respondents: 127.

Frequency of Response: On occasion.

Estimated Total Number of Annual Responses: 127.

Estimated Time per Response: 13 minutes.

Estimated Total Annual Burden Hours: 28 Hours.

2. Title: Request for Payment of Reissue of U.S. Savings Bonds Deposited in Safekeeping.

OMB Control Number: 1530–0024.

Type of Request: Extension without change of a currently approved collection.

Description: The information is necessary to request payment or reissue of Savings Bonds/Notes held in safekeeping when original safekeeping custody receipts are not available. The information on the form is used by the Department of the Treasury, Bureau of the Fiscal Service, to identify the securities involved, establish entitlement, and to obtain a certified request for payment or reissue.

Form: FS Form 4239.

Affected Public: Individual or Households.

Estimated Number of Respondents: 1,260.

Frequency of Response: On occasion.

Estimated Total Number of Annual Responses: 1,260.

Estimated Time per Response: 10 minutes.

Estimated Total Annual Burden Hours: 210 hours

3. Title: Application for disposition of Retirement Plan/Individual Retirement Bonds Without Admin. of Deceased Owners Estate.

OMB Control Number: 1530–0032.

Type of Request: Extension without change of a currently approved collection.

Description: The information is used to support a request for recognition as a person entitled to United States Retirement Plan and/or Individual Retirement bonds which belonged to a deceased owner when a legal representative has not been appointed for the estate and no such appointment is pending.

Form: FS Form 3565.

Affected Public: Individuals or Households.

Estimated Number of Respondents: 315.

Frequency of Response: On occasion.

Estimated Total Number of Annual Responses: 315.

Estimated Time per Response: 20 minutes.

Estimated Total Annual Burden Hours: 105.

4. Title: Claim for Relief on Account of the Non-receipt of United States Savings Bonds.

OMB Control Number: 1530–0048.

Type of Request: Extension without change of a currently approved collection.

Description: Application by owner to request a substitute savings bond or payment in lieu of bond not received.

Form: FS Form 3062–4.

Affected Public: Individuals or Households

Estimated Number of Respondents: 900.

Frequency of Response: On occasion.

Estimated Total Number of Annual Responses: 900.

Estimated Time per Response: 10 minutes.

Estimated Total Annual Burden Hours: 150.

Authority: 44 U.S.C. 3501 *et seq.*

Spencer W. Clark,

Treasury PRA Clearance Officer.

[FR Doc. 2025–19741 Filed 10–30–25; 8:45 am]

BILLING CODE 4810–AS–P

DEPARTMENT OF THE TREASURY

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Ongoing Data Collection of Centrally Cleared Transactions in the U.S. Repurchase Agreement Market

AGENCY: Departmental Offices, U.S. Department of the Treasury.

ACTION: Notice of information collection; request for comment.

SUMMARY: The Department of the Treasury will submit the following information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995, on or after the date of publication of this notice. The public is invited to submit comments on this request.

DATES: Comments should be received on or before December 1, 2025 to be assured of consideration.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

FOR FURTHER INFORMATION CONTACT: Copies of the submissions may be obtained from Spencer W. Clark by emailing *PRA@treasury.gov,* calling (202) 927–5331, or viewing the entire information collection request at *www.reginfo.gov.*

SUPPLEMENTARY INFORMATION:

1. Title: Ongoing Data Collection of Centrally Cleared Transactions in the U.S. Repurchase Agreement Market.

OMB Control Number: 1505–0259.

Type of Request: Extension without change of a currently approved collection.

Description: The Office of Financial Research (''Office'') is requesting a renewal of the information collection covering centrally cleared transactions in the U.S. repurchase agreement (''repo'') market which was established by a Final Rule in 2019. The Financial Stability Oversight Council (''Council'') recommended an ongoing collection of repo data in its *2016 Annual Report* to Congress and maintained this recommendation in its *2017 Annual Report.* The expanded monitoring of the repo market made possible by this collection appropriately meets Council duties and purposes because of this market's crucial role in providing short-term funding and performing other functions for U.S. markets. The data also supports the calculation of the Secured Overnight Funding Rate (''SOFR''), which was selected by the Alternative Reference Rates Committee (''ARRC'') as its preferred alternative rate to U.S. dollar London Interbank Offered Rate (''LIBOR''), as well as the Broad General Collateral Rate (''BGCR''), helping fulfill another Council recommendation on the creation of alternative reference rates.

Under the Dodd-Frank Wall Street Reform and Consumer Protection Act (''Dodd-Frank Act''), the Office is authorized to issue rules and regulations in order to collect and standardize data on behalf of the Council to promote Council goals, such as helping to identify and monitor risks to financial stability. The ability of the Office to collect centrally cleared repo data in this rule derives from the authority to promulgate regulations for the collection of financial transaction and position data of financial companies through the Data Center in 12 U.S.C. 5344(b)(1). The promulgation of regulations for the type and scope of data collected by the Data Center is done pursuant to the general Office rulemaking authority contained in 12 U.S.C. 5343(c) which states the Office shall issue rules, regulations, and orders to the extent necessary to carry out the purposes and duties of the Office. The Office must consult with the Chairperson of the Council under § 5343(c) prior to the promulgation of any rules—this consultation occurred prior to the publication of the rule.

The collection requires reporting by certain U.S. central counterparties (''CCPs'') for repo transactions. The collection serves two primary purposes:

(1) enhancing the ability of the Council and the Office to identify and monitor risks to financial stability; and (2) supporting the calculation of certain reference rates. The collection is used by the Office to improve the Council and member agencies' monitoring of the U.S. repo market through access to daily transaction data. The collection is also be used by Federal Reserve Bank of New York (FRBNY) as input into the calculation of the SOFR and BGCR. The Council recognized in prior annual reports that fragilities in LIBOR made the financial system vulnerable to instability and recommended the creation of alternative reference rates such as the SOFR and BGCR, demonstrating the nexus of rate production to financial stability. The Office also uses these data for related duties and purposes as contemplated by the Dodd-Frank Act. The Office supports the Council and its member agencies by providing collected data.

Form: OFR SFT 1–1, 1–2 & 1–3.

Affected Public: Businesses or other for-profit.

Estimated Number of Respondents: 2.

Frequency of Response: Daily.

Estimated Total Number of Annual Responses: 1,512.

Estimated Time per Response: 2 hours.

Estimated Total Annual Burden Hours: 3,024.

Authority: 44 U.S.C. 3501 *et seq.*

Spencer W. Clark,

Treasury PRA Clearance Officer.

[FR Doc. 2025–19737 Filed 10–30–25; 8:45 am]

BILLING CODE 4810–AK–P

DEPARTMENT OF THE TREASURY

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Multiple Internal Revenue Service (IRS) Information Collection Requests

AGENCY: Departmental Offices, U.S. Department of the Treasury.

ACTION: Notice of information collection; request for comment.

SUMMARY: The Department of the Treasury will submit the following information collection requests to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995, on or after the date of publication of this notice. The public is invited to submit comments on these requests.

DATES: Comments should be received on or before December 1, 2025 to be assured of consideration.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

FOR FURTHER INFORMATION CONTACT: Copies of the submissions may be obtained from Spencer W. Clark by emailing *PRA@treasury.gov,* calling (202) 927–5331, or viewing the entire information collection request at *www.reginfo.gov*.

SUPPLEMENTARY INFORMATION:

Internal Revenue Service (IRS)

1. Title: Form 1042, Schedule Q (Form 1042), Form 1042–S, Form 1042–T, and Section 871(m) Transactions.

OMB Control Number: 1545–0096.

Type of Request: Extension of a currently approved collection.

Description: Form 1042 is used by withholding agents to report tax withheld at source on certain income paid to nonresident alien individuals, foreign partnerships, and foreign corporations to the IRS. Schedule Q (Form 1042) is used withholding agents to report the tax liability of a qualified derivatives dealer (QDD). Form 1042–S is used by withholding agents to report income and tax withheld to payees. A copy of each 1042–S is filed electronically or with Form 1042 for information reporting purposes. The IRS uses this information to verify that the correct amount of tax has been withheld and paid to the United States. Form 1042–T is used by withholding agents to transmit paper Forms 1042–S to the IRS. Treasury Regulations section 1.871–15(p) was added by Treasury Decision (TD) 9734, as amended by TD 9815, as amended by TD 9887. This regulation provides that any party to an IRC section 871(m) transaction may request information regarding that transaction from another party to the transaction. There is no prescribed form required. Any statement required by section 1.871–15(p) may be provided in paper or electronic form. The regulation allows taxpayers to share information in any reasonable manner agreed to by the parties. See 1.871–15(p)(3)(i).

Form: Form 1042, Schedule Q (Form 1042), Form 1042–S, Form 1042–T, and Section 871(m) Transactions.

Affected Public: Business or other for-profit organizations.

Estimated Number of Respondents: 98,900.

Frequency of Response: Annually.

Estimated Total Number of Annual Responses: 17,562,100.

Estimated Time per Response: 5 minutes for TD 9584, 8 hours for TD 9734, 29 hours and 28 minutes for Form 1042, 5 hours and 44 minutes for Schedule Q (Form 1042), 34 minutes for Form 1042–S, and 12 minutes for Form 1042–T.

Estimated Total Annual Burden Hours: 12,383,498.

2. Title: Taxable Distributions Received from Cooperatives.

OMB Control Number: 1545–0118.

Type of Request: Extension without change of a currently approved collection.

Description: Form 1099–PATR is used to report patronage dividends paid by cooperatives in accordance with Internal Revenue Code section 6044. The IRS uses the information to verify reporting compliance on the part of the recipient.

Form: 1099–PATR.

Affected Public: Businesses and other for-profit organizations.

Estimated Number of Respondents: 9,200.

Frequency of Response: Annually.

Estimated Total Number of Annual Responses: 1,615,000.

Estimated Time per Response: 20 minutes.

Estimated Total Annual Burden Hours: 549,100.

3. Title: Proceeds From Real Estate Transactions.

OMB Control Number: 1545–0997.

Type of Request: Extension of a currently approved collection.

Description: Internal Revenue Code section 6045(e) and its associated regulations require persons treated as real estate brokers to submit an information return to the IRS to report the gross proceeds from real estate transactions. Form 1099–S is used for this purpose. The IRS uses the information on the form to verify compliance with the reporting rules regarding real estate transactions.

Form: 1099–S.

Affected Public: Business or other for-profit organizations.

Estimated Number of Respondents: 122,415.

Frequency of Response: Annually.

Estimated Total Number of Annual Responses: 5,450,400.

Estimated Time per Response: 10 minutes.

Estimated Total Annual Burden Hours: 872,064.

4. Title: Change Your Address (For Individual, Gift, Estate, or Generation-Skipping Transfer Tax Returns) and Change of Address or Responsible Party—Business.

OMB Control Number: 1545–1163.

Type of Request: Extension without change of a currently approved collection.

Description: Form 8822 is used by taxpayers to notify the Internal Revenue Service that they have changed their home or business address or business location. Form 8822–B is used to notify the Internal Revenue Service of a change in a business mailing address, business location, or the identity of a responsible party.

Form: 8822 and 8822–B.

Affected Public: Individuals or households, and private sector.

Estimated Number of Respondents: 393,900.

Frequency of Response: On occasion.

Estimated Total Number of Annual Responses: 393,900.

Estimated Time per Response: 17 minutes.

Estimated Total Annual Burden Hours: 111,274.

5. Title: Commercial Revitalization Deduction.

OMB Control Number: 1545–1818.

Type of Request: Extension of a currently approved collection.

Description: Pursuant to § 1400I of the Internal Revenue Code, Revenue Procedure 2003–38 provides the time and manner for states to make allocations of commercial revitalization expenditures to a new or substantially rehabilitated building that is placed in service in a renewal community. The collections of information are third-party disclosures listed in Sections 4.02, 5, and 6.02 of the revenue procedure.

Revenue Procedure Number: Revenue Procedure 2003–38.

Affected Public: State, local, or tribal governments, and businesses or other for-profits.

Estimated Number of Respondents: 80.

Frequency of Response: On occasion.

Estimated Total Number of Annual Responses: 80.

Estimated Time per Response: 2 hours, 30 minutes.

Estimated Total Annual Burden Hours: 200.

6. Title: IVES Request for Transcript of Tax Return.

OMB Control Number: 1545–1872.

Type of Request: Extension of a currently approved collection.

Description: Internal Revenue Code section 7513 allows taxpayers to request a copy of a tax return or related products. Form 4506–C is used to permit the cleared and vetted Income Verification Express Service (IVES) participants to request tax return information on the behalf of the authorizing taxpayer.

Form: 4560–C.

Affected Public: Business or other for-profit organizations.

Estimated Number of Respondents: 5,260,000.

Frequency of Response: On occasion.

Estimated Total Number of Annual Responses: 5,260,000.

Estimated Time per Response: 55 minutes.

Estimated Total Annual Burden Hours: 4,839,200.

7. Title: Contributions of Motor Vehicles, Boats, and Airplanes.

OMB Control Number: 1545–1959.

Type of Request: Extension of a currently approved collection.

Description: IRC section 170(f)(12) requires that a donee organization provide an acknowledgement to the donor of this type of property and is required to file the same information to the IRS. Form 1098–C is used to report charitable contributions of motor vehicles, boats, and airplanes after December 31, 2004.

Form: 1098–C.

Affected Public: Private sector.

Estimated Number of Respondents: 110,400.

Frequency of Response: On occasion.

Estimated Total Number of Annual Responses: 110,400.

Estimated Time per Response: 18 minutes.

Estimated Total Annual Burden Hours: 34,224.

8. Title: Identity Theft Affidavit and Business Identity Theft Affidavit.

OMB Control Number: 1545–2139.

Type of Request: Revision of a currently approved collection.

Description: The primary purpose of these forms is to provide a method of reporting identity theft issues to the IRS so that the IRS may document situations where individuals or businesses are or may be victims of identity theft. Additional purposes include the use in the determination of proper tax liability and to relieve taxpayer burden. The information may be disclosed only as provided by 26 U.S.C. 6103.

Form: 14039 and 14039–B.

Affected Public: Individuals or households, and private sector.

Estimated Number of Respondents: 347,785.

Frequency of Response: On occasion.

Estimated Total Number of Annual Responses: 347,785.

Estimated Time per Response: 2 hours, 24 minutes.

Estimated Total Annual Burden Hours: 834,315.

9. Title: Disclosure of Returns and Return Information.

OMB Control Number: 1545–2154.

Type of Request: Extension without change of a currently approved collection.

Description: Form 4506–T is used by taxpayers to request copies of their tax return information. The information provided will be used to search the taxpayers account and provide the requested information and to ensure that the requestor is the taxpayer, or someone authorized by the taxpayer to obtain the documents requested. Individuals can use Form 4506T–EZ to request a tax return transcript that includes most lines of the original tax return. The tax return transcript will not show payments, penalty assessments, or adjustments made to the originally filed return.

Form: 4506–T and 4560–T–EZ.

Affected Public: Individuals and households, and private sector.

Estimated Number of Respondents: 2,812,960.

Frequency of Response: On occasion.

Estimated Total Number of Annual Responses: 2,812,960.

Estimated Time per Response: 47 minutes.

Estimated Total Annual Burden Hours: 2,203,485.

10. Title: Annual Registration Statement Identifying Separated Participants With Deferred Vested Benefits.

OMB Control Number: 1545–2187.

Type of Request: Extension without change of a currently approved collection.

Description: Form 8955–SSA, the designated successor to Schedule SSA (Form 5500), is used to satisfy the reporting requirements of Internal Revenue Code section 6057(a). Plan administrators of employee benefit plans subject to the vesting standards of ERISA section 203 use the form to report information about separated participants with deferred vested benefits under the plan. The information is generally given to the Social Security Administration (SSA), which provides the reported information to separated participants when they file for social security benefits.

Form: 8955–SSA.

Affected Public: Business and other for-profit organizations.

Estimated Number of Respondents: 200,000.

Frequency of Response: Annually.

Estimated Total Number of Annual Responses: 200,000.

Estimated Time per Response: 50 minutes.

Estimated Total Annual Burden Hours: 166,000.

Authority: 44 U.S.C. 3501 *et seq.*

Spencer W. Clark,

Treasury PRA Clearance Officer.

[FR Doc. 2025–19739 Filed 10–30–25; 8:45 am]

BILLING CODE 4810–25–P

FEDERAL REGISTER

Vol. 90 Friday,

No. 209 October 31, 2025

Part II

Department of Education

34 CFR Part 685

William D. Ford Federal Direct Loan (Direct Loan) Program; Final Rule

DEPARTMENT OF EDUCATION

34 CFR Part 685

[Docket ID ED–2025–OPE–0016]

RIN 1840–AA28

William D. Ford Federal Direct Loan (Direct Loan) Program

AGENCY: Office of Postsecondary Education, Department of Education.

ACTION: Final regulations.

SUMMARY: The Secretary establishes new regulations on the Public Service Loan Forgiveness (PSLF) program in the William D. Ford Federal Direct Loan (Direct Loan) program under 34 CFR 685.219 by adding or clarifying provisions to exclude employers that engage in specific enumerated illegal activities such that they have a substantial illegal purpose, including defining obligations and processes tied to making such a determination of an employer, clarifying that borrowers will receive full credit for work performed, until the effective date of the Secretary's determination that an employer is no longer a qualifying employer under the rule; and establishing methods for an employer to regain eligibility following a determination of ineligibility by the Secretary. These regulations ensure that taxpayer dollars are not misused by preventing PSLF benefits from going to individuals employed by organizations that have a substantial illegal purpose. The revisions strengthen accountability, enhance program integrity, and protect hardworking taxpayers from shouldering the cost of improper subsidies granted to employees of organizations that undermine national security and American values through criminal activity.

DATES: These regulations are effective July 1, 2026. For the implementation dates of the regulatory provisions, see the Implementation Date of These Regulations in **SUPPLEMENTARY INFORMATION**.

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SUPPLEMENTARY INFORMATION:

Executive Summary

The Department of Education (Department) is committed to ensuring that taxpayer dollars are not used to support organizations engaged in unlawful activities. To uphold this principle, the Secretary will exclude organizations engaged in specific enumerated activities such that they have a substantial illegal purpose from being considered qualifying employers under the Public Service Loan Forgiveness (PSLF) program. The activities indicative of a substantial illegal purpose include aiding and abetting violations of Federal immigration laws, supporting terrorism or engaging in violence for the purpose of obstructing or influencing Federal Government policy, engaging in the chemical and surgical castration or mutilation of children in violation of Federal or state law, engaging in the trafficking of children to another State for purposes of emancipation from their lawful parents in violation of Federal or State law, engaging in a pattern of aiding and abetting illegal discrimination, and engaging in a pattern of violating State laws. This action aligns with President Trump's Executive Order *Restoring Public Service Loan Forgiveness,* Executive Order 14235 (Mar. 7, 2025) directing the Department to revise PSLF eligibility criteria to prevent Federal funds from subsidizing activities that undermine national security and American values. The final rule clarifies the definition of a qualifying employer, specifies activities constituting a substantial illegal purpose, outlines the impact on borrower eligibility, and ensures employers are notified and given an opportunity to respond before any adverse decision by the Secretary. These measures strengthen the integrity of the PSLF program and protect American taxpayers from supporting organizations engaged in illegal activities such that the organization has a substantial illegal purpose.

Purpose of This Regulatory Action

Summary of the Major Provisions of This Regulatory Action

The final regulations—

* Amend § 685.219(b) to modify the existing structure of the subsection into the regulatory paragraph structure.

* Amend § 685.219(b) to add definitions for: aiding or abetting, chemical castration or mutilation, child or children, foreign terrorist organizations, illegal discrimination, other Federal Immigration laws, substantial illegal purpose, surgical castration or mutilation, terrorism, trafficking, violating State law, and violence for the purpose of obstructing or influencing Federal Government policy.

* Amend § 685.219(c) to establish that on, or after, July 1, 2026, no payment made by a borrower shall be credited as a qualifying payment for PSLF for any month that a qualifying employer is no longer eligible as a qualifying employer for the PSLF program. Borrowers will receive full credit for work performed until the effective date of the Secretary's determination that an employer engaged in illegal activities such that it has a substantial illegal purpose under the rule.

* Amend § 685.219(e) to require the Secretary to notify borrowers of a qualifying employer's status if the qualifying employer is at risk of becoming or becomes ineligible to participate in the PSLF program.

* Amend § 685.219(g) to clarify that a borrower may not request reconsideration of a determination by the Secretary that resulted in the employer losing status as a qualifying employer because the employer has a substantial illegal purpose.

* Add § 685.219(h) to establish that the Secretary determines by a preponderance of the evidence, and after notice and opportunity to respond, and consideration of materiality, that a qualifying employer has engaged in activities enumerated in paragraph (b)(30) on or after July 1, 2026, such that the employer has a substantial illegal purpose. Also, the Secretary will presume certain actions are conclusive evidence that the employer engaged in activities such that it has a substantial illegal purpose.

* Add § 685.219(i) to establish that the Secretary will initiate the process for determining whether a qualifying employer engaged in activities such that it has a substantial illegal purpose when (1) the Secretary receives an application in which the employer fails to certify that it did not participate in activities that have a substantial illegal purpose, or (2) the Secretary otherwise determines that the qualifying employer engaged in such activities under the standard set forth in § 685.219(h). The Secretary made a minor technical change from the NPRM to remove an extraneous word ''which'' from (i)(1)(ii). Further, paragraph (i)(2) clarifies that the Secretary may consider organizations that share the same identification number or other unique identifier to be separate entities if the organization is operating separately and distinctly from another entity with the same identification number (*i.e.,* for the purpose of determining whether an employer sharing such identifier is eligible).

* Add § 685.219(j) to establish that an employer that loses PSLF eligibility and desires to regain eligibility could regain qualifying employer status either (1) 10 years from the date the Secretary makes

a determination under the process in subsection (i), or (2) after the Secretary approves a corrective action plan.

* Add § 685.219(k) to require that, if an employer regains eligibility to participate in the PSLF program, the Secretary updates, within 30 days, the qualifying employer list.

Background

The PSLF program was established by the College Cost Reduction and Access Act of 2007 (CCRAA), Public Law 110–84, 121 Stat. 84. In particular, the CCRAA amended section 455(m) of the Higher Education Act of 1965, as amended (HEA), to allow for cancellation of remaining loan balances for eligible Direct Loan borrowers after they made 120 monthly payments under a qualifying repayment plan while working in a qualifying public service.

Following the enactment of the CCRAA, the Department promulgated PSLF regulations at 34 CFR 685.219, which became effective on July 1, 2009. *See Federal Perkins Loan Program, Federal Family Education Loan Program, and William D. Ford Federal Direct Loan Program,* 73 FR 63232 (Oct. 23, 2008).

Since its original promulgation, 34 CFR 685.219 has been amended seven times. *See* 74 FR 55972 (Oct. 29, 2009); 77 FR 76414 (Dec. 28, 2012); 80 FR 67204 (Oct. 30, 2015); 85 FR 49798 (Aug. 14, 2020); 87 FR 65904 (Nov. 1, 2022); 88 FR 43064 (July 6, 2023); 88 FR 43820 (July 10, 2023).

Of these amendments, two amendments promulgated in 2020 and 2022, respectively, have substantively changed the criteria for qualifying employment for the purposes of participation in PSLF. In 2020, the definition of ''public service organization'' was substantively changed to allow employees of organizations engaged in religious activities (regardless of whether the borrower's duties included religious instruction, worship services, or any form of proselytizing) to be eligible for PSLF. This change was made in response to the United States Supreme Court decision in *Trinity Lutheran Church of Columbia, Inc.* v. *Comer,* 582 U.S. 449 (2017), and the United States Attorney General's October 7, 2017, Memorandum on Federal Law Protections for Religious Liberty, *https://www.justice.gov/archives/opa/press-release/file/1001886/dl.* This memorandum was written pursuant to Executive Order 13798 on *Promoting Free Speech and Religious Liberty* (May 4, 2017) and was intended to ensure that faith-based entities are not discriminated against due to their religious beliefs and that borrowers choosing to work for such entities (which met the definition of public service organization) could gain the same benefits afforded to borrowers working for non-faith-based entities. In 2022, the Department changed the term ''public service organization'' to the term ''qualifying employer'' under 34 CFR 685.219 and substantively changed the underlying way the definition functions. In these regulations, subsection (v)(A) of the definition of qualifying employer referenced another term: ''non-governmental public service.'' Previous iterations of 34 CFR 685.219 provided a list of public services that, if provided by a private organization, allowed it to qualify as a ''public service organization,'' but did not offer any definition for the enumerated public services (except for certain public health roles, which relied on definitions provided by the Bureau of Labor Statistics). This list aligned closely with section 455(m)(3)(B) of the HEA, which defines ''public service job.'' Although the 2022 rule incorporated the bulk of previous version's list of public services into the definition of ''non-governmental public service,'' it also provided specific definitions for each public service incorporated into that definition. Furthermore, the 2022 rule clarified that private organizations providing a non-governmental public service had to be nonprofit organizations to be considered a qualifying employer for the purposes of PSLF, substantially limiting employer eligibility.

The Department, in this final rule, establishes that to be considered a qualifying employer for purposes of the PSLF program, an organization must not engage in illegal activity such that it has a substantial illegal purpose. Organizations that break the law such that they have a substantial illegal purpose are actively harming the public good. *See Mysteryboy Inc.* v. *Comm'r,* 99 T.C.M. (CCH) 1057 (T.C. 2010). This rule prevents Federal funds from subsidizing harmful illegal activities through a program designed to reward public service.

Below, we address the Secretary's broad authority to engage in rulemaking on this topic and provide a brief discussion of the relevant statutory authority regarding what type of organization constitutes a qualifying employer for the purposes of PSLF, the implementation of that authority, and relevant changes to 34 CFR 685.219 since its original promulgation. Additionally, we discuss how the illegality doctrine utilized by the Internal Revenue Service (IRS) serves as a basis for the Department to promulgate regulations to exclude organizations that have engaged in certain illegal activities from the definition of qualifying employers.

The negotiated rulemaking committee that convened June 30 through July 2, 2025, considered draft regulatory text and did not reach consensus because one negotiator disagreed with the draft regulatory language.

On August 18, 2025, the Secretary published a notice of proposed rulemaking (NPRM). The NPRM included the Department's proposed regulations, and these final regulations reflect and respond to the public comments received on the regulatory proposals in the NPRM. These final regulations also contain changes from the NPRM, which are fully explained in the Analysis of Public Comments and Changes section of this document, where applicable.

Cost and Benefits: As further detailed in the Regulatory Impact Analysis (RIA), the final regulations will have meaningful implications for borrowers, taxpayers, and the Department. The regulatory changes outlined in this final rule are designed to strengthen the integrity of the PSLF program by ensuring that only borrowers employed by organizations engaged in lawful activities and legitimate public service remain eligible for loan forgiveness. By excluding employers engaged in activities such that they have a substantial illegal purpose, the rule aims to better align PSLF eligibility with the program's statutory intent: to encourage Americans to pursue public service careers that improve their communities. Furthermore, the rule will ensure that the Department is not indirectly subsidizing employers engaged in activities that have a substantial illegal purpose that harm fellow Americans.

For borrowers, the final rule will remove PSLF eligibility whenever they are employed by organizations that do not qualify under the revised criteria. In cases where an employer is deemed to have engaged in activities that breach Federal or State law, affected borrowers will no longer receive credit toward loan forgiveness for the months worked after the determination date of ineligibility as made by the Secretary. However, borrowers will receive full credit for work performed until the effective date of the Secretary's determination that they are no longer a qualifying employer for the purposes of the PSLF program. Although this may delay or prevent loan forgiveness for a subset of borrowers, the overall design of the regulations, including advance notice, transparency around

determinations, and employer recertification pathways, help prevent unexpected or retroactive harm. These borrowers will retain the ability to pursue PSLF through eligible employment elsewhere, thereby preserving the program's intended purpose.

For taxpayers, the final rule reduces the risk of improper use of taxpayer funds by ensuring that credit toward loan forgiveness is only granted in circumstances where individuals are actually engaging in lawful public service. Employers that engage in unlawful activity are not serving the public interest because their actions harm their communities and the public good. By limiting PSLF eligibility to borrowers employed by organizations that do not engage in unlawful conduct, the rule reinforces appropriate commonsense stewardship of Federal funds. Although the exact budgetary impact will depend on the number and size of employers that do not meet the revised definition in this final rule, the regulations are expected to reduce PSLF-related discharges in cases where forgiveness would otherwise go to borrowers employed at organizations acting contrary to the public good.

For the Department, the rule introduces new administrative responsibilities that include reviewing employer conduct, issuing determinations, notifying borrowers of status changes, and entering into and overseeing corrective action plans. Although these tasks will require the reallocation of Department staff and system resources, the use of existing standards, such as definitions grounded in Federal law and doctrines adopted by other agencies, and processes, will allow the Department to administer the regulations efficiently and consistently to prevent improper payments. As in other regulations administered by the Department, the final rule also codifies a clear evidentiary framework, such as relying on court judgments or plea agreements, which limit the need for new investigative and adjudicative processes.

Taken together, these regulations represent a necessary evolution of PSLF oversight. The costs associated with employer review and administration are modest and proportional to the benefits gained, including reducing improper payments and increasing transparency, program integrity, and taxpayer protection. Most importantly, this final rule strengthens the fundamental purpose of PSLF—to encourage borrowers to enter occupations that improve their communities and advance the public good while also guarding against the diversion of Federal benefits to organizations that harm their fellow Americans by engaging in illegal conduct.

Implementation Date of These Regulations: These regulations are effective on July 1, 2026. Section 482(c) of the HEA requires that regulations affecting title IV programs be published in final form by November 1, prior to the start of the award year (July 1) to which they apply.

Public Comment: On August 18, 2025, the Secretary published an NPRM for these regulations in the **Federal Register**; 13,989 parties submitted comments on the proposed regulations.

Analysis of Public Comments and Changes

The Department has grouped issues according to the regulatory section or subject and themes, with appropriate sections of the regulations referenced where applicable. We discuss other substantive issues under the sections of the regulations to which they pertain. In instances where individual submissions appeared to be duplicates or near duplicates of comments prepared as part of a write-in campaign, the Department posted one representative sample comment along with the total comment count for that campaign to *www.Regulations.gov.* We considered these comments along with all the other comments received. In instances where individual submissions were bundled together (submitted as a single document or packaged together), the Department posted all the substantive comments included in the submissions along with the total comment count for that document or package to *www.Regulations.gov.* Generally, we do not address minor, non-substantive changes (such as renumbering paragraphs, adding a word, or typographical errors) within this final rule. Additionally, we generally do not address changes or comments recommended by commenters that the statute does not authorize the Secretary to make (such as forgiving all student loans), or comments pertaining to operational processes. Analysis of the comments and of any changes in the regulations since publication of the NPRM follows.

Process for Out-of-Scope Comments

We do not address comments that are out of scope. For purposes of this final rule, out-of-scope comments are those that are not addressed in the NPRM altogether. Generally, comments that are outside of the scope of the NPRM are comments that do not discuss the content or impact of the proposed regulations or the Department's evidence or reasons for the proposed regulations.

Request To Extend Public Comment Period

Comments: Several commenters explicitly urged the Department to extend the comment period. They argued that the proposed changes were introduced without adequate opportunity for meaningful public participation. Additionally, commenters argued that there was a lack of transparency and stakeholder engagement. They suggested that the short comment period undermined trust and fairness, claiming that important legal aid, nonprofit, and advocacy groups had little chance to weigh in.

Discussion: The Department disagrees with the commenters. The Department fully complied with the Administrative Procedure Act (APA) and requirements for negotiated rulemaking in the HEA. The comment period provided through the initial public hearing, negotiated rulemaking, and NPRM notice and comment process met the requirements established in law, giving the public numerous opportunities to provide feedback. Indeed, nearly 14,000 comments were received across diverse stakeholder groups, including those referenced by the commenters, within the established timeframe, demonstrating that interested parties were aware of the proposed changes and able to share feedback. In addition, the public engagement process, including the public comment period referenced by commenters, that the Department followed here is consistent with other title IV, HEA rulemakings. *See e.g.,* Student Assistance General Provisions, 87 FR 41878 (proposed July 13, 2022) (providing for a 30-day comment period); Financial Value Transparency and Gainful Employment, 88 FR 32300 (proposed May 19, 2023) (providing for a 32-day comment period). The public has had ample opportunity to engage and provide feedback throughout the Department's rulemaking process. No substantive input has been ignored.

Changes: None.

Public Service Loan Forgiveness (§ 685.219)

General Comments

Comments: Several commenters provided overarching commentary on the NPRM rather than commenting on specific provisions. Some commenters expressed their opinion that the rule was poorly conceived and duplicative of existing law, while others claimed that it will create confusion and uncertainty

for both borrowers and employers. A recurring theme was the perception that the NPRM lacked clarity on how it will be implemented. Several commenters questioned whether the proposed framework would be administered fairly and consistently. Others stated that finalizing the rule would undermine confidence in the whole Direct Loan program.

Discussion: The final rule is not duplicative because the Department does not currently consider whether an otherwise qualifying employer engages in illegal activities such that it has a substantial illegal purpose for PSLF-eligibility purposes. The Department does not agree that the rule will cause confusion because the Department will provide notice to both borrowers and employers in the event an employer is no longer eligible because the Department has determined it engaged in illegal activities such that it has a substantial illegal purpose.

The Department does not think that the rule will undermine confidence in the PSLF program because the rule will ensure that PSLF benefits are only being received by employees of organizations that are serving the public interest. By limiting eligibility in this way, the rule ensures that taxpayer funds are only used to indirectly subsidize employment at employers who are not breaking the law. As such, this final rule should increase confidence in the PSLF program by reducing improper payments to borrowers working for employers who are breaking the law and harming their respective communities.

Changes: None.

General Support for the Regulations

Comments: Many commenters expressed gratitude and strong approval for the Department's efforts to reform the PSLF program. They characterized the program as historically confusing, plagued by denial of benefits, and saw the proposed reforms as a long-overdue fix that will restore trust and usability.

Discussion: The Department agrees with the commenters and appreciates their support. The PSLF program has faced significant challenges over the years, including high denial rates, administrative barriers, and widespread confusion among borrowers. This final rule delivers clarity, fairness, and accountability for borrowers and qualifying employers under PSLF. It strengthens transparency and ensures PSLF is restored to its intended focus on public service for the betterment of communities. This final rule ends the subsidization of employment at organizations that are not only failing to serve the public interest but are actually doing harm by engaging in illegal conduct.

Changes: None.

Comments: Some commenters highlighted that strengthening the integrity of the PSLF program directly supports the recruitment and retention of professionals in public service careers such as teaching, nursing, social work, and government service. They emphasized that these reforms make it more feasible for individuals to dedicate their careers to public service without the burden of unmanageable debt.

Discussion: The Department agrees that the PSLF program makes it easier for borrowers to pursue public service careers; however, the rule is unlikely to materially alter those incentives like the commenters suggest. This is because the rule does not expand eligibility for the program and is thus unlikely to induce new borrowers, who are not currently participating or would not otherwise be inclined to participate, to work for a qualifying employer. We agree, however, that strengthening the program's integrity will likely improve public perception and support its long-term sustainability.

Changes: None.

Comments: Some commenters stressed that PSLF is not only beneficial for borrowers but also for the communities they serve. By making it possible for professionals to remain in public service roles, PSLF helps stabilize organizations that provide education, healthcare, safety, and social services. Several commenters noted that healthy, stable public service organizations generate positive externalities for the economy and society.

Discussion: The Department partially agrees with the commenters. PSLF is clearly beneficial to borrowers and the organizations that employ them, but it is also very costly for taxpayers who ultimately must bear the cost of loan forgiveness. Although this rule ensures PSLF has clear and consistent standards for qualifying public service employers in communities across the country, in some cases the program has created perverse incentives for colleges and universities to increase tuition costs and load unsustainable levels of debt onto students.[1] Moreover, the waivers provided by the last Administration—waiving payments specifically required by statute—provided PSLF loan cancellation benefits to thousands of borrowers who were sometimes years away from eligibility or who would never have been eligible under the statutory requirements of the program.[2] Unlike the temporary and legally questionable actions taken by the last Administration, this final rule addresses a key shortcoming of the PSLF program—granting benefits for employment at organizations engaged in illegal activities such that it has a substantial illegal purpose—through the proper rulemaking process.

Changes: None.

Comments: Several commenters emphasized that strengthening PSLF will restore public trust, not only in the program itself, but also in the Federal Government's ability to deliver on its promises to support public service careers. They argued that years of denial, poor communication, and unclear rules eroded faith in public service initiatives, and that these reforms provide a chance to demonstrate that government programs can work effectively, transparently, and fairly.

Discussion: The Department agrees that strengthening the PSLF program is essential for the restoration of taxpayer trust in PSLF. This final rule ensures that PSLF benefits are not misdirected to those working for organizations that are not serving the public interest. Years of inconsistent administration, ill-conceived waivers, and confusing standards have eroded public confidence in the PSLF program. This rule reverses that trend and delivers much-needed clarity, transparency, and accountability for borrowers and employers.

Changes: None.

Comments: Approximately 70 comments noted borrowers from underrepresented and economically disadvantaged backgrounds are more likely to pursue careers in public service as a result of the PSLF program. Some comments cited a report commissioned by the National Legal Aid & Defender Association to suggest borrowers are more likely to struggle with student loan debt in the absence of the PSLF program.[3] They praised the PSLF program as a way to level the playing field, enabling a more diverse and representative public service workforce.

Discussion: The Department disagrees that PSLF advances equity and inclusion efforts that improperly use

[1] Preston Cooper & Alexander Holt, *Turn Public Service Loan Forgiveness into a State Block Grant,* Ctr. on Opportunity and Soc. Mobility: AEIdeas (Apr. 17, 2025), *https://cosm.aei.org/turn-public-service-loan-forgiveness-into-a-state-block-grant/.*

[2] Kaitlin Mulhere, *It Just Got a Lot Easier to Qualify for Public Service Loan Forgiveness,* Money (Oct. 6, 2024), *https://money.com/public-service-loan-forgiveness-changes-waiver/.*

[3] National Legal Aid & Defender Association (NLADA), Public Service Loan Forgiveness and the Justice System (Mar. 2025), *https://www.nlada.org/pslf-and-justice.*

racial goals. PSLF is race-neutral and was not designed with any specific targeting of benefits to borrowers from underrepresented or economically disadvantaged backgrounds. Rather, PSLF is intended to provide financial incentives to borrowers from all backgrounds to work in jobs in the public service sector with qualifying employers. In some cases, the value of PSLF benefits to borrowers may help to incentivize those borrowers to seek employment or to remain employed with PSLF qualifying employers rather than seeking employment in other sectors. This final rule supports this objective by ensuring that PSLF benefits are not improperly granted to any borrower employed by an organization that does not meet the definition of a qualifying employer, regardless of the borrower's racial or socioeconomic background.

Changes: None.

General Opposition to the Regulations

Comments: Several commenters opposed the proposed rule in its entirety. Some commenters expressed their distrust of the Department's motives, suggesting that the rule was less about protecting program integrity and more about restricting access to loan forgiveness. Others feared that the rule will deter participation in public service jobs, and ultimately harm both borrowers and the communities that rely on them.

Discussion: The Department rejects the broad, unsubstantiated claims by these commenters. The standards in this rule bring clarity, consistency, and needed accountability to the PSLF program. The Department's motives are not pretextual or designed to limit access to PSLF beyond removing eligibility for organizations that engage in illegal activities such that they have a substantial illegal purpose. If an organization is found to have a substantial illegal purpose, any borrower working for such an employer may look for alternative employment with a qualifying employer if they wish to pursue PSLF. The Department acknowledges that borrowers who remain with an employer that loses eligibility will not receive credit toward loan forgiveness for months of employment at that employer who would have otherwise qualified prior to this final rule. These borrowers will have a choice to seek employment with a different qualifying employer. However, the Department believes that any harm to borrowers is outweighed by the Federal Government's interest in not allowing PSLF benefits to flow to borrowers who work for employers engaged in illegal conduct. The Department agrees that this final rule will serve as a deterrent for borrowers who may want to work for employers who are engaged in illegal activities such that the employer has a substantial illegal purpose and believes that kind of deterrence is appropriate as it creates incentives for organizations to avoid engaging in illegal activity. Furthermore, the Department emphasizes that this rule provides borrowers with advance notice regarding the types of activities that may constitute a substantial illegal purpose, thereby disqualifying an employer under the PSLF program. This transparency enables borrowers to make informed decisions about whether to begin or continue employment with a given organization. Additionally, borrowers will have sufficient time to assess their employment options and whether those options are impacted by these final regulations.

Changes: None.

Comments: Several commenters observed that PSLF is already ''overly complicated and poorly managed.'' They argued that adding what they viewed as subjective eligibility rules may deepen borrower confusion, making it harder for professionals in government and nonprofit work to continue through the PSLF program. They argued that borrowers will be penalized by their employer's activities rather than by their own individual actions.

Discussion: The Department disagrees. Under this final rule, borrowers will receive full credit for work performed until the effective date of the Secretary's determination that an employer engaged in illegal activities such that it has a substantial illegal purpose. Borrower payments will not count toward time to forgiveness when payments are made after a determination that an employer is an ineligible employer for the PSLF program. The Department believes that any confusion that may be created by this final rule will be outweighed by the corresponding benefits to the integrity of the PSLF program and reductions in indirect benefits to organizations engaged in illegal activity. The focus of this rule is appropriately on employers, as Congress requires the Department to ensure that borrowers are working for a qualifying employer before providing PSLF benefits to a borrower. This final rule is not intended to punish borrowers. The Department is not taking away any credit toward loan forgiveness for any qualifying payment that was made before their employer was deemed ineligible. A determination that an employer is no longer an eligible employer within the PSLF program has no bearing on a borrower's current or future participation in loan forgiveness programs. However, the Department acknowledges that some borrowers may lose access to PSLF benefits due to their employer's unlawful actions—actions potentially beyond borrowers' control but which the Department cannot overlook. The Department believes this is necessary to prevent future benefits from going to employees of employers that have engaged in illegal activities such that the employer has a substantial illegal purpose.

Changes: None.

Comments: Many commenters argued that the NPRM lacked clear standards, and that PSLF could be subject to shifting interpretations depending on the political environment. They warned that this uncertainty makes the program appear arbitrary and would leave both employers and employees vulnerable to sudden disqualification. This unpredictability, they argued, would undermine trust in PSLF and weaken its intended role as a stable incentive for public service.

Discussion: The Department rejects the claim that PSLF is left open to shifting political winds. This rule provides strong, clear standards anchored in law, not ideology. That clarity provides certainty for borrowers, confidence for employers, and accountability for taxpayers. Qualifying employers will only face uncertainty if they decide not to follow the law. Employers who follow the law will not be disqualified, and because most organizations follow the law, the Department believes the commenters' concerns about widespread changes in incentives to enter public service as a result of the rule are significantly overstated. By codifying objective standards, this final rule ties forgiveness to lawful public service for purposes of the PSLF program.

Changes: None.

Comments: Commenters claimed that the rule does not explicitly describe how determinations will be made, what counts as activity contrary to law, or how appeals will function. They argued that the absence of detail could create uncertainty for both borrowers and employers.

Discussion: The Department rejects the claim that the rule lacks clarity as to how determinations will be made. The Secretary will weigh any evidence presented showing that an organization's activities violated any laws and make a determination if those violations rise to the level of substantial illegal purpose. The Secretary will look

to see if there is a pattern of behavior by the organization, the gravity of the violation, and generally exclude evidence of technical violations of law. When reviewing an employer's conduct, the Secretary will consider any reliable evidence, including countervailing evidence provided by the employer. This final rule also establishes a reconsideration process for employers when they have been determined ineligible. Employers may seek review, submit documentation, and receive written explanations of the Secretary's determination. This approach ensures transparency, protects taxpayers, and maintains borrower confidence. Furthermore, the Due Process Clause of Fifth Amendment ensures that all entities that are subject to a Departmental adjudication are entitled to an unbiased adjudicator. This ensures that all entities have an adjudicator who has not prejudged the law or the facts, as applied, and that all decisions are supported by reliable evidence.

Changes: None.

Comments: Some commenters noted that, when borrowers lose PSLF benefits, it affects not just them but the communities they serve. Professionals might leave public service for private-sector roles, reducing the workforce available to meet urgent needs in education, healthcare, and social services. Commenters expressed specific concerns about borrowers employed in rural areas where finding another job may be difficult in the event their employer loses PSLF eligibility. They noted that alternative employment options in these areas may be rare, and borrowers may be forced to relocate for other employment opportunities in the event there are no other qualifying employers in their area.

Discussion: The Department acknowledges that it is possible if a borrower loses access to PSLF benefits due to this final rule that he or she could leave public service to find a job in the private sector. However, the degree to which this is likely to occur is speculative and will vary widely based upon the borrower's skills and abilities, where the borrower is living, other employment opportunities in the local community, and whether the borrower wants to continue to work in public service. The Department disagrees with the commenter that these speculative equities outweigh the benefits of the rule, which has been previously discussed.

The Department acknowledges there may be potentially fewer qualifying employers in rural communities than in more urbanized areas; however, as shown in Table 5.4 of the Regulatory Impact Analysis of this final rule, over 1 million borrowers have received PSLF benefits to date across more than 20 sectors of the economy. The Department must balance concerns that disqualification of qualifying employers in an area with few qualifying employers may result in fewer choices for borrowers seeking to benefit from PSLF against its primary responsibility to safeguard American taxpayer dollars and interests by ensuring that PSLF benefits are only received for work at qualifying employers that are serving the public interest.

The Department also disagrees with the assertion that this rule will have a significant macroeconomic impact on labor markets in education, healthcare, and social services in most areas. The commenter did not provide sufficient evidence to support this claim, and the Department finds no basis to conclude that such widespread effects are likely. As noted in the Regulatory Impact Analysis, because we expect most organizations to voluntarily comply with the rule, the Department anticipates that it will take action to remove eligibility for less than ten organizations per year. As presented in Table 5.2 of this final rule, to date, approximately 30 percent of borrowers receiving forgiveness through PSLF were employed by non-governmental entities. Accordingly, the Department believes the commenters' assertion is overstated and that this rule will not materially reduce the available workforce in education, healthcare, and social services.

Changes: None.

Comments: Several commenters noted that nonprofits, advocacy organizations, and religious institutions may self-censor or avoid lawful but controversial work for fear that PSLF eligibility could be withdrawn based on political interpretations. They stressed that PSLF should not create disincentives for organizations to pursue their missions independently, whether in areas like immigration, reproductive health, or civil rights.

Discussion: The Department does not believe the rule will require nonprofits, advocacy organization, or religious institutions to self-censor to avoid losing eligibility as a qualified employer. This final rule explicitly includes references to the U.S. Constitution relating to protecting rights under the First Amendment. This final rule could not, even without such explicit references, be enforced in a manner that contravenes the First Amendment; therefore, commenters' concerns that the Department will impede upon the First Amendment rights of these organizations are overstated and not consistent with the Department's own legal limitations. Lawful activity will not disqualify an organization, no matter how controversial or unpopular it may be. The Department will enforce the PSLF program neutrally and transparently, consistent with the law. Nonprofits and advocacy groups are free to pursue their missions without fear of interference from the Department, provided their actions are lawful. This rule strikes an appropriate balance between preserving independence, protecting borrowers, and safeguarding taxpayers while keeping the PSLF program focused on lawful, public service as the American people expect.

Changes: None.

Legal Authority

General Legal Authority To Change and Clarify

Comments: Some commenters questioned the Department's authority to redefine or expand disqualification standards through regulation. They emphasized that the PSLF program was created by Congress with specific statutory language, and any meaningful change to qualifying employment categories should come directly from amendments to the statute rather than regulatory changes. They are worried that regulatory overreach could invite legal challenges, create uncertainty, and ultimately destabilize PSLF for borrowers. Also, some commenters stated that the Department was overreaching its authority, politicizing the PSLF program, and introducing unnecessary complexity into the program.

Discussion: The Department rejects the suggestion that this rule exceeds its legal authority. The HEA grants the Secretary explicit power to regulate title IV programs. PSLF is a title IV program, and its proper administration requires clear, enforceable standards that are often established and implemented through regulations issued by the Secretary. Establishing objective standards through the rulemaking process is not overreach and avoids politicizing the PSLF program. It is a lawful and common exercise of authority delegated by Congress. Borrowers deserve clarity and taxpayers deserve accountability, both of which this final rule provides. Furthermore, under the illegality doctrine, courts and the IRS have established that revocation of statutory benefits to organizations engaged in illegal activities is proper if its purposes and activities are illegal or otherwise contrary to public policy. *See*

Bob Jones Univ. v. *United States,* 461 U.S. 574, 591 (1983);[4] *see also Rev. Rul. 75–384,* 1975–2 C.B. 204 (''[i]llegal activities, which violate the minimum standards of acceptable conduct necessary to the preservation of an orderly society, are contrary to the common good and the general welfare of the people in a community and thus are not permissible means of promoting the social welfare . . .'') Therefore, this rule fulfills the Department's obligation to enforce PSLF consistent with its statutory purpose—to only benefit those borrowers working for organizations that truly serve a public purpose by helping, not harming, their communities. This rule makes certain borrowers receive forgiveness only for lawful public service by shielding forgiveness from abuse. The Department is faithfully executing the law, not expanding it.

Changes: None.

Comments: Several commenters pointed specifically to 20 U.S.C. 1087e(m)(3)(B), which outlines definitions of public service job categories, and questioned whether the Department has authority to alter or clarify these categories through rulemaking. They argued that, by creating new standards of disqualification, the Department may be venturing beyond clarifying existing law into substantively redefining the statute, a role they asserted belongs solely with Congress.

Discussion: The Department disagrees that the amendments made in this final rule are ultra vires. Section 1087e(m)(3)(B) provides the statutory categories, but it is the Department's responsibility to interpret and apply those categories in a way that ensures PSLF operates as the statute requires. This rule does not rewrite the statute. It fills out the statutory scheme Congress placed under the Department's supervision. In defining a public service job under the HEA, Congress listed 18 distinct categories of jobs. Within four of those categories (''public health,'' ''public interest law services,'' ''early childhood education,'' and ''government''), Congress provided parentheticals to provide some additional detail as to what types of jobs within each of those categories they meant to include or exclude. In addition, within the list of public service jobs, Congress included employment at an organization that is described in Section 501(c)(3) of the Internal Revenue Code. In the list of all 18 distinct categories, there is considerable overlap among the categories. For example, the categories of ''military service,'' ''law enforcement,'' ''public library sciences,'' and ''public education'' are also included within the ''government'' category. Likewise, there is overlap between ''public interest law services (including prosecution or public defense or legal advocacy on behalf of low-income communities at a nonprofit organization)'' and organizations that are described in Section 501(c)(3) of the Internal Revenue Code.

To make sense of these overlapping and arguably duplicative categories, it is important to consider the level of generality at which Congress approached the problem. Indeed, Congress provided for a long list of eligible professions to broadly ensure that all professions that advance the public interest were included in the list. This provides an important clue in interpreting the underlying statute, as the Department must presume that Congress would not want PSLF benefits to be received by employees of organizations that the Department knows are not serving the public interest. This includes organizations that are breaking the law, which is contrary to the public interest. Surely, Congress would not want to reward organizations that break the law and have a substantial illegal purpose by indirectly subsidizing their organizations by providing loan forgiveness to their employees.

Furthermore, although it is possible that the IRS could take independent action to revoke Section 501(c)(3) tax-exempt status from an organization engaging in illegal conduct, that same organization (absent action from the Department) could remain eligible for PSLF (assuming it still met the requisite criteria for nonprofit organizations) and continue to employ individuals in public service jobs if those jobs meet another part of the definition under 20 U.S.C. 1087e(m)(3). For example, an organization that is organized as a nonprofit and provides State-funded prekindergarten services could lose Section 501(c)(3) status under the Internal Revenue Code but remain an eligible employer under previous versions of the Department's regulation. Similarly, an organization that the Department determines has a substantial illegal purpose may continue to be exempt under Section 501(c)(3) because its tax-exempt status has not been revoked, a determination made by the IRS. This final rule provides that the Department can act in these circumstances, removing eligibility when the Department finds the organization has engaged in illegal activities such that it has a substantial illegal purpose.

This rule advances the statutory scheme Congress created in section 455(m)(3)(B) of the PSLF statute in the HEA, which includes multiple references to public service in defining public service job.

Changes: None.

Comments: A significant number of commenters argued that the Department lacks statutory authority to apply a ''preponderance of the evidence'' standard in making employer disqualification determinations. Commenters claimed the ''preponderance of the evidence'' standard is inappropriately low. They contended that such a standard is inappropriate for decisions with major financial consequences and instead urged exclusive reliance on final judicial or administrative findings. Some commenters indicated that Congress needs to provide explicit authorization for the Department to proceed with this evidentiary framework.

Discussion: The Department rejects the claim that it lacks authority to establish an evidentiary standard and has utilized this same standard in other title IV regulations. This rule does not preclude legal activities that assist groups mentioned by the commenters. This includes any lawful work performed by legal aid attorneys, nonprofit law offices, community legal clinics that provide direct legal services, public defense, civil rights litigation and advocacy organizations, and other

[4] *Bob Jones University* is frequently invoked when discussing the so-called ''public policy doctrine,'' under which an organization's Section 501(c)(3) tax-exempt status may be revoked for engaging in conduct that is not specifically illegal. This occurs where there ''can be no doubt that the activity involved is contrary to a fundamental public policy.'' *Bob Jones Univ.,* 461 U.S. at 592. In *Bob Jones University,* the Court determined that this standard was met, because the organizations' actions (*i.e.,* the maintenance of racially discriminatory admissions policies) ran contrary to ''every pronouncement of this Court and myriad Acts of Congress and Executive Orders.'' *Id. at* 593. Although the public policy doctrine is similar to (and often discussed alongside) the illegality doctrine, the evidentiary bar set in *Bob Jones University* is different and applicable when revocation of an organization's tax-exempt status is based on conduct which is not explicitly illegal. *Id. at* 591 (''A corollary to the public benefit principle is the requirement, long recognized in the law of trusts, that the purpose of a charitable trust may not be illegal or *violate established public policy.*'') (*emphasis added*). By contrast, the bar for revoking an organization's Section 501(c)(3) tax-exempt status for engaging in or encouraging illegal activity is different, because actions that violate laws are inherently contrary to public policy in that the political branches (legislative and executive branches through bicameralism and presentment) have created positive law to counter the conduct at issue. *See I.R.S. Gen. Couns. Mem.* 34631 (Oct. 4, 1971) (*citing I.R.S. Gen. Couns. Mem.* 31376 (Aug. 14, 1959)).

activity that support low-income or disadvantaged people.

The Department will solely enforce this rule against organizations that participate in illegal activity such that they have a substantial illegal purpose. Congress, through the HEA, granted broad authority to regulate title IV programs. The preponderance of the evidence standard is well established in administrative law for civil adjudications and is fair and consistent with longstanding Federal practice. It ensures decisions are grounded in fact, not speculation, and allows the Department to act promptly to protect both borrowers and taxpayers. Here, in applying the preponderance of the evidence standard to the substantial illegal purpose test, the Secretary will need to find that it is more likely than not that an organization's illegal activity is more than an insubstantial part of its activities that advance an illegal purpose. Plea agreements or admissions of illegal conduct in settlements could provide sufficient proof of unlawful activity to warrant program action, ensuring accountability without waiting for final judicial or administrative findings that could otherwise delay enforcement and allow misconduct to persist. The Department has the responsibility to safeguard PSLF and ensure taxpayer funds are directed only to encourage lawful public service. This evidentiary framework provides the Department with discretion to act swiftly to ensure that taxpayer resources are not wasted to ensure fairness for employers and borrowers.

Changes: None.

Comments: Commenters raised concerns that PSLF program eligibility could be used as a political tool to compel alignment with an administration's priorities. They suggested that this could limit free speech and advocacy while potentially undermining the independence of public service groups.

Discussion: The Department rejects this unsubstantiated concern. The standards for qualifying employment are not intended, nor do they regulate policy preferences, advocacy, or discriminate based upon viewpoint.

The standards are limited to ensuring that employers meet statutory requirements for lawful public service activities. Organizations that abide by Federal law and the laws of the State in which they operate will not be subject to potential loss of eligibility. PSLF employer eligibility is not conditioned on political alignment or conformity with any administration policies. Determinations regarding whether an organization has engaged in illegal activities such that it has a substantial illegal purpose will be objective and based on evidence such as judgments of State or Federal courts, guilty pleas of the organization, or statements by the organization admitting that it engaged in such conduct (such as in a settlement agreement). It will not be colored by the policy preferences of an employer. Here, the Department is not regulating viewpoint and will enforce the regulation in a manner that does not take viewpoint into account. This approach does not interfere with the policy preferences or advocacy efforts of public service organizations and safeguards taxpayer funds by ensuring benefits are delivered only to organizations that are not engaged in illegal activities such that they have a substantial illegal purpose. The Department will administer the PSLF program neutrally to keep the program focused on its purpose of supporting careers in qualified public service, notwithstanding the policy preferences or viewpoints of the public service employer.

Changes: None.

Comments: Many commenters expressed concern that the Department will apply the rule in a way that punishes organizations based on political ideology or affiliation rather than on legitimate unlawful conduct. They worried that nonprofit and advocacy organizations could be stripped of PSLF eligibility because their missions or policy stances differ from the administration.

Discussion: The Department will administer the PSLF program in a manner that provides borrowers with the benefits required by statute, while ensuring the responsible stewardship of taxpayer resources. As discussed in the previous comment, the Department cannot take action against an employer because of their viewpoint or policy preferences. However, when employers break the law, such that the organization has a substantial illegal purpose, the Department may take action to safeguard the integrity of the PSLF program by removing eligibility from that employer. The Department cannot and will not prejudge the facts or the law with respect to specific employers, but organizations that follow the law will not be subject to adverse action under this final rule.

Changes: None.

Comments: Some commenters expressed concern that even if the Department does not intend to use PSLF in a political way, the lack of precise definitions and safeguards could create the perception of arbitrary or politically motivated enforcement. They emphasized that the appearance of bias can be as damaging as actual bias, eroding public trust and discouraging organizations from engaging in lawful advocacy work.

Discussion: The Department recognizes that it is possible that enforcement under the regulation could be perceived as politically motivated, but perceptions are not often reality. The perception of some members of the public as to why the Department takes an action should not control or impair the Department's ability to take action, lest the Department become captive to popular perception of the underlying motivation whether true or not. The Department does not intend to take enforcement action based on pretextual grounds. Adverse action will be taken only where the evidence demonstrates that an organization has a substantial illegal purpose.

If the Department takes action under this regulation, impacted entities will receive notice and an opportunity to respond prior to any determination.

Changes: None.

Comments: Some commenters claimed that this rule is an overreach of executive power and unconstitutional because it creates new disqualification standards not explicitly authorized by Congress. Other commenters argued that the proposed rule deals with a major question under the Major Questions Doctrine and that the Department lacks a clear congressional authorization to promulgate the rule.

Discussion: The Department disagrees that the rule is a form of executive overreach or that it is unconstitutional. The HEA gives the Secretary clear and broad authority to regulate title IV programs, such as PSLF. This final rule is firmly within that authority.

The history surrounding the creation and use of the illegality doctrine is instructive in assessing whether this rule is unconstitutional or is a form of executive overreach. Indeed, courts have upheld the use of the illegality doctrine in the context of administering the Internal Revenue Code relating to organizations that engaged in activities that are illegal or otherwise contrary to public policy. *See e.g., Bob Jones Univ.,* 461 U.S. at 591 (holding that an organization may be denied tax-exempt status if its purposes or activities are illegal or otherwise contrary to public policy), *Church of Scientology of Cal.* v. *Comm'r,* 83 T.C. 381 (1984) (upholding revocation of tax-exempt status for a religious organization because of its conspiracy to defraud the United States, which violated established public policy). These cases demonstrate that the Department is implementing

established legal standards when determining whether organizations are engaging in public service by examining whether they engage in activities that are illegal such that they have a substantial illegal purpose. These actions, like those taken by the IRS, are not unconstitutional nor do they amount to executive overreach. Furthermore, the Department disagrees that the rule is a major question under the Major Questions doctrine. The doctrine generally requires Congress to speak clearly if it wishes to assign to an agency decisions of vast economic and political significance. *West Virginia* v. *EPA,* 597 U.S. 697, 716 (2022) (internal quotations omitted). There is not a bright line standard for what constitutes a major question, but courts look to the breadth of the authority asserted and its economic and political significance. The Supreme Court has found that the Major Questions Doctrine is implicated, for example, where the actions of an agency impact the price of energy for nearly all Americans, where the Secretary attempts to cancel upwards of $500 billion in Federal student loan debt for millions of borrowers, and where millions of health insurance subsidies would be impacted. *See e.g., West Virginia,* 597 U.S. at 716; *Biden* v. *Nebraska,* 600 U.S. 477, 505 (2023), *King* v. *Burwell,* 576 U.S. 473, 135 (2015). Here, the Department estimates that this final rule may impact less than ten employers per year across the country. Furthermore, the rule makes no substantive changes to the legality of certain actions but changes the consequences for breaking the law where an employer has a substantial illegal purpose. The Major Questions Doctrine, as articulated by the Supreme Court, is not applicable when a rule impacts less than ten employers per year and does not prohibit lawful conduct.

Changes: None.

Comments: Many commenters provided examples of organizations aiding refugees and asylum seekers, which they believe to be lawful activities. Commenters were concerned that depending on political motivations, these actions could be deemed ''illegal.'' Commenters believed that advocacy or humanitarian groups could face disqualification despite acting within the law.

Discussion: The Department disagrees with the commenters' concerns. In the first instance, Federal law prohibits individuals from aiding, abetting, counseling, commanding, inducing, or procuring another to commit a crime against the United States. 18 U.S.C. 2. Any individual who engages in such practices to assist illegal immigrants in breaking Federal law may violate 18 U.S.C. 2. Federal law does not prohibit individuals from advocating for illegal immigrants or representing them in Federal immigration court. Organizations that do not aid or abet in criminal activity will not be disqualified from participating in the PSLF program, while organizations that participate in unlawful behavior may have a substantial illegal purpose depending on the nature of the offenses. PSLF determinations under this final rule will not be made based on the political views or policy preferences of the organization. Rather, any decisions will be made based upon the factual record of the underlying actions the organization has taken and whether such actions violate the law. This rule does not preclude legal activities that assist groups mentioned by the commenters. The Department will only enforce this rule against organizations that participate in illegal activity such that they have a substantial illegal purpose.

Changes: None.

Comments: Commenters argued that existing statutes governing nonprofit conduct (for example, IRS regulations, State charity laws, and criminal statutes) already prohibit organizations from engaging in illegal activity. Creating additional rules through PSLF is seen as duplicative and unnecessary. Commenters also argued that there may be the potential for an irreconcilable conflict to arise for public service professionals where actions mandated by laws like the Individuals with Disabilities Education Act (IDEA), Emergency Medical Treatment and Active Labor Act (EMTALA), and Family Educational Rights and Privacy Act of 1974 (FERPA) or actions required by professional code, could be subjectively misinterpreted as illegal activities that have a substantial illegal purpose.

Discussion: The Department acknowledges that rules at the Federal and State levels broadly prohibit nonprofit organizations from engaging in illegal conduct, but the Department disagrees that this final rule is duplicative of those efforts. Indeed, as explained previously, Congress created a broad definition of public service job to capture a broad array of public service employment. Even if the IRS or a State takes action to revoke an organization's tax-exempt status, the organization may still satisfy the definition of a public service employer and, therefore, would remain eligible for participation in the PSLF program. Accordingly, the Department would need to act to ensure that any organization that engages in illegal activities such that it has a substantial illegal purpose is not able, through its employees, to benefit from the PSLF program.

The Department considered alternatives here, namely that because the IRS could take independent action, it may not be necessary for the Department to make the changes in this rule. However, just like all executive branch agencies, the IRS has resource constraints that limit its ability to act against organizations under the illegality doctrine and must exercise some degree of prosecutorial discretion. This means that, at least at times, the illegality doctrine will be underenforced. In other words, there may be instances where some organizations that have a substantial illegal purpose continue to have IRS tax-exempt status.

The Department has a heightened interest in ensuring that the PSLF program is administered in a manner that safeguards against improper payments. Indeed, the median balance forgiven for borrowers through PSLF is $65,000 so the Department has a significant monetary interest in ensuring that only months of work in lawful public service employment are counted toward forgiveness.[5] The Department's interest here stands separate and apart from any interest the IRS has in taking action to revoke tax-exempt status, because Congress assigned the Department the responsibility to administer and oversee the PSLF program. Because of the Department's independent interest in preventing misuse of taxpayer resources, as well as the fact that the IRS may not always revoke the tax-exempt status of organizations engaging in activities that amount to having a substantial illegal purpose, the Department does not believe that this final rule is duplicative.

With respect to the commenter's assertion that the rule is duplicative because State taxing authorities or other parts of State government may also act against organizations engaged in activities that amount to having a substantial illegal purpose, the Department disagrees. State action has no bearing on eligibility for the PSLF program, so any State action will not necessarily impact employer eligibility for PSLF, which necessitates the need for the Department to be able to take independent action.

[5] FY25 Department of Education Justifications of Appropriation Estimates to the Congress, Volume II, Student Loans Overview, page 9.

Regarding the comments raising the potential for the rule to conflict with existing Federal laws or State professional codes, the Department does not believe this rule conflicts with any laws. If there were a conflict between Federal law and State law with respect to the illegal conduct considered by the Secretary under this final rule, ordinary principles of Federal preemption law would apply. *See McCulloch* v. *Maryland,* 17 U.S. 316, 427 (1819) (holding that a State law in conflict with Federal law is without effect). Nothing in this final rule directly preempts State law, and instead broadly defers to State law. The Department is not aware of any conflicts between this final rule and existing Federal and State laws.

Changes: None.

Illegality Doctrine

Application of the Illegality Doctrine

Comments: Commenters argued that the Department's proposal improperly utilizes the illegality doctrine developed by the IRS and the courts by applying doctrines developed in a tax context to a statutory loan forgiveness program. Some commenters also argued that the Department has misconstrued the illegality doctrine to cover a much wider range of conduct and activities than the doctrine has been applied to by the IRS, which could open the door to political misuse, disqualifying organizations based on contested interpretations of law rather than clear violations. Additionally, some commenters questioned the Department's authority to identify specific types of illegal conduct as a basis for determining that an organization is not a qualifying employer for the purposes of the PSLF program, instead of considering all illegal conduct.

Discussion: The Department disagrees that it is improper for the Department to rely on the illegality doctrine when determining whether an employer qualifies for participation in the PSLF program. PSLF is a statutory benefit designed to encourage public service. The illegality doctrine provides a starting point for the Department to base the concept of excluding organizations with a substantial illegal purpose from PSLF, as the illegality doctrine provides a clear basis for denying certain statutory benefits to organizations whose aims and activities are harmful to the public interest. Furthermore, the substantial amount of case law that has been generated regarding the illegality doctrine demonstrates that courts have long recognized that government benefits are not required to flow to organizations whose purposes conflict with law. *See, e.g., Bob Jones Univ.,* 461 U.S. at 591 (holding that an organization may be denied tax-exempt status if its purposes or activities are illegal or otherwise contrary to public policy); *Church of Scientology,* 83 T.C. at 506 (holding that denial of an organization's Section 501(c)(3) tax-exempt status was proper where the purpose of the organization was engaging in criminal tax fraud); *Mysteryboy,* 99 T.C.M. (CCH) 1057 (holding that an organization that promoted activities which are prohibited by Federal and State laws did not qualify for tax-exemption under Section 501(c)(3)).

As mentioned above, the history surrounding the creation and use of the illegality doctrine is instructive in assessing whether this final rule is unconstitutional or is a form of executive overreach. Indeed, courts have upheld the use of the illegality doctrine in the context of administering the Internal Revenue Code to revoke tax-exempt status from organizations that have a substantial illegal purpose. The Department rejects the supposition that the illegality doctrine can only be applied within the context of Section 501(c)(3) of the Internal Revenue Code. The way the IRS interprets the Internal Revenue Code is very similar to what the Department is doing in interpreting the phrase ''public service.'' *See e.g., Rev. Rul. 75–384,* 1975–2 C.B. 204 (finding that an organization which encouraged civil disobedience did not qualify for tax-exemption as a Section 501(c)(4) organization operated exclusively for the promotion of ''social welfare,'' on the basis that ''[i]llegal activities, which violate the minimum standards of acceptable conduct necessary to the preservation of an orderly society, are contrary to the common good and the general welfare of the people in a community and thus are not permissible means of promoting the social welfare''). Courts and the IRS have established that denial or revocation of an organization's tax-exempt status is appropriate when its purposes and activities are illegal or otherwise contrary to public policy. *See Bob Jones Univ.,* 461 U.S. at 591; *Rev. Rul. 75–384,* 1975–2 C.B. 204. Both the amount of time and attention an organization spends on the unlawful activities and the seriousness of the unlawful activities are relevant considerations. *See, e.g., I.R.S. Gen. Couns. Mem. 34631* (Oct. 4, 1971)(stating, as an example, that ''[a] great many violations of local pollution regulations relating to a sizable percentage of an organization's operations would be required to disqualify it from 501(c)(3) exemption'' but ''if only .01% of its activities were directed to robbing banks, it would not be exempt'').[6] Taken together, the Department believes that the illegality doctrine can clearly be applied in scenarios outside of just those where the IRS has utilized it in the past, so long as it is used to respond to conduct that is clearly unlawful and substantial in nature.

In crafting this rule, the Department looked to President Trump's Executive Order on *Restoring Public Service Loan Forgiveness,* Executive Order 14235 (Mar. 7, 2025), which identified the forms of unlawful activity that would merit denying an organization qualifying employer status for the purpose of the PSLF program. Although the Department believes that it would be legally permissible for the Department to deny qualifying employer status to organizations for a wider range of unlawful conduct than those set forth in that Executive Order, the Department believes that the Executive Order clearly indicates the areas that the President has identified as being of greatest concern. Furthermore, the Department's enumeration of specific forms of unlawful activity is consistent with the broad powers of prosecutorial discretion of the executive branch. *See United States* v. *Nixon,* 418 U.S. 683, 693 (1974) (*citing Confiscation Cases,* 74 U.S. 454 (1869); *United States* v. *Cox,* 342 F.2d 167, 171 (5th Cir.), *cert. denied sub nom. Cox* v. *Hauberg,* 381 U.S. 935 (1965)) (''[T]he Executive Branch has exclusive authority and absolute discretion to decide whether to prosecute a case . . .''); *United States* v. *Fokker Servs. B.V.,* 818 F.3d 733, 741 (D.C. Cir. 2016) (*citing Cmty. for Creative Non-Violence* v. *Pierce,* 786 F.2d 1199, 1201 (D.C. Cir. 1986); *ICC* v. *Bhd. of Locomotive Eng'rs,* 482 U.S. 270, 283 (1987)) (''[J]udicial authority is . . . at its most limited when reviewing the Executive's exercise of discretion over charging determinations.'') (cleaned up); *Wayte* v. *United States,* 470 U.S. 598, 607 (1985) (*citing United States* v. *Goodwin,* 457 U.S. 368, 380, n. 11, (1982); *Marshall* v. *Jerrico, Inc.,* 446 U.S. 238, 248 (1980)) (''In our criminal justice system, the Government retains

[6] The Department understands and acknowledges that IRS General Counsel Memoranda (''GCMs'') do not represent binding precedent. However, because GCMs demonstrate the way the IRS approached a discrete situation, they include persuasive legal analysis which may be applicable in analogous situations. The GCMs cited within this final rule are cited only as examples that the Department looked to while crafting this rule.

broad discretion as to whom to prosecute.'' (cleaned up)).

The Department understands the March 7, 2025, Executive Order as being a directive from the President regarding how he would like the Department to exercise our prosecutorial discretion in taking enforcement actions where organizations are engaged in illegal conduct, and this final rule is focused on specific illegal conduct that he has determined that the Department should focus on. Finally, the Department believes that the identification of specific forms of unlawful activity will have the effect of reducing uncertainty for borrowers when considering prospective employers and for employers when making business decisions.

Changes: None.

Lack of Statutory Authority

Comments: Many commenters claimed the Department lacks statutory authority under the HEA to impose new disqualification standards in the PSLF program. They argued that Congress already defined ''qualifying employment'' to include work at government entities, certain nonprofits, and organizations exempt from tax under Section 501(c)(3) of the Internal Revenue Code because they are described under Section 501(c)(3) and that the Department cannot narrow or redefine this scope by regulation. Several commenters raised separation-of-powers concerns, stating that only Congress, not an executive agency, can amend the PSLF eligibility framework. Commenters warned that this expansion of administrative discretion could destabilize the program.

Discussion: Commenters' claims that the Department lacks authority under 20 U.S.C. 1087e are misplaced. Congress has expressly delegated broad rulemaking authority to the Secretary under the HEA to administer the title IV programs, including PSLF. That authority includes clarifying employment qualifications and establishing conditions under which loan forgiveness may be granted. Although Federal agencies may not create new programs, they are charged with the implementation and oversight of programs created by Congress. That authority includes enumerating procedures for the program and providing clarity for compliance and elimination of improper payment uses. In addition, as stated above, the HEA authorizes the Department to take action to prevent employees of organizations that have a substantial illegal purpose from receiving benefits under the PSLF program. Congress would not have wanted public funds to support employment that harms the public because it advances illegal activity.

Changes: None.

Duplication of Existing Legal Regimes

Comments: Many commenters argued that existing regulatory regimes already prohibit unlawful activity by nonprofits, charities, and public service organizations. They pointed to IRS oversight, State charity laws, and criminal statutes as sufficient safeguards. They argued that layering additional PSLF-specific disqualification standards is duplicative, unnecessary, and could create conflicting enforcement regimes. Commenters warned that this approach risks burdening compliant organizations and confusing borrowers, while doing little to improve PSLF program integrity.

Discussion: The Department disagrees with the view that the PSLF program should rely exclusively on other enforcement mechanisms and other Federal agencies to enforce the provisions of programs enacted under the HEA. As stated previously, tax exemption, State charity oversight, and criminal prosecution all serve distinct purposes, but none are designed to administer title IV loan forgiveness. PSLF is a Federal benefit program, and it requires its own eligibility safeguards to ensure taxpayer resources are not diverted to unlawful activity. The Department cannot abdicate this responsibility to outside agencies. This final rule complements, rather than duplicates, existing law. It uses established legal definitions and works in tandem with the IRS, State, and other Federal entities, while maintaining the Department's independent responsibility to administer the PSLF program—a responsibility that Congress clearly provided to the Department. A determination by the Department regarding whether an organization satisfies the requirements to be considered a qualifying employer for the purposes of PSLF is not a determination by the Department regarding that organization's tax-exempt status.

Borrowers deserve certainty and taxpayers deserve assurance that their dollars are used to encourage lawful activities that promote the public good. This framework delivers both by aligning PSLF with lawful public service and protecting the program's integrity.

Changes: None.

Viewpoint Discrimination First Amendment—Free Speech and Association

Comments: Commenters asserted that the proposed rule violates the First Amendment to the U.S. Constitution by conditioning PSLF program eligibility on the political or ideological missions of employers. They argued that excluding borrowers based on their employer's policy positions constitutes impermissible viewpoint discrimination. Commenters also expressed concern that the rule could reduce lawful advocacy and infringe upon employees' rights to freely associate with nonprofit organizations engaged in public service.

Discussion: The Department rejects the claim that this final rule will result in a reduction of lawful advocacy and public service. The United States Supreme Court has repeatedly emphasized that government cannot condition access to public benefits on the surrender of constitutional rights, including freedom of speech and association. *See e.g., Perry* v. *Sindermann,* 408 U.S. 593, 597 (1972) (stating ''this Court has made clear that even though a person has no right to a valuable governmental benefit and even though the government may deny him the benefit for any number of reasons, there are some reasons upon which the government may not rely. It may not deny a benefit to a person on a basis that infringes his constitutionally protected interests—especially, his interest in freedom of speech.'') (cleaned up).

The Department continues to assert that PSLF employer determinations will not be based on the viewpoint or advocacy positions of nonprofit or governmental employers or their employees. Instead, the Department will anchor eligibility exclusively in lawful service to the public, consistent with 20 U.S.C. 1087e(m)(3)(B), which defines qualifying employment to include all government and Section 501(c)(3) organizations. Borrowers and employers may continue to engage in lawful advocacy without fear that PSLF will be used as a tool of ideological enforcement.

Changes: None.

Due Process and Vagueness

Comments: Commenters voiced constitutional concerns under the Due Process Clause of the Fifth Amendment to the U.S. Constitution, specifically in relation to the phrase ''substantial illegal purpose.'' They described this language as vague, ambiguous, and subject to shifting interpretation depending on political context. They

said the rule is unconstitutionally void for vagueness because key terms are ambiguous, subjective, overly broad, ill-defined, lack objective standards, and therefore fail to provide adequate notice of prohibited conduct.

According to commenters, the absence of clear definitions deprives borrowers and employers of fair notice and creates the risk of arbitrary enforcement. Commenters also stated that granting broad discretion to the Secretary without certain procedural safeguards could undermine due process by enabling decisions that could be inconsistent, opaque, or politically motivated.

Additionally, some commenters said the disqualification process violates constitutional due process by failing to provide adequate procedural safeguards and lacks a clear process for notice, a formal hearing, or a meaningful appeal to a neutral adjudicator.

Other commenters stated that the rule is procedurally unjust because it denies individual borrowers due process by failing to provide a clear, sufficient, or accessible appeals process to challenge an employer's disqualification. Commenters argued that employees are more directly and personally harmed under the rule, and as such, they should have recourse to correct potential errors, especially as some employers may choose not to challenge their disqualification.

Discussion: The Department takes these due process concerns seriously. Courts have long held that vague standards fail when they create uncertainty and invite arbitrary enforcement. *See e.g., Grayned* v. *City of Rockford,* 408 U.S. 104, 108 (1972) (''It is a basic principle of due process that an enactment is void for vagueness if its prohibitions are not clearly defined.''). A law can be considered void for vagueness when an average citizen cannot generally determine what persons are regulated, what conduct is prohibited, or what punishment may be imposed. *See Johnson* v. *United States,* 576 U.S. 591, 595 (2015); *see also Kolender* v. *Lawson,* 461 U.S. 352, 357–58 (1983) (stating that a law is void unless it is defined with ''sufficient definiteness that ordinary people can understand what conduct is prohibited and in a manner that does not encourage arbitrary and discriminatory enforcement''); *Vill. of Hoffman Estates* v. *Flipside, Hoffman Ests., Inc.,* 455 U.S. 489, 498 (1982) (''A law that does not reach constitutionally protected conduct and therefore satisfies the overbreadth test may nevertheless be challenged on its face as unduly vague, in violation of due process.''); *Papachristou* v. *City of Jacksonville,* 405 U.S. 156, 162 (1972) (''Living under a rule of law entails various suppositions, one of which is that (all persons) are entitled to be informed as to what the State commands or forbids.'' (*quoting Lanzetta* v. *New Jersey,* 306 U.S. 451, 453 (1939) (cleaned up)). This rule clearly defines to whom the requirements apply, the conduct that is prohibited and the consequence of engaging in illegal activities for an employer who qualifies in the PSLF program. This final rule does not create new substantive prohibitions; it merely changes the consequences for the organization that is engaging in illegal activity such that it has a substantial illegal purpose. The underlying legal prohibitions are broad, but broad prohibitions are permitted so long as there is adequate notice of what is prohibited. Furthermore, the clear and defined parameters of the rule will help the Department avoid arbitrary enforcement of the rule, which is an important goal of the void for vagueness doctrine.

The Department acknowledges that its original definition in the draft regulations first presented to the negotiated rulemaking committee was broader and less precise than what was proposed in the NPRM. To ensure employers and borrowers have fair notice, and after having discussed issues and concerns during negotiated rulemaking, the Department refined the definition of ''substantial illegal purpose'' and several other definitions in the NPRM to better clarify the illegal activities that could lead to an employer being disqualified from participation in PSLF.

Additionally, under the process proposed in the NPRM, in section 682.219(j), employers will be provided with a notice, a transparent record, and an opportunity to review, respond, and rebut the Department's findings to a neutral adjudicator, thereby ensuring that due process is afforded to all impacted stakeholders and applied fairly and consistently. The rule also provides an opportunity for employers to regain eligibility by following a corrective action plan to come into compliance after a loss of eligibility. If the processes established in this final rule do not resolve a concern, employers can seek judicial review of the Department's decisions in Federal court. The Administrative Procedure Act (APA) provides default rules establishing procedures for judicial review of Federal agency actions. 5 U.S.C. 706. If an employer has exhausted the administrative remedies established in this rule and meets all of the other legal requirements to file a complaint, it can challenge the Department in Federal court.

Finally, the Department believes that employers are better situated than borrowers to respond to preliminary findings from the Department about the employer's eligibility. Employees may not have sufficient information to provide the Department with a full evidentiary framework to consider because they may not be privy to employer actions or decisions. Employers may include information in their submissions regarding the impact eligibility determinations may have on their employees.

Changes: None.

Equal Protection Concerns

Comments: Several commenters raised concerns that the proposed rule may violate the Fifth Amendment's Due Process Clause, asserting it disproportionately targets organizations that serve marginalized populations and could unlawfully deprive borrowers and employers of PSLF benefits without adequate notice, procedural safeguards, or a meaningful opportunity to be heard. Commenters argued that altering program eligibility or redefining qualifying employment could constitute an arbitrary or retroactive deprivation of benefits on which participants had reasonably relied. Several other commenters also asserted that the proposed rule violates the Due Process Clause of the Fifth Amendment by altering PSLF eligibility criteria in a manner that could deprive borrowers or employers of benefits without adequate procedural safeguards. Some commenters further alleged that the rule would have a disproportionate effect on nonprofit entities serving marginalized or disadvantaged populations, raising concerns under both due process and equal protection principles implicit in the Fifth Amendment.

Approximately 50 commenters further contended that the rule would disproportionately affect organizations serving marginalized or disadvantaged populations, such as those providing legal services, social support, and educational or healthcare access to low-income, minority, and immigrant communities. These commenters asserted that narrowing PSLF eligibility based on organizational mission or activities could effectively exclude nonprofit employers that advance equity and civil rights goals (*e.g.,* in work related to immigrant communities, LGBTQ+ individuals, or racial justice initiatives), thereby compounding inequities the program was designed to mitigate.

Discussion: The Department agrees that the PSLF program must be administered in a neutral manner, without targeting organizations because of their viewpoint or activism. The Department would have no basis to remove eligibility from nonprofits engaged in work related to immigrant communities, LGBTQ+ individuals, or racial justice if those organizations are following the law. As such, the Department disagrees that this final rule would unfairly disadvantage the referenced types of groups.

As discussed throughout, the Department promulgates this rule under its authority in 20 U.S.C. 1087e(m) and HEA to administer the PSLF program and ensure consistent, lawful application of its requirements. In evaluating comments addressing constitutional issues, the Department considered whether any aspect of this rule implicates procedural or substantive rights under the Fifth Amendment.

The Department carefully considered concerns regarding the Fifth Amendment and concludes that the rule is fully consistent with constitutional requirements. The rulemaking process provides notice and an opportunity for public comment, as required under the Administrative Procedure Act (5 U.S.C. 553), satisfying the procedural component of due process. This final rule applies prospectively and does not rescind previously granted loan forgiveness or otherwise retroactively alter qualifying employment determinations. Accordingly, it does not implicate a constitutionally protected property interest. *See Bd. of Regents* v. *Roth,* 408 U.S. 564, 577 (1972) (''To have a property interest in a benefit, a person clearly must have more than an abstract need or desire for it. He must have more than a unilateral expectation of it. He must, instead, have a legitimate claim of entitlement to it. It is a purpose of the ancient institution of property to protect those claims upon which people rely in their daily lives, reliance that must not be arbitrarily undermined.'')

With respect to the alleged disparate impact on organizations serving marginalized populations, the Department emphasizes that PSLF eligibility is determined according to statutory criteria established in 20 U.S.C. 1087e(m). Eligibility determinations are made by considering the activities employers engage in that are unlawful either under Federal or State law, without respect to the impact it may or may not have on individuals based upon any protected characteristics. This final rule interprets those provisions in a neutral manner, without regard to the employer's mission, ideological orientation, or the population it serves. The mere disparate impact of a facially neutral rule does not, without evidence of intentional discrimination, establish a constitutional violation. *See Washington* v. *Davis,* 426 U.S. 229, 242 (1976) (holding that a law which is ''neutral on its face and serving ends otherwise within the power of government to pursue,'' was valid under the Equal Protection Clause despite the law adversely impacting individuals from one race more than others).

The Department therefore finds that the rule neither infringes upon due process rights nor results in an unlawful disparate treatment or denial of equal protection under the Fifth Amendment.

Accordingly, the Department continues to assert that lawful advocacy or provision of services to immigrant communities, LGBTQ+ individuals, or racial justice organizations does not disqualify an employer from participating in the PSLF program. Only where a determination has been made that an organization is engaging in illegal activities such that it has a substantial illegal purpose will PSLF eligibility be at issue.

Changes: None.

Contract Concerns

Comments: Some commenters felt that the rule violates the Contracts Clause by unilaterally renegotiating the terms of existing agreements with borrowers, which they argue breaks the trust of individuals who made significant career and financial decisions in good-faith reliance on the government's promise and allows the Department to withdraw promised benefits based on its opposition to a borrower's work. Similarly, some commenters argued the rule violates legal principles like promissory estoppel, and that the government is legally and morally obligated to honor its commitment after borrowers have upheld their end of the agreement through years of service and payments.

Discussion: The Department rejects the contention that the rule violates the Contracts Clause by unilaterally renegotiating the terms of existing agreements with borrowers. In the first instance, the Contracts Clause only applies to States, not the Federal Government. Furthermore, the contractual instrument the Department uses when originating loans, the master promissory note (MPN), explicitly disclaims the notion that terms and conditions of Federal student loans are fixed and cannot be changed through the legal process. When a borrower signs an MPN, the MPN is valid for additional Federal student loans the borrower takes out for ten years, with certain exceptions. This means that borrowers may receive multiple or serial loans for up to ten years from the date the borrower signed the MPN. By signing the MPN, borrowers agree to the terms and conditions of the loans while acknowledging that terms and conditions of those loans may be changed. Specifically, the MPN explicitly states that its terms and conditions ''are determined by the HEA and other federal laws and regulations.'' [7] MPN at 3. Section 1 of the Borrower's Rights and Responsibilities Statement (BRR) provided with the MPN further clarifies that amendments to the HEA and other Federal laws and regulations may amend the terms of the MPN and cautions that ''[d]epending on the effective date of the amendment, amendments to the [HEA or other federal laws and regulations] may modify or remove a benefit that existed at the time that you signed this MPN.'' MPN at 6. Therefore, by signing the MPN, the borrower acknowledges the possibility that the terms of the agreement between themselves and the Department can be changed and that currently offered benefits may not be available in the future.

The Department rejects the contention that this rule is barred by promissory estoppel. The doctrine of promissory estoppel is commonly understood to be inapplicable in disputes between private parties and the Federal Government. Michael J. Cole, *Don't* ''*Estop*'' *Me Now: Estoppel, Government Contract Law, and Sovereign Immunity if Congress Retroactively Repeals Public Service Loan Forgiveness,* 26.1 Lewis and Clark L. Rev. 154, 169 (2022) (*citing Hubbs* v. *United States,* 20 Cl. Ct. 423, 427–28 (1990), aff'd, 925 F.2d 1480 (Fed. Cir. 1991); *Eliel* v. *United States,* 18 Cl. Ct. 461, 469 (1989), aff'd, 909 F.2d 1495 (Fed. Cir. 1990); *Schwartz* v. *United States,* 16 Cl. Ct. 182, 185 (1989); Ralph C. Nash & John Cibinic, Promissory Estoppel: A Theory Without a Home in Government Contracts, 3 THE NASH & CIBINIC REP. ¶ 52 (July 1989)). Breach of contract disputes involving the Federal Government are governed by the Tucker Act (28 U.S.C. 1491(a)(1)) and Contract Disputes Act (41 U.S.C. 7101–7109), neither of which allow the private parties to obtain relief

[7] Master Promissory Note (MPN) Direct Subsidized Loans and Direct Unsubsidized Loans William D. Ford Federal Direct Loan Program, OMB No. 1845–0007 (retrieved Oct. 22, 2025), available at *https://studentaid.gov/mpn/subunsub/preview.*

when they are harmed by the Federal Government's promises.

Even if promissory estoppel was applicable to the Department, the required elements for a promissory estoppel claim could not be satisfied by a borrower whose employer loses its qualifying employer status as a result of this rule. The doctrine of promissory estoppel is rooted in detrimental reliance and requires proof that there was a promise or representation made, that the promise or representation was relied upon by the party asserting the estoppel in such a manner as to change his position for the worse, and that the promise's reliance was reasonable and should have been reasonably expected by the promisor. *See L. Mathematics & Tech., Inc.* v. *United States,* 779 F.2d 675, 678 (Fed. Cir. 1985). Here, the borrower would fail to satisfy the required elements for a promissory estoppel claim because they expressly acknowledged and agreed to the possibility of changes to benefits that existed when they signed the MPN. The MPN disclaims the idea that the terms and conditions of a Federal student loan are unalterable, meaning that any reliance interest is not reasonable. Furthermore, such a borrower would struggle to demonstrate that they were harmed as a result of this reliance, as the borrower would still have received a measurable benefit as a result of working for the formerly-qualifying employer, as all qualifying payments made by the borrower before the date of the organization's loss of qualifying employer status will continue to be counted as such, meaning that the borrower will have made progress toward loan forgiveness through PSLF as a result of their employment.

Retroactivity Concerns

Comments: Several commenters expressed concerns that the rule is impermissibly retroactive because it adds new requirements that impact existing participants, creates uncertainty, and violates the holdings of cases such as *Landgraf* v. *USI Film Productions,* 511 U.S. 244 (1994), and *Bowen* v. *Georgetown University Hospital,* 488 U.S. 204 (1988), which require express Congressional authorization for rules with retroactive effect. Other commenters argued that the rule improperly penalizes organizations for lawful past conduct. A few commenters suggested that, to prevent unfair outcomes and impermissible retroactivity, any new restrictions must be applied prospectively to new borrowers, new loans, or new employees who begin service after the rule's effective date. Many commenters stated that current borrowers should not be impacted if their employer loses eligibility to participate in PSLF as a result of this rule.

Discussion: The Department disagrees that this final rule has retroactive effect on any current qualifying employers or borrowers employed by such organizations. An organization can only lose or be denied qualifying employer status under this final rule if it engaged in illegal activities such that it has a substantial illegal purpose on or after July 1, 2026, the effective date of this final rule. Those activities are all clearly enumerated within the final rule. The Supreme Court has stated that ''considerations of fairness dictate that individuals should have an opportunity to know what the law is and to conform their conduct accordingly.'' *Landgraf,* 511 U.S. at 265. This rule complies with that principle by identifying the prohibited activities and providing that the conduct occurring before a future date will not be a factor when the Department considers whether the organization has a substantial illegal purpose. Both employers and borrowers will have approximately eight months between the publication of this final rule and its effective date, providing sufficient time to understand the types of illegal conduct that could result in an employer losing PSLF eligibility.

With regard to borrowers employed by organizations that are currently qualifying employers, this final rule has no retroactive effect because any qualifying payment that the borrower made during the period of time that such employer was considered a qualifying employer will continue to count as such, including any payments made during the employer reconsideration process, even if the employer ultimately loses that status. In any case, an organization cannot lose or be denied qualifying employer status unless it engaged in illegal activities such that it has a substantial illegal purpose on or after July 1, 2026, meaning that payments made by borrowers employed by a qualifying organization could not possibly cease to be considered qualifying payments until the effective date of this final rule, at the very earliest. Taken together, the rule cannot and does not have a retroactive effect.

Furthermore, the Department rejects the argument that this final rule conflicts with the Supreme Court's rulings in the *Landgraf* and *Bowen* cases. In *Landgraf,* the Supreme Court rejected the plaintiff's argument that new remedies created by the Civil Rights Act of 1991 should apply in a sexual harassment case, even though the harassment and her resignation occurred before the legislation was passed, with the Court concluding that statutes burdening private rights are not presumed to have retroactive effect unless Congress clearly intended such retroactive effect. *See* 511 U.S. at 270, 285, 286. In *Bowen,* the Supreme Court found that the Secretary of Health and Human Services had exceeded his rulemaking authority by promulgating a wage index rule in 1984 under which Medicare reimbursements paid to hospitals that had been disbursed since 1981 would be recouped, because Congress did not explicitly give the Secretary of Health and Human Services the power to promulgate rules with retroactive effect. *See* 488 U.S. at 204, 210, and 211. This final rule is not in conflict with the Supreme Court's rulings in *Landgraf* or *Bowen* because it only concerns conduct occurring on or after July 1, 2026, and because payments made by borrowers employed by the organization during the period it was a qualifying employer will still be counted toward PSLF forgiveness, regardless of whether the organization later loses its qualifying employer status.

Furthermore, the Department disagrees that this final rule penalizes past lawful conduct. All the activities included within the definition of ''substantial illegal purpose'' require a violation of relevant State or Federal laws on or after July 1, 2026. An organization will not, and cannot, be penalized for past lawful conduct. To the extent that an organization engages in conduct which later becomes illegal as a result of a change in State or Federal law, only conduct occurring after the effective date of such a change could be considered relevant when considering whether the organization has a substantial illegal purpose, as the conduct was not illegal until that point in time.

Finally, the Department rejects the argument that any new restrictions on qualifying employment must only be applied to new borrowers. The MPN signed by each borrower explicitly states that its terms and conditions ''are determined by the HEA and other federal laws and regulations.'' MPN at 3. Section 1 of the BRR that is provided with the MPN further clarifies that that amendments to the HEA and other Federal laws and regulations may amend the terms of the MPN and specifically cautions that ''[d]epending on the effective date of the amendment, amendments to the [HEA or other Federal laws and regulations] may modify or remove a benefit that existed

at the time that you signed this MPN.'' MPN at 6. Because borrowers have been forewarned about the possibility of such changes, the Department believes it is unnecessary to grandfather in existing borrowers, especially when such an approach could result in the Department treating two borrowers differently when both are employed by the same organization, at the same time, and both are making payments. This result would be unfair to borrowers, would undermine the purpose of this final rule, and pose practical difficulties in terms of administration.

Definitions General (§ 685.219(b))

Comments: Commenters objected to the introduction of new, undefined concepts such as ''substantial illegal purpose,'' ''aiding or abetting,'' or ''violating State law.'' Without precise definitions, they argued, these terms invite inconsistent application across States and agencies.

Discussion: The Department disagrees that these terms are undefined or not well understood. These terms are clearly defined in the regulation, and in many instances are cross referenced to existing law that prohibits the underlying conduct. The concept of aiding and abetting is purposefully broad as it prohibits assisting in numerous types of criminal activity, but it is well understood by courts and the public. Likewise, the phrase ''violating State law'' is intentionally broad and encompasses a wide array of conduct, but it is also sufficiently clear and puts employers on notice that State law violations may be considered when determining if an organization has a substantial illegal purpose. Lastly, the term ''substantial illegal purpose'' is also clearly defined in the regulation and puts organizations on notice that the Secretary will consider any illegal conduct from the enumerated list and weigh it to determine if the organization has a substantial illegal purpose.

The purpose of using such terms is to set clear standards for PSLF program eligibility, not to create new interpretations. The Department will also rely on existing findings of unlawful activity by courts or other regulators where appropriate. To the extent that State laws may vary, the Department will defer to the judgments of State courts in determining what constitutes unlawful activity within the jurisdiction where the conduct occurs.

In instances where an organization has locations in more than one State and only broke the law in one or a few States, the Department may still find that the organization has a substantial illegal purpose by weighing all the relevant evidence. However, the Department will not find an organization to have engaged in illegal activity (and weigh that evidence under the substantial illegal purpose test) if the underlying conduct occurred in a State in which the conduct was legal. In other words, unless the State where the conduct occurs prohibits such conduct, the organization has not engaged in illegal conduct, and the Department will not use that conduct as a basis for removing employers from the PSLF program.

Changes: None.

Comments: Many commenters argued that the definitions provided in the rule are either too vague or sweep too broadly, creating uncertainty for both borrowers and employers. They worried that broad terms could invite inconsistent or arbitrary application, leaving organizations unclear about their eligibility status and borrowers without reliable assurances. Other commenters emphasized that definitions must be precise enough to avoid politicization but flexible enough to cover genuinely unlawful conduct.

Discussion: The Department agrees that its definitions are broad but disagrees that they are too vague to be clearly understood. As mentioned above, this final rule establishes definitions that are anchored in law, have precise meanings that provide sufficient notice, are written in a manner in which they can be applied uniformly, and are generally understood by the public.

Changes: None.

Aiding or Abetting (§ 685.219(b)(1))

Comments: Commenters expressed concern that extending PSLF disqualification to organizations deemed to have ''aided or abetted'' unlawful activity would open the door to subjective interpretations. They questioned what level of involvement or association constitutes ''aiding'' and were worried that entities providing indirect support, such as legal advice, medical care, or humanitarian assistance, could be unfairly swept into disqualification. Commenters additionally expressed concern about the application of the definition of ''aiding and abetting'' from 18 U.S.C. 2 to organizations, rather than individuals, and argued that such application is improper because corporations are legal concepts that do not have or share intent. Additionally, commenters urged the Department to clarify that lawful representation of a client accused of participating in substantial illegal activity does not constitute participation in said illegal activity, and requested the Department provide a 'safe harbor' for the activity representation.

Discussion: The Department rejects the idea that ordinary, lawful assistance such as legal advice, medical care, or humanitarian support could trigger PSLF disqualification. Attorneys do not break the law, or adopt the views of their clients, by representing individuals in legal proceedings. This includes representing clients who may be unpopular, like terrorists. As such, the Department will not take action against legal employers under this final rule who are lawfully representing clients, including public defenders, or under the Legal Services Corporation Act. The term ''aiding and abetting'' carries a settled legal meaning: intentional participation in unlawful activity. It does not cover lawful support or incidental association. As such, the Department does not believe that it needs to provide a 'safe harbor' consideration for these instances, as they are representative of lawful action undertaken by the eligible employer. Such actions are not illegal and thus would not be considered when determining if an employer has a substantial illegal purpose. The Department believes that it is necessary to include the concept of aiding and abetting within this final rule to address the issue that organizations that are going beyond lawful support or incidental associations are enabling or encouraging others to engage in certain unlawful activities. As such, organizations are just as at odds with the public interest as an organization that directly carries out unlawful activities. For example, if an organization has numerous employees who, at the direction of their employer, aided and abetted in acts of terrorism, the Department could clearly move to disqualify the employer and disallow PSLF benefits from flowing to its employees.

When considering, for PSLF eligibility purposes, whether an organization has aided and abetted illegal discrimination or violations of Federal immigration laws, the Department will carefully examine the balance of the evidence to determine both whether certain unlawful activities occurred and whether there is ''objective indicia'' that the organization sought to further those unlawful activities. *See e.g., Presbyterian & Reformed Pub. Co.* v. *Comm'r,* 743 F.2d 148, 155 (3d Cir. 1984) (''The difficulties inherent in any legal standard predicated upon the subjective intent of an actor are further compounded when that actor is a corporate entity. In such circumstances,

courts forced to pass upon a potentially illicit purpose have looked for objective indicia from which the intent of the actor may be discerned.'' (footnote omitted)). The Department may look to established legal standards associated with employer liability for acts of employees when making these determinations. Isolated incidents of unlawful conduct are unlikely to be sufficient to demonstrate that the employer engages in activities that result in the culmination of it having substantial illegal purpose. However, if there is a pattern and practice where numerous employees have engaged in illegal conduct, at the direction of or with the acquiescence of the employer, the Department may weigh that evidence more strongly in determining if the employer has a substantial illegal purpose, consistent with the doctrine of *respondeat superior. See e.g., Williams* v. *Clerac, LLC,* 635 F. Supp. 3d 607, 613 (N.D. Ohio 2022) (stating that, under the *respondeat superior* doctrine, ''if the employee tortfeasor acts intentionally and willfully for his own personal purposes, the employer is not responsible'' unless the action was ''calculated to facilitate or promote the business for which the [employee] was employed,'' the employer ''fails to take action where the employer knows or has reason to know that one employee poses a risk to other employees,'' or if the employer ''specifically and explicitly ratifies the employee's [tortious] act and adopts it as the employer's own.'' (cleaned up)); *Mylan Labs., Inc.* v. *Akzo, N.V.,* 2 F.3d 56, 63 (4th Cir. 1993) (''[A] corporation is liable for the criminal acts of its employees and agents done within the scope of their employment with the intent to benefit the corporation.'')

Changes: None.

Chemical Castration or Mutilation (§ 685.219(b)(3))

Comments: Several commenters stated the definition of ''chemical castration or mutilation'' is especially unclear and controversial. They noted that Federal and State law already regulate medical procedures and questioned why the PSLF program should independently define or police such conduct. Other commenters noted that, without clarity, legitimate medical providers could be penalized simply for offering lawful procedures that might be politically contested. Other commenters recommended various amendments to the definition of ''chemical castration or mutilation.''

Discussion: The Department disagrees. The definition of chemical castration or mutilation is not about lawful medical practices; it is about ensuring that PSLF funds do not support the castration or mutilation of children in violation of Federal or State law. Medical providers performing activities within the bounds of Federal and State law will not be affected. Only conduct that is prohibited by Federal law, or State law in the State where the conduct occurs, is at issue. The standard is anchored in law and will be applied narrowly, based on clear evidence of illegality under Federal law or State law.

Consistent with President Trump's Executive Order on *Protecting Children from Chemical and Surgical Mutilation,* Executive Order 14187 (Jan. 28, 2025), the Department will be guided by the definition of ''chemical and surgical mutilation'' outlined in that Executive Order. As discussed in the NPRM, the Department searched for the most appropriate definition of chemical castration or mutilation and located the January 28, 2025, Executive Order, *Protecting Children From Chemical and Surgical Mutilation,* which provides the basis for the proposed definition. For further discussion and additional sources regarding the rationale for this decision, see *William D. Ford Federal Direct Loan (Direct Loan) Program,* 90 FR 40154, 40159–40160 (Aug. 18, 2025).

Changes: None.

Child or Children (§ 685.219(b)(4))

Comments: Commenters asked for clarification on how ''child'' is defined for purposes of PSLF program eligibility. Some commenters worried that the rule could be read inconsistently across different contexts such as Federal law, State family law, or immigration law. They urged the Department to adopt a uniform definition that would purportedly avoid ambiguity and ensure fairness across all borrowers and employers. Commenters also recommended the Department use alternative definitions such as the ''age of majority'', the term ''18 years or younger'', or exempting emancipated minors no matter what their age.

Discussion: The Department agrees that uniformity is important. The definition of child in this final rule is tied to the Executive Order on *Protecting Children from Chemical and Surgical Mutilation,* Executive Order 14187 (Jan. 28, 2025), to avoid confusion across States or when used in different contexts. This definition will be applied consistently across the country to ensure fairness and prevent inconsistent application.

Changes: None.

Foreign Terrorist Organizations (§ 685.219(b)(10))

Comments: Commenters supported excluding groups tied to terrorism but urged the Department to anchor determinations strictly to Federal law and formal designations. They feared that vague language could allow future administrations to disqualify entities engaged in lawful advocacy or international humanitarian work. Borrowers and employers emphasized that PSLF program eligibility should track clear Federal determinations, not discretionary judgments.

Discussion: The Department agrees that PSLF program eligibility must follow formal Federal determinations. Organizations designated as foreign terrorist organizations under U.S. law will be excluded from the PSLF program. This final rule requires the Department to defer to terrorist designations already established by the Federal Government. Borrowers and employers will have certainty that decisions are neutral, grounded in evidence, and tied directly to statutory authority.

Changes: None.

Illegal Discrimination (§ 685.219(b)(12))

Comments: Commenters stated that the definition of ''illegal discrimination'' needs precision to avoid misuse. Commenters worried that organizations accused of discrimination, but not formally found liable, could be penalized. Others stressed that PSLF should not create new anti-discrimination standards beyond what is already defined under Federal or State law, to avoid layering duplicative or politically influenced rules.

Discussion: The Department agrees that the PSLF program should not create new discrimination standards. This final rule relies strictly on established Federal law and allegations alone will not meet the standard for disqualification. Only organizations found to have engaged in unlawful discrimination will face disqualification.

Changes: None.

Other Federal Immigration Laws (§ 685.219(b)(17))

Comments: Commenters said referencing ''other Federal immigration laws'' is too broad and risks sweeping in organizations providing lawful assistance to immigrants, refugees, or asylum seekers. They worried that work such as legal aid, housing support, or medical services could be mischaracterized as unlawful under shifting political climates. They

requested precise language to ensure only clear and adjudicated violations of immigration law trigger disqualification.

Discussion: The Department disagrees that referencing ''other Federal immigration laws'' is too broad or may sweep in legal conduct. This final rule will not penalize an organization for providing lawful assistance to immigrants, refugees, or asylum seekers. Disqualification will only occur where it is determined the organization is engaged in illegal conduct, and that conduct is material enough that the organization has a substantial illegal purpose. The phrase ''Federal immigration law'' is broad, but it is easily understood and only applies to Federal law that regulates immigration.

Changes: None.

Qualifying Employer (§ 685.219(b)(27))

Comments: Commenters asked for greater clarity on which organizations qualify as government, nonprofit, or public service employers under § 685.219(b)(27). Some argued that uncertainty about whether certain nonprofits, quasi-governmental bodies, or contractors qualify has long plagued the PSLF program. They stressed that borrowers and employers alike need predictable criteria, particularly where functions are performed through delegated authorities, shared services, or nontraditional entities. Without clearer boundaries, they argued, borrowers risk making career choices under uncertainty, only to later discover their service does not qualify for PSLF. Other commenters stated that they feared the new rule would perpetuate confusion rather than resolve it, noting that there was confusion over whether affiliates, contractors, or subcontractors performing public service functions on behalf of government or nonprofit entities count as qualifying employers. They warned that the absence of clear treatment for affiliates, contractors, and subcontractors invites inconsistent outcomes across service providers.

Discussion: The Department agrees that clarity is critical so that borrowers can make informed decisions. This final rule does not change the five types of organizations and agencies that are considered as a qualifying employer under the current definition in 34 CFR 685.219(b)(27). Additionally, the government entities, nonprofits, and public service organizations that currently are considered by the Department as qualified employers are listed on the Department's website.

Under this final rule, the Department will update this list only after it takes action to remove an employer, and borrowers who work for that employer will be unable to receive credit for their work toward PSLF forgiveness only after the date of the Department's determination under subsection (h) or after any reconsideration requests or actions by the employer in accordance with subsection (j) of these regulations. These determinations will not be made retroactively, meaning that borrowers will receive credit for any work prior to the Department's determination. This final rule will ensure that borrowers have notice and will have an opportunity to change employers if they wish to continue to make progress toward loan forgiveness through PSLF.

Additionally, for a borrower to receive credit toward PSLF, the borrower must have a public service job working for a qualifying employer. Affiliates, contractors, and subcontractors that are not organizations or agencies meeting the definition of a qualifying employer do not offer public service jobs, so borrowers will not receive PSLF credit by working for those employers. This policy is not changed by this final rule.

Changes: None.

Comments: Many commenters raised questions about organizations that have both qualifying and non-qualifying functions, or that undergo restructuring, mergers, or spin-offs. They worried that borrowers could lose PSLF credit during employer transitions that are outside their control. Several commenters urged continuity protections, rules for partial qualifying service, and procedures to ensure that employer restructuring does not unfairly strip borrowers of eligibility.

Discussion: The Department recognizes the risks created by restructuring and mergers of service organizations. It is possible that restructuring or mergers could change the eligibility of employers for PSLF. Organizations must be qualifying employers under the regulation for their employees to be eligible to participate in PSLF. If after restructuring or a merger, the employer no longer meets the definition of qualifying employer, its employees can no longer receive credit toward loan forgiveness through PSLF. The Department's regulations already account for this, and the Department is not proposing any changes in this final rule to further address this issue.

The Department acknowledges that when employers undergo these types of changes it may create uncertainty for borrowers; however, the PSLF statute is clear when a job is no longer qualifying. To give borrowers credit for working in jobs that do not qualify would violate the statute, so the Department cannot make changes to the regulations to address employers that transition out of their qualifying status.

Changes: None.

Comments: Commenters expressed uncertainty over how the PSLF program should treat quasi-governmental entities such as special districts, authorities, or instrumentalities. They pointed to wide variations in how State law defines such bodies and asked the Department to establish consistent Federal criteria.

Discussion: The Department understands that State law definitions of governmental units vary. The definition of qualifying employer includes ''A United States-based Federal, State, local, or Tribal government organization, agency, or entity, including the U.S. Armed Forces or the National Guard.'' This definition is broad and captures a variety of organizations and instrumentalities that have been created by State or local governments, so long as the organization is not organized for profit and is not a labor union or a partisan political organization.

Changes: None.

Comments: Commenters requested standardized documentation requirements for nonprofit eligibility, such as reliance on IRS determination letters, State registration records, or other verifiable public filings. They urged the Department to avoid duplicative documentation requests and align with existing Federal and State oversight systems. Commenters also asked for clarity on whether nonprofits under investigation that are not yet found in violation remain eligible to participate in the PSLF program.

Discussion: The Department agrees that nonprofit employers must have clear, standardized documentation requirements. Borrowers and employers should not face duplicative requests or arbitrary standards. The Department will continue to take into evidence objective, verifiable records such as employer provided IRS determination letters and State nonprofit filings. The Department acknowledges that the IRS could only disclose this information pursuant to an exception under 26 U.S.C. 6103. Borrowers can also use the PSLF Help Tool on the Department's website to find employers that the Department already believes are qualifying employers.

Qualifying employers who are under review because they may have a substantial illegal purpose will remain as qualifying employers until a determination is made by the Secretary. This approach respects due process while safeguarding the PSLF program from abuse.

Changes: None.

Substantial Illegal Purpose (§ 685.219(b)(30))

Comments: Many commenters said the phrase ''substantial illegal purpose'' is inherently vague and creates risk of overreach. They asked how the term ''substantial'' would be measured, whether it refers to the primary purpose of the organization or any significant unlawful activity, and how determinations would be documented. They emphasized the need for precision to avoid penalizing lawful entities for isolated or contested conduct.

Discussion: The Department rejects claims that the phrase ''substantial illegal purpose'' is too vague to be understood. The activities that are included within this term are defined in this final rule. Organizations that have engaged in an illegal activity are not automatically considered to have engaged in an activity with a substantial illegal purpose. Instead, the Secretary considers evidence of activities and whether the materiality of those activities supports a determination that the organization has engaged in illegal activities such that it has a substantial illegal purpose. ''Substantial'' refers to unlawful activity that is central to an organization's purpose or operations, not incidental conduct. Determinations will be based on objective evidence, not speculation.

Changes: The Department made changes to the standard and the process in subsections (h), (i), and (j) for determining whether an organization has a substantial illegal purpose to make clear that the Secretary weighs evidence of illegal activity to determine whether that illegal activity is so substantial that the organization has a substantial illegal purpose.

Comments: Commenters asked how ''substantial'' would be measured in practice. They worried that isolated incidents, ongoing investigations, or unproven allegations could unfairly trigger PSLF disqualification. Many argued that only sustained and adjudicated illegal activity central to an organization's mission should be considered before disqualification of the employer. They urged the Department to establish multi-factor criteria that weigh scope, frequency, and intent to ensure that disqualification is limited to genuinely unlawful organizational purposes.

Discussion: The Department agrees that determinations must be based on real and substantial unlawful activity, not speculation or unproven allegations. This final rule makes clear that eligibility decisions will rest on the materiality of any illegal activities or actions central to the organization's mission, not incidental actions by individuals acting outside the scope of their employment. The Department may consider allegations as a basis to start an inquiry, but the Department must develop the factual record to substantiate any allegations. The Department may also consider evidence that another entity, like a court, has adjudicated an issue when developing the factual basis for any action. Organizations will receive notice of any findings, an opportunity to respond, and an opportunity to rebut such findings. The Department will use clear and objective standards to measure ''substantial,'' weighing the scope, frequency, and intent of the conduct.

Changes: The Department clarified the standard and made changes to the process for determining whether an organization has a substantial illegal purpose to make clearer that the Secretary weighs evidence of illegal activity that is enumerated in paragraph (b)(30) to determine whether that illegal activity is so substantial that the organization has a substantial illegal purpose.

Terrorism (§ 685.219(b)(32))

Comments: Commenters agreed that organizations engaged in terrorism should be excluded, but they stressed that the rule must be tightly tied to statutory definitions and formal government determinations. They warned that, without such anchoring, lawful advocacy groups could be vulnerable to being labeled as terrorist-linked based on politics rather than evidence.

Discussion: The Department agrees that the PSLF program must exclude organizations engaged in terrorism, and thus eligibility decisions will be tied strictly to statutory definitions and formal government determinations. The Department will be unable to find that an organization is engaged in terrorism if the organization's conduct does not meet the elements necessary to show that they have engaged in terrorism consistent with Federal law and formal designations. The Department must develop factual evidence to support any finding, which ensures that organizations will not be targeted under this provision because of their viewpoint or political advocacy.

Changes: There are no substantive changes to the definition of terrorism. The Department removed the phrase ''the Crime and Criminal Procedure'' and the parenthesis around the citation to 18 U.S.C. 2331 for clarity.

Trafficking (§ 685.219(b)(33))

Comments: Commenters broadly supported excluding organizations engaged in trafficking but asked for clear standards for how determinations would be made. They worried that nonprofits providing survivor support or harm reduction services could be swept in if the definition of ''trafficking'' was too broad. They urged the Department to ensure determinations rely on objective legal findings rather than discretionary judgments.

Discussion: The Department agrees that PSLF must exclude employers engaged in trafficking. Determination will be based on objective legal findings, not speculation. The Department will be unable to find that an organization is engaged in trafficking if the organization's conduct does not meet the elements necessary to show that they have engaged in such unlawful conduct. Nonprofits providing services to survivors or harm reduction work will not be penalized so long as their conduct is lawful. This final rule makes sure PSLF disqualification is narrowly applied to unlawful trafficking.

Changes: None.

Violating State Law (§ 685.219(b)(34))

Comments: Many commenters noted that State laws vary widely and could create inconsistent outcomes for employers across States. They feared that nonprofits or local agencies might be disqualified based on politically driven litigation in one State, even if their conduct would be lawful elsewhere. They recommended that we limit this provision to well-established violations adjudicated by courts rather than allegations or unsettled disputes.

Discussion: The Department acknowledges that State laws vary widely. PSLF disqualification will not rest on mere allegations or politically motivated lawsuits. When the Department is considering whether an employer has engaged in illegal activities such that it has a substantial illegal purpose by virtue of having violated State law, only final, non-default judgments against an employer for violations of those State laws listed in the regulation may be used as evidence in making that determination. This includes trespassing, disorderly conduct, public nuisance, vandalism, and obstruction of highways.

The narrow scope of this provision limits its application and provides clear notice to borrowers and employers.

Changes: None.

Violence for the Purpose of Obstructing or Influencing Federal Government Policy (§ 685.219(b)(35))

Comments: Commenters strongly supported excluding organizations engaged in violence but worried the definition could be applied too broadly. They asked how the Department will distinguish between unlawful violent activities and lawful protest or advocacy that might involve civil disobedience. They stressed that only adjudicated instances of unlawful violence should trigger PSLF disqualification, to protect First Amendment rights while upholding statutory intent.

Discussion: The Department agrees that organizations engaged in unlawful violence must be excluded from PSLF. Violence involves using physical force to hurt, damage, or kill someone or something. The First Amendment does not protect violence; it protects speech and the expression of ideas. The Department will rely on court precedent to distinguish between protected speech and expression and unlawful violence. Even speech advocating for violence is protected, so long as it is not directed to or used to incite imminent lawless action. *See e.g., Brandenburg* v. *Ohio,* 395 U.S. 444 (1969) (holding that a state may not forbid speech advocating the use of force or unlawful conduct unless this advocacy is directed to inciting or producing imminent lawless action and is likely to incite or produce such action). When determining if an organization engages in illegal activities such that it has a substantial illegal purpose, the Department will not weigh evidence of lawfully protected speech or expression against an employer. This ensures First Amendment rights are respected while ensuring that PSLF benefits do not support employees of organizations that engage in violent behavior.

Changes: None.

Borrower Eligibility (§ 685.219(c))

Comments: Many commenters argued that, without clear rules, employees could lose PSLF benefits for reasons they could neither foresee nor control. They argued that workers should not bear the consequences of ambiguous employer classifications or administrative reinterpretations. Commenters urged the Department to ensure that credit continues for all periods of lawful public service, regardless of later disputes about an employer's eligibility.

Discussion: The Department understands that employees need to be informed when their employer loses eligibility for reasons that are outside of their control or that were unforeseeable. The Department will only determine that an organization has a substantial illegal purpose if there is evidence that shows that they have engaged in unlawful conduct. Organizations have the ability, and should have controls in place, to ensure that they do not engage in unlawful conduct. Nothing in this final rule changes the legality regarding the underlying legal offenses, it simply changes the consequences for such unlawful conduct. Where the unlawful conduct is material and meets the other requirements of the regulation, the Department can remove eligibility for PSLF. The Department does not believe Congress intended to prop up and subsidize the unlawful behavior of organizations. Employees will not lose PSLF credit for any payments that previously qualified toward forgiveness before a determination is made. This final rule makes clear that qualifying payments earned during periods of public service will not be removed from the borrower's count toward forgiveness provided those payments were made prior to the Secretary's determination that the employer engaged in illegal activity such that it has a substantial illegal purpose. It is only after the Department has determined that an employer has lost eligibility as a qualifying employer due to engaging in unlawful activities on or after July 1, 2026, that a borrower's payment will not be counted as a qualifying payment. This approach protects workers by preventing retroactive application and ensures that payments made before the Secretary's determination continue to count toward forgiveness.

The PSLF program will honor public service, not penalize borrowers for administrative disputes, and borrowers will retain the ability to pursue employment at another qualified employer. Borrowers will be protected, employers will be held accountable, and taxpayers will know their dollars are used responsibly and in pursuit of lawful activities.

Changes: None.

Comments: Commenters stressed the need for reliance on protections for those borrowers already serving in qualifying employment. They urged that borrowers should not be penalized mid-service if their employer is later disqualified. Several commenters recommended explicit non-retroactivity provisions, transition rules, and that borrowers who have earned PSLF credit may maintain that same credit when they move to a new, qualifying employer. Additionally, a commenter believed that the final rule should clarify that a borrower's payments continue to qualify for PSLF until the final determination is made. They also requested the borrower be given a grace period to find new qualifying employment for the purposes of the PSLF program.

Some commenters wrote about specific borrowers who have long-term employment contracts, including medical residents. Commenters expressed the belief that medical residents, and extended term contract employees, have additional restrictions surrounding their employment, limiting their ability to switch jobs in the event their employer loses PSLF eligibility. Some commenters went so far as to claim that losing PSLF eligibility could have career ending consequences if transition flexibility was not provided.

Discussion: The Department recognizes that borrowers in the PSLF program have significant reliance interests. The PSLF program was created by Congress in 2007 and requires borrowers to have certain types of student loans, enroll in certain types of repayment programs, and work for a qualifying employer for ten years. Many borrowers structure their life plans around the program, in that they sometimes decide to go to college and incur significant student loan debt in reliance on the program to ultimately subsidize the cost of their education. Furthermore, many borrowers may forgo higher-paying occupations in the private sector to maintain eligibility for the program. The Department believes that the rule appropriately balances the reliance interests of borrowers against the interests of taxpayers and the Federal Government in ensuring that the PSLF program is not supporting illegal activity. In accordance with borrower reliance issues, as explained previously, the Department is only taking action against employers prospectively. Even if an employer has engaged in unlawful conduct in the past, the Department's determination that an organization engaged in activities such that it has a substantial illegal purpose will not impact PSLF credit a borrower has received for working for that employer in the past. And while employees who work for these organizations may desire to continue to work for these organizations, they will have clear notice and the opportunity to change employers after the Department takes action against an employer. The Department believes this appropriately balances the borrower's substantial reliance interests against the Federal Government's interest in not indirectly subsidizing illegal activity.

With respect to the commenter's request that we clarify that a borrower's

payments continue to count toward PSLF until a final determination is made, we note that under this final rule, a borrower remains eligible for PSLF until the date of the Secretary's determination that employer is no longer a qualifying employer. Additionally, after considering the suggestion to include a grace period for a borrower to find new qualifying employment if their employer has been determined to be ineligible for PSLF, we believe that this would be inconsistent with current policy for borrowers who cease employment with qualifying employers for multiple other reasons or who change jobs between qualifying employers. Moreover, under section 685.219(h) of this final rule, borrowers will receive notice that the Secretary has initiated the process to determine whether an employer has engaged in illegal activities such that it could result in a determination that it has a substantial illegal purpose. Although not yet a final determination of employer eligibility, this final notice provides the borrower an opportunity to seek employment with another qualifying employer if they wish to continue to pursue PSLF without risk of interruption.

The Department acknowledges that there may be some medical resident borrowers who may face heightened challenges in changing employers due to the complex terms of their respective employment contracts. Although the Department acknowledges that this puts some borrowers in a more difficult situation, since the Department does not believe the interests of these borrowers outweighs the Department's interests in preserving the integrity of the PSLF program. Delaying the consequences of disqualification would mean that taxpayers would continue to indirectly subsidize the employment of individuals working for an employer engaged in illegal activity. Providing a transition period could reduce employers' incentives to comply with this final rule, including by delaying the timely development and implementation of a corrective action plan with the Department. As such, the Department does not believe that providing a transition period is appropriate. At the same time, the Department notes when an employer loses eligibility, borrowers who work for that employer will receive credit for the month in which eligibility is lost. For example, if an employer loses eligibility on the third day of a given month, the borrower will receive credit for that month.

Changes: None.

Comments: Commenters suggested that retroactive disqualification of employers could harm borrowers who relied in good faith on their employer's eligibility, creating unfairness and eroding trust in PSLF. They stressed that borrowers should not be penalized for decisions beyond their control.

Discussion: The Department agrees. As explained previously, this final rule makes clear that all qualifying payments made while an employer was considered eligible will continue to count, even if that employer is found ineligible later. There will be no retroactive PSLF disqualification of employers due to the reliance interests the borrowers have, as the commenters identified. However, any payment made after an employer is deemed no longer eligible for PSLF will not be counted toward the number of payments to forgiveness. This safeguard protects borrowers' reliance interests and ensures fairness while allowing the Department to act prospectively to maintain program integrity. This approach ensures that workers who have served in good faith are not punished, while also protecting taxpayers by preventing benefits from flowing to unlawful conduct in the future.

Changes: None.

Comments: Commenters warned that borrowers could lose PSLF eligibility because of sudden employer disqualification, even though workers themselves did nothing wrong. They argued that employees should not be punished for decisions outside of their control.

Discussion: The Department acknowledges that there may be instances where specific borrowers who work for employers the Department has determined to have a substantial illegal purpose may not have directly engaged in unlawful activity. The Department, however, must balance that against our interest in ensuring that the PSLF program is not indirectly subsidizing employment at organizations that have a substantial illegal purpose. The Department believes if the employer engages in illegal activities enumerated in paragraph (b)(30), such that it has substantial illegal purpose, that the Department, through the PSLF program, should not indirectly subsidize the employment of its employees. Organizations with a substantial illegal purpose are tainted by their illegal actions, even if some parts of the organization continue to engage in lawful behavior. The concept of a substantial illegal purpose appropriately balances the equities at hand by distinguishing between organizations that engage in isolated or minor legal violations and those whose core or predominant activities are unlawful. If more than an insubstantial portion of the employer's activities are unlawful, the organization may have a substantial illegal purpose. The Department recognizes that some organizations may have isolated misconduct where specific employees or segregable components engage in illegal conduct without that conduct defining the organization. In such cases, where unlawful activity is limited and not central to the organization's primary mission or operations, the employer would not be considered to have a substantial illegal purpose. This approach ensures that the PSLF program does not penalize borrowers for minor or isolated misconduct within their organizations, while still preventing the program from indirectly subsidizing entities whose principal or defining activities are unlawful.

Changes: None.

Application Process (§ 685.219(e))

Comments: Commenters stressed that timely notification of any Departmental action to remove eligibility from an employer is critical for borrowers to plan their careers and repayment strategies. They warned that without immediate notice, borrowers could be blindsided by sudden disqualification, left with little time to adjust, and placed at risk of financial harm.

Discussion: The Department agrees that borrowers should receive notice when the employers lose PSLF eligibility. This final rule requires the Department to provide prompt notification whenever an employer's eligibility changes based on the determination by the Secretary. This protects workers and prevents unnecessary disruption. By mandating clear and proactive communication, this final rule ensures that borrowers have the information they need to make informed decisions regarding their PSLF eligibility. As discussed above, borrowers have significant reliance interests in the PSLF program, but those reliance interests must be balanced against the Department's interest in not indirectly subsidizing employers that have a substantial illegal purpose. Prompt direct notification to the impacted borrowers and broad disclosure on the Department's website are important to mitigate the impact to borrowers.

Changes: None.

Comments: Commenters emphasized that notification is not just about timing but also about substance. They requested that the notices clearly

explain the reason for an employer's disqualification, the effective date, the borrower's current credit status, and what steps borrowers may take to continue to participate in the PSLF program. Without such detail, commenters argued, notifications could create more confusion than clarity.

Discussion: The Department agrees that its notification to affected borrowers must be substantive and should include information about the reason for an employer's disqualification, the effective date, the borrower's current credit status, and what steps borrowers may take to continue to participate in the PSLF program. The Department agrees with commenters that this approach reduces confusion and will provide helpful information to borrowers.

Changes: None.

Comments: Commenters urged the Department to use multiple communication channels, including email, online borrower dashboards, and paper mail to ensure that critical notifications reach all affected borrowers. They warned that reliance on a single method could leave some unaware of eligibility changes, particularly those borrowers with limited internet access or outdated contact information.

Discussion: The Department agrees that notifying borrowers through multiple mediums is appropriate to increase awareness among borrowers. That is why this final rule requires the Department to use multiple channels of communication, including secure electronic notices, borrower dashboard updates, and paper mail where necessary, to ensure all affected individuals and the public are informed about an employer's PSLF eligibility.

Changes: None.

Comments: Several commenters suggested that the Department should provide transparency for both current participants but also for prospective borrowers considering careers in public service. They recommended public-facing employer eligibility lists that are regularly updated so that individuals entering the workforce can make informed decisions about whether their potential employer qualifies.

Discussion: The Department agrees that both current participants and the public should be informed regarding employer eligibility. By informing the public, prospective participants and borrowers considering public service careers will be informed of their options for eligible employment. Accordingly, this final rule requires the Department to maintain and regularly update a public-facing list of employer eligibility determinations.

Changes: None.

Comments: Several commenters highlighted that new entrants into repayment should be warned about the possibility of employer disqualification and given transparent, accessible information about how eligibility determinations are made. They stressed that prospective borrowers must have the ability to make informed career and repayment choices with full knowledge of PSLF risks.

Discussion: The Department agrees that prospective borrowers deserve transparency regarding the eligibility process for the PSLF program. However, the Department disagrees that we should display such information as a ''warning.'' Employers that have a substantial illegal purpose will lose PSLF eligibility, and the Department will inform borrowers and the public of such determination. Because most employers voluntarily comply with the law, and the Department does not expect this final rule to impact the majority of eligible borrowers, we do not think it is appropriate to label the process as a ''warning.''

Changes: None.

Borrower Reconsideration Process (§ 685.219(g)) and Employer Reconsideration Process (§ 685.219(h))

Comments: Many commenters underscored that a robust reconsideration process is essential to borrower confidence in the PSLF program. They argued that determinations about qualifying employment carry life-changing financial consequences and therefore must include a meaningful right to challenge decisions. Commenters emphasized that reconsideration should not be treated as a perfunctory administrative step but as a genuine safeguard against error.

Discussion: It is important to note that the current borrower reconsideration process is not changing in these final regulations. The Department is, however, making it clear that a borrower may not submit a reconsideration request when their employer is determined to no longer be a qualifying employer for the purposes of the PSLF program. This final rule establishes a clear employer reconsideration process that gives employers the right to submit additional information and seek review of determinations. This ensures decisions are not final without all relevant evidence and arguments being considered. This safeguard provides due process to ensure that the Department considers all relevant information prior to taking action to remove employer eligibility.

Changes: In the NPRM, the Department made clear that employers would have notice and the opportunity to respond to any findings before final action is taken. To avoid confusion, the Department inserted an amendment to the regulatory text in a parenthetical in § 685.219(h)(1), which makes it clear that the opportunity to respond is called the ''employer reconsideration process.''

Comments: Many commenters argued that there is the need for greater transparency in the reconsideration process. Commenters asked for clear timelines on when and how reviews would be completed, as well as published standards explaining the criteria applied in reconsideration decisions. Commenters further stressed that the Department should provide written reasons for its determinations, so borrowers understand the basis for decisions.

Discussion: The Department partially agrees with the commenters. The final rule requires that determinations be explained in writing and supported by clear reasoning. The employer reconsideration process exists to ensure that the Department has all the relevant information and takes it into account when making decisions. If the Department makes an error based upon the facts or the application of the regulation, the employer reconsideration process will ensure that organizations can bring that to the Department's attention prior to it taking final action. The Department understands the interest borrowers have in a definitive timeline for review of employer reconsideration requests; however, the Department is unable to commit to a specific timeline. Among other things, the Department needs to preserve flexibility to make certain that we have adequate time to consider all the relevant evidence. The Department expects that some employer reconsideration requests will be straightforward and will be able to be processed in a relatively short period of time. On the other hand, some employer reconsideration requests may be complex and involve significant amounts of new information. Complex reconsideration requests will take more time for the Department to process and may require elevated levels of approval. As such, given the complexity that may be involved, the Department is not making changes that would commit the Department to a temporally limited review period. As noted above, a borrower would not be affected by an adverse determination regarding an employer until the employer

reconsideration process is complete. Accordingly, if it takes six months for the Department to reach a final determination that an employer has a substantial illegal purpose, a borrower's qualifying payments made during that six-month period would continue to count toward loan forgiveness.

Changes: None.

Comments: Commenters expressed concern that delays in the reconsideration process could disadvantage borrowers, particularly if their PSLF progress is frozen during review. Several commenters urged that borrowers should continue accruing PSLF credit while reconsideration is pending so that they are not financially harmed by administrative timelines outside their control.

Discussion: The Department agrees. This final rule makes clear that all qualifying payments made while an employer was considered eligible will continue to count, even if the employer's eligibility is under review. Borrowers will continue to be eligible to receive credit toward PSLF if they make qualifying payments while waiting for the Department to complete the employer reconsideration process and make a determination.

Changes: None.

Comments: Many commenters argued that while reconsideration is an important safeguard, the process remains incomplete without a clear and well-defined appeals mechanism. They raised concerns that, without explicit standards for appeals, determinations may lack legitimacy, leaving borrowers with limited recourse if they believe an error has occurred. Commenters suggested that the Department establish clear appeal pathways with independent review, binding timelines, and published rationales to ensure confidence in outcomes.

Discussion: The Department agrees that employer reconsideration is an important procedural step that ensures that due process is provided. For this reason, this final rule includes a reconsideration process. Like all agencies that provide informal adjudications, the Department must provide a process that is consistent with the requirements of the Due Process Clause of the Fifth Amendment to the U.S. Constitution because of the property interests involved in the PSLF program. *See e.g., Pension Ben. Guar. Corp.* v. *LTV Corp.,* 496 U.S. 633, 653–56 (1990) (holding that courts cannot require agencies to provide process beyond what is provided for in the underlying statute or the U.S. Constitution). The Department does not believe an additional internal reconsideration process is necessary to ensure that the Department makes reasoned decisions. As is generally true with informal adjudications under the APA, the Department's final agency action with respect to PSLF eligibility can be challenged in Federal district court. *See Dep't of Homeland Sec.* v. *Regents of Univ. of Cal.,* 591 U.S. 1, 16 (2020) (''The APA establishes a basic presumption of judicial review for one suffering legal wrong because of agency action.'' (cleaned up)).

Changes: None.

Comments: Commenters expressed concern that reconsideration outcomes might vary depending on which office or staff member handles a case, leading to inequities. They emphasized that a standardized process with uniform evidentiary thresholds, transparent procedures, and publicly available examples would promote consistency and fairness. Borrowers want assurance that reconsideration decisions will not hinge on individual discretion but instead follow predictable and published standards.

Discussion: The Department agrees that all employers should be treated in an even-handed manner. The results from the reconsideration process should not turn upon the specific staff involved but should instead focus on the facts and how they apply to the regulation. The Department has internal reviews and controls in place with all agency adjudications to prevent variation across staff and minimize the risk of arbitrary and capricious decision-making.

Changes: None.

Standard for Determining Whether a Qualifying Employer Has a Substantial Illegal Purpose (§ 685.219(h))

Comments: Many commenters claimed the Department should anchor determinations in objective, evidence-based findings rather than administrative discretion. Suggestions included requiring a final judicial or administrative finding of illegality before disqualification, limiting the scope of review to the unit directly involved in misconduct, and applying a clear evidentiary threshold that prevents speculative or politically motivated judgments. Commenters stressed that such standards would promote fairness, reduce uncertainty, and insulate the program from political manipulation.

Discussion: The Department agrees that determinations must be anchored in objective evidence, not speculation or politics. This final rule makes clear that employer disqualification requires the Department to find that an employer has a substantial illegal purpose by a preponderance of the evidence after weighing the employer's illegal conduct, narrowly focusing on only the illegal conduct enumerated in the regulation. A determination by the Department that an employer engaged in illegal activities such that it has a substantial illegal purpose only represents the Department's conclusion that the organization is not a qualifying employer for the purposes of participation in PSLF and does not represent a determination regarding the organization's tax-exempt status by the IRS. Only the IRS, not the Department, makes determinations regarding tax-exempt status. The Department decided to use the preponderance of the evidence standard because it is a well-established standard in informal agency adjudications and it ensures decisions are based on reliable evidence, not speculative allegations. *See e.g.,* Student Assistance General Provisions, 84 FR 49788 (Sept. 23, 2019). At the same time, the Department does not believe that it is appropriate to only rely on final judicial or administrative rulings before taking action. As discussed, the Department has significant interest in preserving taxpayer resources and preventing PSLF benefits from indirectly subsidizing employers who have a substantial illegal purpose. When the Department finds that an organization's activity is material enough that it has a substantial illegal purpose, we believe that it is the appropriate time to remove PSLF eligibility. Waiting until another entity acts would create unnecessary delays, cost taxpayers more, and make the Department captive to third parties who may or may not have an interest in protecting the Federal fiscal interest. Congress charged the Department with the responsibility to administer the PSLF program. Fully delegating the responsibility for program integrity to a third party and thereby relinquishing the Department's role in safeguarding that integrity would constitute an abdication of its statutory duty. The Department has amended the regulatory provisions under this section to provide clarity that the materiality of any illegal activity is weighed when considering whether an organization has a substantial illegal purpose. An illegal activity alone does not automatically mean an organization has a substantial illegal purpose.

Changes: Amended § 685.219(h) to include clarifying language for the standard for determining a qualifying employer has a substantial illegal purpose to include the distinction of illegal activity and substantive illegal purpose.

Comments: Commenters raised the concern that legal standards vary widely across States, particularly in areas such as marijuana laws, reproductive health regulations, and immigration enforcement. They argued that, without a Federal baseline, an employer deemed lawful in one jurisdiction could be disqualified in another, leaving borrowers subject to arbitrary geographic disparities. Commenters asked the Department to establish uniform Federal standards or explicitly preempt conflicting State interpretations to ensure equitable treatment for borrowers nationwide.

Discussion: The Department recognizes that State laws differ and appropriately drafted the rule to account for variation across States. Organizations will not be penalized if their actions are legal in the State in which they are operating. Although uniform standards would make the adjudication process more streamlined, such standards would not account for the differences across States in our Nation's system of vertical federalism. At the same time, if the Secretary determines that an employer has engaged in activities such that it has a substantial illegal purpose due to illegal conduct in one or more States, the Department may remove eligibility for the entire organization. Where an employer is operating under the same employer identification number (E.I.N.), but a part of the organization is actually separate and distinct, this final rule gives the Department flexibility to divide the employer into separate organizations for the purposes of PSLF eligibility.

With respect to immigration law, the Department disagrees that there is wide variation in immigration law across the country. The Federal Government has broad powers to regulate immigration law, and the immigration laws are uniform on the national level. *See e.g., DeCanas* v. *Bica,* 424 U.S. 351, 354 (1976) (stating that the ''[p]ower to regulate immigration is unquestionably exclusively a federal power''); *Arizona* v. *United States,* 567 U.S. 387, 394 (2012) (stating that ''[t]he Government of the United States has broad, undoubted power over the subject of immigration and the status of aliens'' and holding that several Arizona laws concerning immigration were invalid because they conflicted with Federal immigration laws or intruded on areas where Congress left no room for States to regulate).

Changes: None.

Comments: Many commenters argued that adjudicatory determinations must be accompanied by published standards, detailed explanations, and clear timelines. Commenters argued that, without these safeguards, PSLF eligibility decisions risk appearing arbitrary and may erode borrower confidence. Many commenters recommended that the Department provide written rationales for each disqualification decision and establish public-facing guidance that borrowers and employers can rely upon to anticipate outcomes.

Discussion: The Department agrees that transparency is essential. Borrowers and employers must know how decisions are made, what standards apply, and how to anticipate outcomes. This final rule requires written explanations for disqualification determinations, published standards, and clear timelines so the process is predictable, consistent, and accountable. By providing detailed rationales and public-facing guidance, the Department will ensure that determinations are not hidden, arbitrary, or influenced by politics. Borrowers will know their rights, employers will know their responsibilities, and taxpayers will know the PSLF program is administered with integrity. Transparency strengthens confidence and protects lawful public service.

Changes: None.

Comments: Commenters argued that PSLF determinations would inevitably reflect politics and that organizations could be punished for their views rather than unlawful conduct. They feared the Department could use this rule to target groups unpopular with those in power.

Discussion: The Department disagrees with commenters' argument. Under this final rule, PSLF employer eligibility determinations are based on objective, content-neutral evidence that an organization has engaged in illegal activities such that it has a substantial illegal purpose. All the activities included within the definition of substantial illegal purpose are explicit violations of either State or Federal law, and as such, are actions which inherently do not serve the public good. By basing the components of the definition of substantial illegal purpose on State and Federal law, this final rule protects borrowers from arbitrary or politically motivated disqualification. It safeguards taxpayer funds, improves confidence in the program and ensures PSLF provides benefits for only lawful public service.

Changes: None.

Process for Determining When a Qualifying Employer Engaged in Activities Such That It Has a Substantial Illegal Purpose (§ 685.219(i))

Comments: Commenters objected to the idea that an entire organization could be disqualified because of misconduct by a small unit or a few individuals. They argued that blanket determinations would unfairly harm borrowers serving in lawful roles who had nothing to do with the misconduct.

Discussion: The Department agrees that broad disqualification could be unfair in certain circumstances, especially when the underlying illegal activity is immaterial or minor, is a result of a rogue employee, or does not rise to a pattern or practice. If more than an insubstantial portion of an organization's conduct and activities are illegal; however, the Department considers that organization to no longer be a qualifying employer for the purpose of PSLF eligibility. And as such, it would be inappropriate to continue to provide PSLF benefits to employees of such an organization. Although isolated and immaterial acts, even if illegal, may not be sufficient to withdraw eligibility because of the reasons commenters identify, if such conduct becomes a substantial part of the organization, the organization ceases to provide a public service and, therefore, the conduct becomes sufficient for the Department to cease providing PSLF benefits. When weighing these instances of illegal conduct, the Department will weigh the frequency in which they have occurred and the seriousness of the offense. In some cases, where the illegal conduct is material and very serious, such as acts of terrorism, the Department may not need to see a pattern of behavior. One act of supporting terrorism may be sufficient to remove eligibility. On the other hand, if the organization has engaged in less serious violations, the Department may need to see a pattern and practice of consistent violations to find that the organization has engaged in activities such that it has a substantial illegal purpose. *See I.R.S. Gen. Couns. Mem. 34631* (Oct. 4, 1971) (stating, as an example, that ''[a] great many violations of local pollution regulations relating to a sizable percentage of an organization's operations would be required to disqualify it from 501(c)(3) exemption'' but ''if only .01% of its activities were directed to robbing banks, it would not be exempt''). Courts have upheld this approach in the context of the Internal Revenue Code, because they have recognized the common-sense principle

that if an organization is engaged in a substantial amount of criminal activity, it is not advancing a tax-exempt purpose. *See e.g., Church of Scientology,* 83 T.C. at 586(stating, in affirming the IRS's denial of tax-exempt status to an organization that had engaged in tax fraud, ''[w]ere we to sustain petitioner's exemption, we would in effect be sanctioning petitioner's right to conspire to thwart the IRS at taxpayer's expense''). Here, the Department is taking a similar approach to ensure that only organizations that are providing a public service are qualifying employers. We reiterate that the process envisioned under § 685.219(i) is for determining when an employer has a substantial illegal purpose for the purposes of PSLF. The process in § 685.219(i) does not make a determination of the employer's tax status under the Internal Revenue Code.

Changes: None.

Comments: Commenters stated that terms like ''substantial illegal purpose'' are not sufficiently defined, leaving room for subjective interpretation. They warned this vagueness could open the door to excessive enforcement and uncertainty for nonprofits and public service organizations that operate in politically sensitive areas. Some urged the Department to narrowly define the term, limiting it only to cases where the organization's primary mission is unlawful activity.

Discussion: The Department rejects the idea that ''substantial illegal purpose'' is not sufficiently clear enough to be understood. Organizations that engage in illegal activity do not automatically have a substantial illegal purpose under this final rule. As explained above, the Department will weigh the seriousness of offenses and the frequency with which they occurred when determining if an organization engages in activities enumerated under paragraph (b)(30) such that it has a substantial illegal purpose for PSLF eligibility purposes. Even one instance of an organization supporting terrorism may be sufficient to make such a finding; however, for less serious offenses, the Department will look more generally to see if there is a pattern and practice of illegal behavior. The Department believes if more than an insubstantial amount of illegal conduct is occurring at an organization that it is no longer providing a public service, and its employees should no longer receive PSLF program benefits.

Changes: The Department made clarifying changes to the process for determining whether an organization has a substantial illegal purpose to make clear that the Secretary weighs evidence of illegal activity as described in paragraph (b)(30) to determine whether that illegal activity is so substantial that the organization has a substantial illegal purpose.

Comments: Many commenters pressed the Department to draw a clear distinction between an organization's unlawful activities and lawful work performed by its other units or employees. They argued that, absent this protection, borrowers could lose PSLF credit even if their service was in fully compliant divisions of a larger entity. Commenters emphasized that fairness requires shielding employees from organizational misconduct they neither directed nor participated in. Additionally, commenters mentioned that it was unclear how standards would apply to separate entities sharing the same E.I.N. or how partial disqualification would be managed to ensure that eligible employees were not negatively impacted.

Discussion: The Department agrees that for PSLF eligibility purposes that it may be appropriate for the Department to have unique identifiers, in certain circumstances, when separate and distinct entities share the same E.I.N., and are operated in a separate and distinct manner. Such unique identifiers will only be necessary if the Secretary determines that a qualifying employer has engaged in illegal activities such that it has a substantial illegal purpose. If multiple qualifying employers share the same E.I.N., the Department will determine the specific employer that is ineligible for PSLF and assign a unique identifier to that organization if the organization is operating separately and distinctly.

At the same time, the Department disagrees with commenters that a component's illegal actions cannot taint the entire organization. For example, an organization that supports terrorism, but also provides food to low-income individuals, likely has a substantial illegal purpose. Providing food to low-income individuals, as admirable as it may be, does not necessarily immunize the organization from its other illegal conduct. The Department acknowledges that this approach may mean that certain borrowers that work for organizations that have a substantial illegal purpose will become ineligible for PSLF, even in instances where the borrower is not engaged in illegal activity. However, the Department believes that its interest in protecting taxpayer resources from going to organizations that harm the public good because they have a substantial illegal purpose outweighs the interests of borrowers in these narrow circumstances.

Changes: None.

Comments: Many commenters pointed out that the proposed standard for PSLF eligibility does not clarify what level of involvement qualifies as ''engagement'' in illegal activity. Commenters feared this vagueness could allow ideological misuse, targeting organizations for political reasons rather than unlawful conduct.

Discussion: The Department disagrees with commenters' suggestion and criticism. The term ''engage'' in the context of the regulation means the organization is taking part in the activity. In other words, it refers to direct participation or purposeful involvement in unlawful conduct by the organization itself. *See Engage: Merriam-Webster.com Dictionary,* Merriam-Webster, *https://www.merriam-webster.com/dictionary/engage.* Accessed 7 Oct. 2025. Because this word is sufficiently clear in the context in which it is used, the Department does not think changes to the rule are needed to provide clear notice as to what conduct this final rule seeks to address.

Changes: None.

Comments: Several commenters suggested that it would be more practical for the Secretary to simply reject incomplete applications rather than treating a failure to certify as conclusive evidence for disqualification, as the risks and costs of the current proposal outweigh any administrative benefit.

Discussion: The Department agrees that it will reject individual incomplete applications where an employer fails to certify that it did not participate in activities that have a substantial illegal purpose. Operationally, the Department will reject an individual application if the section about the employer's certification that it did not engage in substantial illegal activities is omitted or missing. The Department, via the borrower, will provide the employer an opportunity to correct the application and provide the requested information. However, when an employer consistently fails or refuses to provide a certification on multiple applications, the Department may consider disqualifying the employer per the process outlined in § 685.219(i).

Changes: None.

Regaining Eligibility as a Qualifying Employer (§ 685.219(j))

Comments: Several commenters argued that once an organization corrects unlawful practices or demonstrates compliance, it should

have a clear pathway to regain PSLF program eligibility. Without this option, they argued, employers could be permanently tainted, unfairly harming employees who continue to perform lawful public service. Commenters recommended corrective action plans, time-limited disqualifications, and procedures for reinstating borrower credit once eligibility is restored.

Discussion: The Department recognizes the importance of a clear pathway for employers to regain PSLF program eligibility once unlawful practices are corrected. The goal of this final rule is not permanent exclusion but to ensure that benefits from the PSLF program do not indirectly support employers who have engaged in certain illegal activities. Organizations that take corrective action, demonstrate compliance, and return to lawful operations should have the opportunity to be reinstated as an eligible employer. This final rule provides for 10-year time-limited disqualification and the possibility of restoration. The Department believes the temporal disqualification strikes the right balance and ensures that organizations can regain eligibility. In addition, if the Secretary approves a corrective action plan for the organization, it can regain eligibility on an expedited timeline. Organizations that want to avoid ineligibility altogether may suggest a corrective action plan to the Secretary in tandem with any submission under the employer reconsideration process.

Changes: None.

Comments: Commenters argued that borrowers and employers could face disqualification without adequate notice or the ability to contest decisions. Some acknowledged that prior qualifying payments would still count, but most said that safeguard alone was not enough.

Discussion: The Department disagrees that employers could face disqualification without adequate notice. This final rule requires employers receive notice and the opportunity to respond through the employer disqualification process. This process will ensure notice is provided in advance of any action to disqualify the employer from the PSLF program. Borrowers will be notified directly if they are working for an employer who is no longer eligible because the Department has determined that the organization has a substantial illegal purpose. In addition, the Department will post this information on its website to inform the public. In addition, borrowers will retain credit for all qualifying payments made before an employer's status changes. This protection shields workers from any harm prior to a determination of employer ineligibility being made by the Secretary.

Changes: None.

Borrower Notification of Regained Eligibility (§ 685.219(k))

Comments: Commenters strongly supported requiring the Department to notify borrowers right away when an employer's eligibility changes. They stressed that, without timely notice, borrowers could be blindsided, undermining trust in the PSLF program and causing serious financial harm.

Discussion: The Department agrees. Timely notification is not optional, it is essential. This final rule requires prompt notice so borrowers know immediately when their employer's eligibility status changes.

Changes: None.

PSLF Program Administration

Comments: Many commenters questioned whether loan servicers currently have the expertise and staffing to administer this rule accurately. They pointed to past problems with inconsistent guidance, long call center delays, and errors in processing borrower accounts. Some commenters argued that, without significant investments in servicer training and oversight, the new rules could worsen confusion and lead to wrongful denials. Others emphasized that servicers should receive standardized guidance and be held accountable for ensuring determinations are applied uniformly.

Discussion: The Department acknowledges that servicers have faced challenges in administering certain aspects of the PSLF program in the past. However, the Department does not believe that its servicers will be unable to carry out new responsibilities under this final rule, given the limited scope of those responsibilities. The Department expects that it will only take action to remove PSLF program eligibility for less than ten employers per year. Servicers will have the ability to handle that volume of employer eligibility changes. The Department's Office of Federal Student Aid will ensure that its staff, who handle eligibility determinations, and its servicers, who handle processing, will be trained, monitored, and held accountable for accuracy.

Changes: None.

Comments: Commenters highlighted concerns that the additional layers of review and determination introduced by the rule could cause lengthy delays in processing applications, reconsiderations, and employer status updates. Commenters worried that they might be left in limbo for months or even years, undermining the value of the PSLF program as a dependable benefit. Some recommended the Department set strict timelines and performance metrics for application and employment certification form processing to prevent backlogs from eroding confidence in the program.

Discussion: The Department rejects the notion that this final rule creates unnecessary delays. The Department is creating internal performance expectations and oversight mechanisms so that applications, reconsiderations, and employer determinations move as quickly and predictably as possible. As explained previously, some reviews for substantial illegal activity will be straightforward and will be quickly processed, while other matters may be more complex and will need several layers of review before an informed decision can be reached. As such, the Department is unable to commit to specific timelines for different parts of the adjudicatory process. At the same time, qualifying employers and their employees will remain eligible to participate in the PSLF program throughout the review process. Only after the Secretary has determined that an organization has engaged in activities such that it has a substantial illegal purpose will borrowers no longer receive monthly PSLF credit for payments made.

Changes: None.

Comments: Commenters stressed that PSLF must be administered consistently regardless of which servicer handles a borrower's loans. They noted that inconsistent application of standards has been a long-standing problem, with some servicers approving payments or employers that others reject. Commenters urged the Department to adopt uniform servicing protocols, detailed written guidance, and stronger oversight mechanisms to ensure equal treatment across the program.

Discussion: The Department agrees that the PSLF program, including regulations under this final rule, must be administered uniformly. Through its ongoing oversight mechanisms, the Department will ensure that both Department staff and vendors adhere to consistent protocols, written guidance, and oversight standards. Borrowers deserve equal treatment, and taxpayers deserve confidence that the PSLF program is administered consistently and fairly.

Changes: None.

Other Notable Public Comments

Comments: Commenters asked for more detail on how the rule will be implemented, including why certain organizations are excluded and how determinations will be documented. They said clearer terms would give borrowers and employers greater predictability and confidence.

Discussion: The Department agrees that clarity is essential. This final rule establishes the overarching regulatory framework, and the Department will continue to provide additional information, such as through guidance documents, as necessary to ensure that borrowers and employers understand how eligibility standards are applied. This approach promotes consistency, fairness, and transparency in all determinations. By doing so, the Department strengthens trust in the program, protects borrowers, and safeguards taxpayer interests. It ensures that the PSLF program operates under clear rules, with neutral enforcement, and strong accountability.

Changes: None.

Comment: A commenter asserted that the final rule failed to address scenarios where a State law changed after a qualifying employer was found to have violated that State law and that violation of State law was used as evidence by the Secretary to determine that an employer has a substantial illegal purpose. The commenter believed that in such cases an employer's eligibility for PSLF should be restored, payments made by borrowers during the period when the employer was disqualified from PSLF should be credited toward PSLF, and the Department should be required to initiate a new process for determining when an employer should be disqualified.

Discussion: The Department disagrees with the commenter. Changes to State law do not change the underlying issue that the organization's action were illegal at the time the action was taken. The Department's rule is designed, in part, to deter organizations from engaging in unlawful behavior by creating additional adverse consequences for engaging in that conduct. Consequences that flow from engaging in illegal activity are not automatically nullified if the underlying law is modified, and the Department thinks it would be inappropriate to alter the consequences for that illegal activity automatically here. The final rule provides disqualified employers with a streamlined pathway to regain eligibility as a qualifying employer for PSLF in section 685.219(j). Under that section, the employer has an opportunity to certify that it is no longer engaging in illegal activities under this final rule, and to provide evidence acceptable to the Secretary to support the compliance certification.

Changes: None.

X. Regulatory Impact Analysis

Executive Orders 12866, 13563, and 14192

Under Executive Order 12866, the Office of Management and Budget (OMB) must determine whether this regulatory action is ''significant'' as defined by that Executive Order and, therefore, subject to the requirements of the Executive Order and subject to review by OMB. Section 3(f) of Executive Order 12866 defines a ''significant regulatory action'' as an action likely to result in a rule that may:

(1) Have an annual effect on the economy of $100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local or tribal governments or communities;

(2) Create serious inconsistency or otherwise interfere with an action taken or planned by another agency;

(3) Materially alter the budgetary impacts of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or

(4) Raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in the Executive Order.

The Department estimates the net budgetary impacts to be −$1.616 billion from reductions in transfers from the Federal Government to borrowers who no longer receive credit toward loan forgiveness under PSLF. Quantified economic impacts include annualized transfers of −$179 million at 3 percent discounting and −$191 million at 7 percent discounting, and annual quantified costs of $0.3 to $0.4 million related to compliance costs and administrative updates to government systems. Additionally, the Department expects to allocate a portion of current full-time equivalent employment (FTE) to support the systems, compliance, and oversight functions of this final rule on a continuing basis. The Department estimates that a total of 10 FTEs will be allocated annually on an ongoing basis to systems, compliance, and oversight activities associated with this final rule, with a possible reduction in later outyears as noncompliant employers are disqualified and the expected deterrent effects of the final rule are realized. It is also important to note that given that the average PSLF loan forgiveness payment amount to date, as shown in Table 5.4, is $75,900 per borrower, such a shift of current staff resources from performing lower value activities to preventing and deterring improper payments in the PSLF program is likely to result in lower overall net costs of these staff resources than without the final rule. Therefore, based on these estimates, the Office of Information and Regulatory Affairs (OIRA) has determined that this final action is ''economically significant'' under section 3(f)(1) and subject to OMB review under section 6(a)(3) of Executive Order 12866.

We have also reviewed these regulations under Executive Order 13563, which supplements and explicitly reaffirms the principles, structures, and definitions governing regulatory review established in Executive Order 12866. To the extent permitted by law, Executive Order 13563 requires an agency to:

(1) Propose or adopt regulations only on a reasoned determination that their benefits justify their costs (recognizing that some benefits and costs are difficult to quantify);

(2) Tailor its regulations to impose the least burden on society, consistent with obtaining regulatory objectives and considering, among other things and to the extent practicable, the costs of cumulative regulations;

(3) Choose among alternative regulatory approaches and select those approaches that maximize net benefits (including potential economic, environmental, public health and safety, and other advantages; distributive impacts; and equity);

(4) To the extent feasible, specify performance objectives rather than the behavior or manner of compliance a regulated entity must adopt; and

(5) Identify and assess available alternatives to direct regulation, including economic incentives, such as user fees or marketable permits, to encourage the desired behavior, or provide information that enables the public to make choices.

Executive Order 13563 also requires an agency ''to use the best available techniques to quantify anticipated present and future benefits and costs as accurately as possible.'' OIRA has emphasized that these techniques may include ''identifying changing future compliance costs that might result from technological innovation or anticipated behavioral changes.''

The Department finds that the benefits of this final rule outweigh and will justify their costs. In choosing

among alternative regulatory approaches, we selected those approaches that maximize net benefits. In this RIA, we discussed the need for regulatory action, potential costs and benefits, net budget impacts, and the regulatory alternatives we considered.

Elsewhere in this section under the *Paperwork Reduction Act,* we identify and explain burdens specifically associated with information collection requirements.

President Trump's Executive Order on *Unleashing Prosperity Through Deregulation,* Executive Order 14192 (Jan. 31, 2025) directs Federal agencies to manage and reduce regulatory costs while promoting economic growth. It emphasizes reviewing existing regulations and minimizing unnecessary burdens on the public. This rule is not an Executive Order 14192 regulatory action because it does not impose any more than de minimis regulatory costs.

1. Major Rule Designation

Pursuant to Subtitle E of the Small Business Regulatory Enforcement Fairness Act of 1996, also known as the Congressional Review Act (5 U.S.C. 801 *et seq.*), OIRA designated this rule as a ''major rule,'' as defined by 5 U.S.C. 804(2).

2. Need for Regulatory Action

The Department has identified a critical and urgent need for targeted regulatory reform within the PSLF program. The PSLF program, established to encourage public service careers by offering loan forgiveness to eligible borrowers, has faced several operational challenges, eligibility concerns, and administrative burdens that undermine its effectiveness. Despite the program's intent, the current regulatory framework does not restrict eligibility if an organization has a substantial illegal purpose unless the organization ceases to qualify for another reason, such as having its tax-exempt status revoked by the IRS. As a result, the Department is currently indirectly subsidizing employers who are not engaged in public service because they are engaged in illegal activity and have no independent mechanism to remove such employers from the program.

In response to these challenges, the Department implements targeted regulatory changes designed to strengthen the program's integrity by limiting benefits to borrowers employed by organizations that meet the established public service criteria, including working for employers who perform a public good. This final rule refines the requirements for qualifying employers and makes certain that PSLF benefits are distributed only to those working for organizations that provide a public service, aligned with the goals of the HEA and consistent with the intent of Congress.

3. Summary

TABLE 3.1—SUMMARY OF KEY CHANGES IN THE FINAL REGULATIONS

Provision	Regulatory section	Description of proposed provision
Public Service Loan Forgiveness		
Definitions	§ 685.219(b)	Will add definitions of ''aiding or abetting''; ''chemical castration or mutilation''; ''child or children''; ''foreign terrorist organizations''; ''illegal discrimination''; ''other Federal immigration laws''; ''substantial illegal purpose''; ''surgical castration or mutilation''; ''terrorism''; ''trafficking''; ''violating State law''; and ''violence for the purpose of obstructing or influencing Federal Government policy''. Will revise the definition of ''qualifying employer''.
Borrower Eligibility	§ 685.219(c)	Will exclude from a credit as a qualifying payment any month where ED has determined that a qualifying employer engaged in activities such that it has a substantial illegal purpose.
Application Process	§ 685.219(e)	Will create a borrower notification of employers that are at risk of or have lost PSLF qualifying status.
Borrower reconsideration process	§ 685.219(g)	Will prohibit a borrower from requesting reconsideration if their employer lost eligibility due to engaging in activity such that it has a substantial illegal purpose.
Standard for determining whether a qualifying employer has a substantial illegal purpose.	§ 685.219(h)	Will create a standard by which the Secretary determines that the qualifying employer has a substantial illegal purpose, including but not limited to reviewing the preponderance of the evidence and basing decisions on materiality of the activities that have a substantial illegal purpose. Also, it will provide the employer an opportunity to respond except in cases where there is conclusive evidence (see discussion or regulatory language for more information) that the employer engages in activities such that it has a substantial illegal purpose.
Process for determining when a qualifying employer engaged in activities such that it has a substantial illegal purpose.	§ 685.219(i)	Will establish that the Secretary determines that a qualifying employer has a substantial illegal purpose when the Secretary receives that self-certified information on the Public Service Loan Forgiveness Certification and Application (PSLF Form) or makes his or her own determination, unless a corrective action plan is submitted prior to issuance of the determination. Will also note the Secretary's authority to separate entities operating under one identification number.
Regaining eligibility	§ 685.219(j)	Will allow a qualifying employer to regain eligibility after ten years from the date the Secretary determines it has a substantial illegal purpose or when the Secretary approves a corrective action plan signed by the employer.
Borrower notification	§ 685.219(k)	Will require the Secretary to update the qualifying employer list within 30 days if an employer regains lost eligibility.

4. Discussion of Costs and Benefits

The PSLF program is a component of Federal student loan policy that provides benefits to individuals who enter and continue in public service employment by offering cancellation of remaining Direct student loan balance(s) after 120 qualifying monthly payments and at least 10 years of full-time employment in qualified public service jobs, which are both required under the PSLF program. However, over time, the

program has faced challenges, including the disbursement of benefits to borrowers employed by organizations whose activities do not align with the program's public service objectives. To address these issues, the Department proposed a series of regulatory changes through the negotiated rulemaking process. These final regulations aim to strengthen the program's integrity, improve its efficiency, and ensure that taxpayer funds are allocated appropriately. Although these changes are expected to generate certain costs, the long-term benefits are substantial, making the program more effective, transparent, and accountable. Below is an analysis of both the costs and benefits of these regulations.

Costs of the Regulatory Changes:

The Department acknowledges that implementing the regulations will generate costs. These costs primarily fall into three categories: Department administrative costs, compliance costs for employers, and potential disruptions for borrowers. However, these costs must be viewed in the context of the long-term benefits that the regulations will provide.

One of the immediate costs associated with these regulatory changes will be the need for the Department to update its systems, train staff and vendors, and implement new compliance and monitoring processes. The Department will also need to enhance communication systems to notify employers and borrowers of any changes to a qualifying employer's status in the PSLF program. These changes will require new costs for minor system changes and for changes and increases in customer service activities.

Initial estimates suggest that the administrative costs for the Department will range from $1.5 million to $3 million annually during the first two years of implementation. These funds, from appropriated Student Aid Administration account funds, will be used to ensure that the Department can effectively manage the new employer eligibility determination process, update systems, and conduct necessary training for staff and stakeholders. Also, as noted earlier, on a continuing basis the Department estimates that a total of 10 FTEs will be allocated annually, with a possible reduction in later outyears as noncompliant employers are disqualified and the expected deterrent effects of the final rule are realized.

In general, the Department believes that most employers will already be complying with the requirements of the rule because the employers already have an existing obligation to follow the law. Some employers may need to make changes to ensure that they follow the law and meet the new eligibility criteria under the regulations if they want to participate in the PSLF program. This will involve reviewing their activities to ensure they are not engaged in any actions that will disqualify them from participating in the PSLF program. For some employers who are not currently following the law, especially smaller organizations or those with limited resources, this process may necessitate consultation with legal counsel or operational adjustments.

Compliance costs for employers are expected to vary by organization, depending on the organization's size and complexity. Larger organizations, such as hospitals or universities, who are not currently complying with the law may incur higher costs as they assess their practices and make any necessary changes to align with this final rule. These costs primarily result from the costs of legal counsel, restructuring efforts, and changes to the organization's documentation processes. At the same time, many organizations are accustomed to attesting to the fact that they are not violating Federal and State law as a condition to participate in other government or non-governmental programs. In circumstances like these, organizations may not need to exert any additional effort, or at most will need to dedicate a *de minimis* amount of additional resources, in order to comply under this final rule. Rather, such organizations will rely on their existing compliance efforts to comply with the rule.

The most significant impacts on borrowers may stem from potential misunderstandings of the final rule that may lead to borrower confusion that delays application of the forgiveness benefit. Borrowers who are employed by organizations disqualified under the new rule will no longer be eligible to receive credit toward loan forgiveness while working for that employer, except in certain circumstances described in the rule. These borrowers would need to transition to qualifying employers to continue receiving credit for their payments. Borrowers who misunderstand the new rule may apply for forgiveness without knowing or understanding the implications of this final rule on their former or current employer, as they may no longer be a qualifying employer.

Benefits of the Regulatory Changes:

Despite the initial and ongoing costs, the long-term benefits of this final rule include increased integrity and long-term savings for taxpayers. The most significant benefit of the regulations is the improvement in the integrity of the PSLF program. By excluding employers engaged in illegal activities such that they have a substantial illegal purpose from the program, the Department affirms taxpayer dollars are only used to support borrowers working for organizations that are engaged in lawful public service. This change will directly address concerns about improper disbursements and misuse of Federal funds. This change also addresses concerns that the Department is indirectly subsidizing illegal activities that the Federal Government broadly aims to prevent.

The PSLF program provides generous benefits to individuals in public service, and these changes will improve the integrity of the program. By revising the PSLF program regulations to only reward service with organizations engaged in lawful activities, the Department expects to achieve substantial savings, as presented in the budget impacts of this final rule.

One of the most important benefits of the regulations is the long-term savings they will generate for taxpayers. By eliminating improper payments, the Department estimates that these regulations will save taxpayers $1.616 billion over the next ten years, resulting from a reduction in PSLF tied to illegal activity. The expected reduction in disbursements will ensure that taxpayer dollars are spent more efficiently and effectively because the benefits borrowers receive are not indirectly supporting organizations engaged in activities such that it has a substantial illegal purpose.

The regulatory changes for the PSLF program aim to enhance the program's integrity and transparency. The regulations will help reduce improper payments and ensure that the program supports individuals employed by eligible organizations that genuinely provide a public service. With these changes, the PSLF program will be more accountable and transparent.

5. Net Budget Impact

Table 5.1 provides an estimate of the net Federal budgetary impact of these regulations that are summarized in Table 3.1 of this RIA. This includes both the effects of a modification to existing loan cohorts and costs for loan cohorts from 2026 to 2035. A cohort reflects all loans originated in a given fiscal year. Consistent with the requirements of the Credit Reform Act of 1990, budget cost estimates for the student loan programs reflect the estimated net present value of all future non-administrative Federal costs associated with a cohort of loans. The approach to estimating the net

budget impact of these final regulations did not change from the NPRM. The primary change in the scores for the final rule is that the baseline for estimating the cost of this final rule is the President's Budget for 2026 (PB2026) as modified for the One Big Beautiful Bill Act, Public Law 119–21, 139 Stat. 72 signed into law on July 4, 2025. As it relates to the estimated impacts of this final rule to PSLF transfers, the most important change is the introduction of the Repayment Assistance Plan (RAP) and changes to eligibility for existing income-driven repayment (IDR) plans.

TABLE 5.1—ESTIMATED BUDGET IMPACT OF THE FINAL RULE

[$ in millions]

Section	Description	Modification score (1994–2025)	Outyear score (2026–2035)	Total (1994–2035)
§ 685.219(h)	Amended definition of qualifying employer	−$842	−$774	−$1,616

This final rule defines several terms related to qualifying employment for PSLF and amends the definition of a qualified employer to exclude organizations that engage in activities such that it has a substantial illegal purpose. This is consistent with President's Trump's Executive Order, *Restoring Public Service Loan Forgiveness,* Executive Order 14235 (Mar. 7, 2025). Pursuant to subsection 685.219(h), the Secretary will determine based on a preponderance of the evidence, and after notice and opportunity to respond, whether employers have engaged in activities enumerated in paragraph (b)(30) of the final rule on or after July 1, 2026, such it has a substantial illegal purpose. The Department will presume that any of the following is conclusive evidence that the employer engaged in activities enumerated in paragraph (b)(30) on or after July 1, 2026:

1. A final judgment by a State or Federal court, whereby the employer is found to have engaged in activities that have a substantial illegal purpose;
2. A plea of guilty or *nolo contendere,* whereby the employer admits to having engaged in activities that have substantial illegal purpose or pleads *nolo contendere* to allegations that the employer engaged in activities that have substantial illegal purpose; or
3. A settlement that includes admission by the employer that it engaged in activities that have a substantial illegal purpose.

Employer qualification will be linked to the E.I.N. used for reporting to the IRS, therefore, employees in one area or agency may be affected by the activities of employees in other organizations under the same E.I.N. Government agencies may have many service areas under a single E.I.N.

The PSLF application data includes variables that distinguish non-profit employers and government employers, as well as the level of government employers. Table 5.2 summarizes the split between all borrowers who have received PSLF in the Department's data as of September 25, 2025, whose greatest time in qualifying employment was with government or non-profit organizations.

TABLE 5.2—NUMBER OF BORROWERS RECEIVING PSLF AND AVERAGE FORGIVENESS BY EMPLOYMENT SECTOR

Employment sector	Number of borrowers who have received forgiveness	Average forgiveness amount
Government	694,900	$73,100
Nonprofit	305,500	82,200
Total	1,000,400	75,900

Note: The total number of borrowers whose loans were forgiven may be less than most recent Department estimates due to timing, data availability, and data cleaning. Borrowers are sorted into the sector with the maximum time working toward forgiveness. The number of borrowers and average forgiveness amounts are rounded to the nearest hundred. The total represents the weighted average of the number of borrowers and average forgiveness amount across all borrowers who received PSLF through September of 2025. Totals are rounded to the nearest hundred of the employment sectors and may not equal the total due to rounding. Data extracted September 25, 2025, and represents all borrowers who have received PSLF forgiveness up until that date.

Table 5.3 splits the government category into Federal, State, and local levels. We assume that Federal agencies will comply with the law and do not expect a reduction in forgiveness for Federal employees.

TABLE 5.3—NUMBER OF BORROWERS RECEIVING PSLF AND AVERAGE FORGIVENESS BY GOVERNMENT SUBSECTOR

Government subsector	Number of borrowers who have received forgiveness	Average forgiveness amount
Federal Government	100,400	$72,000
Local government	425,500	71,200
State government	166,600	78,600
Unknown	2,400	75,300

TABLE 5.3—NUMBER OF BORROWERS RECEIVING PSLF AND AVERAGE FORGIVENESS BY GOVERNMENT SUBSECTOR—Continued

Government subsector	Number of borrowers who have received forgiveness	Average forgiveness amount
Total	694,900	73,100

Note: The total number of borrowers who have received forgiveness may be less than most recent Department estimates due to timing, data availability, and data cleaning. Borrowers are sorted into the sector with the maximum time working toward forgiveness. The number of borrowers and average forgiveness amounts are rounded to the nearest hundred. The total represents the weighted average of the number of borrowers and average forgiveness amount across all borrowers who received PSLF through September of 2025. Totals are rounded to the nearest hundred of the employment sectors and may not equal the total due to rounding. Data extracted September 25, 2025, and represents all borrowers who have received PSLF forgiveness up until that date.

Based on the activities identified in this final rule, it is likely that organizations in some fields are more likely to be affected than others, either by loss of eligibility, the deterrent effect on their activities, difficulty recruiting employees, or by their employees not being granted PSLF forgiveness and seeking alternate employment. Regardless of the type of employer, service areas that could be most affected by the regulation include, but are not limited to, legal services, governance, social work, healthcare, K–12 education, and higher education. Existing data on employers of borrowers who received forgiveness does not include a service category and employer names do not always indicate what an organization does, but the Department analyzed this data to estimate what share of borrowers who have achieved forgiveness fall into certain service areas and their average forgiveness.[8] This was done by matching keywords from various subsectors to employer names. For example, for healthcare, the keywords included ''hospital,'' ''health,'' ''medical,'' and ''clinic''.

A portion of employers cannot be classified because some employer names give no indication to their service area, contain misspellings, or have names that do not contain any of the keywords matched. These E.I.N.s are categorized as ''Other''. Approximately 91 percent of borrowers who have received PSLF were categorized into a subsector category, leaving 9 percent in the ''Other'' category. In this analysis, we assume that the distribution of borrowers and subsectors in the future will reflect that of those who have received forgiveness. Table 5.4 summarizes the results by service area.

TABLE 5.4—NUMBER OF BORROWERS RECEIVING PSLF AND AVERAGE FORGIVENESS BY EMPLOYMENT SUBSECTOR

Employment subsector	Number of borrowers who have received forgiveness	Average forgiveness amount
Agriculture	3,400	$64,600
Arts	2,900	62,200
Early Childhood	1,500	63,000
Environmental	2,700	61,400
Fire Rescue	1,200	52,800
Governance	161,000	67,200
Healthcare	163,900	89,400
Higher Education	108,200	84,500
International	1,300	74,900
K–12 Education	303,500	72,500
Law Enforcement	20,500	66,400
Legal	14,100	109,200
Military	49,900	70,200
Other	84,900	72,300
Philanthropy	5,500	74,300
Religious	14,400	69,600
Research	1,600	65,600
Social Services	48,600	75,400
Transportation	5,700	61,500
Utilities & Infrastructure	2,500	60,500
Workforce & Labor	3,000	80,400
Total	1,000,400	75,900

Note: The total number of borrowers who have received forgiveness may be less than most recent Department estimates due to timing, data availability, and data cleaning. Borrowers are sorted into the sector with the maximum time working toward forgiveness. The number of borrowers and average forgiveness amounts are rounded to the nearest hundred. The total represents the weighted average of the number of borrowers and average forgiveness amount across all borrowers who received PSLF through September of 2025. Totals are rounded to the nearest hundred of the employment sectors and may not equal the total due to rounding. Data extracted September 25, 2025, and represents all borrowers who have received PSLF forgiveness up until that date.

[8] Turner, J., Blanchard, K., & Darolia, R. (2025, January). *Where Do Borrowers Who Benefit from Public Service Loan Forgiveness Work?* NEA. *https://www.nea.org/sites/default/files/2025-03/where-do-borrowers-who-benefit-from-pslf-work.pdf*.

As we expect most employers to certify that they do not engage in activities with a substantially illegal purpose, the information in Table 5.4 informed our estimates of potential reductions in qualifying employers for PSLF but does not directly translate to the percentage of borrowers assigned to achieve forgiveness in our assumptions for the regulation. We also recognize that employers in other employment subsectors could engage in an activity that results in a loss of eligibility but estimate that these will be anomalies or very small percentages. Therefore, we have included a percentage for all other categories, and some sensitivity runs that are described in the *Methodology for Budgetary Impact* section of this analysis.

Methodology for Budgetary Impact

The Department estimated the budgetary impact of the provisions in this final rule through changes to the PSLF assignment within the Department's IDR assumption. PSLF is randomly assigned to borrowers in our IDR model sample based on percentages that vary by the cohort range in which they enter repayment and highest education level as presented in Table 5.5.

TABLE 5.5—CHANGE IN ASSIGNMENT OF PSLF FOR FINAL RULE

Enter repayment cohort range	Percentage of borrowers assigned PSLF		
	2-Year (%)	4-Year (%)	Graduate (%)
PB2026 Baseline Scenario			
2016 to 2020	10.46	18.05	21.96
2021 and later	14.65	28.88	30.74
Final Regulatory Scenario			
2016 to 2020	10.25	17.69	21.52
2021 and later	14.35	28.30	30.13
Alternate Regulatory Scenario			
2016 to 2020	9.83	16.96	20.64
2021 and later	13.77	27.14	28.90

We expect the regulations to have a deterrent effect, reducing the likelihood of qualifying employers engaging in illegal activities. Additionally, borrowers have the option of shifting employers to complete their 120 months of qualifying payments. Therefore, we do not expect a large reduction in borrowers achieving PSLF forgiveness, although savings of $1.6 billion over ten years is significant. We have not increased the effect for future cohorts of loans because, while potential ineligibility starts with July 1, 2026, the effective date of this final rule, employers' ability to appeal and get reinstated and employees' ability to shift positions means the pattern is not necessarily a continued increase in ineligibility.

The changes made in Table 5.5 were derived from applying reductions between 0–5 percent to the employment subsectors identified in Table 5.4 as being most likely to be affected by the regulation (legal, healthcare, social work, higher education, K–12 education, and governance). This results in an estimated total reduction of approximately 0–2 percent.

As explained in the *Paperwork Reduction Act* section, the Department believes that there will be fewer than ten employers affected annually. Within the universe of borrowers who have received forgiveness, approximately 6 percent were employed for their longest time toward forgiveness in the top ten E.I.N.s by forgiven borrower count, excluding Federal employers who are assumed to comply. Therefore, we also ran an alternate high-impact sensitivity that changed the reductions up to 6 percent, see ''PSLF Alternate'' in Table 5.6.

The combined effect of the changes to the percentages in Table 5.5 reduces the number of borrowers achieving PSLF in our IDR assumption and results in the cost savings presented in Table 5.6.

TABLE 5.6—NET BUDGET IMPACT OF CHANGES TO PSLF

$ mns	PSLF primary	PSLF alternate
Modification	−$842	−$2,326
Outlays for Cohorts 2026–2035	−774	−2,220
Total	−1,616	−4,546

Accounting Statement:

As required by OMB Circular A–4, we have prepared an accounting statement showing the classification of the expenditures associated with the provisions of these regulations. Table 5.7 provides our best estimate of the changes in annual monetized transfers that may result from these regulations. Expenditures are classified as transfers from the Federal Government to affected student loan borrowers.

TABLE 5.7—ACCOUNTING STATEMENT: CLASSIFICATION OF ESTIMATED EXPENDITURES

[In millions]

Category	Benefits	
Reduction in taxpayer costs supporting loan forgiveness of those at organizations determined to have a substantial illegal purpose.	Not quantified.	
Deterrence of activities with a substantial illegal purpose done by non-profit or governmental organizations.	Not quantified.	
Category	**Costs**	
	3%	7%
Costs of compliance with paperwork requirements	$0.0	$0.0
Costs incurred by organizations to ensure compliance with regulations	Not quantified.	
Administrative costs to Federal Government to update systems and contracts to implement the regulations.	0.3	0.4
Category	**Transfers**	
	3%	7%
Increased transfers from borrowers to Federal Government due to reductions in borrowers achieving PSLF forgiveness.	−179	−191

6. Alternatives Considered

In the interest of ensuring that these final regulations produce the best possible outcome, we considered a broad range of proposals from internal sources as well as from non-Federal negotiators and members of the public as part of the negotiated rulemaking process. However, the ideas presented during negotiated rulemaking largely mirrored the suggestions that the Department received in public comments. As discussed throughout the preamble and accompanying the discussion of each proposed regulatory provision, the Department believes the final rule will prevent taxpayer-funded PSLF benefits from being improperly provided to individuals who are employed by organizations that engage in activities such that it has a substantial illegal purpose, improve the integrity of the PSLF program, and provide protection for taxpayers.

Among some of the key themes discussed was the establishment of standards anchored in objective, evidenced-based findings. This final rule clarifies definitions of qualifying employers and provides a clear standard of determination. This rule makes clear that employer disqualification requires the Department to find that an employer has engaged in activities such that they have a substantial illegal purpose by a preponderance of the evidence after weighing the employer's illegal conduct, narrowly focusing on only the illegal conduct enumerated in the rule. Commenters also sought to broaden or clarify which entities qualify as ''public service organizations'', particularly in edge cases such as nonprofit contractors, hybrid organizations, and religious nonprofits. The Department has carefully considered these requests but remains bound by the statutory language defining a ''public service organization''. The Department believes this final rule preserves flexibility to recognize a wide range of nonprofit and governmental employers while ensuring that the core purposes of the PSLF program are preserved.

7. Regulatory Flexibility Act

The Secretary certifies, under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), that this final regulatory action will not have a significant economic impact on a substantial number of ''small entities.'' For the purposes of this certification, the Department of Education defines small entities to include: (1) nonprofit organizations that are independently owned and operated and not dominant in their field, as defined in 5 U.S.C. 601(4); and (2) local educational agencies (LEAs), school districts, or local governments serving populations of fewer than 50,000, consistent with 5 U.S.C. 601(5). For-profit companies, of any size, are not eligible as qualifying employers under PSLF, and therefore small businesses are not included here as small entities.

This regulatory action does not impose new reporting requirements or compliance burdens on these entities. Any potential effects are minimal, indirect, or result from voluntary participation in a Federal program. Therefore, the Department concludes that this rule will not have a significant economic impact on a substantial number of small entities, in accordance with 5 U.S.C. 605(b).

These regulations are focused on arrangements between the borrower and the Department. As noted in the *Paperwork Reduction Act* section, the burden related to the final regulations will be assessed in a separate information collection process.

8. Analysis of Public Comments and Changes

Comments: Several commenters expressed concern that the Department's RIA did not adequately account for the administrative and compliance costs borne by nonprofit organizations, hospitals, schools, and government employers involved in certifying employment for PSLF.

Commenters, including Counsel for Justice and Candidly, asserted that the Department's cost estimates ($1.5–3 million) underestimate the true burden of annual employment verification, staff training, and data management. They further suggested that the Department's approach diverges from prior economic analyses and omits recurring employer costs. Two anonymous commenters referenced specific sections of the RIA (*Discussion of Costs and Benefits* and *Methodology for Budgetary Impact*) to argue that the Department provided insufficient empirical support for its assumptions and did not identify data sources or methodologies to substantiate employer compliance estimates.

Discussion: The Department disagrees. The RIA provides reasonable and appropriate cost estimates. Although some employers may need to make administrative adjustments, those costs are outweighed by the benefits strengthening integrity and transparency that protects borrowers and safeguards taxpayer investment. This rule delivers certainty and strengthens oversight within the PSLF program. The Department is committed to fair implementation that protects both the public servants who rely on PSLF and the taxpayers who fund it.

Following the discussion of costs to borrowers and the Federal Government, the Department also considered potential administrative and compliance costs that may be incurred by employers participating in the PSLF program.

Several commenters asserted that the Department's analysis did not fully account for the administrative and compliance costs that nonprofit organizations, hospitals, schools, and government employers may face in assisting borrowers with PSLF employment certification. Commenters referenced the *Discussion of Costs and Benefits* and *Methodology for Budgetary Impact* sections of the proposed rule and suggested that the Department's estimated costs ($1.5–3 million) understated the true administrative workload associated with employment verification and recordkeeping. In response, the Department carefully reviewed the assumptions underlying its cost estimates and continues to find them reasonable and consistent with both prior rulemakings and current operational practices. The Department's methodology incorporates existing reporting obligations and employer processes already used to certify employment under PSLF and therefore reflects only incremental administrative costs directly attributable to this rule. Although commenters expressed general concern regarding compliance burdens, the Department did not receive quantitative data or supporting documentation sufficient to revise its estimates.

The Department concludes that any incremental employer burden associated with this final rule is expected to be minimal and does not represent a significant economic impact on small entities or affected sectors. As a result, no changes have been made to the RIA based on these comments.

Changes: None.

Comments: A recurring theme was concern that additional administrative burden and uncertainty may deter professionals from entering or remaining in public service roles. Commenters stressed that PSLF was designed to attract and retain public service workers, and that overly complex or costly rules could undermine this purpose.

Discussion: The Department does not agree with this claim. This final rule strengthens the PSLF program by clarifying eligibility standards and improving transparency so that borrowers and employers understand how the program is administered. These improvements give public service professionals greater confidence to remain in qualifying employment. The PSLF program must be reliable. Borrowers need certainty, and taxpayers require accountability. This rule supports both by keeping the program focused on rewarding lawful public service, consistent with the statute.

Changes: None.

Comments: A smaller number of commenters noted broader ripple effects if participation in PSLF declines. They suggested that reduced forgiveness would leave borrowers with higher debt burdens and less disposable income, limiting their ability to purchase homes, invest locally, or support their communities. Others argued that attrition in public service roles could weaken schools, healthcare providers, and local governments.

Discussion: The Department does not agree with the assertion that this rule will have a significant adverse impact on the economy. Rather, the rule enhances the PSLF program by restoring clarity and consistency in its administration. Borrowers will gain increased confidence in the program, which supports long-term participation in public service employment. This stability helps retain skilled professionals in critical service roles and ensures that PSLF benefits continue to reach those engaged in lawful public service. The rule advances the Department's goal of ensuring responsible use of taxpayer funds.

Changes: None.

Comments: Commenters highlighted that small nonprofits, community health centers, and local government units lack the infrastructure to absorb compliance costs at the same level as large institutions. They argued that the Department's cost analysis treated all employers uniformly, failing to recognize the disproportionate impact on small entities that operate with limited budgets and staff. These groups feared that compliance requirements could force them to reduce services or reconsider participation in the PSLF program altogether.

Discussion: The Department acknowledges that small nonprofits, community health centers, and local government units often operate with limited budgets and have a difficult time with regulatory compliance. However, the Department rejects the claim that this rule imposes disproportionate burdens as the rule does not add new legal requirements. Rather, the rule creates new consequences for failing to abide by existing law. The RIA already accounts for compliance adjustments across a wide range of employer types, and the requirements are narrowly tailored to ensure accountability without excessive paperwork. This rule does not create unnecessary red tape. It creates clarity, consistency, and fairness so borrowers know that only public service will be counted to ensure that taxpayer resources are protected. Accountability applies to all entities receiving the benefit of Federal loan forgiveness.

Changes: None.

Comments: Some commenters argued that beyond administrative costs, the Department did not fully consider how compliance demands could reduce organizational capacity to deliver essential services. For example, schools and hospitals could be forced to reallocate staff from direct service roles to compliance functions, potentially reducing classroom instruction or patient care. Commenters warned that these indirect costs may be more damaging than direct compliance expenses.

Discussion: The Department acknowledges that some organizations that are breaking the law will need to significantly change their existing compliance practices if they want to come into compliance with the rule. However, even in those circumstances, the Department does not believe that compliance requirements will weaken schools, hospitals, or other public service employers. If these organizations are not following the law, they have an independent reason outside of the PSLF program to spend necessary funds to stop violating the law. This final rule is designed to strengthen confidence in the PSLF program, not siphon resources away from public service providers. This rule's administrative safeguards are straightforward, proportional, and necessary to ensure that Federal benefits are delivered only to borrowers working for organizations engaged in lawful activities.

Changes: None.

Comments: A subset of commenters cautioned that the cumulative effect of compliance costs, administrative risk, and uncertainty could discourage some employers from participating in PSLF at all. They argued that, if organizations

perceive the program as unpredictable or too resource-intensive, they may avoid advertising PSLF benefits to employees or disengage entirely. They argue this would directly undermine the program's intended purpose of expanding access to public service careers.

Discussion: The Department acknowledges that some employers may no longer wish to participate in the program or may cease advertising to employees and prospective employees about how working for the organization could lead to PSLF forgiveness. At the same time, employers that voluntarily cease participation in PSLF may do so because they are engaging in activities with a substantial illegal purpose. In these circumstances, the Department believes that voluntary withdrawal is appropriate. Other employers who do not engage in activities with a substantial illegal purpose may also withdraw from PSLF participation. The Department believes that any risks associated with withdrawal by employers who would be eligible is outweighed by the benefits of enhanced integrity to the PSLF program that come from the rule. This final rule ensures all qualified employers are treated consistently, strengthens trust in the program, and makes PSLF a more accountable and transparent program.

Changes: None.

Comments: A few commenters expressed concern that the cost estimate included in the RIA was unsubstantial or otherwise in conflict with the Department's assertions with respect to the final rule's impact. They also argued that assertions regarding streamlining the PSLF process and anticipated growth in public service recruitment and retention contradicted the Department's projected savings under the rule, and requested the Department reconcile these conflicts.

Discussion: The Department acknowledges commenters' concerns regarding the conflict between projected savings under the final rule and anticipated growth in public service employment and made changes to address the inconsistency by reducing the Department's assumption about the anticipated growth in public service employment through the final rule.

Changes: Amended preamble language in the RIA section.

Paperwork Reduction Act

As part of its continuing effort to reduce paperwork and respondent burden, the Department provides the public and Federal agencies with an opportunity to comment on proposed and continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)). This helps ensure that the public understands the Department's collection instructions, respondents can provide the requested data in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the Department can properly assess the impact of collection requirements on respondents.

Section 685.219(i) of these regulatory changes will require an update to the currently approved Public Service Loan Forgiveness Certification and Application, OMB #1845–0110 (PSLF Form). The Department will amend the PSLF form to include the ability for a qualifying employer to certify that it has not engaged in activity that has a substantial illegal purpose. The burden on this information collection will not significantly change for the borrower to complete the form. This form update will be completed and made available for comment through a full public clearance package before being made available for use by the effective date of the regulations. Any burden changes will be assessed to OMB #1845–0110, Public Service Loan Forgiveness Certification and Application. The amendments to the regulation do not significantly change the estimated number of respondents or responses for individuals in this collection. The Department estimates that there will be a nominal change in the number of borrowers completing the PSLF Form. The Department expects that borrowers who currently work for non-qualifying employers will likely submit a form to either switch employers or because they are uncertain about their employer's eligibility status.

Section 685.219(j) of the final regulation will allow an employer to re-establish eligibility for PSLF if the Secretary approves a corrective action plan. The Department believes that, annually, there will be less than ten employers responding to the Department's notice of an initiated action and/or seeking approval of a corrective action plan. No additional burden has been assessed based on this final rule as the anticipated number of annual respondents falls below ten, which is the minimum required for OMB approval of an information collection.

A Federal agency may not conduct or sponsor a collection of information unless OMB approves the collection under the PRA and the corresponding information collection instrument displays a currently valid OMB control number. Notwithstanding any other provision of law, no person is required to comply with or is subject to a penalty for failure to comply with a collection of information if the collection instrument does not display a currently valid OMB control number.

Analysis of Public Comments & Changes

Comments: Several commenters argued that the proposed requirements could trigger additional reporting and documentation obligations that may not comply with the PRA. They emphasized that duplicative or unclear reporting burdens would impose unnecessary strain on organizations and potentially violate statutory limits. Commenters asked the Department to explicitly evaluate and minimize any new paperwork requirements.

Discussion: The Department acknowledges the importance of the PRA and will comply fully with its requirements. However, the claim that this final rule creates duplicative or unlawful reporting burdens is misplaced. The rule does not impose unnecessary or redundant reporting obligations. It aligns PSLF program documentation with existing Federal and State oversight systems and streamlines requirements where possible to avoid duplication. The Department is committed to minimizing burden while preserving accountability. The Department's commitment to promoting sound financial stewardship of government programs, including the PSLF program, while alleviating unnecessary regulatory burdens, is informed in part by President Trump's Executive Order on *Unleashing Prosperity Through Deregulation* (Jan. 31, 2025). PRA review will ensure that any reporting is necessary, clear, and efficient. Borrowers and taxpayers alike deserve a program that is transparent, fair, and protects Federal investment. The Department will enforce the law firmly, while making sure compliance is efficient, lawful, and aligned with statutory obligations.

Changes: None.

Intergovernmental Review

This program is subject to Executive Order 12372 and the regulations in 34 CFR part 79. One of the objectives of Executive Order 12372 is to foster an intergovernmental partnership and strengthen Federalism. The Executive Order relies on processes developed by State and local governments for coordination and review of proposed Federal financial assistance.

This document provides early notification of our specific plans and actions for this program.

Federalism

Executive Order 13132 requires us to provide meaningful and timely input by State and local elected officials in the development of regulatory policies that have Federalism implications. ''Federalism implications'' means substantial direct effects on the States, on the relationship between the National Government and the States, or on the distribution of power and responsibilities among the various levels of government. The regulations do not have Federalism implications.

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List of Subjects

34 CFR Part 685

Administrative practice and procedure, Colleges and universities, Education, Loan programs—education, Reporting and recordkeeping requirements, Student aid, Vocational education.

Nicholas Kent,

Under Secretary of Education.

For the reasons discussed in the preamble, the Secretary of Education amends part 685 of title 34 of the Code of Federal Regulations as follows:

PART 685—WILLIAM D. FORD FEDERAL DIRECT LOAN PROGRAM

■ 1. The authority citation for part 685 is revised to read as follows:

Authority: 20 U.S.C. 1070g, 1087a, *et seq.,* unless otherwise noted.

■ 2. Amend § 685.219 by:
■ a. Adding paragraphs (b)(1) through (b)(35);
■ b. Revising paragraphs (c)(2)introductory text and(c)(4); and
■ c. Adding paragraphs(e)(9) and (10),(g)(7), and (h) through (k).

The additions and revisions read as follows:

§ 685.219 Public Service Loan Forgiveness Program (PSLF).

* * * * *

(b) * * *

(1) *Aiding or abetting* has the same meaning as defined under 18 U.S.C. 2.

(2) AmeriCorps service means service in a position approved by the Corporation for National and Community Service under section 123 of the National and Community Service Act of 1990 (42 U.S.C. 12573).

(3) *Chemical castration or mutilation* means:

(i) The use of puberty blockers, including GnRH agonists and other interventions, to delay the onset or progression of normally timed puberty in an individual who does not identify as his or her sex; and

(ii) The use of sex hormones, such as androgen blockers, estrogen, progesterone, or testosterone, to align an individual's physical appearance with an identity that differs from his or her sex.

(4) *Child or children* for the sole and specific purpose of this section means an individual or individuals under 19 years of age.

(5) *Civilian service to the military* means providing services to or on behalf of members, veterans, or the families or survivors of deceased members of the U.S. Armed Forces or the National Guard that is provided to a person because of the person's status in one of those groups.

(6) *Early childhood education program* means an early childhood education program as defined in section 103(8) of the Act (20 U.S.C. 1003).

(7) *Eligible Direct Loan* means a Direct Subsidized Loan, a Direct Unsubsidized Loan, a Direct PLUS Loan, or a Direct Consolidation Loan.

(8) *Emergency management* means services that help remediate, lessen, or eliminate the effects or potential effects of emergencies that threaten human life or health, or real property.

(9) *Employee or employed* means an individual:

(i) To whom an organization issues an IRS Form W–2;

(ii) Who receives an IRS Form W–2 from an organization that has contracted with a qualifying employer to provide payroll or similar services for the qualifying employer, and which provides the Form W–2 under that contract;

(iii) who works as a contracted employee for a qualifying employer in a position or providing services which, under applicable State law, cannot be filled or provided by a direct employee of the qualifying employer.

(10) *Foreign Terrorist Organizations* mean organizations on the list published under paragraph (a)(2)(A)(ii) under the Immigration and Nationality Act (8 U.S.C. 1189).

(11) *Full-time* means:

(i) Working in qualifying employment in one or more jobs—

(A) A minimum average of 30 hours per week during the period being certified,

(B) A minimum of 30 hours per week throughout a contractual or employment period of at least 8 months in a 12-month period, such as elementary and secondary school teachers and professors and instructors, in higher education, in which case the borrower is deemed to have worked full time; or

(C) The equivalent of 30 hours per week as determined by multiplying each credit or contact hour taught per week by at least 3.35 in non-tenure track employment at an institution of higher education.

(12) *Illegal discrimination* means a violation of any Federal discrimination law including, but not limited to, the Civil Rights Act of 1964 (42 U.S.C. 1981 *et seq.*), Americans with Disabilities Act (42 U.S.C. 12101 *et seq.*), and the Age Discrimination in Employment Act of 1967 (29 U.S.C. 621 *et seq.*).

(13) *Law enforcement* means service that is publicly funded and whose principal activities pertain to crime prevention, control or reduction of crime, or the enforcement of criminal law.

(14) *Military service* means ''active duty'' service or ''full-time National Guard duty'' as defined in section 101(d)(1) and (d)(5) of title 10 in the United States Code and does not include active duty for training or attendance at a service school.

(15) *Non-governmental public service* means services provided by employees of a non-governmental qualified employer where the employer has devoted a majority of its full-time equivalent employees to working in at

least one of the following areas (as defined in this section): emergency management, civilian service to military personnel, military service, public safety, law enforcement, public interest law services, early childhood education, public service for individuals with disabilities or the elderly, public health, public education, public library services, school library, or other school-based services. Service as a member of the U.S. Congress is not qualifying public service employment for purposes of this section.

(16) *Non-tenure track employment* means work performed by adjunct, contingent or part time faculty, teachers, or lecturers who are paid based on the credit hours they teach at institutions of higher education.

(17) *Other Federal Immigration laws* mean any violation of the Immigration and Nationality Act (8 U.S.C. 1105 *et seq.*) or any other Federal immigration laws.

(18) *Other school-based services* mean the provision of services to schools or students in a school or a school-like setting that are not public education services, such as school health services and school nurse services, social work services in schools, and parent counseling and training.

(19) *Peace Corps position* means a full-time assignment under the Peace Corps Act as provided for under 22 U.S.C. 2504.

(20) *Public education service* means the provision of educational enrichment or support to students in a public school or a public school-like setting, including teaching.

(21) *Public health* means those engaged in the following occupations (as those terms are defined by the Bureau of Labor Statistics): physicians, nurse practitioners, nurses in a clinical setting, health care practitioners, health care support, counselors, social workers, and other community and social service specialists.

(22) *Public interest law* means legal services that are funded in whole or in part by a local, State, Federal, or Tribal government.

(23) *Public library service* means the operation of public libraries or services that support their operation.

(24) *Public safety service* means services that seek to prevent the need for emergency management services.

(25) *Public service for individuals with disabilities* means services performed for or to assist individuals with disabilities (as defined in the Americans with Disabilities Act (42 U.S.C. 12102)) that is provided to a person because of the person's status as an individual with a disability.

(26) *Public service for the elderly* means services that are provided to individuals who are aged 62 years or older and that are provided to a person because of the person's status as an individual of that age.

(27) *Qualifying employer* means:

(i)(A) A United States-based Federal, State, local, or Tribal government organization, agency, or entity, including the U.S. Armed Forces or the National Guard;

(B) A public child or family service agency;

(C) An organization under Section 501(c)(3) of the Internal Revenue Code of 1986 that is exempt from taxation under Section 501(a) of the Internal Revenue Code;

(D) A Tribal college or university; or

(E) A nonprofit organization that—

(1) Provides a non-governmental public service as defined in this section, attested to by the employer on a form approved by the Secretary; and

(2) Is not a business organized for profit, a labor union, or a partisan political organization; and

(ii) Does not include organizations that engage in activities such that they have a substantial illegal purpose, as defined in this section.

(28) *Qualifying repayment plan* means:

(i) An income-driven repayment plan under § 685.209;

(ii) The 10-year standard repayment plan under § 685.208(b) or the consolidation loan standard repayment plan with a 10-year repayment term under § 685.208(c); or

(iii) Except for the alternative repayment plan, any other repayment plan if the monthly payment amount is not less than what will have been paid under the 10-year standard repayment plan under § 685.208(b).

(29) *School library services* mean the operations of school libraries or services that support their operation.

(30) *Substantial illegal purpose* means:

(i) aiding or abetting violations of 8 U.S.C. 1325 or other Federal immigration laws;

(ii) Supporting terrorism, including by facilitating funding to, or the operations of, cartels designated as Foreign Terrorist Organizations consistent with 8 U.S.C. 1189, or by engaging in violence for the purpose of obstructing or influencing Federal Government policy;

(iii) Engaging in the chemical and surgical castration or mutilation of children in violation of Federal or State law;

(iv) Engaging in the trafficking of children to another State for purposes of emancipation from their lawful parents in violation of Federal or State law;

(v) Engaging in a pattern of aiding and abetting illegal discrimination; or

(vi) Engaging in a pattern of violating State laws as defined in paragraph (b)(34) of this section.

(31) *Surgical castration or mutilation* means surgical procedures that attempt to transform an individual's physical appearance to align with an identity that differs from his or her sex or that attempt to alter or remove an individual's sexual organs to minimize or destroy their natural biological functions.

(32) *Terrorism* is defined under 18 U.S.C. 2331.

(33) *Trafficking* means transporting a child or children from their State of legal residence to another State without permission or legal consent from the parent or legal guardian for purposes of emancipation from their lawful parents or legal guardian, in violation of applicable law.

(34) *Violating State law* means a final, non-default judgment by a State court of:

(i) Trespassing;

(ii) Disorderly conduct;

(iii) Public nuisance;

(iv) Vandalism; or

(v) Obstruction of highways.

(35) *Violence for the purpose of obstructing or influencing Federal Government policy* means violating any part of 18 U.S.C. 1501 *et seq.* by committing a crime of violence as defined under 18 U.S.C. 16.

(c) * * *

(2) Except as provided in paragraph (c)(4) of this section, a borrower will be considered to have made monthly payments under paragraph (c)(1)(iii) of this section by—

* * * * *

(4) Effective on or after July 1, 2026, through a standard as described in paragraph(h)of this section, no payment shall be credited as a qualifying payment for any month subsequent to a determination that a qualifying employer engaged in activities enumerated in paragraph (b)(30) such that it has a substantial illegal purpose, as described in this section.

* * * * *

(e) * * *

(9) If the Secretary has notified the borrower's employer that the employer may no longer satisfy the definition of qualifying employer set forth in paragraph (b)(28) of this section, pending a determination made under paragraph (h) of this section, the Secretary notifies the borrower of the potential change in the employer's status.

(10) If the Secretary has determined the borrower's employer has ceased to be a qualifying employer as a result of a determination made under paragraph(h) of this section, the Secretary notifies the borrower of the change in the employer's status.

* * * * *

(g) * * *

(7) Notwithstanding paragraph (g)(1) of this section, a borrower may not request reconsideration under this paragraph (g) based on the Secretary's determination that the organization lost its status as a qualifying employer due to engaging in activities that have a substantial illegal purpose under the standard described in paragraph (h) of this section.

(h) *Standard for determining whether a qualifying employer has a substantial illegal purpose.*

(1) The Secretary determines by a preponderance of the evidence, and after notice and opportunity to respond (which is referred to as the ''employer reconsideration process''), that a qualifying employer has engaged on or after July 1, 2026, in illegal activities such that it has a substantial illegal purpose by considering the materiality of any illegal activities or actions as described in paragraph (b)(30) of this section. In making such a determination, the Secretary shall presume that any of the following is conclusive evidence that the employer engaged in activities enumerated in paragraph (b)(30):

(i) A final judgment by a State or Federal court, whereby the employer is found to have engaged in illegal activities that have a substantial illegal purpose;

(ii) A plea of guilty or *nolo contendere,* whereby the employer admits to have engaged in illegal activities that have a substantial illegal purpose or pleads *nolo contendere* to allegations that the employer engaged in illegal activities that have substantial illegal purpose; or

(iii) A settlement that includes admission by the employer that it engaged in illegal activities that have a substantial illegal purpose described in paragraph (h) of this section.

(2) Nothing in this paragraph (h)(2)shall be construed to authorize the Secretary to determine an employer has a substantial illegal purpose based upon the employer or its employees exercising their First Amendment protected rights, or any other rights protected under the Constitution.

(i) *Process for determining when a qualifying employer engaged in activities such that it has a substantial illegal purpose.*

(1) The Secretary will determine that a qualifying employer violated the standard under paragraph (h) of this section when the Secretary:

(i) Receives an application as referenced under paragraph (e) of this section in which the employer fails to certify that it did not participate in activities that have a substantial illegal purpose; or

(ii) Determines that the qualifying employer engaged in activities such that it has a substantial illegal purpose under paragraph (h) of this section, unless, prior to the issuance of the Secretary's determination, the Secretary includes the factors set forth in paragraph (j)(2) of this section.

(2) Notwithstanding paragraph (i)(1) of this section, the Secretary shall, in the event an employer is operating under a shared identification number or other unique identifier, consider the organization to be separate if the employer is operating separately and distinctly, for the purposes of determining whether an employer is eligible.

(j) *Regaining eligibility as a qualifying employer.* An organization that loses eligibility for failure to meet the conditions of paragraph (b)(27) of this section may regain eligibility to become a qualifying employer after—

(1) 10 years from the date the Secretary determines the organization engaged in activities such that it has a substantial illegal purpose in accordance with paragraph (h) of this section, if, at or after that time, the organization certifies on a borrower's subsequent application that the organization is no longer engaged in activities that have a substantial illegal purpose as defined in paragraph (b)(30) of this section; or

(2) The Secretary approves a corrective action plan signed by the employer that includes—

(i) a certification by the employer that it is no longer engaging in activities that have a substantial illegal purpose as defined in paragraph (b)(30) of this section;

(ii) a report describing the employer's compliance controls that are designed to ensure that the employer does not continue to engage in activities that have a substantial illegal purpose as defined in paragraph (b)(30) of this section in the future; and

(iii) any other terms or conditions imposed by the Secretary designed to ensure that employers do not engage in actions or activities that have a substantial illegal purpose.

(k) *Borrower notification of regained eligibility.* If an employer regains eligibility under paragraph (j) of this section, the Secretary shall update the qualifying employer list, which is accessible to borrowers for purposes of certification or application.

[FR Doc. 2025–19729 Filed 10–29–25; 8:45 am]

BILLING CODE 4000–01–P

FEDERAL REGISTER

Vol. 90 Friday,
No. 209 October 31, 2025

Part III

The President

Federal Register
Vol. 90, No. 209
Friday, October 31, 2025

Presidential Documents

Title 3—

The President

Presidential Determination No. 2025–13 of September 30, 2025

Presidential Determination on Refugee Admissions for Fiscal Year 2026

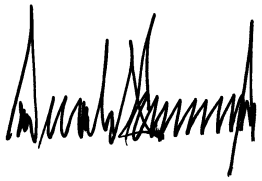
Memorandum for the Secretary of State[,] the Secretary of Homeland Security[, and] the Secretary of Health and Human Services

By the authority vested in me as President by the Constitution and the laws of the United States, in accordance with section 207 of the Immigration and Nationality Act (8 U.S.C. 1157), and after appropriate consultations with the Congress, I hereby make the following determinations and authorize the following actions:

The admissions of up to 7,500 refugees to the United States during Fiscal Year 2026 is justified by humanitarian concerns or is otherwise in the national interest.

The admissions numbers shall primarily be allocated among Afrikaners from South Africa pursuant to Executive Order 14204, and other victims of illegal or unjust discrimination in their respective homelands. Refugee admissions under this determination, which may reach but not exceed the numerical limit described herein, are in all respects subject to the requirements of other Presidential policies and actions, whether issued prior or subsequent to this determination. Those Presidential policies and actions include, but are not limited to: Executive Order 14161, which mandates that refugees receive the most stringent identification verification of any class of alien seeking admission or entry to the United States; Executive Order 14163, which suspends the entry into the United States of refugees other than when the Secretaries of State and Homeland Security jointly determine that an admission is in the national interest and does not threaten the security or welfare of the United States; Executive Order 14204, which provides for refugee resettlement of Afrikaners from South Africa who are victims of unjust racial discrimination; and Proclamation 10949, which restricts the entry of certain foreign nationals whose admission would be detrimental to the national interest.

The Secretary of State is authorized and directed to publish this determination in the *Federal Register*.



THE WHITE HOUSE,
Washington, September 30, 2025

[FR Doc. 2025–19752
Filed 10–30–25; 11:15 am]
Billing code 4710–10–P

Presidential Documents

Presidential Determination No. 2025–14 of September 30, 2025

Presidential Determination on Transferring the United States Program of Initial Refugee Resettlement

Memorandum for the Secretary of State [and] the Secretary of Health and Human Services

By the authority vested in me as President by the Constitution and the laws of the United States of America, including section 412(b)(1) of the Immigration and Nationality Act (8 U.S.C. 1522(b)(1)), it is hereby ordered:

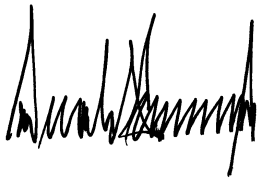
Refugee resettlement must be conducted in a manner that serves the national interest, promotes efficient use of taxpayer dollars, protects the integrity of the United States immigration system, and supports refugees in achieving early economic self-sufficiency and assimilation into American society. Centralizing the responsibilities for all domestic resettlement under one executive department or agency (agency) eliminates unnecessary duplication and ensures that refugee resettlement is closely coordinated with State and local jurisdictions, to the extent permitted by law and as practicable.

I have determined that the administration of the program of initial resettlement grants and contracts, which are awarded to public or private nonprofit agencies for initial resettlement services for refugees coming to the United States, shall be transferred to the Department of Health and Human Services, Office of Refugee Resettlement.

This action reflects a return to the clear statutory structure originally established by the Refugee Act of 1980, which designated the Office of Refugee Resettlement as the lead Federal entity for domestic refugee resettlement. The transfer ensures better alignment of resources, oversight, and accountability resettlement activities that take place entirely within the United States.

I direct the Department of State and the Department of Health and Human Services to coordinate the orderly transfer of responsibilities, personnel, and sources necessary to implement this determination consistent with applicable law.

The Secretary of State is authorized and directed to publish this determination in the *Federal Register*.



THE WHITE HOUSE,
Washington, September 30, 2025

[FR Doc. 2025–19753
Filed 10–30–25; 11:15 am]
Billing code 4710–10–P

Reader Aids

Federal Register

Vol. 90, No. 209

Friday, October 31, 2025

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Federal Register/Code of Federal Regulations	
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Laws	**741–6000**
Presidential Documents	
Executive orders and proclamations	**741–6000**
The United States Government Manual	**741–6000**
Other Services	
Electronic and on-line services (voice)	**741–6020**
Privacy Act Compilation	**741–6050**

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FEDERAL REGISTER PAGES AND DATE, OCTOBER

47229–47502 1
47503–47968 2
47969–48118 3
48119–48146 6
48147–48160 7
48161–48192 8
48193–48218 9
48219–48240 10
48241–48250 14
48251–48294 15
48295–48334 16
48335–48372 17
48373–48396 20
48397–48442 21
48443–48480 22
48481–48552 23
48553–48556 24
48557–48704 27
48705–48736 28
48737–48798 29
48799–48908 30
48909–49008 31

CFR PARTS AFFECTED DURING OCTOBER

At the end of each month the Office of the Federal Register publishes separately a List of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

3 CFR

Proclamations:
10976 48127
10977 48159
10978 48217
10979 48247
10980 48249
10981 48331
10982 48333
10984 48451
10985 48477
10986 48479

Executive Orders:
14353 48143
14354 48145
14355 48153
14356 48387

Administrative Orders:
September 30, 2025 47967
October 6, 2025 48167
Notices:
Notice of October 16, 2025 48391
Notice of October 16, 2025 48393
Notice of October 16, 2025 48395
Presidential Determinations:
No. 2025–13 of September 30, 2025 49005
No. 2025–14 of September 30, 2025 49007

5 CFR

Proposed Rules:
1650 48267

7 CFR

Proposed Rules:
905 47240
925 47243
930 47503
956 47245
984 47248

8 CFR

274a 48799

Proposed Rules:
106 48516
214 47507
215 48604
216 48516
235 48604

10 CFR

609 48705

Proposed Rules:
821 48268

12 CFR

201 47512
204 47513
1002 47514
1022 48710
1081 48737
1092 48760

Proposed Rules:
Ch. XV 47251
1 48825
4 ..... 48825, 48835
30 48825
302 48825
305 48835
364 48825
702 48409
791 48409
1092 48787
1209 47632
1239 47662
1241 47662
1261 47662
1273 47662
1277 47662
1281 47632
1282 47632

14 CFR

39 ..... 47523, 47526, 47530, 47532, 47536, 47538, 47540, 47544, 47546, 48219, 48251, 48254, 48256
95 48776
97 ..... 47549, 47551, 48783, 48784
107 47969

Proposed Rules:
39 ..... 47251, 48414
399 48849

15 CFR

744 48193

17 CFR

Ch. I 47556
240 47552
242 47552

Proposed Rules:
229 47254
230 47254
239 47254
240 47254
249 47254

18 CFR

2 48397
5 48397
36 48397
131 48397
153 ..... 48221, 48397
156 48397
157 ..... 48221, 48397

LIST OF PUBLIC LAWS

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's **List of Public Laws**.

Last List September 9, 2025

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