



FEDERAL REGISTER

Vol. 90

Wednesday,

No. 221

November 19, 2025

Pages 51989–52230

OFFICE OF THE FEDERAL REGISTER



The **FEDERAL REGISTER** (ISSN 0097-6326) is published daily, Monday through Friday, except official holidays, by the Office of the Federal Register, National Archives and Records Administration, under the Federal Register Act (44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). The Superintendent of Documents, U.S. Government Publishing Office, is the exclusive distributor of the official edition. Periodicals postage is paid at Washington, DC.

The **FEDERAL REGISTER** provides a uniform system for making available to the public regulations and legal notices issued by Federal agencies. These include Presidential proclamations and Executive Orders, Federal agency documents having general applicability and legal effect, documents required to be published by act of Congress, and other Federal agency documents of public interest.

Documents are on file for public inspection in the Office of the Federal Register the day before they are published, unless the issuing agency requests earlier filing. For a list of documents currently on file for public inspection, see www.federalregister.gov.

The seal of the National Archives and Records Administration authenticates the **Federal Register** as the official serial publication established under the Federal Register Act. Under 44 U.S.C. 1507, the contents of the **Federal Register** shall be judicially noticed.

The **Federal Register** is published in paper and on 24x microfiche. It is also available online at no charge at www.govinfo.gov, a service of the U.S. Government Publishing Office.

The online edition of the **Federal Register** is issued under the authority of the Administrative Committee of the Federal Register as the official legal equivalent of the paper and microfiche editions (44 U.S.C. 4101 and 1 CFR 5.10). It is updated by 6:00 a.m. each day the **Federal Register** is published and includes both text and graphics from Volume 1, 1 (March 14, 1936) forward. For more information, contact the GPO Customer Contact Center, U.S. Government Publishing Office. Phone 202-512-1800 or 866-512-1800 (toll free). E-mail, gpocusthelp.com.

The annual subscription price for the **Federal Register** paper edition is \$860 plus postage, or \$929, for a combined **Federal Register**, **Federal Register** Index and List of CFR Sections Affected (LSA) subscription; the microfiche edition of the **Federal Register** including the **Federal Register** Index and LSA is \$330, plus postage. Six month subscriptions are available for one-half the annual rate. The prevailing postal rates will be applied to orders according to the delivery method requested. The price of a single copy of the daily **Federal Register**, including postage, is based on the number of pages: \$11 for an issue containing less than 200 pages; \$22 for an issue containing 200 to 400 pages; and \$33 for an issue containing more than 400 pages. Single issues of the microfiche edition may be purchased for \$3 per copy, including postage. Remit check or money order, made payable to the Superintendent of Documents, or charge to your GPO Deposit Account, VISA, MasterCard, American Express, or Discover. Mail to: U.S. Government Publishing Office—New Orders, P.O. Box 979050, St. Louis, MO 63197-9000; or call toll free 1-866-512-1800, DC area 202-512-1800; or go to the U.S. Government Online Bookstore site, see bookstore.gpo.gov.

There are no restrictions on the republication of material appearing in the **Federal Register**.

How To Cite This Publication: Use the volume number and the page number. Example: 90 FR 12345.

Postmaster: Send address changes to the Superintendent of Documents, Federal Register, U.S. Government Publishing Office, Washington, DC 20402, along with the entire mailing label from the last issue received.

SUBSCRIPTIONS AND COPIES

PUBLIC

Subscriptions:

Paper or fiche	202-512-1800
Assistance with public subscriptions	202-512-1806

General online information 202-512-1530; 1-888-293-6498

Single copies/back copies:

Paper or fiche	202-512-1800
Assistance with public single copies	1-866-512-1800 (Toll-Free)

FEDERAL AGENCIES

Subscriptions:

Assistance with Federal agency subscriptions:

Email	FRSubscriptions@nara.gov
Phone	202-741-6000

The Federal Register Printing Savings Act of 2017 (Pub. L. 115-120) placed restrictions on distribution of official printed copies of the daily **Federal Register** to members of Congress and Federal offices. Under this Act, the Director of the Government Publishing Office may not provide printed copies of the daily **Federal Register** unless a Member or other Federal office requests a specific issue or a subscription to the print edition. For more information on how to subscribe use the following website link: <https://www.gpo.gov/frsubs>.



Contents

Federal Register

Vol. 90, No. 221

Wednesday, November 19, 2025

Antitrust Division

NOTICES

Proposed Settlement Agreement, Stipulation, Order, and Judgment, etc.:
 United States v. Hewlett Packard Enterprise Co. and Juniper Networks, Inc.; Response to Public Comments, 52097–52109
 United States, et al. v. UnitedHealth Group Inc., et al., 52109–52114

Appraisal Subcommittee of the Federal Financial Institutions Examination Council

NOTICES

Hearings, Meetings, Proceedings, etc., 52037

Centers for Medicare & Medicaid Services

NOTICES

Agency Information Collection Activities; Proposals, Submissions, and Approvals, 52062–52063
 Hearings, Meetings, Proceedings, etc.:
 Medicare Program; New Revisions to the Healthcare Common Procedure Coding System Coding, 52058–52059
 Medicare Program:
 CY 2026 Inpatient Hospital Deductible and Hospital and Extended Care Services Coinsurance Amounts, 52075–52078
 CY 2026 Part A Premiums for the Uninsured Aged and for Certain Disabled Individuals Who Have Exhausted Other Entitlement, 52060–52062
 Medicare Part B Monthly Actuarial Rates, Premium Rates, and Annual Deductible Beginning January 1, 2026, 52063–52074
 Re-Approval of COLA under the Clinical Laboratory Improvement Amendments; Correction, 52058
 Re-Approval of the Joint Commission as an Accreditation Organization under the Clinical Laboratory Improvement Amendments; Correction, 52074–52075

Coast Guard

NOTICES

Recertification:
 Cook Inlet Regional Citizens' Advisory Council, 52082
 Request for Membership Application:
 National Commercial Fishing Vessel Safety Advisory Committee, 52082–52084

Commerce Department

See Economic Development Administration
 See International Trade Administration
 See National Oceanic and Atmospheric Administration
 See Patent and Trademark Office

Consumer Product Safety Commission

NOTICES

Performance Review Board Members, 52046

Defense Department

See Navy Department

Economic Development Administration

RULES

Update of Public Works and Economic Adjustment Act Grant Rate Regulations, 51991–51992

Energy Department

See Energy Information Administration
 See Federal Energy Regulatory Commission
 See Western Area Power Administration

NOTICES

Environmental Impact Statements; Availability, etc.:
 Proposed North Plains Connector Project, Colstrip, MT to Center/St. Anthony, ND, 52047–52048
 Importation or Exportation of Liquefied Natural Gas or Electric Energy; Applications, Authorizations, etc.:
 Vitol Inc., 52046–52047

Energy Information Administration

NOTICES

Agency Information Collection Activities; Proposals, Submissions, and Approvals, 52048–52049

Environmental Protection Agency

RULES

Air Quality State Implementation Plans; Approvals and Promulgations:
 Arizona; Maricopa County Air Quality Department; Petroleum Solvent Dry Cleaning, 51997–51999
 Utah; Salt Lake City and Provo, Utah PM2.5 Redesignations to Attainment and Utah State Implementation Plan Revisions, 51999–52004

PROPOSED RULES

Air Quality State Implementation Plans; Approvals and Promulgations:
 Arizona; Phoenix-Mesa Nonattainment Area; Determination of Attainment by the Attainment Date But For International Emissions for the 2015 Ozone National Ambient Air Quality Standards, 52019–52030

NOTICES

Draft Risk Evaluation under the Toxic Substances Control Act:
 1,2-Dichloroethane, 52054–52056

Federal Aviation Administration

PROPOSED RULES

Airspace Designations and Reporting Points:
 Newport Municipal Airport, Newport, OR, 52011–52012
 Airworthiness Directives:
 Airbus Canada Limited Partnership (Type Certificate Previously Held by C Series Aircraft Limited Partnership (CSALP); Bombardier, Inc.) Airplanes, 52005–52008
 Various Helicopters, 52008–52011

NOTICES

Agency Information Collection Activities; Proposals, Submissions, and Approvals:
 Dealer's Aircraft Registration Application, 52133–52134
 FAA Entry Point Filing Form—International Registry, 52131–52132
 Cancellation of Emergency Order Establishing Operating Limitations on the Use of Navigable Airspace, 52132–52133

Guidance:

Transporting Hazardous Materials by Unmanned Aircraft Systems, 52133

Federal Communications Commission**NOTICES**

Meetings; Sunshine Act, 52056–52057

Federal Energy Regulatory Commission**PROPOSED RULES**

Standards for Business Practices of Interstate Natural Gas Pipelines, 52012–52019

NOTICES

Combined Filings, 52049–52051

Federal Highway Administration**NOTICES**

Agency Information Collection Activities; Proposals, Submissions, and Approvals, 52134–52135

Federal Motor Carrier Safety Administration**PROPOSED RULES**

North American Standard Out-of-Service Criteria: Hazardous Materials Safety Permits (2025); Incorporation by Reference, 52030–52036

Federal Railroad Administration**NOTICES**

Application for Approval of Discontinuance or Modification of a Railroad Signal System, 52137–52138
Petition for Extension of Waiver of Compliance, 52135–52137

Petition for Modification of Waiver of Compliance, 52135

Petition for Waiver of Compliance, 52136–52137

Federal Reserve System**NOTICES**

Change in Bank Control:

Acquisitions of Shares of a Bank or Bank Holding Company, 52057–52058

Foreign Assets Control Office**NOTICES**

Sanctions Action, 52139–52162

Health and Human Services Department

See Centers for Medicare & Medicaid Services

See Health Resources and Services Administration

See National Institutes of Health

NOTICES

Agency Information Collection Activities; Proposals, Submissions, and Approvals, 52079

Health Resources and Services Administration**NOTICES**

Agency Information Collection Activities; Proposals, Submissions, and Approvals:

HRSA Ryan White HIV/AIDS Program HIV Quality Measures Module, 52078–52079

Homeland Security Department

See Coast Guard

See U.S. Customs and Border Protection

RULES

Ratification of Department Action, 51989–51991

PROPOSED RULES

Public Charge Ground of Inadmissibility, 52168–52224

NOTICES

Determination Pursuant to the Illegal Immigration Reform and Immigrant Responsibility Act, 52090–52093

Housing and Urban Development Department**RULES**

Section 108 Loan Guarantee Program:

Announcement of Fee to Cover Credit Subsidy Costs for FY 2026, 51992–51994

Internal Revenue Service**NOTICES**

Agency Information Collection Activities; Proposals, Submissions, and Approvals:

Burden Related to Guidance Governing Practice before the Internal Revenue Service, 52165

Comment Request on Debt instruments with Original issue Discount; Contingent Payments; Anti-Abuse Rule, 52163–52164

Quarterly Federal Excise Tax Returns, 52163

Superfund; Imported Substances; Procedures for Filing a Petition, 52164–52165

Hearings, Meetings, Proceedings, etc.:

Taxpayer Advocacy Panel's Joint Committee, 52162–52163

International Trade Administration**NOTICES**

United States-Mexico-Canada Agreement:

Binational Panel Review, 52037–52038

International Trade Commission**NOTICES**

Complaint, 52093–52097

Investigations; Determinations, Modifications, and Rulings, etc.:

Chromium Trioxide from India and Turkey, 52096

Fresh Mushrooms from Canada, 52094

Justice Department

See Antitrust Division

Labor Department**NOTICES**

Agency Information Collection Activities; Proposals, Submissions, and Approvals:

Weekly Claims and Extended Benefits Data and Weekly Initial and Continued Weeks Claimed, 52114–52115

Legal Services Corporation**NOTICES**

Meetings; Sunshine Act, 52116

Request for Applications:

Pro Bono Innovation Fund; Process for Submitting Pre-Applications for 2025 Grants, 52115–52116

Management and Budget Office**NOTICES**

Performance Review Board Members, 52116–52117

National Institutes of Health**NOTICES**

Hearings, Meetings, Proceedings, etc.:

National Institute of Diabetes and Digestive and Kidney Diseases, 52080

National Institute on Aging, 52079–52082

Licenses; Exemptions, Applications, Amendments, etc.:

Methods for the Diagnosis and Prognosis of Cancer, 52080–52081

National Oceanic and Atmospheric Administration**RULES**

Fisheries of the Exclusive Economic Zone off Alaska:
Pacific Halibut Recreational Quota Entity Program Fee
Collection; Correction, 52004

National Science Foundation**NOTICES**

Hearings, Meetings, Proceedings, etc.:
Astronomy and Astrophysics Advisory Committee, 52117
Permits; Applications, Issuances, etc.:
Antarctic Conservation Act, 52117–52119

Navy Department**NOTICES**

Environmental Impact Statements; Availability, etc.:
Atlantic Fleet Training and Testing, 52046

Patent and Trademark Office**NOTICES**

Agency Information Collection Activities; Proposals,
Submissions, and Approvals:
Deposit of Biological Materials, 52038–52041
Patent Term Extension and Adjustment, 52043–52046
Secrecy and License to Export, 52041–52043

Postal Regulatory Commission**NOTICES**

New Postal Products, 52119–52120

Postal Service**RULES**

Purchasing of Property and Services, 51994–51997

NOTICES

Change in Rates and Classifications of General
Applicability for Competitive Products, 52120–52121
International Product Change:
Priority Mail Express International, Priority Mail
International and First-Class Package International
Service Agreement, 52122
Product Change:
Priority Mail Express, Priority Mail, and USPS Ground
Advantage Negotiated Service Agreements; Priority
Mail and USPS Ground Advantage Negotiated
Service Agreements; Priority Mail Negotiated Service
Agreements, 52121–52122

Presidential Documents**EXECUTIVE ORDERS**

Fostering the Future for American Children and Families
(EO 14359), 52225–52229

Railroad Retirement Board**NOTICES**

Agency Information Collection Activities; Proposals,
Submissions, and Approvals, 52122–52123

Securities and Exchange Commission**NOTICES**

Self-Regulatory Organizations; Proposed Rule Changes:
New York Stock Exchange LLC, 52125–52127
The Nasdaq Stock Market LLC, 52123–52125

Small Business Administration**NOTICES**

Disaster Declaration:
Arizona, 52127
Kentucky, 52128

New York, 52127–52128

State Department**NOTICES**

Agency Information Collection Activities; Proposals,
Submissions, and Approvals:
Application for Immigrant Visa and Alien Registration,
52129–52131
Application to Determine Returning Resident Status,
52128–52129

Tennessee Valley Authority**NOTICES**

Meetings; Sunshine Act, 52131

Transportation Department

See Federal Aviation Administration

See Federal Highway Administration

See Federal Motor Carrier Safety Administration

See Federal Railroad Administration

NOTICES

Agency Information Collection Activities; Proposals,
Submissions, and Approvals:
Motor Carrier Identification Report, 52138–52139

Treasury Department

See Foreign Assets Control Office

See Internal Revenue Service

U.S. Customs and Border Protection**NOTICES**

Commercial Gauger and Laboratory; Accreditation and
Approval:
Altol Petroleum Products Services, Inc. (Ponce, PR),
52089
Camin Cargo Control, Inc. (New Haven, CT), 52088–
52089
Camin Cargo Control, Inc. (Tampa, FL), 52087–52088
Certispec Services USA, Inc. (Texas City, TX), 52089–
52090
Immigration Fees Required by HR–1:
Fiscal Year 2026 Adjustments for Inflation, 52085–52087
Request for Membership Application:
Commercial Customs Operations Advisory Committee,
52084–52085

Veterans Affairs Department**NOTICES**

Agency Information Collection Activities; Proposals,
Submissions, and Approvals:
Application for Disability Compensation and Related
Compensation Benefits, 52165–52166

Western Area Power Administration**NOTICES**

Boulder Canyon Project, 52051–52054

Separate Parts In This Issue**Part II**

Homeland Security Department, 52168–52224

Part III

Presidential Documents, 52225–52229

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.

To subscribe to the Federal Register Table of Contents electronic mailing list, go to <https://public.govdelivery.com/accounts/USGPOOFR/subscriber/new>, enter your e-mail address, then follow the instructions to join, leave, or manage your subscription.

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**Executive Orders:**

14359.....52227

8 CFR

Ch. I.....51989

Proposed Rules:

103.....52168

212.....52168

13 CFR

301.....51991

14 CFR**Proposed Rules:**

39 (2 documents) 52005,

52008

71.....52011

18 CFR**Proposed Rules:**

284.....52012

24 CFR

570.....51992

39 CFR

601.....51994

40 CFR

52 (2 documents) 51997,

51999

81.....51999

Proposed Rules:

52.....52019

49 CFR**Proposed Rules:**

385.....52030

50 CFR

300.....52004

Rules and Regulations

Federal Register

Vol. 90, No. 221

Wednesday, November 19, 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.

The Code of Federal Regulations is sold by the Superintendent of Documents.

DEPARTMENT OF HOMELAND SECURITY

8 CFR Chapter I

[USCIS Docket No. USCIS–2019–0021]

RIN 1615–AC42

Ratification of Department Action

AGENCY: Department of Homeland Security (DHS).

ACTION: Ratification.

SUMMARY: The Department of Homeland Security is publishing notice of the Secretary of Homeland Security's ratification of a rule.

DATES: The ratification was signed on October 29, 2025 and relates back to the original date of the action that it ratifies.

FOR FURTHER INFORMATION CONTACT: Office of the General Counsel, DHS, Washington, DC 20528, (202) 282–9822.

SUPPLEMENTARY INFORMATION: On October 29, 2025, the Secretary of Homeland Security ratified the approval and issuance of the final rule titled “Procedures for Asylum and Withholding of Removal; Credible Fear and Reasonable Fear Review,” as well as the associated notice of proposed

rulemaking. *See* 85 FR 80274 (Dec. 11, 2020); 85 FR 36264 (June 15, 2020).

DHS is now publishing the ratification in the **Federal Register** out of an abundance of caution. Neither the ratification nor the publication is a statement that the ratified action would be invalid absent the ratification, whether published or otherwise.

Joseph N. Mazzara,
Acting General Counsel, U.S. Department of Homeland Security.

Appendix

BILLING CODE 9110–9M–P



Homeland
Security

RATIFICATION

Former Acting Secretary Chad Wolf approved and issued two joint Department of Homeland Security (DHS) – Department of Justice (DOJ) actions relevant here:

- 1) *Procedures for Asylum and Withholding of Removal; Credible Fear and Reasonable Fear Review*, 85 Fed. Reg. 36,264 (June 15, 2020) (Notice of Proposed Rulemaking (“NPRM”) (“Global Asylum Rule NPRM”).
- 2) *Procedures for Asylum and Withholding of Removal; Credible Fear and Reasonable Fear Review*, 85 Fed. Reg. 80,274 (Dec. 11, 2020) (final rule) (“Global Asylum Final Rule”).

Out of an abundance of caution, I am affirming and ratifying the approval and issuance of the Global Asylum NPRM and Global Asylum Final Rule to provide an independent basis to address potential legal challenges to the final rule. I am taking this action because of a Government Accountability Office opinion, *see* B-331650 (Comp. Gen., Aug. 14, 2020) and litigation alleging that the April 9, 2019, order of succession issued by former Secretary Kirstjen Nielsen and the November 8, 2019, order of succession issued by former Acting Secretary Kevin McAleenan were not valid. *See Pangea Legal Servs. v. DHS*, 512 F. Supp. 3d 966 (N.D. Cal. 2021) (issuing a preliminary injunction against the Global Asylum Final Rule on the basis of Chad Wolf’s service as Acting Secretary).

Former Acting Secretary Wolf’s approval and issuance of the Global Asylum NPRM and the Global Asylum Final Rule was a delegable action that may be ratified. *See* 5 U.S.C. § 3348(a)(2). *See also, e.g., Gonzales & Gonzales Bonds & Ins. Ag v. U.S. Dep’t of Homeland Sec.*, 107 F.4th 1064 (9th Cir. 2024) (“We conclude that the Secretary had the authority to delegate promulgation of the Rule; it was not a function or duty singularly entrusted to the Secretary. . . . Thus, ratification of the Rule by [the] Secretary . . . cured any defect in the Rule’s promulgation.” (cleaned up)); *Guedes v. Bureau of Alcohol, Tobacco, Firearms, and Explosives*, 920 F.3d 1, 13 (D.C. Cir. 2019) (“We have repeatedly held that a properly appointed official’s ratification of an allegedly improper official’s prior action . . . resolves the claim on the merits by remedy[ing] [the] defect (if any) from the initial appointment.”) (internal quotation marks and citation omitted, brackets in original).

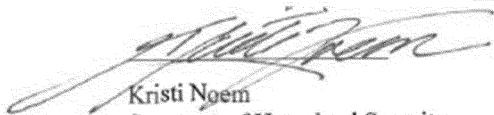
I have familiarized myself with the contents, purpose, and requirements of the Global Asylum Rules. The ratification relates back in time to the original approval and issuance of the Global

Asylum NPRM and Global Asylum Final Rule. Thus, any subsequent actions altering or enjoining the rule have no bearing on this ratification.

Nevertheless, I acknowledge that the following intervening rules have subsequently amended provisions of the Code of Federal Regulations amended by the Global Asylum Final Rule: *Procedures for Credible Fear Screening and Consideration of Asylum, Withholding of Removal, and CAT Protection Claims by Asylum Officers*, 87 Fed. Reg. 18,078 (Mar. 29, 2022); *Implementation of the 2022 Additional Protocol to the 2002 U.S.-Canada Agreement for Cooperation in the Examination of Refugee Status Claims From Nationals of Third Countries*, 88 Fed. Reg. 18,227 (Mar. 28, 2023), as corrected by *Implementation of the 2022 Additional Protocol to the 2002 U.S.-Canada Agreement for Cooperation in the Examination of Refugee Status Claims From Nationals of Third Countries; Correction*, 88 Fed. Reg. 23,329 (Apr. 17, 2023); *Circumvention of Lawful Pathways*, 88 Fed. Reg. 31,314 (May 16, 2023); and *Application of Certain Mandatory Bars in Fear Screenings*, 89 Fed. Reg. 103,370 (Dec. 18, 2024). Further, *Security Bars and Processing*, 85 Fed. Reg. 84,160 (Dec. 23, 2020) contained amendments to provisions of the Global Asylum Final Rule, but DHS and DOJ have delayed those amendments, most recently until December 31, 2025. See *Security Bars and Processing; Delay of Effective Date*, 89 Fed. Reg. 105,386 (Dec. 27, 2024).

As a result, while I am approving and ratifying the approval and issuance of the Global Asylum NPRM and Global Asylum Final Rule as published in 2020 in their entirety, I acknowledge that portions of the Global Asylum Final Rule's provisions cannot legally take effect because of the above-listed rules' amendments to the Code of Federal Regulations. I further acknowledge that the provisions of the Global Asylum Final Rule that remain in the Code of Federal Regulations cannot be implemented while the injunction in *Pangea Legal Servs. v. DHS*, 512 F. Supp. 3d 966 (N.D. Cal. 2021), is in effect.

Pursuant to my authority as Secretary of Homeland Security and based on my review of the actions listed above, I hereby make a detached and considered affirmation and ratification of the approval and issuance of the Global Asylum NPRM and the Global Asylum Final Rule.


 Kristi Noem
 Secretary of Homeland Security


 Date

[FR Doc. 2025-20295 Filed 11-18-25; 8:45 am]

BILLING CODE 9110-9M-C

DEPARTMENT OF COMMERCE

Economic Development Administration

13 CFR Part 301

[Docket No.: 250923-0158]

RIN 0610-AA83

Update of Public Works and Economic Adjustment Act Grant Rate Regulations

AGENCY: Economic Development Administration, U.S. Department of Commerce.

ACTION: Final rule.

SUMMARY: On January 4, 2025, the Economic Development Reauthorization Act of 2024 became law. The Economic Development Administration ("EDA"),

U.S. Department of Commerce, publishes this final rule to reflect an amendment made to the grant rates prescribed by EDA's authorizing statute, the Public Works and Economic Development Act of 1965. Immediate implementation of the rule will prevent public confusion between EDA's implementing regulations and changes enacted in the Economic Development Reauthorization Act of 2024.

DATES: This rule is effective November 19, 2025.

FOR FURTHER INFORMATION CONTACT:

Jeffrey Roberson, Chief Counsel, Office of the Chief Counsel, Economic Development Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Suite 72023, Washington, DC 20230; telephone: (202) 482-1315; email: jroberson@eda.gov.

SUPPLEMENTARY INFORMATION:

Background

On January 4, 2025, the Thomas R. Carper Water Resources Development Act of 2024 (Pub. L. 118-272) became law and contained the Economic Development Reauthorization Act of 2024 ("the Act") in Title II of Division B. The Act reauthorizes EDA through Fiscal Year 2029 and updates numerous authorities that govern the operation of EDA under its organic act, the Public Works and Economic Development Act of 1965 ("PWEDA").

This rule addresses an explicit conflict between EDA's existing regulations (13 CFR chapter III) and the Act with respect to EDA's cost sharing requirements for projects that meet EDA's distress criteria. Prior to the Act, section 204 of PWEDA (42 U.S.C. 3144) specified that EDA's federal grant rate for projects that meet PWEDA's eligibility requirements shall not exceed 50 percent. Section 2215 of the Act

amended section 204 of PWEDA to require that EDA’s federal grant rate for projects that meet PWEDA’s eligibility requirements not exceed 60 percent. From this 60 percent federal grant rate, EDA is permitted to increase the federal grant rate up to 30 percent based on relative needs, and up to 100 percent in certain circumstances. Thus, prior to the Act, EDA had a maximum federal grant rate that ranged from 50 percent to 80 percent based on distress with some exceptions to get to 100 percent. Since the enactment of the Act, EDA’s maximum federal grant rate ranges from 60 percent to 90 percent based on distress with some additional exceptions to get to 100 percent.

In this rule-making, EDA is taking a conservative approach and only updating the parts of its regulations that are explicitly contradicted by the Act and are necessary for ongoing EDA operations. EDA anticipates additional rule-makings to fully implement the Act, including at least one that would solicit notice and comment on a comprehensive update to EDA’s distress criteria and grant rates.

Classification

Administrative Procedure Act and Regulatory Flexibility Act

Pursuant to 5 U.S.C. 553(a)(2), prior notice and opportunity for public comment are not required for rules concerning public property, loans, grants, benefits, and contracts. This rule conforms EDA’s grant regulations with a statutory change directed by Congress.

Because prior notice and an opportunity for public comment are not

required pursuant to 5 U.S.C. 553, or any other law, the analytical requirements of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) are inapplicable. Therefore, a regulatory flexibility analysis has not been prepared.

Executive Orders No. 12866, 13563, and 14192

This final rule was drafted in accordance with Executive Orders 12866, 13563, and 14192. OMB has determined that this rule is a significant regulatory action for purposes of Executive Orders 12866, as defined in section 3(f), and 13563. This rule is not an E.O. 14192 regulatory action because it does not impose any more than de minimis regulatory costs.

Congressional Review Act

This final rule is not major under the Congressional Review Act (5 U.S.C. 801 *et seq.*).

Executive Order No. 13132

This final rule does not contain policies that have federalism implications.

Paperwork Reduction Act

The Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) (“PRA”) requires that a Federal agency consider the impact of paperwork and other information collection burdens imposed on the public and, under the provisions of PRA section 3507(d), obtain approval from OMB for each collection of information it conducts, sponsors, or requires through regulations. This final

rule does not require the collection of any information and is therefore not subject to the PRA.

List of Subjects in 13 CFR Part 301

Applicant and application requirements, Economic distress levels, Eligibility requirements, Grant administration, Grant programs, Investment rates.

For the reasons discussed above, EDA is amending title 13, chapter III of the Code of Federal Regulations as follows:

PART 301—ELIGIBILITY, INVESTMENT RATE AND APPLICATION REQUIREMENTS

■ 1. The authority citation for part 301 continues to read as follows:

Authority: 42 U.S.C. 3121; 42 U.S.C. 3141–3147; 42 U.S.C. 3149; 42 U.S.C. 3161; 42 U.S.C. 3175; 42 U.S.C. 3192; 42 U.S.C. 3194; 42 U.S.C. 3211; 42 U.S.C. 3233; Department of Commerce Delegation Order 10–4.

■ 2. Amend § 301.4 by:

■ a. In paragraph (b)(1), removing the number “50” and adding in its place the number “60”;

■ b. Revising Table 1 to paragraph (b)(1)(ii); and

■ c. In paragraph (b)(3)(i), removing the number “50” and adding in its place the number “60”.

The revision reads as follows:

§ 301.4 Investment rates.

*	*	*	*	*
(b)	*	*	*	
(1)	*	*	*	
(ii)	*	*	*	

TABLE 1

Projects located in regions in which:	Maximum allowable investment rates (percentage)
(A) The 24-month unemployment rate is at least 225% of the national average; or	80
(B) The per capita income is not more than 50% of the national average	80
(C) The 24-month unemployment rate is at least 200% of the national average; or	70
(D) The per capita income is not more than 60% of the national average	70
(E) The 24-month unemployment rate is at least one percentage point greater than the national average; or	60
(F) The per capita income is not more than 80% of the national average	60

* * * * *

Dated: November 17, 2025.

Benjamin Page,
Deputy Assistant Secretary and Chief
Operating Officer.

[FR Doc. 2025–20307 Filed 11–18–25; 8:45 am]

BILLING CODE 3510–24–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

24 CFR Part 570

[Docket No. FR–6561–N–01]

Section 108 Loan Guarantee Program: Announcement of Fee To Cover Credit Subsidy Costs for FY 2026

AGENCY: Office of the Assistant Secretary for Community Planning and Development, HUD.

ACTION: Announcement of fee.

SUMMARY: This document announces the fee that HUD will collect from borrowers of loans guaranteed under HUD’s Section 108 Loan Guarantee Program (Section 108 Program) to offset the credit subsidy costs of the guaranteed loans pursuant to commitments awarded in Fiscal Year 2026 in the event HUD is required or authorized by statute to do so, notwithstanding subsection (m) of

section 108 of the Housing and Community Development Act of 1974. The fee to offset credit subsidy costs is changing from 0.82 percent in Fiscal Year 2025 to 0.58 percent in Fiscal Year 2026.

DATES: *Applicability date:* October 1, 2025.

FOR FURTHER INFORMATION CONTACT:

Scott Laliberte, Acting Deputy Director, Financial Management Division, Office of Block Grant Assistance, Office of Community Planning and Development, U.S. Department of Housing and Urban Development, 451 7th Street SW, Room 7282, Washington, DC 20410; telephone number 202-402-3956 (this is not a toll-free number). Individuals with speech or hearing impairments may access this number through TTY by calling the toll-free Federal Relay Service at 800-877-8339. FAX inquiries (but not comments) may be sent to Mr. Laliberte at 202-402-3956 (this is not a toll-free number).

SUPPLEMENTARY INFORMATION:

I. Background

The Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2015 (division K of Pub. L. 113-235, approved December 16, 2014) (2015 Appropriations Act) provided that “the Secretary shall collect fees from borrowers, notwithstanding subsection (m) of such section 108, to result in a credit subsidy cost of zero for guaranteeing” Section 108 loans. This language overrode section 108(m) of the Housing and Community Development Act of 1974, which states that “No fee or charge may be imposed by the Secretary or any other Federal agency on or with respect to a guarantee made by the Secretary under this section after February 5, 1988.” Identical language was continued or included in the Department’s continuing resolutions and appropriations acts authorizing HUD to issue Section 108 loan guarantees during Fiscal Years (FYs) 2016 to 2025.¹

On November 3, 2015, HUD published a final rule (80 FR 67626) that amended the Section 108 Program regulations at 24 CFR part 570 to add 24 CFR 570.712. Section 24 CFR 570.712 established additional procedures for

charging borrowers a fee, including procedures for announcing the amount of the fee each fiscal year when HUD is required to offset the credit subsidy costs to the Federal Government to guarantee Section 108 loans. For FYs 2016 to 2025, HUD published notifications to set the fees in accordance with 24 CFR 570.712.²

II. FY 2026 Fee: 0.58 Percent of the Principal Amount of the Loan

If authorized by statute, this document sets the fee for Section 108 loan disbursements under loan guarantee commitments awarded for FY 2026 at 0.58 percent of the principal amount of the loan. HUD will collect this fee from borrowers of loans guaranteed under the Section 108 Program to offset the credit subsidy costs of the guaranteed loans pursuant to commitments awarded in FY 2026 if language authorizing the collection of fees in the FY 2026 HUD appropriations bills under consideration are enacted, or if HUD is otherwise required or authorized by statute to collect fees from borrowers to offset the credit subsidy costs of the guaranteed loans, notwithstanding subsection (m) of section 108 of the Housing and Community Development Act of 1974 (42 U.S.C. 5308(m)). The calculation of the FY 2026 fee uses a similar calculation model as the FY 2016 to FY 2024 fee³ notifications but incorporates updated information regarding the composition of the Section 108 portfolio and the timing of the estimated future cash flows for defaults and recoveries. The calculation of the fee is also affected by the discount rates required to be used by HUD when calculating the present value of the future cash flows as part of the Federal budget process.

As described in 24 CFR 570.712(b), HUD’s credit subsidy calculation is based on the amount required to reduce the credit subsidy cost to the Federal Government associated with making a Section 108 loan guarantee to the amount established by applicable appropriation acts. As a result, HUD’s credit subsidy cost calculations incorporated assumptions based on: (1) data on default frequency for municipal debt where such debt is comparable to

loans in the Section 108 loan portfolio; (2) data on recovery rates on collateral security for comparable municipal debt; (3) the expected composition of the Section 108 portfolio by end users of the guaranteed loan funds (e.g., third-party borrowers and public entities); and (4) other factors that HUD determined were relevant to this calculation (e.g., assumptions as to loan disbursement and repayment patterns).

Taking these factors into consideration, HUD determined that the fee for disbursements made under loan guarantee commitments awarded in FY 2026 will be 0.58 percent, which will be applied only at the time of loan disbursements. Note that future notifications may provide for a combination of upfront and periodic fees for loan guarantee commitments awarded in future fiscal years but, if so, HUD will provide the public with an opportunity to comment if appropriate under 24 CFR 570.712(b)(2).

The expected cost of a Section 108 loan guarantee is difficult to estimate using historical program data because there have been no defaults in the history of the program that required HUD to pay a note holder in accordance with its full faith and credit guarantee or use the credit subsidy reserved each year for future losses.⁴ This is due to a variety of factors, including the availability of Community Development Block Grant (CDBG) funds as security for HUD’s guarantee as provided in 24 CFR 570.705(b). As authorized by Section 108(c) of the Housing and Community Development Act of 1974, as amended (42 U.S.C. 5308(c)), borrowers may make payments on Section 108 loans using CDBG grant funds. Borrowers may also make Section 108 loan payments from other anticipated sources but continue to have CDBG funds available should they encounter shortfalls in the anticipated repayment source. Despite the program’s history of no defaults, Federal credit budgeting principles require that the availability of CDBG funds to repay the guaranteed loans cannot be assumed in the development of the credit subsidy cost estimate (see 80 FR 67629, November 3, 2015). Thus, the estimate must incorporate the risk that alternative sources are used to repay the guaranteed loan in lieu of CDBG funds, and that those sources may be insufficient. Based on the rate that CDBG funds are used annually for

¹ There are two Fiscal Year (FY) 2026 HUD appropriations bills currently under consideration (Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2026 (H.R. 4552 and S. 2465)). Both bills have identical language suspending the prohibition against charging fees for loans issued with Section 108 guarantees after February 5, 1988, and requiring that the Secretary collect fees from borrowers to result in a credit subsidy cost of zero for the Section 108 Program.

² 80 FR 67634 (November 3, 2015), 81 FR 68297 (October 4, 2016), 82 FR 44518 (September 25, 2017), 83 FR 50257 (October 5, 2018), 84 FR 35299 (July 23, 2019), 85 FR 52479 (August 26, 2020), 86 FR 59302 (October 27, 2021), 87 FR 53662 (September 1, 2022), 88 FR 73532 (October 26, 2023), and 89 FR 78239 (September 25, 2024) respectively.

³ The methodology for FY 2025 was changed to increase portfolio composition components and repayment timing due to a special initiative undertaken in the fiscal year.

⁴ U.S. Department of Housing and Urban Development, *Study of HUD’s Section 108 Loan Guarantee Program*, (prepared by Econometrica, Inc. and The Urban Institute), September 2012, at pp. 73–74. This fact has not changed since the issuance of this report.

repayment of loan guarantees, HUD's calculation of the credit subsidy cost must acknowledge the possibility of future defaults if those CDBG funds were not available. The fee of 0.58 percent of the principal amount of the loan will offset the expected cost to the Federal Government due to default, financing costs, and other relevant factors. To arrive at this measure, HUD analyzed data on comparable municipal debt over an extended period. The estimated rate is based on the default and recovery rates for general purpose municipal debt and industrial development bonds. The cumulative default rates on industrial development bonds were higher than the default rates on general purpose municipal debt during the period from which the data were taken. These two subsectors of municipal debt were chosen because their purposes and loan terms most closely resemble those of Section 108 guaranteed loans.

In this regard, Section 108 guaranteed loans can be broken down into two categories: (1) loans that finance public infrastructure and activities to support subsidized housing (other than financing new construction) and (2) other development projects (e.g., retail, commercial, industrial). The 0.58 percent fee was derived by combining the default and recovery data for general purpose municipal debt and the data for industrial development bonds according to the expected composition of the Section 108 portfolio by corresponding project type. Based on the dollar amount of Section 108 loan guarantee commitments awarded from FY 2020 through FY 2024, HUD expects that 61.2 percent of the Section 108 portfolio will be similar to general purpose municipal debt and 38.8 percent of the portfolio will be similar to industrial development bonds. In setting the fee at 0.58 percent of the principal amount of the guaranteed loan, HUD expects that the amount generated will fully offset the cost to the Federal Government associated with making guarantee commitments awarded in FY 2026. Note that the fee decreased from 0.82 percent in FY 2025 to 0.58 percent in FY 2026, a decrease of 0.24 percent in the level of fee charged.

This document establishes a statutorily required fiscal requirement in the form of a fee based on rate and cost determinations that does not constitute a development decision that affects the physical condition of specific project areas or building sites. Accordingly, under 24 CFR 50.19(c)(6), this document is categorically excluded from environmental review under the

National Environmental Policy Act of 1969 (42 U.S.C. 4321).

Bryan W. Horn,

Acting Principal Deputy Assistant Secretary for Community Planning and Development.

[FR Doc. 2025–20345 Filed 11–18–25; 8:45 am]

BILLING CODE 4210–67–P

POSTAL SERVICE

39 CFR Part 601

Purchasing of Property and Services

AGENCY: Postal Service.

ACTION: Final rule.

SUMMARY: The Postal Service is revising its purchasing regulations governing debarment, suspension, and ineligibility from contracting to provide improved organization and clarity, updates to definitions and processes to better reflect actual practice, and alternatives in lieu of suspension and debarment.

DATES: Effective November 19, 2025.

FOR FURTHER INFORMATION CONTACT:

Robert Dietz at 202–268–6088 or Susan Witt at 202–268–4833

SUPPLEMENTARY INFORMATION: The following updates to 39 CFR 601.113 are being included:

- Section 601.113 is now titled “*Debarment, Suspension, and Ineligibility from Contracting.*”
- *Paragraph (a): General* was augmented to further describe the purpose of the Postal Service's suspension and debarment process, and clarify that suspension and debarment are separate from the procedures under § 601.105;
- *Paragraph (b): Definitions* was revised to clarify all prior definitions, and add the following new definitions: Administrative Compliance Agreement, concurrence, contract, Debarment Official, excluded party, party, and voluntary exclusion;
- *Paragraph (c): Debarment* now consolidates the procedures and grounds for debarment, which were previously included in paragraphs (h) through (k);
- *Paragraph (c)(1): Procedures* (previously located at paragraph (k)) was expanded to more clearly define the processes and standards used to initiate and conduct debarment proceedings;
- *Paragraph (c)(2): Grounds* (previously titled “*Causes for debarment*” and located at paragraph (h)) was revised for clarity, including confirming that a violation of federal ethics law or principles is grounds for debarment;

- *Paragraph (c)(3): Mitigation* (previously located at paragraph (i)) received minor modifications for clarity;

- *Paragraph (c)(4): Period of Debarment* (previously located at paragraph (j)) was revised to increase the standard period of debarment from 3 years to 5 years, confirm that the Debarment Official may debar a party for longer than 5 years, and clarify the process for a party to later seek a reduction of the debarment period;

- *Paragraph (c)(5): Alternative remedies* is a new paragraph confirming the ability of a party to enter into an Administrative Compliance Agreement or agree to a voluntary exclusion in lieu of debarment;

- *Paragraph (d): Suspension* consolidated the procedures for suspension, grounds for suspension, and period of suspension, which were previously located at paragraphs (e) through (g);

- *Paragraph (e): Imputation of Conduct* was restructured as a stand-alone paragraph (previously located at paragraph (h)(4) and (h)(5)) and revised to confirm that the conduct of a party's affiliate may be imputed to that party;

- *Paragraph (f): Suspension, debarment, and ineligible list* (previously located at paragraph (c)) was revised to clarify the Postal Service's use of the General Services Administration's System for Award Management (SAM.gov) in reporting debarments and suspensions, and confirm that contracting officers must review the database before making any contract award;

- *Paragraph (g): Treatment of debarred, suspended, or ineligible parties* (previously titled “*Treatment of suppliers included in the SAM Exclusions database*” and located at paragraph (d)) was augmented to further define how debarred, suspended, or ineligible parties will be treated with regards to contracting with or performing any services for the Postal Service; and

- *Paragraph (h): Notices* was added to identify how all notices from the Debarment Official under this section must be sent.

List of Subjects in 39 CFR Part 601

Administrative practice and procedure, Government procurement, Postal Service.

Accordingly, the Postal Service amends 39 CFR part 601 as follows:

PART 601—PURCHASING OF PROPERTY AND SERVICES

■ 1. The authority citation for 39 CFR part 601 continues to read as follows:

Authority: 39 U.S.C. 401, 404, 410, 411, 2008, 5001–5605.

■ 2. Section 601.113 is revised to read as follows:

§ 601.113 Debarment, suspension, and ineligibility from contracting.

(a) *General.* The Postal Service's suspension and debarment process protects the Postal Service and other federal government entities from doing business with parties that engage in improper conduct. Except as provided otherwise in this part, the Postal Service may not solicit proposals from, or award new contracts to, parties that are excluded from federal contracting. Postal Service suppliers are also prohibited from awarding subcontracts to excluded parties, or employing excluded parties as key personnel or in positions that require access to Postal Service data, mail or facilities. Debarment, suspension and ineligibility under the procedures described in this section are separate from the procedures for declining to accept proposals under § 601.105.

(b) *Definitions—(1) Administrative Compliance Agreement.* An agreement between the Postal Service Debarment Official and another party used to resolve suspension or debarment proceedings, or potential suspension or debarment proceedings.

(2) *Affiliate.* A business, organization, person, or individual connected by the fact that one controls or has the power to control the other, or by the fact that a third party controls or has the power to control both. Indications of control include, but are not limited to, interlocking management or ownership, identity of interests among family members, shared facilities and equipment, contractual relationships, common use of employees, or a business entity organized following the suspension, debarment, ineligibility or proposed debarment of a supplier which has the same or similar management, ownership, or principal employees as the supplier that was suspended, debarred, ineligible or proposed for debarment. Franchise agreements are not conclusive evidence of affiliation if the franchisee has a right to profit in proportion to its ownership and bears the risk of loss or failure.

(3) *Concurrence.* Written confirmation from the General Counsel that the conduct in question satisfies the legal requirements for suspension or debarment of a party, and advice on whether suspension or debarment is in the best interests of the Postal Service.

(4) *Contract.* Any agreement entered into between the Postal Service and another party under the authority

delegated pursuant to § 601.104 or other delegated authority.

(5) *Debarment.* An exclusion from Postal Service and Federal Government contracting and subcontracting for a reasonable, specified period of time commensurate with the seriousness of the offense, failure, or inadequacy of performance.

(6) *Debarment Official.* The Postal Service's vice president, Supply Management, or his or her designee under a written delegation of authority.

(7) *Excluded party.* An individual or business entity that is ineligible to be awarded a Postal Service or other Federal contract as a result of the suspension and debarment process or by voluntary self-exclusion by the party. An excluded party may include a current or former Postal Service supplier or subcontractor; a current or former Postal Service employee; or an employee of a current or former supplier or subcontractor. Customers, strategic alliance partners, and other actual or former business associates of the Postal Service may also be excluded through this process.

(8) *General Counsel.* This includes both the General Counsel and the General Counsel's authorized representatives in the Law Department assigned to advise the Debarment Official.

(9) *Indictment.* Indictment for a criminal offense. An information or other filing by a competent authority charging a criminal offense is given the same effect as an indictment.

(10) *Ineligible.* An exclusion from contracting or subcontracting by an entity other than the Postal Service under statutes, executive orders, or regulations, such as the Davis–Bacon Act, the Service Contract Act, the Equal Employment Opportunity Act, the Walsh–Healy Public Contracts Act, the National Environmental Protection Act, and similar laws authorizing exclusion. As a matter of policy, the Postal Service does not do business with excluded parties, even if the exclusion did not arise under a Postal Service-specific law.

(11) *Party.* In this section, includes any individual, corporation, or similar businesses organization, any supplier as defined in paragraph (b)(13) of this section, or any customer or other legal entity that may do business with the Postal Service or be the subject of a suspension or debarment proceeding.

(12) *Suspension.* An exclusion from contracting and subcontracting for a reasonable period of time due to the pendency of a debarment proceeding or for other specified reasons.

(13) *Supplier.* For the purposes of this part, a supplier is any individual or other legal entity that:

(i) Directly or indirectly (*e.g.*, through an affiliate) submits offers for, is awarded, or reasonably may be expected to submit offers for or be awarded, a Postal Service contract or ordering agreement, including a contract for carriage under Postal Service or commercial bills of lading, or a subcontract under a Postal Service contract; or

(ii) Conducts business or reasonably may be expected to conduct business with the Postal Service as a subcontractor, an agent, or a representative of another supplier.

(14) *Voluntary exclusion.* Voluntary exclusion results from a supplier's written agreement to be excluded for a period of time under the terms of a settlement between the supplier and the Debarment Official of the Postal Service or another Federal agency.

(c) *Debarment—(1) Procedures.* (i) A debarment proceeding is initiated by submitting a written request to the Debarment Official. The request should identify all parties who are proposed for debarment and describe the factual or legal grounds upon which the request is made. The request should also include any pertinent supporting documentation.

(ii) After reviewing the basis for a debarment request and obtaining concurrence from the General Counsel, the Debarment Official may initiate debarment proceedings by sending the party proposed for debarment a written notice of proposed debarment. The notice will state that debarment is being considered; the reasons for the proposed debarment; the anticipated period of debarment and the proposed effective date; and that, within 30 days of the notice, the party, individually or through a representative, may submit in writing information in opposition to the proposed debarment. In the event a party does not submit information in opposition to the proposed debarment to the Debarment Official within the time allowed, the debarment will become final with no further review or appeal.

(iii) If there is any question of material fact involving the debarment allegations, the Debarment Official may seek additional information from the party or other persons. In establishing such material fact(s), the Debarment Official may in his or her discretion request the Judicial Officer to hold a fact-finding hearing on such matters. The hearing will be governed by the rules of procedure at 39 CFR part 955. The Debarment Official must consider

but may reject any findings of fact, in whole or in part. Questions of fact to be resolved by a hearing before the Judicial Officer will be based on a preponderance of the evidence.

(iv) After consideration of the circumstances and any information and argument submitted by the party, the Debarment Official, with the concurrence of the General Counsel, will issue a written decision regarding whether the party is debarred, and, if so, the period of debarment. The decision will be final and binding, unless the decision was procured by fraud or other criminal misconduct, or the decision was obtained in violation of the regulations contained in this part or an applicable public law enacted by Congress.

(v) If the party enters into any agreement regarding improper conduct whereby the party states that it will not contest any debarment on the grounds of the improper conduct, the Debarment Official is not required to comply with the requirements of this paragraph (c)(1) and, with the concurrence of the General Counsel, may proceed to immediately debar the party by providing a written decision stating that the party is debarred effective immediately and identifying the period of debarment.

(2) *Grounds.* (i) The Debarment Official, with the concurrence of the General Counsel, may debar a party, including any of its affiliates, for engaging in improper conduct such as the following:

(A) Indictment or charging of a criminal offense incidental to obtaining or attempting to obtain contracts or subcontracts, or in the performance of a contract or subcontract.

(B) Violation of a Federal antitrust statute arising out of the submission of bids or proposals.

(C) Commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, tax evasion, receiving stolen property, or any other criminal offense of moral turpitude.

(D) Misconduct involving theft or abuse of mail, narcotics trafficking, willful disregard of applicable laws or safety standards, or other conduct demonstrating a lack of honesty or responsibility.

(E) Breach of a Postal Service contract so severe as to justify debarment, including, but not limited to, willful failure to perform a Postal Service contract in accordance with the specifications or within the time limit(s) provided in the contract; repeated failures to perform or unsatisfactory performance in accordance with the

terms of one or more Postal Service contracts; violation of a contractual provision against contingent fees; or acceptance of a contingent fee paid in violation of a contractual provision against contingent fees.

(F) Violation of, or aiding any Postal Service employee or agent in the violation of, any federal ethics laws or principles.

(G) Any other offense indicating a lack of business integrity or business honesty.

(H) Any other cause of a serious and compelling nature for which debarment is warranted.

(ii) The existence of any of the causes for debarment in this section can be established by a preponderance of the evidence, as determined by the Debarment Official.

(3) *Mitigation.* (i) The decision to debar is within the discretion of the Debarment Official, with the concurrence of the General Counsel, and must be made in the best interests of the Postal Service. The Debarment Official may consider the following mitigating factors in deciding whether debarment is warranted, and even if warranted, the period of debarment established:

(A) Whether the party had, or was in the process of establishing, written standards of conduct and published internal control systems at the time of the improper conduct, or adopted such procedures prior to any Postal Service investigation of the activity cited that constitutes the grounds for debarment.

(B) Whether the party promptly brought the improper conduct to the attention of the Postal Service.

(C) Whether the party promptly and fully investigated the circumstances involving the grounds for debarment and, if so, made the full results of the investigation available to the Postal Service.

(D) Whether the party cooperated fully with the Postal Service during its investigation into the circumstances involving debarment.

(E) Whether the party paid or agreed to pay all criminal, civil and administrative penalties or liability, and any other costs arising out of the improper conduct, including any investigative or administrative costs incurred by the Postal Service.

(F) Whether the party took appropriate disciplinary action against the individual(s) responsible for the improper conduct.

(G) Whether the party implemented and/or agreed to implement remedial measures, including those identified by the Postal Service.

(H) Whether the party instituted and/or agreed to institute new and/or revised

review and control procedures and ethics programs.

(I) Whether the party had adequate time to eliminate circumstances within the party's organization that could lead to debarment.

(J) Whether the party's senior officers and mid-level management recognize and understand the seriousness of the misconduct giving rise to debarment.

(ii) The existence or nonexistence of mitigating factors or remedial measures such as those listed in paragraph (c)(3)(i) of this section is not determinative of whether or not a party should be debarred. The party has the burden of demonstrating, to the satisfaction of the Debarment Official, that debarment is not warranted or necessary, or that the period of debarment should be reduced.

(4) *Period of debarment.* (i) When an applicable statute, executive order, or controlling regulation of another agency provides a specific period of debarment, that period applies. In other cases, debarment by the Postal Service shall be for a reasonable, definite, stated period of time, commensurate with the seriousness of the offense or the failure or inadequacy of performance. While generally a period of debarment should not exceed 5 years, the Debarment Official may, in his or her discretion, debar a party for longer than 5 years in cases of severe improper conduct.

(ii) Except as precluded by an applicable statute, Executive order, or controlling regulation of another agency, a debarred party may submit a request to the Debarment Official to remove the debarment or reduce the period of debarment. The party must support the request with a reasonable justification, such as newly discovered material evidence, acquittal or reversal of a conviction, bona fide change of ownership or management, or the elimination of the causes for which debarment was imposed. The Debarment Official may, in his or her discretion, approve or deny any such request by written decision.

(5) *Alternative remedies—(i) Administrative Compliance Agreement.* After considering the improper conduct and any mitigating factors, as well as any information submitted by the party proposed for debarment, the Debarment Official may determine, in his or her discretion, with concurrence from the General Counsel, that it is in the best interests of the Postal Service to forgo debarring or suspending a party, but only if the party agrees to undertake certain remedial measures. In such cases, the Debarment Official may, after consultation with the General Counsel, enter into an Administrative

Compliance Agreement with the party on such terms and conditions as the Debarment Official and the party may agree.

(ii) *Voluntary exclusion.* After considering the improper conduct and any mitigating factors, as well as any information submitted by the party proposed for debarment, the Debarment Official may determine, in his or her discretion, that it is in the best interests of the Postal Service to forgo debarment or suspending a party, provided that the party agrees not to submit proposals for new Postal Service business for a specified period of time.

(d) *Suspension*—(1) *Procedures.* (i) For a suspension pursuant to paragraph (d)(2)(i) or (ii) of this section, or any extension of a suspension, the Debarment Official will notify the party of a suspension or an extension of a suspension and the reason(s) therefor.

(ii) For a suspension pursuant to paragraph (d)(2)(iii) of this section, the suspension is effective upon issuance of the notice of proposed debarment and for the period stated in the notice, unless superseded by the party's debarment.

(iii) Within 30 days of notice of suspension or any extension, a party may submit to the Debarment Official, in writing, any information or reason(s) the party believes makes a suspension or an extension inappropriate. The Debarment Official, after consultation with the General Counsel, will consider the party's submission and, in his or her discretion, may revoke a suspension or an extension of a suspension by written decision.

(2) *Grounds.* The Debarment Official, after consultation with the General Counsel, may suspend any party, including any of its affiliates, for the following:

(i) If the party commits, is indicted for, or is charged with any of the offenses identified in paragraph (c)(2)(i) of this section and the Debarment Official determines not to institute debarment proceedings until the conclusion of any judicial or administrative proceedings related thereto;

(ii) For any other cause of such serious and compelling nature that suspension is warranted; or

(iii) If the Postal Service has notified a party of its proposed debarment under this part.

(3) *Period of suspension.* A suspension shall generally not exceed 1 year in duration, except that the Debarment Official may extend a suspension for reasonable periods of time beyond 1 year. The termination of a suspension will not prejudice the

Postal Service's position in any debarment proceeding. A suspension is superseded by a decision rendered by the Debarment Official to debar a party.

(e) *Imputation of conduct.* (1) The improper conduct of an individual may be imputed to the firm with which he or she is or has been connected when the grounds for debarment or impropriety were committed. Likewise, when a firm is involved in criminal, fraudulent, or other improper conduct, any person who participated in, knew of, or had reason to know of the impropriety may be debarred.

(2) The improper conduct of one party participating in a joint venture or similar arrangement may be imputed to other participating parties if the conduct occurred for or on behalf of the joint venture or similar arrangement, or with the knowledge, approval, or acquiescence of the other parties. Acceptance of the benefits derived from the conduct will be evidence of such knowledge, approval, or acquiescence.

(3) The improper conduct of a party may be imputed to an affiliate, and the improper conduct of an affiliate may be imputed to a party.

(f) *Debarment, suspension, and ineligible list.* (1) The Postal Service uses the General Services Administration's System for Award Management (*SAM.gov*) to determine if parties are debarred, suspended, proposed for debarment, or ineligible. Inquiries concerning listed parties should be directed to the agency or other authority that took the action.

(2) Through a representative, the Debarment Official will use *SAM.gov* to report Postal Service debarments, suspensions, proposed debarments, and changes in status.

(3) Contracting officers must review the *SAM.gov* Exclusions Database before making any contract award.

(g) *Treatment of debarred, suspended, or ineligible parties.* (1) Parties that are debarred, suspended, or ineligible are excluded from the following:

(i) Being awarded any contract with the Postal Service;

(ii) Receiving any subcontract to provide property or services under any Postal Service contract;

(iii) Submitting proposals or offers of any manner to the Postal Service in an attempt to obtain an award of a contract;

(iv) Providing property or services to other persons or entities for resale, in whole or part, to the Postal Service;

(v) Being employed and performing as designated key personnel under a Postal Service contract or subcontract; or

(vi) Having access to mail, Postal Service data, or Postal Service facilities

under a Postal Service contract or subcontract.

(2) The debarment, suspension, or ineligibility of a party does not, of itself, affect the rights and obligations of the parties to any valid, pre-existing contract. The Postal Service may terminate for default a contract with a party that becomes debarred, suspended, or ineligible during the contract's period of performance. Contracting officers may not add new work to any contract with a party that is debarred, suspended, or ineligible by supplemental agreement, by exercise of any option, or otherwise (unless the work is classified as an insignificant or significant minor service change to a mail transportation contract).

(3) All parties doing business with the Postal Service are obligated to review the database identified in paragraph (f) of this section in order to exclude debarred, suspended, or ineligible parties from performing any part of a Postal Service contract.

(4) Notwithstanding paragraphs (g)(1) through (3) of this section, and in his or her discretion, the Debarment Official may approve a deviation from any part of this paragraph (g) if, after consultation with the General Counsel, it is determined to be in the best interests of the Postal Service.

(h) *Notices.* Any decision by or notice from the Debarment Official to a party under this section shall be sent by any method that provides evidence of receipt, with a copy furnished to the USPS Office of the Inspector General.

Colleen Hibbert-Kapler,
Attorney, Ethics and Legal Compliance.

[FR Doc. 2025–20252 Filed 11–18–25; 8:45 am]

BILLING CODE 7710–12–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R09–OAR–2025–0303; FRL–12838–02–R9]

Air Plan Approval; Arizona; Maricopa County Air Quality Department; Petroleum Solvent Dry Cleaning

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is taking final action to approve a revision to the Maricopa County Air Quality Department (MCAQD) portion of the Arizona State Implementation Plan (SIP). This revision concerns emissions of volatile

organic compounds (VOCs) from petroleum solvents used in dry cleaning. We are approving a local rule that regulates these emission sources under the Clean Air Act (CAA or “Act”).

DATES: This rule is effective December 19, 2025.

ADDRESSES: The EPA has established a docket for this action under Docket ID No. EPA–R09–OAR–2025–0303. All documents in the docket are listed on the <https://www.regulations.gov> website. Although listed in the index, some information is not publicly available, *e.g.*, Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Certain other material, such as

copyrighted material, is not placed on the internet and will be publicly available only in hard copy form. Publicly available docket materials are available through <https://www.regulations.gov>, or please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section for additional availability information. If you need assistance in a language other than English or if you are a person with a disability who needs a reasonable accommodation at no cost to you, please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section.

FOR FURTHER INFORMATION CONTACT: La Kenya Evans-Hopper, EPA Region IX, 75 Hawthorne St., San Francisco, CA

94105; telephone number: (415) 972–3245; email address: evanshopper.lakenya@epa.gov.

SUPPLEMENTARY INFORMATION:

Throughout this document, “we,” “us,” and “our” refer to the EPA.

Table of Contents

- I. Proposed Action
- II. Public Comments and EPA Responses
- III. EPA Action
- IV. Incorporation by Reference
- V. Statutory and Executive Order Reviews

I. Proposed Action

On August 21, 2025 (90 FR 40791), the EPA proposed to approve the following rule into the Arizona SIP.

TABLE 1—SUBMITTED RULE

Local agency	Rule #	Rule title	Revised	Submitted
MCAQD	333	Petroleum Solvent Dry Cleaning	09/25/2013	09/13/2017

We proposed to approve this rule because we determined that it complies with the relevant CAA requirements. Our proposed action contains more information on the rule and our evaluation.

II. Public Comments and EPA Responses

The EPA’s proposed action provided a 30-day public comment period. During this period, we received no comments.

III. EPA Action

No comments were submitted. Therefore, as authorized in section 110(k)(3) of the Act, the EPA is approving this rule into the Arizona SIP. The September 25, 2013 version of Rule 333 will replace the previously approved version of this rule in the SIP.

IV. Incorporation by Reference

In this document, the EPA is finalizing regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, the EPA is finalizing the incorporation by reference of Maricopa County Air Quality Department Rule 333, revised on September 25, 2013, which regulates VOC emissions from petroleum solvent used in dry cleaning. Therefore, these materials have been approved by the EPA for inclusion in the SIP, have been incorporated by reference by the EPA into that plan, are fully federally enforceable under sections 110 and 113 of the CAA as of the effective date of the final rulemaking of the EPA’s approval, and will be incorporated by reference in the next

update to the SIP compilation.¹ The EPA has made, and will continue to make, these documents available through <https://www.regulations.gov> and at the EPA Region IX Office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information).

V. Statutory and Executive Order Reviews

Under the CAA, the Administrator is required to approve a SIP submission that complies with the provisions of the Act and applicable federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, the EPA’s role is to approve state choices, provided that they meet the criteria of the CAA. Accordingly, this action merely approves state law as meeting federal requirements and does not impose additional requirements beyond those imposed by state law. For that reason, this action:

- Is not a significant regulatory action subject to review by the Office of Management and Budget under Executive Order 12866 (58 FR 51735, October 4, 1993);
- Is not subject to Executive Order 14192 (90 FR 9065, February 6, 2025) because SIP actions are exempt from review under Executive Order 12866;
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities

under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);

- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
- Does not have federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997) because it approves a state program;
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001); and
- Is not subject to requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the CAA.

In addition, the SIP is not approved to apply on any Indian reservation land or in any other area where the EPA or an Indian Tribe has demonstrated that a Tribe has jurisdiction. In those areas of Indian country, the rule does not have Tribal implications and will not impose substantial direct costs on Tribal governments or preempt Tribal law as specified by Executive Order 13175 (65 FR 67249, November 9, 2000).

This action is subject to the Congressional Review Act (CRA), and the EPA will submit a rule report to each House of the Congress and to the Comptroller General of the United States. This action is not a “major rule” as defined by 5 U.S.C. 804(2).

Under section 307(b)(1) of the CAA, petitions for judicial review of this

¹ 62 FR 27968 (May 22, 1997).

action must be filed in the United States Court of Appeals for the appropriate circuit by January 20, 2026. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review, nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements (see section 307(b)(2)).

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by

reference, Intergovernmental relations, Reporting and recordkeeping requirements, Volatile organic compounds.

Dated: November 10, 2025.

Michael Martucci,

Acting Regional Administrator, Region IX.

Part 52, chapter I, title 40 of the Code of Federal Regulations is amended as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

■ 1. The authority citation for part 52 continues to read as follows:

Authority: 42 U.S.C. 7401 *et seq.*

Subpart D—Arizona

■ 2. In § 52.120, the table in paragraph (c) entitled “Table 4 to Paragraph (c)—EPA-Approved Maricopa County Air Pollution Control Regulations” is amended by revising the entry “Rule 333” to read as follows:

§ 52.120 Identification of plan.

* * * * *

(c) * * *

TABLE 4 TO PARAGRAPH (c)—EPA-APPROVED MARICOPA COUNTY AIR POLLUTION CONTROL REGULATIONS

County citation	Title/subject	State effective date	EPA approval date	Additional explanation
*	*	*	*	*
Post-July 1988 Rule Codification				
*	*	*	*	*
Regulation III—Control of Air Contaminants				
*	*	*	*	*
Rule 333	Petroleum Solvent Dry Cleaning.	September 25, 2013.	November 19, 2025, 90 FR [insert Federal Register page where the document begins].	Submitted on September 13, 2017, as an attachment to a letter of the same date.
*	*	*	*	*

* * * * *

[FR Doc. 2025–20354 Filed 11–18–25; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52 and 81

[EPA–R08–OAR–2020–0098; FRL–12594–02–R8]

Approval and Promulgation of Implementation Plans; State of Utah; Salt Lake City and Provo, Utah PM_{2.5} Redesignations to Attainment and Utah State Implementation Plan Revisions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is approving the redesignation of the Salt Lake City, Utah and Provo, Utah nonattainment areas (NAAs) to attainment for the 2006 24-hour fine particulate matter with an

aerodynamic diameter less than or equal to a nominal 2.5 microns (PM_{2.5}) National Ambient Air Quality Standard (NAAQS), and also approving multiple related State Implementation Plan (SIP) submissions. We are approving SIP revisions submitted by the State of Utah on January 19, 2017; February 4 and 15, 2019; January 13, 2020; December 17, 2020; and July 15, 2025. These SIP submissions include revisions to Utah Administrative Code (UAC) section R307–110; revisions to Utah state law SIP sections IX.H.11, 12, and 13; best available control measures/best available control technologies (BACM/BACT) PM_{2.5} determinations for Salt Lake City and Provo; maintenance plans for the Salt Lake City and Provo areas for PM_{2.5} including motor vehicle emissions budgets used for transportation conformity purposes; and the request for redesignation under the 2006 24-hour PM_{2.5} standard. The EPA is also finding the budgets adequate for transportation conformity purposes. The EPA is taking this action pursuant to the Clean Air Act (CAA or the Act).

DATES: This rule is effective on December 19, 2025.

ADDRESSES: The EPA has established a docket for this action under Docket ID No. EPA–R08–OAR–2020–0098. All documents in the docket are listed on the <https://www.regulations.gov> website. Although listed in the index, some information is not publicly available, *e.g.*, Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy form. Publicly available docket materials are available through <https://www.regulations.gov>, or please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section for additional availability information.

FOR FURTHER INFORMATION CONTACT: Crystal Ostigaard, Air and Radiation Division, EPA, Region 8, Mailcode 8ARD–IO, 1595 Wynkoop Street, Denver, Colorado 80202–1129, telephone number: (303) 312–6602,

email address: ostigaard.crystal@epa.gov.

SUPPLEMENTARY INFORMATION:

Throughout this document “we,” “us,” and “our” means the EPA.

I. Background

The background for this action is discussed in detail in our November 6, 2020 (85 FR 71023)¹ and July 16, 2025 (90 FR 31901) proposed actions. In the November 6, 2020, document we proposed to redesignate the Salt Lake City and Provo 2006 24-hour PM_{2.5} NAAs, and to approve multiple related SIP submissions. We proposed approval of the State’s January 13, 2020 submittal to revise the SIP based upon revisions to R307–110–10, and the Provo and Salt Lake City 2006 24-hour PM_{2.5} maintenance plans and redesignation requests. We also proposed to approve both maintenance plans’ 2035 motor vehicle emission budgets (budgets) and the levels of nitrogen oxide (NO_x) and volatile organic compounds (VOC) to direct PM_{2.5} budgets trading mechanisms in each maintenance plan. Additionally, the EPA notified the public on October 7, 2025, through EPA’s website that we proposed to find the 2035 budgets adequate for transportation conformity purposes.² We proposed approval of these submissions because the Utah Division of Air Quality (UDAQ) adequately addressed all of the requirements of the Act for the SIP revisions and redesignations to attainment applicable to the Provo and Salt Lake City 2006 24-hour PM_{2.5} NAAs. We used the 2022–2024 ambient air quality data from the Provo and Salt Lake City NAAs as the basis for our final decision. Upon the effective date of this final action, the designation status of the Provo and Salt Lake City areas under 40 CFR part 81 will be revised to attainment.

Additionally, we proposed to approve SIP revisions submitted on January 19, 2017 (Utah state SIP section IX.H.13) and February 15, 2019 (portions of Utah state SIP section IX.H.11 and 12). We also proposed to approve, through parallel processing, the removal of the startup/shutdown emission limits for the Kennecott Power Plant found in Utah state SIP section IX.H.12.i.i.C, which were formally submitted on October 9, 2020.

The EPA proposed to approve the area sources, major stationary sources, on-road mobile sources, and non-road mobile sources BACM/BACT analyses for the Provo and Salt Lake City 2006 24-hour PM_{2.5} NAAs that were submitted on February 4, 2019 and February 15, 2019.

Consistent with the EPA’s procedures for parallel processing established under section 2.3 of appendix V to 40 CFR part 51, our July 16, 2025 (90 FR 31901) proposed approval relied upon our evaluation of the public draft version of the revisions to Utah state SIP sections IX.H.11 and 12, R307–110–17, and the revised BACM/BACT analyses for the five sources³ that were adopted by the Utah Air Quality Board on May 7, 2025, and submitted to the EPA on May 20, 2025. UDAQ provided the final submittal to the EPA on July 15, 2025. We have reviewed this submittal and have determined that it does not differ from the public draft version submitted to the EPA on May 20, 2025, that was evaluated for our proposed approval.

II. Response to Comments

During the public notices and comment periods, we received multiple comments that were for and against both proposed actions. The full text of comments received are included in the publicly posted docket associated with this action at <https://www.regulations.gov>. Our Response to Comments (RTC) document, which is also included in the docket, provides full, detailed responses to all significant comments received and further explains the basis for our final action.

III. Final Action

We are approving the redesignation of the Salt Lake City and Provo 2006 24-hour PM_{2.5} NAAs, and the related SIP submissions because UDAQ has adequately addressed all of the requirements of the Act for the SIP revisions and the redesignation to attainment applicable to the Provo and Salt Lake City 2006 24-hour PM_{2.5} NAAs.⁴

We are approving the Governor of Utah’s January 13, 2020 submittal, containing revisions to R307–110–10, and the Provo and Salt Lake City 2006 24-hour PM_{2.5} maintenance plans and redesignation requests. We are approving both maintenance plans’ 2035 budgets. The final 2035 budgets for the Provo NAA are 1.5 tons per day (tpd) direct PM_{2.5}, 6.5 tpd NO_x, and 7.0

tpd VOCs and the final 2035 budgets for Salt Lake City NAA are 1.38 tpd direct PM_{2.5}, 21.63 tpd NO_x, and 20.57 tpd VOCs. We also find the budgets adequate, as they meet the adequacy criteria found in the transportation conformity regulation at 40 CFR 93.118(e)(4). The transportation conformity regulation at 40 CFR 93.118(f) sets forth the process by which the EPA reviews adequacy of transportation budgets. In addition, we are approving the NO_x and VOC levels to direct PM_{2.5} budgets trading mechanisms in each maintenance plan, as allowed for by the transportation conformity regulation at 40 CFR 93.124(b). Please see the November 6, 2020 proposed rule at 85 FR 71023 for additional information about the trading mechanism and its application in transportation conformity determinations in these areas. We are using 2022–2024 ambient air quality data from the Provo and Salt Lake City NAAs as the basis for our decision. Upon the effective date of this final action, the designation status of the Provo and Salt Lake City areas under 40 CFR part 81 will be revised to attainment.

Additionally, we are approving SIP revisions submitted on January 19, 2017 (Utah state SIP section IX.H.13), and February 15, 2019 (portions of Utah state SIP section IX.H.11 and 12). We are approving the removal of the startup/shutdown emission limits for the Kennecott Power Plant found in Utah state SIP section IX.H.12.i.i.C, which was formally submitted by the State of Utah on December 14, 2020.

The EPA is approving for incorporation into the SIP the area sources, major stationary sources, on-road mobile sources, and non-road mobile sources BACM/BACT analyses for the Provo and Salt Lake City 2006 24-hour PM_{2.5} NAAs that were submitted on February 4, 2019 and February 15, 2019.

Additionally, we are approving Utah’s July 15, 2020 submission to revise the federally approved Utah state SIP based upon revisions to the Utah state SIP sections IX.H.11 and 12, and the accompanying R307–110–17. Finally, the EPA is approving for incorporation into the federally approved Utah state SIP the five major stationary sources BACM/BACT analyses/updates for the Salt Lake City 2006 24-hour PM_{2.5} NAA that were submitted on July 15, 2025.

IV. Incorporation by Reference

In this document, the EPA is finalizing regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR

¹ On April 6, 2021 (86 FR 17762) the comment period was reopened due to an administrative error where two documents were inadvertently left out of the record.

² Adequacy Review of State Implementation Plan (SIP) Submissions for Conformity, available at <https://www.epa.gov/state-and-local-transportation/adequacy-review-state-implementation-plan-sip-submissions-conformity>.

³ Big West, Chevron, Hexcel, HF Sinclair, and Marathon.

⁴ See design values within AQS reports found in the docket.

51.5, the EPA is finalizing the incorporation by reference of: R307–110–10; R307–110–17; Utah state SIP section IX.H.11, 12, and 13; Utah state SIP section IX.A.27 (Provo 2006 24-hour PM_{2.5} Maintenance Plan); Utah state SIP section IX.A.36 (Salt Lake City 2006 24-hour PM_{2.5} Maintenance Plan); and the redesignation requests for the Provo and Salt Lake City 2006 24-hour PM_{2.5} NAAs to attainment. The EPA has made, and will continue to make, these materials generally available through <https://www.regulations.gov> and at the EPA Region 8 Office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information). Therefore, these materials have been approved by the EPA for inclusion in the SIP, have been incorporated by reference by the EPA into that plan, are fully federally enforceable under sections 110 and 113 of the CAA as of the effective date of the final rulemaking of the EPA's approval, and will be incorporated by reference in the next update to the SIP compilation.⁵

V. Statutory and Executive Order Reviews

Under the CAA, the Administrator is required to approve a SIP submission that complies with the provisions of the CAA and applicable Federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the CAA. Accordingly, this action merely approves state law as meeting Federal requirements and does not impose additional requirements beyond those imposed by state law. For that reason, this action:

- Is not a significant regulatory action subject to review by the Office of Management and Budget under Executive Order 12866 (58 FR 51735, October 4, 1993);
- Is not subject to Executive Order 14192 (90 FR 9065, February 6, 2025) because SIP actions are exempt from review under Executive Order 12866;
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described

in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);

- Does not have federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997) because it approves a state program;
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001); and
- Is not subject to requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the CAA.

In addition, the SIP is not approved to apply on any Indian reservation land or in any other area where EPA or an Indian Tribe has demonstrated that a Tribe has jurisdiction. In those areas of Indian country, the rule does not have Tribal implications and will not impose substantial direct costs on Tribal governments or preempt Tribal law as specified by Executive Order 13175 (65 FR 67249, November 9, 2000).

This action is subject to the Congressional Review Act (CRA), and the EPA will submit a rule report to each House of the Congress and to the Comptroller General of the United States. This action is not a “major rule” as defined by 5 U.S.C. 804(2).

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by January 20, 2026. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements (see section 307(b)(2)).

List of Subjects

40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Greenhouse gases, Incorporation by reference, Intergovernmental relations, Lead, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds.

40 CFR Part 81

Environmental protection, Air pollution control, National parks, and Wilderness areas.

Authority: 42 U.S.C. 7401 *et seq.*

Dated: November 10, 2025.

Cyrus M. Western,
Regional Administrator, Region 8.

For the reasons stated in the preamble, the Environmental Protection Agency is amending title 40 CFR parts 52 and 81 as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

- 1. The authority citation for part 52 continues to read as follows:

Authority: 42 U.S.C. 7401 *et seq.*

Subpart TT—Utah

- 2. In § 52.2320:

- a. The table in paragraph (c) is amended by revising the entries “R307–110–10” and “R307–110–17”.
- b. The table in paragraph (e) is amended by:
 - i. Under the heading “IX. Control Measures for Area and Point Sources” adding the entries “H.11. General Requirements: Control Measures for Area and Point Sources, Emission Limits and Operating Practices, PM_{2.5}”, “H.12. Source-Specific Emission Limitations in Salt Lake City—UT PM_{2.5} Nonattainment Area” in numerical order, and “H.13 Source-Specific Emission Limitations in Provo—UT PM_{2.5} Nonattainment Area” after the entry “Section IX.H.4. Interim Emission Limits and Operating Practices” and before the entry “Section IX.H.21. General Requirements: Control Measures for Area and Point Sources, Emission Limits and Operating Practices, Regional Haze Requirements”.
 - ii. Under the heading “Maintenance Plans” adding the entries “PM_{2.5} Maintenance Provisions for the Provo, UT Nonattainment Area” and “PM_{2.5} Maintenance Provisions for the Salt Lake City, UT Nonattainment Area” at the end of the section.

The revisions and additions read as follows:

§ 52.2320 Identification of plan.

* * * * *

(c) * * *

⁵ 62 FR 27968 (May 22, 1997).

Rule No.	Rule title	State effective date	Final rule citation, date	Comments
*	*	*	*	*
R307–110. General Requirements: State Implementation Plan				
*	*	*	*	*
R307–110–10 ...	Section IX, Control Measures for Area and Point Sources, Part A, Fine Particulate Matter.	12/5/2019	90 FR [insert Federal Register page where the document begins], 11/19/25.	*
*	*	*	*	*
R307–110–17 ...	Section IX, Control Measures for Area and Point Sources, Part H, Emission Limits.	7/2/2025	90 FR [insert Federal Register page where the document begins], 11/19/25.	*
*	*	*	*	*

(e) * * *

Rule title	State effective date	Final rule citation, date	Comments
*	*	*	*
IX. Control Measures for Area and Point Sources			
*	*	*	*
H.11. General Requirements: Control Measures for Area and Point Sources, Emission Limits and Operating Practices, PM _{2.5} .	7/2/2025	90 FR [insert Federal Register page where the document begins], 11/19/25.	*
H.12. Source-Specific Emission Limitations in Salt Lake City—UT PM _{2.5} Nonattainment Area.	7/2/2025	90 FR [insert Federal Register page where the document begins], 11/19/25.	*
H.13 Source-Specific Emission Limitations in Provo—UT PM _{2.5} Nonattainment Area.	1/2/2019	90 FR [insert Federal Register page where the document begins], 11/19/25.	*
*	*	*	*
Maintenance Plans			
*	*	*	*
PM _{2.5} Maintenance Provisions for the Provo, UT Nonattainment Area.	12/5/2019	90 FR [insert Federal Register page where the document begins], 11/19/25.	*
PM _{2.5} Maintenance Provisions for the Salt Lake City, UT Nonattainment Area.	12/5/2019	90 FR [insert Federal Register page where the document begins], 11/19/25.	*
*	*	*	*

PART 81—DESIGNATION OF AREAS FOR AIR QUALITY PLANNING PURPOSES

■ 3. The authority citation for part 81 continues to read as follows:

Authority: 42 U.S.C. 7401, *et seq.*

Subpart C—Section 107 Attainment Status Designations

■ 4. In § 81.345, the table titled “Utah—2006 24-Hour PM_{2.5} NAAQS [Primary

and Secondary]” is amended by revising the entries “Provo, UT:” and “Salt Lake City, UT:” to read as follows:

§ 81.345 Utah.

* * * * *

UTAH—2006 24-HOUR PM_{2.5} NAAQS
[Primary and secondary]

Designated area	Designation ^a		Classification	
	Date ¹	Type	Date ²	Type
* * * *				
Provo, UT:				
Utah County (part)	12/19/25	Attainment.		
The area of Utah County that lies west of the Wasatch Mountain Range (and this includes the Cities of Provo and Orem) with an eastern boundary for Utah County to be defined as the following Townships: Township 3 South Range 1 East; Township 4 South Range 2 East; Township 5 South Range 3 East; Township 6 South Range 3 East; Township 7 South Range 3 East; Township 8 South Range 3 East; Township 9 South Range 3 East; Township 10 South Range 2 East.				
Salt Lake City, UT:				
Box Elder County (part)	12/19/25	Attainment.		
The following Townships or portions thereof as noted (including Brigham City): Township 7 North Range 2 West; Township 8 North Range 2 West; Township 9 North Range 2 West; Township 10 North Range 2 West; Township 11 North Range 2 West; Township 12 North Range 2 West; Township 13 North Range 2 West; Township 9 North Range 3 West; Township 10 North Range 3 West; Township 11 North Range 3 West; Township 12 North Range 3 West; Township 13 North Range 3 West; Township 13 North Range 4 West; Township 12 North Range 4 West; Township 11 North Range 4 West; Township 10 North Range 4 West; Township 9 North Range 4 West; Township 13 North Range 5 West; Township 12 North Range 5 West; Township 11 North Range 5 West; Township 10 North Range 5 West; Township 9 North Range 5 West; Township 13 North Range 6 West; Township 12 North Range 6 West; Township 11 North Range 6 West; Township 10 North Range 6 West; Township 9 North Range 6 West; Township 7 North Range 1 West (portion located in Box Elder County); Township 8 North Range 1 West (portion located in Box Elder County); Township 9 North Range 1 West (portion located in Box Elder County).				
Davis County	12/19/25	Attainment.		
Salt Lake County	12/19/25	Attainment.		
Tooele County (part)	12/19/25	Attainment.		
The following Townships or portions thereof as noted (including Tooele City): Township 1 South Range 3 West; Township 2 South Range 3 West; Township 3 South Range 3 West; Township 3 South Range 4 West; Township 2 South Range 4 West; Township 2 South Range 5 West; Township 3 South Range 5 West; Township 3 South Range 6 West; Township 2 South Range 6 West; Township 1 South Range 6 West; Township 1 South Range 5 West; Township 1 South Range 4 West; Township 1 South Range 7 West; Township 2 South Range 7 West; Township 3 South Range 7 West; all Sections within Township 4 South Range 7 West except for Sections 29, 30, 31 and 32; Township 4 South Range 6 West; Township 4 South Range 5 West; Township 4 South Range 4 West; Township 4 South Range 3 West.				
Weber County (part)	12/19/25	Attainment.		
The area of Weber County that lies west of the Wasatch Mountain Range with an eastern boundary for Weber County to be defined as the following Townships (or portion thereof) extending to the western boundary of Weber County: Township 5 North Range 1 West; Township 6 North Range 1 West; all Sections within Township 7 North Range 1 West located within Weber County except for Sections 1, 2, 3, 4, 11, 12, 13 and 24; Township 7 North Range 2 West (portion located in Weber County).				
* * * *				

^a Includes Indian Country located in each county or area, except as otherwise specified.

¹ This date is 30 days after November 13, 2009, unless otherwise noted.

² This date is July 2, 2034, unless otherwise noted.

* * * * *

[FR Doc. 2025–20352 Filed 11–18–25; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 300

[Docket No. 250630–0116]

RIN 0648–BN18

Fisheries of the Exclusive Economic Zone off Alaska; Pacific Halibut Recreational Quota Entity Program Fee Collection; Correction

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Final rule; correction.

SUMMARY: NMFS corrects the final rule published on July 7, 2025, to implement the Pacific Halibut Recreational Quota Entity Program Fee Collection. The final rule inadvertently omitted an amendatory instruction to add the definition for “Charter halibut permit holder”. This correction fixes that omission.

DATES: Effective on January 1, 2026.

FOR FURTHER INFORMATION CONTACT: Doug Duncan, 907–586–7228, doug.duncan@noaa.gov.

SUPPLEMENTARY INFORMATION: In the final rule to implement the Pacific Halibut Recreational Quota Entity Program Fee Collection final rule (90 FR 29774, July 7, 2025), NMFS modified the definitions in 50 CFR 300.61 to include a definition for “Charter halibut permit holder.” However, NMFS mistakenly omitted the amendatory instruction to include this definition in the CFR. This action corrects that

omission and ensures the regulations are consistent with the description and intent in the Pacific Halibut Recreational Quota Entity Program Fee Collection final rule (90 FR 29774, July 7, 2025).

Correction

■ In the FR Doc. 2025–12558, published July 7, 2025, at 90 FR 29774, on page 29790, in the first column, the amendatory instruction of 2.b. is corrected to read as follows: “Adding in alphabetical order definitions for “Charter halibut permit holder,” “Charter halibut stamp,” and “Charter halibut stamp validation”; and.”

Dated: November 17, 2025.

Samuel D. Rauch III,
Deputy Assistant Administrator for
Regulatory Programs, National Marine
Fisheries Service.

[FR Doc. 2025–20326 Filed 11–18–25; 8:45 am]

BILLING CODE 3510–22–P

Proposed Rules

Federal Register

Vol. 90, No. 221

Wednesday, November 19, 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 TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA-2025-5024; Project Identifier MCAI-2025-00797-T]

RIN 2120-AA64

Airworthiness Directives; Airbus Canada Limited Partnership (Type Certificate Previously Held by C Series Aircraft Limited Partnership (CSALP); Bombardier, Inc.) Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to supersede Airworthiness Directive (AD) 2024-04-06, which applies to certain Airbus Canada Limited Partnership Model BD-500-1A10 and BD-500-1A11 airplanes. AD 2024-04-06 requires repetitive operational checks of the gravity cross flow shut-off valve and, for certain airplanes, a one-time inspection of the motive flow fuel-feed tubes at the clamp blocks location, and applicable corrective action. Since the FAA issued AD 2024-04-06, the manufacturer developed additional corrective actions. This proposed AD would continue to require the actions in AD 2024-04-06 and would require replacement of the saddle clamp, inspection of the motive flow fuel-feed tubes, and applicable corrective actions. The FAA is proposing this AD to address the unsafe condition on these products.

DATES: The FAA must receive comments on this proposed AD by January 5, 2026.

ADDRESSES: You may send comments, using the procedures found in 14 CFR 11.43 and 11.45, by any of the following methods:

- *Federal eRulemaking Portal:* Go to [regulations.gov](https://www.regulations.gov). Follow the instructions for submitting comments.
- *Fax:* 202-493-2251.

- *Mail:* 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:* Deliver to Mail address above between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

AD Docket: You may examine the AD docket at [regulations.gov](https://www.regulations.gov) under Docket No. FAA-2025-5024; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this NPRM, the mandatory continuing airworthiness information (MCAI), any comments received, and other information. The street address for Docket Operations is listed above.

Material Incorporated by Reference:

- For Transport Canada material identified in this proposed AD, contact Transport Canada, Transport Canada National Aircraft Certification, 159 Cleopatra Drive, Nepean, Ontario K1A 0N5, Canada; telephone 888-663-3639; email TC.AirworthinessDirectives-Consignesdenavigabilite.TC@tc.gc.ca. You may find this material on the Transport Canada website at tc.canada.ca/en/aviation. It is also available at [regulations.gov](https://www.regulations.gov) under Docket No. FAA-2025-5024.

- You may view this material at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206-231-3195.

FOR FURTHER INFORMATION CONTACT:

Erica Bayles, Aviation Safety Engineer, FAA, 2200 South 216th St., Des Moines, WA 98198; phone: 907-271-5844; email: erica.e.bayles@faa.gov.

SUPPLEMENTARY INFORMATION:

Comments Invited

The FAA invites you to send any written relevant data, views, or arguments about this proposal. Send your comments using a method listed under the **ADDRESSES** section. Include "Docket No. FAA-2025-5024; Project Identifier MCAI-2025-00797-T" at the beginning of your comments. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. The FAA will consider all comments received by

the closing date and may amend this proposal because of those comments.

Except for Confidential Business Information (CBI) as described in the following paragraph, and other information as described in 14 CFR 11.35, the FAA will post all comments received, without change, to [regulations.gov](https://www.regulations.gov), including any personal information you provide. The agency will also post a report summarizing each substantive verbal contact received about this NPRM.

Confidential Business Information

CBI is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA) (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to this NPRM contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to this NPRM, it is important that you clearly designate the submitted comments as CBI. Please mark each page of your submission containing CBI as "PROPIN." The FAA will treat such marked submissions as confidential under the FOIA, and they will not be placed in the public docket of this NPRM. Submissions containing CBI should be sent to Erica Bayles, Aviation Safety Engineer, FAA, 2200 South 216th St., Des Moines, WA 98198; phone: 907-271-5844; email: erica.e.bayles@faa.gov. Any commentary that the FAA receives which is not specifically designated as CBI will be placed in the public docket for this rulemaking.

Background

The FAA issued AD 2024-04-06, Amendment 39-22685 (89 FR 19228, March 18, 2024) (AD 2024-04-06), for certain Airbus Canada Limited Partnership Model BD-500-1A10 and BD-500-1A11 airplanes. AD 2024-04-06 was prompted by an MCAI originated by Transport Canada, which is the aviation authority for Canada. Transport Canada issued AD CF-2022-70, dated December 21, 2022, to correct an unsafe condition.

AD 2024-04-06 requires repetitive operational checks of the gravity cross flow shut-off valve and, for certain airplanes, a one-time inspection of the motive flow fuel-feed tubes at the clamp blocks location, and applicable

corrective action. The FAA issued AD 2024–04–06 to address mechanical wear damage on the motive flow fuel-feed tubes.

Actions Since AD 2024–04–06 Was Issued

AD 2024–04–06 explains that the FAA considers the requirements “interim action” and was considering further rulemaking. The FAA has now determined that further rulemaking is necessary, and this proposed AD follows from that determination. Since the FAA issued AD 2024–04–06, Transport Canada superseded AD CF–2022–70, dated December 21, 2022, and issued Transport Canada AD CF–2025–24, dated April 29, 2025 (Transport Canada AD CF–2025–24) (also referred to as the MCAI), to correct an unsafe condition for certain Airbus Canada Limited Partnership Model BD–500–1A10 and BD–500–1A11 airplanes. The MCAI states there have been several findings of mechanical wear damage on the motive flow fuel-feed tubes that were secured by bonding clamps and clamp blocks inside the collector tank. In some instances, the wear damage led to a hole in a motive flow fuel-feed tube resulting in a fuel imbalance during flight that required the flightcrews to correct the imbalance using the gravity transfer system. Failure of the affected motive flow fuel-feed tubes and a subsequent failure of the gravity transfer system could lead to a fuel imbalance condition resulting in a reduction in airplane functional capabilities and increased crew workload. The MCAI also states that since AD CF–2022–70 was issued, the manufacturer issued new service information to require replacement of the saddle clamp of the motive flow tubes, along with an inspection and rectification of the flow fuel-feed tubes.

The FAA is proposing this AD to address the unsafe condition on these

products. You may examine the MCAI in the AD docket at *regulations.gov* under Docket No. FAA–2025–5024.

Explanation of Retained Requirements

Although this proposed AD does not explicitly restate the requirements of AD 2024–04–06, this proposed AD would retain all of the requirements of AD 2024–04–06. Those requirements are referenced in Transport Canada AD CF–2025–24, which, in turn, is referenced in paragraph (g) of this proposed AD.

Material Incorporated by Reference Under 1 CFR Part 51

The FAA reviewed Transport Canada AD CF–2025–24, which specifies procedures for performing a repetitive operational check of the gravity cross flow shut-off valve and, for certain airplanes, inspecting the motive flow fuel-feed tubes for mechanical wear damage (damage includes, but is not limited to, cracks, scores, scratches, nicks, and gouges) and pre-load condition, and, based on findings, replacing the motive flow fuel-feed tube. This material also specifies procedures for replacing the saddle clamp of the motive flow fuel-feed tubes on both left and right sides, inspecting the motive flow fuel-feed tubes for damage (damage includes, but is not limited to, cracks, scores, scratches, nicks, and gouges) and, based on findings, repairing or replacing the motive flow fuel-feed tube. This material is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the ADDRESSES section.

FAA’s Determination

These products have been approved by the civil aviation authority of another country and are approved for operation in the United States. Pursuant to the FAA’s bilateral agreement with this State of Design Authority, that authority

has notified the FAA of the unsafe condition described in the MCAI referenced above. The FAA is issuing this NPRM after determining that the unsafe condition described previously is likely to exist or develop in other products of the same type design.

Proposed AD Requirements in This NPRM

This proposed AD would require accomplishing the actions specified in Transport Canada AD CF–2025–24 described previously, except for any differences identified as exceptions in the regulatory text of this proposed AD.

Explanation of Required Compliance Information

In the FAA’s ongoing efforts to improve the efficiency of the AD process, the FAA developed a process to use some civil aviation authority (CAA) ADs as the primary source of information for compliance with requirements for corresponding FAA ADs. The FAA has been coordinating this process with manufacturers and CAAs. As a result, the FAA proposes to incorporate Transport Canada AD CF–2025–24 by reference in the FAA final rule. This proposed AD would, therefore, require compliance with Transport Canada AD CF–2025–24 in its entirety through that incorporation, except for any differences identified as exceptions in the regulatory text of this proposed AD. Material required by Transport Canada AD CF–2025–24 for compliance will be available at *regulations.gov* under Docket No. FAA–2025–5024 after the FAA final rule is published.

Costs of Compliance

The FAA estimates that this AD, if adopted as proposed, would affect 94 airplanes of U.S. registry. The FAA estimates the following costs to comply with this proposed AD:

ESTIMATED COSTS FOR REQUIRED ACTIONS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Retained actions from AD 2024–04–06.	Up to 16.5 work-hours × \$85 per hour = \$1,403.	\$0	Up to \$1,403	Up to \$117,810.
New proposed actions	6 work-hours × \$85 per hour = \$510.	704	\$1,214	\$114,116.

The FAA estimates the following costs to do any necessary on-condition action that would be required based on

the results of any required actions. The FAA has no way of determining the

number of aircraft that might need this on-condition action:

ESTIMATED COSTS OF ON-CONDITION ACTIONS

Labor cost	Parts cost	Cost per product
12 work-hours × \$85 per hour = \$1,020 (retained on-condition actions from AD 2024–04–06).	\$5,256	\$6,276.
Up to 12 work-hours × \$84 per hour = \$1,020 (new proposed on-condition actions).	Up to \$5,130	Up to \$6,150.

According to the manufacturer, some or all of the costs of this proposed AD may be covered under warranty, thereby reducing the cost impact on affected individuals. The FAA does not control warranty coverage for affected individuals. As a result, the FAA has included all known costs in the cost estimate.

Authority for This Rulemaking

Title 49 of the United States Code specifies the FAA's authority to issue rules on aviation safety. Subtitle I, section 106, describes the authority of the FAA Administrator. Subtitle VII: Aviation Programs, describes in more detail the scope of the Agency's authority.

The FAA is issuing this rulemaking under the authority described in Subtitle VII, Part A, Subpart III, Section 44701: General requirements. Under that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

Regulatory Findings

The FAA determined that this proposed AD would not have federalism implications under Executive Order 13132. This proposed AD would not have a substantial direct effect 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.

For the reasons discussed above, I certify this proposed regulation:

- (1) Is not a "significant regulatory action" under Executive Order 12866,
- (2) Would not affect intrastate aviation in Alaska, and
- (3) Would not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

The Proposed Amendment

Accordingly, under the authority delegated to me by the Administrator, the FAA proposes to amend 14 CFR part 39 as follows:

PART 39—AIRWORTHINESS DIRECTIVES

- 1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

- 2. The FAA amends § 39.13 by:
 - a. Removing Airworthiness Directive (AD) 2024–04–06, Amendment 39–22685 (89 FR 19228, March 18, 2024); and
 - b. Adding the following new AD:

Airbus Canada Limited Partnership (Type Certificate Previously Held by C Series Aircraft Limited Partnership (CSALP); Bombardier, Inc.): Docket No. FAA–2025–5024; Project Identifier MCAI–2025–00797–T.

(a) Comments Due Date

The FAA must receive comments on this airworthiness directive (AD) by January 5, 2026.

(b) Affected ADs

This AD replaces AD 2024–04–06, Amendment 39–22685 (89 FR 19228, March 18, 2024) (AD 2024–04–06).

(c) Applicability

This AD applies to Airbus Canada Limited Partnership (Type Certificate previously held by C Series Aircraft Limited Partnership (CSALP); Bombardier, Inc.) Model BD–500–1A10 and BD–500–1A11 airplanes, certificated in any category, as identified in Transport Canada AD CF–2025–24, dated April 29, 2025 (Transport Canada AD CF–2025–24).

(d) Subject

Air Transport Association (ATA) of America Code 28, Fuel.

(e) Unsafe Condition

This AD was prompted by reports of mechanical wear damage on the motive flow fuel-feed tubes that were secured by bonding clamps and clamp blocks inside the collector tank. This AD was also prompted by a

determination that replacement of the saddle clamps of the motive flow tubes is also needed to address the unsafe condition. The FAA is issuing this AD to address mechanical wear damage on the motive flow fuel-feed tubes. The unsafe condition, if not addressed, could result in failure of the affected motive flow fuel-feed tubes and a subsequent failure of the gravity transfer system, which could lead to a fuel imbalance condition resulting in a reduction in airplane functional capabilities and increased crew workload.

(f) Compliance

Comply with this AD within the compliance times specified, unless already done.

(g) Requirements

Except as specified in paragraphs (h) and (i) of this AD: Comply with all required actions and compliance times specified in, and in accordance with, Transport Canada AD CF–2025–24.

(h) Exception to Transport Canada AD CF–2025–24

(1) Where Transport Canada AD CF–2025–24 refers to its effective date, this AD requires using the effective date of this AD.

(2) Where Transport Canada AD CF–2025–24 refers to hours air time, this AD requires using flight hours.

(3) Where Transport Canada AD CF–2025–24 refers to "4 January 2023" [the effective date of AD CF–2022–70], this AD requires using April 22, 2024 (the effective date of AD 2024–04–06).

(4) Where Parts II and III of Transport Canada AD CF–2025–24 specify "rectify, as applicable," this AD requires replacing that text with "accomplish all applicable corrective actions before further flight".

(5) Where the service information referenced in Part II of Transport Canada AD CF–2025–24 specifies to do rework if there is no damage or paint damage only, operators may either do the rework or replace the fuel tubes as specified in the service information referenced in Part II of Transport Canada AD CF–2025–24.

(6) Where Part III of Transport Canada AD CF–2025–24 specifies inspecting for "a damage", this AD requires replacing that text with "damage (damage includes, but is not limited to, cracks, scores, scratches, nicks, and gouges)".

(i) No Reporting Requirement

Although the service information referenced in Transport Canada AD CF–2025–24 specifies to submit certain information to the manufacturer, this AD does not include that requirement.

(j) Additional AD Provisions

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs)*: The Manager, AIR-520, Continued Operational Safety Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or responsible Flight Standards Office, as appropriate. If sending information directly to the manager of the Continued Operational Safety Branch, send it to the attention of the person identified in paragraph (k) of this AD and email to: AMOC@faa.gov. Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the responsible Flight Standards Office.

(2) *Contacting the Manufacturer*: For any requirement in this AD to obtain instructions from a manufacturer, the instructions must be accomplished using a method approved by the Manager, AIR-520, Continued Operational Safety Branch, FAA; or Transport Canada; Airbus Canada Limited Partnership (Type Certificate Previously Held by C Series Aircraft Limited Partnership (CSALP); Bombardier, Inc.)'s Transport Canada Design Approval Organization (DAO). If approved by the DAO, the approval must include the DAO-authorized signature.

(k) Additional Information

For more information about this AD, contact Erica Bayles, Aviation Safety Engineer, FAA, 2200 South 216th St., Des Moines, WA 98198; phone: 907-271-5844; email: erica.e.bayles@faa.gov.

(l) Material Incorporated by Reference

(1) The Director of the Federal Register approved the incorporation by reference of the material listed in this paragraph under 5 U.S.C. 552(a) and 1 CFR part 51.

(2) You must use this material as applicable to do the actions required by this AD, unless this AD specifies otherwise.

(i) Transport Canada AD CF-2025-24, dated April 29, 2025.

(ii) [Reserved]

(3) For Transport Canada material identified in this AD, contact Transport Canada, Transport Canada National Aircraft Certification, 159 Cleopatra Drive, Nepean, Ontario K1A 0N5, Canada; telephone 888-663-3639; email TC.AirworthinessDirectives-Consignesdenavigabilite.TC@tc.gc.ca. You may find this material on the Transport Canada website at tc.canada.ca/en/aviation.

(4) You may view this material at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206-231-3195.

(5) You may view this material at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, visit www.archives.gov/federal-register/cfr/ibr-locations or email fr.inspection@nara.gov.

Issued on November 17, 2025.

Peter A. White,

Deputy Director, Integrated Certificate Management Division, Aircraft Certification Service.

[FR Doc. 2025-20323 Filed 11-18-25; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF TRANSPORTATION**Federal Aviation Administration****14 CFR Part 39**

[Docket No. FAA-2025-3986; Project Identifier MCAI-2025-00224-R]

RIN 2120-AA64

Airworthiness Directives; Various Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to adopt a new airworthiness directive (AD) for all Airbus Helicopters Model H160-B, EC 225LP, AS-365N3, and AS 332L2 helicopters; all Airbus Helicopters Deutschland GmbH Model EC135P1, EC135P2, EC135P2+, EC135P3, EC135T1, EC135T2, EC135T2+, EC135T3, and EC635T2+ helicopters; all Airbus Helicopters Deutschland GmbH Model MBB-BK 117 C-2, MBB-BK 117 D-2, and MBB-BK 117 D-3 helicopters; and all Leonardo S.p.A. Model AB139, AW109SP, AW139, AW169, and AW189 helicopters. This proposed AD was prompted by reports that certain rescue hoist assemblies may have been equipped with a non-conforming overload clutch assembly. This proposed AD would require replacing each affected rescue hoist assembly with a serviceable rescue hoist assembly. This proposed AD would also prohibit installing an affected rescue hoist assembly unless certain requirements are met. The FAA is proposing this AD to address the unsafe condition on these products.

DATES: The FAA must receive comments on this NPRM by January 5, 2026.

ADDRESSES: You may send comments, using the procedures found in 14 CFR 11.43 and 11.45, by any of the following methods:

- *Federal eRulemaking Portal*: Go to regulations.gov. Follow the instructions for submitting comments.
- *Fax*: (202) 493-2251.
- *Mail*: 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*: Deliver to Mail address above between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

AD Docket: You may examine the AD docket at regulations.gov under Docket No. FAA-2025-3986; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this NPRM, the mandatory continuing airworthiness information (MCAI), any comments received, and other information. The street address for Docket Operations is listed above.

Material Incorporated by Reference:

- For European Union Aviation Safety Agency (EASA) material identified in this proposed AD, contact EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; phone: +49 221 8999 000; email: ADS@easa.europa.eu; website: easa.europa.eu. You may find this material on the EASA website at ad.easa.europa.eu.

- You may view this material at the FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Parkway, Room 6N-321, Fort Worth, TX 76177. For information on the availability of this material at the FAA, call (817) 222-5110. It is also available at regulations.gov under Docket No. FAA-2025-3986.

FOR FURTHER INFORMATION CONTACT:

Adam Hein, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; phone: (316) 946-4116; email: adam.hein@faa.gov.

SUPPLEMENTARY INFORMATION:**Comments Invited**

The FAA invites you to send any written relevant data, views, or arguments about this proposal. Send your comments using a method listed under the **ADDRESSES** section. Include "Docket No. FAA-2025-3986; Project Identifier MCAI-2025-00224-R" at the beginning of your comments. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. The FAA will consider all comments received by the closing date and may amend this proposal because of those comments.

Except for Confidential Business Information (CBI) as described in the following paragraph, and other information as described in 14 CFR 11.35, the FAA will post all comments received, without change, to regulations.gov, including any personal information you provide. The agency will also post a report summarizing each substantive verbal contact received about this NPRM.

Confidential Business Information

CBI is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA) (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to this NPRM contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to this NPRM, it is important that you clearly designate the submitted comments as CBI. Please mark each page of your submission containing CBI as “PROPIN.” The FAA will treat such marked submissions as confidential under the FOIA, and they will not be placed in the public docket of this NPRM. Submissions containing CBI should be sent to Adam Hein, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590. Any commentary that the FAA receives which is not specifically designated as CBI will be placed in the public docket for this rulemaking.

Background

EASA, which is the Technical Agent for the Member States of the European Union, has issued EASA AD 2025–0051R1, dated May 7, 2025 (EASA AD 2025–0051R1) (also referred to as the MCAI), to correct an unsafe condition on Airbus Helicopters Model H160–B, EC 175 B, EC 225 LP, AS 365 N3, and AS 332 L2 helicopters, all serial numbers; Airbus Helicopters Deutschland GmbH Model EC135 P1, EC135 P2, EC135 P2+, EC135 P3, EC135 T1, EC135 T2, EC135 T2+, EC135 T3, EC635 P2+, EC635 P3, EC635 T1, EC635 T2+, and EC635 T3 helicopters, all variants and all serial numbers; Airbus Helicopters Deutschland GmbH Model MBB–BK117 C–2, MBB–BK117 D–2, MBB–BK117 D–3, and MBB–BK117 D–3m helicopters, all variants and all serial numbers; and Leonardo S.p.A. Model AW109SP, AB139, AW139, AW169, and AW189 helicopters, all serial numbers. The MCAI states the manufacturer of the affected rescue hoists reported that certain rescue hoist assemblies may have been equipped,

during manufacturing or maintenance, with a non-conforming overload clutch assembly. This condition, if not corrected, could lead to failure of the rescue hoist assembly, in-flight failure of the rescue hoist, and consequent injury to a person being lifted or to persons on the ground.

You may examine the MCAI in the AD docket at [regulations.gov](https://www.regulations.gov) under Docket No. FAA–2025–3986.

Material Incorporated by Reference Under 1 CFR Part 51

The FAA reviewed EASA AD 2025–0051R1, dated May 7, 2025. This material identifies the affected rescue hoist assemblies and specifies procedures for replacing the affected rescue hoist assembly with a serviceable rescue hoist assembly. EASA AD 2025–0051R1 also prohibits installing an affected rescue hoist assembly unless certain requirements are met. This material is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the ADDRESSES section.

FAA’s Determination

These products have been approved by the civil aviation authority (CAA) of another country and are approved for operation in the United States. Pursuant to the FAA’s bilateral agreement with this State of Design Authority, that authority has notified the FAA of the unsafe condition described in the MCAI referenced above. The FAA is issuing this NPRM after determining that the unsafe condition described previously is likely to exist or develop on other products of the same type design.

Proposed AD Requirements in This NPRM

This proposed AD would require accomplishing the actions specified in EASA AD 2025–0051R1, described previously, as incorporated by reference, except for any differences identified as exceptions in the regulatory text of this AD. See “Differences Between this Proposed AD and the MCAI” for a discussion of the general differences included in this AD.

Differences Between This Proposed AD and the MCAI

The MCAI applies to Airbus Helicopters Model EC 175 B helicopters, Airbus Helicopters Deutschland GmbH Model EC635 P2+, EC635 P3, EC635 T1, and EC635 T3 helicopters, and Airbus Helicopters Deutschland GmbH Model MBB–BK 117 D–3m helicopters, whereas this proposed AD would not because those models do not have an FAA type certificate.

Explanation of Required Compliance Information

In the FAA’s ongoing efforts to improve the efficiency of the AD process, the FAA developed a process to use some CAA ADs as the primary source of information for compliance with requirements for corresponding FAA ADs. The FAA has been coordinating this process with manufacturers and CAAs. As a result, the FAA proposes to incorporate EASA AD 2025–0051R1 by reference in the FAA final rule. This proposed AD would, therefore, require compliance with EASA AD 2025–0051R1 in its entirety through that incorporation, except for any differences identified as exceptions in the regulatory text of this proposed AD. Using common terms that are the same as the heading of a particular section in EASA AD 2025–0051R1 does not mean that operators need comply only with that section. For example, where the AD requirement refers to “all required actions and compliance times,” compliance with this AD requirement is not limited to the section titled “Required Action(s) and Compliance Time(s)” in EASA AD 2025–0051R1. Material required by EASA AD 2025–0051R1 for compliance will be available at [regulations.gov](https://www.regulations.gov) under Docket No. FAA–2025–3986 after the FAA final rule is published.

Costs of Compliance

The FAA estimates that this AD, if adopted as proposed, would affect 858 helicopters of U.S. registry. The FAA estimates the following costs to comply with this proposed AD:

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Replace rescue hoist assembly	4 work-hours × \$85 per hour = \$340	\$46,573	\$46,913	\$40,251,354

The FAA has included all known costs in its cost estimate. According to the manufacturer, however, some of the

costs of this proposed AD may be covered under warranty, thereby

reducing the cost impact on affected operators.

Authority for This Rulemaking

Title 49 of the United States Code specifies the FAA's authority to issue rules on aviation safety. Subtitle I, section 106, describes the authority of the FAA Administrator. Subtitle VII: Aviation Programs, describes in more detail the scope of the Agency's authority.

The FAA is issuing this rulemaking under the authority described in Subtitle VII, Part A, Subpart III, Section 44701: General requirements. Under that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

Regulatory Findings

The FAA determined that this proposed AD would not have federalism implications under Executive Order 13132. This proposed AD would not have a substantial direct effect 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.

For the reasons discussed above, I certify this proposed regulation:

- (1) Is not a "significant regulatory action" under Executive Order 12866,
- (2) Would not affect intrastate aviation in Alaska, and
- (3) Would not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

The Proposed Amendment

Accordingly, under the authority delegated to me by the Administrator, the FAA proposes to amend 14 CFR part 39 as follows:

PART 39—AIRWORTHINESS DIRECTIVES

■ 1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by adding the following new airworthiness directive:

Various Helicopters: Docket No. FAA–2025–3986; Project Identifier MCAI–2025–00224–R.

(a) Comments Due Date

The FAA must receive comments on this airworthiness directive (AD) by January 5, 2026.

(b) Affected ADs

None.

(c) Applicability

This AD applies to the following helicopters as identified in paragraphs (c)(1) through (4) of this AD, certificated in any category.

(1) Airbus Helicopters Model H160–B, EC 225LP, AS–365N3, and AS 332L2 helicopters.

(2) Airbus Helicopters Deutschland GmbH Model EC135P1, EC135P2, EC135P2+, EC135P3, EC135T1, EC135T2, EC135T2+, EC135T3, and EC635T2+ helicopters.

(3) Airbus Helicopters Deutschland GmbH Model MBB–BK 117 C–2, MBB–BK 117 D–2, and MBB–BK 117 D–3 helicopters.

Note 1 to paragraph (c)(3): Helicopters with a Model MBB–BK 117 C–2e designation are Model MBB–BK 117 C–2 helicopters.

(4) Leonardo S.p.A. Model AB139, AW109SP, AW139, AW169, and AW189 helicopters.

(d) Subject

Joint Aircraft System Component (JASC) Code 2500, Cabin Equipment/Furnishings.

(e) Unsafe Condition

This AD was prompted by reports that certain rescue hoist assemblies may have been equipped with a non-conforming overload clutch assembly. The FAA is issuing this AD to prevent failure of the rescue hoist assembly. The unsafe condition, if not addressed, could result in failure of the rescue hoist assembly, in-flight failure of the rescue hoist, and consequent injury to a person being lifted or to persons on the ground.

(f) Compliance

Comply with this AD within the compliance times specified, unless already done.

(g) Requirements

Except as specified in paragraphs (h) and (i) of this AD: Comply with all required actions and compliance times specified in, and in accordance with, European Union Aviation Safety Agency AD 2025–0051R1, dated May 7, 2025 (EASA AD 2025–0051R1).

(h) Exceptions to EASA AD 2025–0051R1

(1) Where EASA AD 2025–0051R1 refers to March 14, 2025 (the effective date of EASA AD 2025–0051, dated February 28, 2025), this AD requires using the effective date of this AD.

(2) Where the definition of affected part EASA AD 2025–0051R1 refers to "the ASB",

for this AD, replace that text with "the applicable original issue of the alert service bulletins listed in in Ref. Publications".

(3) This AD does not adopt the "Remarks" section of EASA AD 2025–0051R1.

(i) No Reporting or Returning of Parts

Although the material referenced in EASA AD 2025–0051R1 specifies submitting certain information and returning parts to the manufacturer for rework, this AD does not require those actions.

(j) Special Flight Permits

Special flight permits may be issued in accordance with 14 CFR 21.197 and 21.199 to operate the helicopter to a location where the requirements of this AD can be accomplished provided that the rescue hoist is not used.

(k) Alternative Methods of Compliance (AMOCs)

(1) The Manager, International Validation Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the manager of the International Validation Branch, send it to the attention of the person identified in paragraph (l) of this AD and email to: AMOC@faa.gov.

(2) Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the local flight standards district office/certificate holding district office.

(l) Additional Information

For more information about this AD, contact Adam Hein, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; phone: (316) 946–4116; email: adam.hein@faa.gov.

(m) Material Incorporated by Reference

(1) The Director of the Federal Register approved the incorporation by reference of the material listed in this paragraph under 5 U.S.C. 552(a) and 1 CFR part 51.

(2) You must use this material as applicable to do the actions required by this AD, unless the AD specifies otherwise.

(i) European Union Aviation Safety Agency (EASA) AD 2025–0051R1, dated May 7, 2025.

(ii) [Reserved]

(3) For EASA material identified in this AD, contact EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; phone: +49 221 8999 000; email: ADS@easa.europa.eu; website: easa.europa.eu. You may find the EASA material on the EASA website at ad.easa.europa.eu.

(4) You may view this material at the FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Parkway, Room 6N–321, Fort Worth, TX 76177. For information on the availability of this material at the FAA, call (817) 222–5110.

(5) You may view this material at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA,

visit www.archives.gov/federal-register/cfr/ibr-locations or email fr.inspection@nara.gov.

Issued on October 21, 2025.

Steven W. Thompson,

Acting Deputy Director, Compliance & Airworthiness Division, Aircraft Certification Service.

[FR Doc. 2025–20303 Filed 11–18–25; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2025–2282; Airspace Docket No. 25–ANM–131]

RIN 2120–AA66

Modification of Class E Airspace; Newport Municipal Airport, Newport, OR

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This action proposes to modify the Class E airspace extending upward from the surface and from 700 feet above the surface to optimize instrument flight procedure containment at Newport Municipal Airport, Newport, OR. This action would also remove an unnecessary descriptive reference from the text header within the airport's legal description. These actions would support the safety and management of instrument flight rules (IFR) operations at the airport.

DATES: Comments must be received on or before January 5, 2026.

ADDRESSES: Send comments identified by FAA Docket No. FAA–2025–2282 and Airspace Docket No. 25–ANM–131 using any of the following methods:

* *Federal eRulemaking Portal:* Go to www.regulations.gov and follow the online instructions for sending your comments electronically.

* *Mail:* Send comments to Docket Operations, M–30; U.S. Department of Transportation, 1200 New Jersey Avenue SE, Room W12–140, West Building Ground Floor, Washington, DC 20590–0001.

* *Hand Delivery or Courier:* Take comments to Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except federal holidays.

* *Fax:* Fax comments to Docket Operations at (202) 493–2251.

Docket: Background documents or comments received may be read at www.regulations.gov at any time. Follow the online instructions for accessing the docket or go to Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except federal holidays.

FAA Order JO 7400.11K, *Airspace Designations and Reporting Points*, and subsequent amendments can be viewed online at www.faa.gov/air_traffic/publications/. You may also contact the Rules and Regulations Group, Office of Policy, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591; telephone: (202) 267–8783.

FOR FURTHER INFORMATION CONTACT:

Jeffrey Drasin, Federal Aviation Administration, Western Service Center, Operations Support Group, 2200 S 216th Street, Des Moines, WA 98198; telephone (206) 231–2248.

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106, describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of the airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it would modify Class E airspace to support IFR operations at Newport Municipal Airport, Newport, OR.

Comments Invited

The FAA invites interested persons to participate in this rulemaking by submitting written comments, data, or views. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. To ensure the docket does not contain duplicate comments, commenters should submit only one time if comments are filed electronically, or commenters should send only one copy of written

comments if comments are filed in writing.

The FAA will file in the docket all comments it receives, as well as a report summarizing each substantive public contact with FAA personnel concerning this proposed rulemaking. Before acting on this proposal, the FAA will consider all comments it receives on or before the closing date for comments. The FAA will consider comments filed after the comment period has closed if it is possible to do so without incurring expense or delay. The FAA may change this proposal in light of the comments it receives.

Privacy: In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to www.regulations.gov, as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at www.dot.gov/privacy.

Availability of Rulemaking Documents

An electronic copy of this document may be downloaded through the internet at www.regulations.gov. Recently published rulemaking documents can also be accessed through the FAA's web page at www.faa.gov/air_traffic/publications/airspace_amendments/.

You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Operations office (see **ADDRESSES** section for address, phone number, and hours of operations). An informal docket may also be examined during normal business hours at the Northwest Mountain Regional Office of the Federal Aviation Administration, Air Traffic Organization, Western Service Center, Operations Support Group, 2200 S 216th Street, Des Moines, WA 98198.

Incorporation by Reference

Class E2 and E5 airspace designations are published in respective paragraphs 6002 and 6005 of FAA Order JO 7400.11, which is incorporated by reference in 14 CFR 71.1 on an annual basis. This document proposes to amend the current version of that order, FAA Order JO 7400.11K, dated August 4, 2025, and effective September 15, 2025. These updates would be published in the next update to FAA Order JO 7400.11. FAA Order JO 7400.11K, which lists Class A, B, C, D, and E airspace areas, air traffic service routes, and reporting points, is publicly available as listed in the **ADDRESSES** section of this document.

The Proposal

The FAA is proposing an amendment to 14 CFR part 71 that would modify the Class E airspace. First, the Class E airspace extending upward from the surface would be modified to expand the radius from 4 to 4.6 miles, add a 0.8-mile extension to the south, and modify the existing northern extension. This would adequately contain the maximum circling radii to Runways (RWY) 20 and 34 and departing aircraft until reaching 700 feet above the surface on the NEWPORT ONE DEPARTURE (OBSTACLE) procedure from RWYs 16 and 20. The modification would also contain arriving aircraft that descend to below 1,000 feet above the surface on the Area Navigation (RNAV) (Global Positioning System [GPS]) RWY 34 approach procedure and the Very High Frequency Omnidirectional Range (VOR)—A approach procedure, as well as the missed approach procedure on the Instrument Landing System (ILS) or Localizer (LOC) RWY 16 approach procedure.

Second, the Class E airspace extending upward from 700 feet above the surface would be reduced to exclude unneeded airspace to the northeast while expanding needed coverage to the north, south, and west. This would contain IFR operations until reaching 1,200 feet above the surface on the ILS or LOC RWY 16 missed approach procedure and NEWPORT ONE DEPARTURE (OBSTACLE) procedure from RWYs 16 and 20. This configuration would add sufficient containment for arriving aircraft that descend to below 1,500 feet above the surface on the RNAV (GPS) RWY 34, RNAV (GPS) RWY 16, and the VOR—A procedures' turn.

Last, the text header in the airport's legal descriptions would be modified to remove unnecessary descriptive references to the Newport very high frequency omnidirectional range tactical air navigation (VORTAC).

Regulatory Notices and Analyses

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore: (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will

only affect air traffic procedures and air navigation, it is certified that this proposed rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Environmental Review

This proposal will be subject to an environmental analysis in accordance with FAA Order 1050.1G, *Environmental Impacts: Policies and Procedures* prior to any FAA final regulatory action.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

In consideration of the foregoing, the Federal Aviation Administration proposes to amend 14 CFR part 71 as follows:

PART 71—DESIGNATION OF CLASS A, B, C, D, AND E AIRSPACE AREAS; AIR TRAFFIC SERVICE ROUTES; AND REPORTING POINTS

- 1. The authority citation for 14 CFR part 71 continues to read as follows:

Authority: 49 U.S.C. 106(f), 106(g), 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

§ 71.1 [Amended]

- 2. The incorporation by reference in 14 CFR 71.1 of FAA Order JO 7400.11K, Airspace Designations and Reporting Points, dated August 4, 2025, and effective September 15, 2025, would be amended as follows:

Paragraph 6002 Class E Airspace Areas Designated as Surface Areas.

* * * * *

ANM OR E2 Newport, OR [Amended]

Newport Municipal Airport, OR
(Lat. 44°34'49" N, long. 124°03'29" W)

That airspace extending upward from the surface within a 4.6-mile radius of the airport, within 2.8 miles east and 2.6 miles west of the 341° bearing extending from the airport's 4.6-mile radius to 6.8 miles north, and within 3 miles west of the 159° bearing extending from the airport's 4.6-mile radius to 5.4 miles south.

* * * * *

Paragraph 6005 Class E Airspace Areas Extending Upward From 700 Feet or More Above the Surface of the Earth.

* * * * *

ANM OR E5 Newport, OR [Amended]

Newport Municipal Airport, OR
(Lat. 44°34'49" N, long. 124°03'29" W)

That airspace extending upward from 700 feet above the surface within a 4.6-mile

radius of the airport, within 4.6 miles east and 2.6 miles west of the 341° bearing extending from the airport's 4.6-mile radius to 10.2 miles north, within 1.6 miles east and 2.9 miles west of the 161° bearing extending from the airport's 4.6-mile radius to 7.9 miles south, and clockwise from the airport's 187° bearing to the 318° bearing extending from the 4.6-mile radius to the 6.5-mile arc.

* * * * *

Issued in Des Moines, Washington, on September 10, 2025.

B.G. Chew,

Group Manager, Operations Support Group, Western Service Center.

[FR Doc. 2025–20247 Filed 11–18–25; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 284

[Docket No. RM96–1–044]

Standards for Business Practices of Interstate Natural Gas Pipelines

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Federal Energy Regulatory Commission (Commission) proposes to amend its regulations to incorporate by reference certain modifications to the latest version (Version 4.0) of Standards for Business Practices of Interstate Natural Gas Pipelines adopted by the Wholesale Gas Quadrant (WGQ) of the North American Energy Standards Board (NAESB). NAESB's revisions in Version 4.0 of the standards streamline the process for accessing publicly available gas-electric coordination data during extreme cold weather or emergency events.

DATES: Comments are due January 20, 2026.

ADDRESSES: Comments, identified by docket number, may be filed in the following ways. Electronic filing through <https://www.ferc.gov>, is preferred.

- *Electronic Filing:* Documents must be filed in acceptable native applications and print-to-PDF, but not in scanned or picture format.

- For those unable to file electronically, comments may be filed by U.S. Postal Service mail or by hand (including courier) delivery.

- *Mail via U.S. Postal Service Only:*

Addressed to: Federal Energy Regulatory Commission, Secretary of the Commission, 888 First Street NE, Washington, DC 20426.

○ *Hand (including courier) delivery:*
Deliver to: Federal Energy Regulatory
Commission, 12225 Wilkins Avenue,
Rockville, MD 20852.

The Comment Procedures Section of
this document contains more detailed
filing procedures.

FOR FURTHER INFORMATION CONTACT:

Jerry Chiang (Technical Issues), Office
of Technical Reporting and Economics,
Federal Energy Regulatory Commission,
888 First Street NE, Washington, DC
20426, (202) 502–8786, jerry.chiang@ferc.gov.

Oscar F. Santillana (Technical Issues),
Office of Energy Market Regulation,
Federal Energy Regulatory Commission,
888 First Street NE, Washington, DC

20426, (202) 502–6392,
oscar.santillana@ferc.gov.

David Faerberg (Legal Issues), Office
of the General Counsel, Federal Energy
Regulatory Commission, 888 First Street
NE, Washington, DC 20426, (202) 502–
8275, david.farberg@ferc.gov.

SUPPLEMENTARY INFORMATION:

Table of Contents

	Paragraph Nos.
I. Overview	1
II. Background	3
III. Discussion	9
A. Modifications to Version 4.0 of Business Practice Standards	11
1. WGQ Additional Standards	12
2. WGQ Quadrant Electronic Delivery Mechanism Standards	13
3. WGQ Capacity Release Related Standards	14
B. Proposed Implementation Procedures	15
IV. Notice of Use of Voluntary Consensus Standards	23
V. Incorporation by Reference	24
VI. Information Collection Statement	31
VII. Environmental Analysis	38
VIII. Regulatory Flexibility Act	39
IX. Comment Procedures	42
X. Document Availability	45

I. Overview

1. The Federal Energy Regulatory
Commission (Commission) proposes to
amend its regulations at 18 CFR 284.12
to incorporate by reference the latest
modifications to Version 4.0 of
Standards for Business Practices of
Interstate Natural Gas Pipelines adopted
by the Wholesale Gas Quadrant (WGQ)
of the North American Energy Standards
Board (NAESB) applicable to interstate
natural gas pipelines. The incorporation
by reference of these standards into the
Commission's regulations would
improve the coordination between the
natural gas pipelines and electric
utilities. Such coordination is essential
to maintaining reliability for both the
natural gas pipeline network system and
the bulk electric system, especially
during periods when both systems have
coincident peak requirements.

2. NAESB is an American National
Standards Institute-accredited, non-
profit standards development
organization formed for the purpose of
developing voluntary standards and
model business practices that promote
more competitive and efficient natural
gas and electric markets. On December
4, 2024, NAESB filed a report informing
the Commission that it had modified
Version 4.0 of the business practice
standards (Informational Report).¹
These revisions to the standards would
improve the reliability of the interstate

natural gas infrastructure to support the
bulk electric system and improve
communication among gas and electric
market participants to enhance
situational awareness during extreme
cold weather events.²

II. Background

3. Since 1996, the Commission has
incorporated by reference in its
regulations NAESB's business practice
standards and communication
methodologies of interstate natural gas
pipelines to create a more integrated
and efficient pipeline network system.
These regulations have been
promulgated in the Order No. 587 series
of orders,³ wherein the Commission has
incorporated by reference the standards
for interstate natural gas pipeline
business practices and electronic

² As explained below, NAESB has adopted two
new standards and revisions to one existing
standard in response to Recommendation 5 of the
report that the staffs of the Commission, North
American Electric Reliability Corporation (NERC),
and Regional Entities issued November 7, 2023:
FERC et al., *FERC, NERC & Reg'l Entity Staff Rep.:
Inquiry into Bulk-Power Sys. Operations During
Dec. 2022 Winter Storm Elliott*, Docket No. AD23–
8–000, at 143 (Nov. 7, 2023) (Recommendation 5),
[https://elibrary.ferc.gov/eLibrary/filedownload?
fileid=00F8FAAC-A049-C84B-8784-8BB5FEC00000](https://elibrary.ferc.gov/eLibrary/filedownload?fileid=00F8FAAC-A049-C84B-8784-8BB5FEC00000)
(as updated Feb. 28, 2024, [https://elibrary.ferc.gov/
eLibrary/filedownload?fileid=BB92A244-97DD-
C8A7-96AC-8D897D600000](https://elibrary.ferc.gov/eLibrary/filedownload?fileid=BB92A244-97DD-C8A7-96AC-8D897D600000)) [hereinafter *Winter
Storm Elliott Report*].

³ This series of orders began with the
Commission's issuance of Order No. 587, *Standards
for Bus. Pracs. of Interstate Nat. Gas Pipelines*, 61
FR 39053 (July 26, 1996), FERC Stats. & Regs.
¶ 31,038 (1996) (cross-referenced at 76 FERC
¶ 61,042).

communications developed by NAESB's
WGQ. Upon incorporation by reference,
these revisions to the standards will
modify the currently incorporated
version (Version 4.0) of NAESB's
business practice standards.

4. On July 25, 2022, then-Chairman
Richard Glick of the Commission and
Jim Robb, President and CEO of the
NERC, sent a letter to NAESB requesting
NAESB convene a forum “to identify
actions that will improve the reliability
of the natural gas infrastructure system
as necessary to support the bulk electric
system and to address recurring
challenges stemming from natural gas-
electric infrastructure
interdependency.”⁴

5. In response to that letter, NAESB
convened a Gas-Electric Harmonization
Forum to consider issues related to the
challenges stemming from natural gas-
electric interdependency. Over 700
individuals representing more than 370
different organizations from all
segments of the natural gas and electric
markets participated in the Gas-Electric
Harmonization Forum. NAESB released

⁴ Letter from then-Chairman Richard Glick of the
Federal Energy Regulatory Commission and Jim
Robb, President and CEO of the North American
Reliability Corporation to Michael Desselle,
Chairman of NAESB, and Jonathan Booe, Executive
Vice President and Chief Operating Officer (July 25,
2022) (on file at NAESB), [https://naesb.org/pdf4/
FERC_NERC_Letter_072922_to_NAESB.pdf](https://naesb.org/pdf4/FERC_NERC_Letter_072922_to_NAESB.pdf). See
also, FERC, NERC, and Regional Entity Staff Report,
*The February 2021 Cold Weather Outage in Texas
and the South Central United States* (Nov. 2021)
(Recommendation 7), [https://www.ferc.gov/media/
february-2021-cold-weather-outages-texas-and-
south-central-united-states-ferc-nerc-and](https://www.ferc.gov/media/february-2021-cold-weather-outages-texas-and-south-central-united-states-ferc-nerc-and).

¹ See NAESB WGQ Business Practice Standards
Version 4.0 Report, Docket No. RM96–1–044 (Dec.
4, 2024).

its Gas-Electric Harmonization Forum Report on July 28, 2023, which identified 20 recommendations for consideration to improve the reliability of natural gas infrastructure as necessary to support the bulk electric system and to address the recurring challenges stemming from natural gas-electric interdependency.

6. On November 7, 2023, as updated on February 28, 2024, the Commission, NERC, and various regional entities published a report on the performance of the bulk power system during Winter Storm Elliot in December of 2022.⁵ The report looked at the cold weather event that occurred between December 21 and December 26, 2022 (Winter Storm Elliott), in which unplanned cold-weather outages significantly jeopardized grid reliability. Part of this analysis looked at how the events affected the interrelation between transportation on natural gas pipelines and generator outages. The Winter Storm Elliot Report included several recommendations concerning natural gas-electric coordination. Specifically, to help improve the interrelation between natural gas pipelines and the electric system, the report recommended that NAESB “convene natural gas infrastructure entities, electric grid operators, and LDCs (local distribution companies) to identify improvements in communication during extreme cold weather events to enhance situational awareness.”⁶

7. In response to the Winter Storm Elliot Report, the NAESB Board of Directors created a jointly assigned annual plan item as part of the WGQ, Wholesale Electric Quadrant (WEQ), and Retail Market Quadrant (RMQ) 2024 Annual Plans. The Annual Plan directed the Joint WGQ, WEQ, and RMQ Business Practices Subcommittees to review and modify the NAESB Gas/Electric Coordination Business Practice Standards, and any corresponding standards, that could improve communications among gas and electric market participants and enhance situational awareness during extreme weather events without endangering sensitive commercial information. Between January and July 2024, the Joint WGQ, WEQ, and RMQ Business Practices Subcommittees held ten meetings to identify and evaluate possible areas of standards development. NAESB states that “on July 19, 2024, the joint subcommittees voted out a recommendation proposing new and revised WGQ Business Practice Standards.” NAESB further states that

“[o]n October 24, 2024, the NAESB WGQ Executive Committee voted to approve the recommendation with super majority support. NAESB WGQ membership subsequently ratified the new and revised standards on November 25, 2024.”⁷

8. On December 4, 2024, NAESB filed its Informational Report informing the Commission that it had modified Version 4.0 of the NAESB WGQ Business Practice Standards applicable to interstate natural gas pipelines. The NAESB Informational Report identifies three modifications to the WGQ Version 4.0 standards, which include one revised standard and two new standards, and discusses the deliberations that led to the changes. The revision creates a central location on pipeline Informational Postings websites where transportation service providers can post publicly available data, including scheduled quantity information. This revision establishes a new information posting category, “Gas Electric Coordination,” for use, when applicable, by a transportation service provider to help streamline the process for Regional Transmission Organizations/Independent System Operators (RTO/ISO) and other parties accessing this data during extreme weather or emergency events. One new standard facilitates the posting of applicable scheduled quantity information for power plants that are directly connected to the pipeline as part of the “Gas Electric Coordination” category. The second new standard supports the inclusion of the geographic information of impacted area(s), location(s), and/or pipeline facility(ies) by a transportation service provider when issuing a critical notice. Pipelines are currently required to make this information available through computer-to-computer electronic data interchange in addition to other batch file downloadable formats they may provide.⁸

III. Discussion

9. In this notice of proposed rulemaking (NOPR), we propose to incorporate by reference in our regulations the three modifications to Version 4.0 of the NAESB WGQ consensus business practice standards. As an initial matter, we note that the modified WGQ Version 4.0 standards include two new standards and one revised standard to the following sets of

existing Version 4.0 WGQ Business Practice Standards. Each set of Business Practice Standards is hereafter referred to as a “manual.”

Manual	Business practice standards
0	Additional Standards.
4	Quadrant Electronic Delivery Mechanism Related Standards.
5	Capacity Release Related Standards.

We propose that compliance filings to revise pipeline tariffs to reflect the changes in accordance with a final rule be filed with the Commission no later than 120 days after the Commission issues a final rule in this proceeding or, if the compliance filing date falls on a weekend or holiday, on the first business day thereafter, with a proposed effective date 180 days from the date compliance filings are due in this proceeding.

10. We discuss below some specific aspects of NAESB’s Informational Report.

A. Modifications to Version 4.0 of Business Practice Standards

11. NAESB uses its consensus process to develop and approve WGQ business practice standards. As the Commission found in the Order No. 587 series of orders, incorporation by reference of consensus standards is appropriate, because the consensus process helps ensure the reasonableness of the standards by requiring that the standards draw support from a broad spectrum of industry participants representing all segments of the industry. Moreover, because the industry conducts business under these standards, the Commission has found value in incorporating standards that have the widest possible support. In section 12(d) of the National Technology Transfer and Advancement Act of 1995,⁹ Congress affirmatively requires federal agencies to use technical standards developed by voluntary consensus standards organizations, like NAESB, to carry out policy objectives or activities.

1. WGQ Additional Standards

12. The modified WGQ Version 4.0 added a new standard, WGQ Standard No. 0.3.30, to the Additional Standards manual, which supports a natural gas transportation service provider in posting scheduled quantity information for power plants directly connected to the pipeline, as part of the newly established Gas Electric Coordination

⁵ Winter Storm Elliott Report, *supra* note 2.
⁶ *Id.* at 143.

⁷ Informational Filing at 3.
⁸ 18 CFR 284.12 (a)(1)(v), (b)(3)(i)(A). See *Standards for Bus. Pracs. of Interstate Nat. Gas Pipelines*, Order No. 587–G, 83 FERC ¶ 61,029, at text accompanying note 58 (1998), 63 FR 20072 (April 23, 1998).

⁹ Public Law 104–113, 12(d), 110 Stat. 775 (1996).

category. WGQ Standard No. 0.3.30 identifies examples of the data that could be posted in the new category, including Cycle Indicator (Cycle) which are the specific times throughout the gas day for shippers to submit nomination requests for natural gas transportation. According to existing NAESB standard provisions, “Cycle” would include each of the five standard daily nominations cycles (Timely, Evening, Intraday 1, Intraday 2, and Intraday 3) or additional transportation service provider defined cycles. WGQ Standard 0.3.30 also includes the Effective Gas Day (Eff Gas Day), which is the Gas Day for which the information is applicable, beginning at 9AM Central Clock Time and ending 9AM Central Clock Time the next day. It also includes the Effective Time (Eff Time), the time for which the posted information is applicable, which may be subsequent to the posting.

13. Additionally, WGQ Standard No. 0.3.30 also includes fields describing the applicable generators’ locations including the generator’s location (Loc), which may be the transportation service providers’ assigned identifier where transactions may take place, Location Name (Loc Name), Location County (Loc Cnty), Location State Abbreviation (Loc St Abbrev). The standard also includes the Measurement Basis (Meas Basis), such as Million British Thermal Units.

14. WGQ Standard No. 0.3.30 includes Posting Date (Post Date) and Posting Time (Post Time) the date and time at which transportation service providers post the relevant information. Finally, the standard includes posting of the RTO/ISO in whose service territory the affected generator is directly connected to the interstate pipeline and Total Scheduled Quantity (TSQ)—the net quantity scheduled to be delivered to each applicable generator at the effective date and time of the posting.

2. WGQ Quadrant Electronic Delivery Mechanism Standards

15. The modified WGQ Version 4.0 revised existing standard WGQ Standard No. 4.3.23 under the Quadrant Electronic Delivery Mechanism Standards manual by establishing a new information posting category, Gas Electric Coordination, for use by a transportation service provider as part of its Informational Postings website. The revised WGQ Standard No. 4.3.23 creates a central location on an Informational Postings website where a transportation service provider can post publicly available data, including scheduled quantity information, to help RTOs/ISOs and other parties access these data.

3. WGQ Capacity Release Related Standards

16. The modified WGQ Version 4.0 added a new standard, WGQ Standard No. 5.3.74 under the Capacity Release Related Standards manual, to support the inclusion of geographic information when a natural gas transportation service provider issues a critical notice, such as geographic information of impacted areas, locations, and pipeline facilities.¹⁰ The inclusion of geographic information in a critical notice can help parties receiving critical notices, including end users and RTOs/ISOs, identify and assess any possible impact to their systems.

B. Proposed Implementation Procedures

17. We propose to use the compliance filing requirements explained below, as revised and prescribed in Order No. 587–V, to increase the transparency of the interstate natural gas pipelines’ incorporation by reference of the NAESB WGQ Standards so that shippers and the Commission will know which tariff provision(s) implements each standard as well as the status of each standard.¹¹

18. We propose that compliance filings to revise pipeline tariffs to reflect the changes in accordance with a final rule be filed with the Commission no later than 120 days after issuance of a final rule by the Commission in this proceeding or, if the compliance filing date falls on a weekend or holiday, on the first business day thereafter, with a proposed effective date 180 days from the date compliance filings are due in this proceeding. As the Commission found in Order No. 587–V, incorporation by reference of the revised compliance filing requirements would increase the transparency of the interstate natural gas pipelines’ incorporation by reference of the NAESB WGQ Standards so that shippers and the Commission would know which tariff provision(s) implements each standard as well as the status of each standard.¹²

19. Consistent with the Commission’s practice since Order No. 587–V, each interstate natural gas pipeline must designate a single tariff section under

which every NAESB WGQ Standard incorporated by reference by the Commission is listed.¹³ For each NAESB standard, the pipeline must specifically list in that tariff section:

(a) whether the standard is incorporated by reference;

(b) for those standards not incorporated by reference, the tariff provision that complies with the standard; or

(c) for those standards with which the pipeline does not comply, an indication in the tariff section of whether the pipeline has been granted a waiver, extension of time, or other variance with respect to compliance with the standard.¹⁴

20. For those standards with which the pipeline does not comply, the pipeline must provide an explanatory statement in the transmittal letter of whether the pipeline has been granted a waiver, extension of time, or other variance with respect to compliance with the standard.

21. Likewise, consistent with past practice, we will post on the Commission’s eLibrary website (under Docket No. RM96–1–044) a sample tariff format to provide filers with an illustrative example to aid them in preparing their compliance filings.

22. Consistent with our policy since Order No. 587–V,¹⁵ entities may request waivers under the requirements set forth in Order No. 587–V and the Commission will then evaluate those requests.¹⁶

23. If a pipeline is requesting a continuation of an existing waiver or extension of time, it must include a table in its transmittal letter that identifies the standard for which the Commission granted the waiver or extension of time, and the docket number or order citation to the proceeding in which the Commission granted the waiver or extension of time. The pipeline also must present an explanation for why such waiver or extension of time should remain in force with regard to the modified WGQ Version 4.0 Standards incorporated by reference in any final rule.

24. This continues the Commission’s practice of having pipelines include in

¹³ *Id.* P 36; *Standards for Bus. Pracs. of Interstate Nat. Gas Pipelines*, 174 FERC ¶ 61,103, at P 21 (2021) (Version 3.2 NOPR).

¹⁴ Shippers can use the Commission’s electronic tariff system to locate the tariff record containing the NAESB standards, which will indicate the docket in which any waiver or extension of time was granted.

¹⁵ Order No. 587–V, 140 FERC ¶ 61,036.

¹⁶ Order No. 587–V Compliance Order, 141 FERC ¶ 61,167 at PP 4, 38 (a pipeline does not need to seek a waiver for standards that address business practices that the pipeline does not offer).

¹⁰ Critical notices are notices posted on a transportation service provider’s website that, according to existing WGQ Version 4.0 Standard No. 5.2.1, “pertain to information on transportation service provider conditions that affect scheduling or adversely affect scheduled gas flow.”

¹¹ *Standards for Bus. Pracs. of Interstate Nat. Gas Pipelines*, Order No. 587–V, 77 FR 43711 (July 26, 2012), 140 FERC ¶ 61,036, at PP 36–39 (2012).

¹² *Trans-Union Interstate Pipeline L.P.*, 141 FERC ¶ 61,167, at P 36 (2012) (Order No. 587–V Compliance Order).

their tariffs a common location that identifies the way in which the pipeline is incorporating all the NAESB WGQ Standards and the standards with which it is required to comply.

IV. Notice of Use of Voluntary Consensus Standards

25. Office of Management and Budget Circular A 119 (February 10, 1998) provides that Federal Agencies should publish a request for comment in a NOPR when the agency is seeking to issue or revise a regulation proposing to incorporate by reference a voluntary consensus standard or a government-unique standard. In this NOPR, the Commission is proposing to incorporate by reference a new WGQ Version 4.0 Additional Business Practice Standard No. 0.3.30, a revised WGQ Version 4.0 Quadrant Electronic Delivery Mechanism Related Business Practice Standard No. 4.3.23, and a new WGQ Version 4.0 Capacity Release Related Business Practice Standard No. 5.3.74, which are voluntary consensus standards developed by the WGQ.

V. Incorporation by Reference

26. The Office of the Federal Register requires agencies proposing to incorporate material by reference into their regulations to discuss the ways that the materials it incorporates by reference are reasonably available to interested parties and how interested parties can obtain the materials.¹⁷ The regulations also require agencies to summarize, in the preamble of the final rule, the material that it incorporates by reference. The latest modifications to the Version 4.0 standards we are proposing to incorporate by reference consist of revisions to three sets of NAESB WGQ Business Practice Standards that address a variety of topics and are designed to streamline the transactional processes for the wholesale natural gas industry by promoting a more reliable and efficient market. The applicable sets comprise a new WGQ Additional Business Practice Standard, a revised WGQ Quadrant Electronic Delivery Mechanism Related Business Practice Standard, and a new WGQ Capacity Release Related Business Practice Standard. We summarize these three sets of standards below.¹⁸

¹⁷ 1 CFR 51.5. *See Incorporation by Reference*, 79 FR 66267 (Nov. 7, 2014).

¹⁸ In addition to the new and revised standards described above and included in NAESB's December 4, 2024 report, the Commission also is incorporating by reference recently revised WGQ Invoicing Related Standards (Version 4.0) that includes the Minor Correction incorporated by reference in *Standards for Bus. Pracs. of Interstate Nat. Gas Pipelines*, Order No. 587-AA, 89 FR 97518 (Dec. 9, 2024), 189 FERC ¶ 61,135 (2024). The

27. *The WGQ Additional Standards* address standards that are in addition to the five distinct areas of business activities—Nominations, Flowing Gas, Invoicing, Electronic Delivery Mechanism, and Capacity Release. The six categories within the WGQ Additional Standards are: (1) General; (2) Creditworthiness; (3) Gas/Electric Operational Communications; (4) Operating Capacity and Unsubscribed Capacity; (5) Location Data Download; and (6) Storage Information.

28. *The WGQ Quadrant Electronic Delivery Mechanism Related Standards* define the framework for the electronic dissemination and communication of information between parties in the North American wholesale gas marketplace for Electronic Data Interchange/EDM transfers, batch flat file/EDM transfers, informational postings websites, Electronic Bulletin Boards/EDM, and interactive flat file/EDM.

29. *The WGQ Capacity Release Related Standards* define the business processes for communication of information related to the selling of all or any portion of a transportation service requester's contract rights.

30. Commission regulations provide that copies of the standards incorporated by reference may be obtained through purchase or otherwise from the North American Energy Standards Board, 1415 Louisiana, Suite 3460, Houston, Texas 77002, phone: (713) 356-0060, website: <https://www.naesb.org/>. *The standards can also be reviewed without purchasing them.*

31. The procedures used by NAESB make its standards reasonably available to those affected by Commission regulations, which generally is comprised of entities that have the means to acquire the information they need to effectively participate in Commission proceedings. Participants can join NAESB, for an annual membership cost of \$8,000, which entitles them to full participation in NAESB and enables them to obtain these standards at no additional cost. Non-members may obtain any of the ten individual standards manuals for \$250 per manual, which in the case of these standards would total \$750 for all three manuals. Non-members also may obtain the complete set of Standards Manuals for \$2,000.

32. NAESB provides ample opportunities for non-members, including agents, subsidiaries, and affiliates of NAESB members, to obtain access to the copyrighted standards

standard contains no substantive changes from those adopted in Order No. 587-AA.

through a no-cost limited copyright waiver. The limited copyright waivers are issued by the NAESB office and are granted to non-members on a case-by-case basis for the purpose of evaluating standards prior to purchase and/or reviewing the standards to prepare comments to a regulatory agency. Following the granting of a limited copyright waiver, the non-member is provided with read-only access to the standards through the end of the comment period or some other set period of time via Locklizard Safeguard Secure Viewer.¹⁹ NAESB will grant one limited copyright waiver per company for each set of standards or final actions. Any entity seeking a limited copyright waiver should contact the NAESB office.

VI. Information Collection Statement

33. The Office of Management and Budget (OMB) regulations require that OMB approve certain reporting, record keeping, and public disclosure requirements (information collection) imposed by an agency.²⁰ Therefore, we are submitting our proposed information collection to OMB for review in accordance with section 3507(d) of the Paperwork Reduction Act of 1995. Upon approval of a collection of information, OMB will assign an OMB control number and an expiration date. Respondents subject to the filing requirements of a rule will not be penalized for failing to respond to these collections of information unless the collection of information displays a valid OMB control number.

34. We solicit comments on our need for this information, whether the information will have practical utility, the accuracy of the provided burden estimates, ways to enhance the quality, utility, and clarity of the information to be collected, and any suggested methods for minimizing respondents' burden, including the use of automated information techniques.

35. *Public Reporting Burden:* The Commission's burden estimates for the proposals in this NOPR are for one-time implementation of the information collection requirements of this NOPR (including tariff filing, documentation of the process and procedures, and information technology work).

36. The collections of information related to this NOPR fall under FERC-545 (Gas Pipeline Rates: Rate Change (Non-Formal))²¹ and FERC-549C

¹⁹ For more information on Locklizard, please refer to the company's website: <https://www.locklizard.com>.

²⁰ 5 CFR 1320.11.

²¹ FERC-545 covers rate change filings made by natural gas pipelines, including tariff changes.

(Standards for Business Practices of Interstate Natural Gas Pipelines).²² The following estimates of reporting burden are related only to this NOPR and

anticipate the costs to interstate natural gas pipelines for compliance with our proposals in this NOPR. The burden estimates are related to implementing

these standards and regulations and will not result in ongoing costs.

RM96–1–044 NOPR (STANDARDS FOR BUSINESS PRACTICES OF INTERSTATE NATURAL GAS PIPELINES)

	Number of respondents ²³	Annual number of responses per respondent	Total number of responses	Average burden hr. per response	Total annual burden hours & total annual cost ²⁴	Annual costs per respondent (\$)
	(1)	(2)	(1) * (2) = (3)	(4)	(3) * (4) = (5)	(5)/(1) = (6)
FERC–545 (one-time)	193	1	193	10 hrs.; \$980	1,930 hrs.; \$189,140	\$980
FERC–549C (one-time)	193	1	193	100 hrs.; \$9,800	19,300 hrs.; \$1,891,400	9,800
Total		386			21,230 hrs.; \$2,080,540	

The total one-time burden (for both the FERC–545 and FERC–549C) would take place in Year 1 as follows:

FERC–545: 193 entities × 1 response/entity (10 hours/response × \$98/hour) = \$189,140

FERC–549C: 193 entities × 1 response/entity (100 hours × \$98/hour) = \$1,891,400

Title: FERC–545, Gas Pipeline Rates: Rates Change (Non-Formal); FERC–549C, Standards for Business Practices of Interstate Natural Gas Pipelines.

Action: Proposed information collections

OMB Control Nos.: 1902–0154 (FERC–545), 1902–0174 (FERC–549C).

Respondents: Business or other for profit (e.g., Natural Gas Pipelines, applicable to only a few small businesses).

Frequency of Responses: One-time implementation (related to business procedures, capital/start-up).

37. *Necessity of Information:* In response to NAESB's standard development activities, the proposals in this NOPR would, if implemented, make minor adjustments to the standards previously incorporated by reference by the Commission. First, a revised standard in the WGQ Quadrant Electronic Delivery Mechanism Related Standards manual, WGQ Standard No. 4.3.23, establishes a new information posting category—Gas Electric Coordination, for use by a transportation service provider when applicable, to help streamline the process for RTOs/ISOs and other parties accessing critical

data during extreme cold weather or emergency events. Second, a new standard in the WGQ Additional Standards manual, WGQ Standard No. 0.3.30, facilitates the posting of applicable scheduled quantity information for directly connected power plants, as part of the Gas Electric Coordination category. Types of data that could be provided include, Cycle Indicator, Effective Gas Day, Location, Location Name, Location County, Location State Abbreviation, Measurement Bases, Posting Date, Posting Time, RTO/ISO, and Total Scheduled Quantity. Third, a new standard in the WGQ Capacity Release Related Standards manual, WGQ Standard No. 5.3.74, would support the inclusion of the geographic information of impacted areas, locations, or pipeline facilities by a transportation service provider when issuing a critical notice. If the above standards are implemented, the Commission's Office of Enforcement will use the data for general industry oversight.

Internal Review: We have reviewed the requirements pertaining to business practices of interstate natural gas pipelines and made a preliminary determination that the proposed revisions are necessary to establish a more efficient and integrated pipeline network. These requirements conform to our plan for efficient information collection, communication, and management within the natural gas pipeline industries. We determined through our internal review that there is specific, objective support for the

burden estimates associated with the information requirements.

38. Interested persons may obtain information on the reporting requirements by contacting the following: Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426; email: DataClearance@ferc.gov.

39. Comments concerning the collection of information(s) and the associated burden estimate(s), should be sent to the Office of Information and Regulatory Affairs, the Office of Management and Budget, Washington, DC 20503; attention: Desk Officer for the Federal Energy Regulatory Commission, phone: (202) 395–0710; fax: (202) 395–4718. A copy of the comments on information collection should also be sent to the Commission, in Docket No. RM96–1–044 by any of the following methods:

- *eFiling at Commission's Website:* <https://www.ferc.gov/docs-filing/efiling.asp>;

- *U.S. Postal Service Mail:* Persons unable to file electronically may mail similar pleadings to the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426; or

- Delivery of filings other than by eFiling or the U.S. Postal Service should be delivered to the Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, MD 20852.

VII. Environmental Analysis

²² FERC–549C covers Standards for Business Practices of Interstate Natural Gas Pipelines.

²³ The number of respondents is the number of entities in which a change in burden from the current standards to the proposed exists, not the total number of entities from the current or proposed standards that are applicable.

²⁴ The estimated hourly cost (salary plus benefits) provided in this section is based on the salary

figures for May 2024 posted on April 2, 2025 by the Bureau of Labor Statistics for the Utilities sector (available at https://www.bls.gov/oes/current/naics22_22.htm) and scaled to reflect benefits using the relative importance of employer costs for employee compensation (available at <https://www.bls.gov/news.release/ecec.nr0.htm>). The hourly estimates for salary plus benefits are:

Computer and Information Systems Manager (Occupation Code: 11–3021), \$110.62.

Computer and Information Analysts (Occupation Code: 15–1210), \$68.34.

Electrical Engineer (Occupation Code: 17–2071), \$71.19.

Legal (Occupation Code: 23–0000), \$140.76.

The average hourly cost (salary plus benefits), weighting these skill sets evenly, is \$97.728. We round it to \$98/hour.

40. The Commission is required to prepare an Environmental Assessment or an Environmental Impact Statement for any action that may have a significant adverse effect on the human environment.²⁵ The actions that we propose to take here fall within categorical exclusions in the Commission's regulations for rules that are clarifying, corrective, or procedural, for information gathering, analysis, and dissemination, and for rules regarding sales, exchange, and transportation of natural gas that require no construction of facilities.²⁶ Therefore, an environmental review is unnecessary and has not been prepared as part of this NOPR.

VIII. Regulatory Flexibility Act

41. The Regulatory Flexibility Act of 1980 (RFA)²⁷ generally requires a description and analysis of proposed rules that will have significant economic impact on a substantial number of small entities. The Commission is not required to make such an analysis if proposed regulations would not have such an effect.

42. Approximately 193 interstate natural gas pipelines, both large and small, are potential respondents subject to the requirements proposed in this NOPR. Most of the natural gas pipelines regulated by the Commission do not fall within the RFA's definition of a small entity,²⁸ which is currently defined for natural gas pipelines as a company that, in combination with its affiliates, has total annual receipts of \$41.5 million or less.²⁹ For the year 2022, only 14 companies not affiliated with larger companies had annual revenues in combination with their affiliates of \$41.5 million or less and therefore could be considered a small entity under the RFA. This represents about seven percent of the total universe of potential respondents that may have a significant burden imposed on them. We estimate that the one-time implementation cost of the proposals in this NOPR is \$2,080,540 (or \$10,780 per entity,

regardless of entity size).³⁰ We do not consider the estimated \$10,780 impact per entity to be significant. Moreover, these requirements are designed to benefit all customers, including small businesses that must comply with them. Further, as noted above, incorporation by reference of consensus standards helps ensure the reasonableness of the standards by requiring that the standards draw support from a broad spectrum of industry participants representing all segments of the industry. Because of that representation and the fact that industry conducts business under these standards, the Commission has found value in incorporating standards that have the widest possible support.

43. Accordingly, pursuant to section 605(b) of the RFA,³¹ the Commission certifies that the regulations proposed herein should not have a significant economic impact on a substantial number of small entities.

IX. Comment Procedures

44. The Commission invites interested persons to submit comments on the matters and issues proposed in this notice to be incorporated by reference, including any related matters or alternative proposals that commenters may wish to discuss. Comments are due January 20, 2026. Comments must refer to Docket No. RM96–1–044, and must include the commenter's name, the organization they represent, if applicable, and their address in their comments. All comments will be placed in the Commission's public files and may be viewed, printed, or downloaded remotely as described in the Document Availability section below. Commenters on this proposal are not required to serve copies of their comments on other commenters.

45. The Commission encourages comments to be filed electronically via the eFiling link on the Commission's website at <https://www.ferc.gov>. The Commission accepts most standard word processing formats. Documents created electronically using word processing software must be filed in native applications or print-to-PDF format and not in a scanned format. Commenters filing electronically do not need to make a paper filing.

46. Commenters that are not able to file comments electronically may file an original of their comment by USPS mail or by courier or other delivery services. For submission sent via USPS only,

filings should be mailed to: Federal Energy Regulatory Commission, Office of the Secretary, 888 First Street NE, Washington, DC 20426. Submission of filings other than by USPS should be delivered to: Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, MD 20852.

X. Document Availability

47. In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents of this document via the internet through the Commission's Home Page (<https://www.ferc.gov>).

48. From the Commission's Home Page on the internet, this information is available on eLibrary. The full text of this document is available on eLibrary in PDF and Microsoft Word format for viewing, printing, and/or downloading. To access this document in eLibrary, type the docket number excluding the last three digits of this document in the docket number field.

49. User assistance is available for eLibrary and the Commission's website during normal business hours from FERC Online Support at 202–502–6652 (toll free at 1–866–208–3676) or email at ferconlinesupport@ferc.gov, or the Public Reference Room; phone (202) 502–8371, TTY (202) 502–8659; email: public.referenceroom@ferc.gov.

XI. Regulatory Planning and Review

50. Executive Orders 12866 and 13563 direct agencies to assess the costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). Executive Order 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. The Office of Information and Regulatory Affairs (OIRA) has determined this regulatory action is not a "significant regulatory action," under section 3(f) of Executive Order 12866, as amended. Accordingly, OIRA has not reviewed this regulatory action for compliance with the analytical requirements of Executive Order 12866.

List of Subjects in 18 CFR Part 284

Continental shelf, Incorporation by reference, Natural gas, Reporting and recordkeeping requirements.

²⁵ *Reguls. Implementing the Nat'l Env't'l Pol'y Act*, Order No. 486, 52 FR 47897 (Dec. 17, 1987), FERC Stats. & Regs. Preambles 1986–1990 ¶ 30,783 (1987) (cross-referenced at 41 FERC ¶ 61,284).

²⁶ See 18 CFR 380.4(a)(2)(ii), 380.4(a)(5), 380.4(a)(27).

²⁷ 5 U.S.C. 601–612.

²⁸ See 5 U.S.C. 601(3) citing section 3 of the Small Business Act (SBA), 15 U.S.C. 623. Section 3 of the SBA defines a "small business concern" as a business that is independently owned and operated, and that is not dominant in its field of operation.

²⁹ 13 CFR 121.201 (Subsector 486-Pipeline Transportation; North American Industry Classification System code 486210; Pipeline Transportation of Natural Gas) (2025) "Annual Receipts" are total income plus cost of goods sold.

³⁰ This number is derived by dividing the total cost figure by the number of respondents. \$2,080,504/193 = \$10,780.

³¹ 5 U.S.C. 605(b).

By direction of the Commission. Commissioner Chang is concurring with a separate statement attached.

Issued: October 16, 2025.

Debbie-Anne A. Reese,
Secretary.

In consideration of the foregoing, the Commission proposes to amend 18 CFR part 284 as follows.

PART 284—CERTAIN SALES AND TRANSPORTATION OF NATURAL GAS UNDER THE NATURAL GAS POLICY ACT OF 1978 AND RELATED AUTHORITIES

■ 1. The authority citation for part 284 continues to read as follows:

Authority: 15 U.S.C. 717–717z, 3301–3432; 42 U.S.C. 7101–7352; 43 U.S.C. 1331–1356.

■ 2. Amend § 284.12 by:

■ a. Revising paragraphs (a)(1)(i) and (iv) through (vii); and

■ b. Removing paragraph (a)(1)(viii).

The revisions read as follows:

§ 284.12 Standards for pipeline business operations and communications.

(a) * * *

(1) * * *

(i) WGQ Additional Standards (Version 4.0, September 29, 2023), adding Standard No. 0.3.30, November 25, 2024;

(ii) * * *

(iii) * * *

(iv) WGQ Invoicing Related Standards (Version 4.0, September 29, 2023), with Minor Correction MC24002 applied May 17, 2024;

(v) WGQ Quadrant Electronic Delivery Mechanism Related Standards (Version 4.0, September 29, 2023), revising Standard No. 4.3.23, November 25, 2024;

(vi) WGQ Capacity Release Related Standards (Version 4.0, September 29, 2023), adding Standard No. 5.3.74, November 25, 2024; and

(vii) WGQ Cybersecurity Related Standards (Version 4.0, September 29, 2023).

* * * * *

United States of America

Federal Energy Regulatory Commission
Standards for Business Practices of
Interstate Natural Gas Pipelines
Docket No. RM96–1–044

(Issued October 16, 2025)

CHANG, Commissioner, *concurring*:

1. I concur with the Commission's order proposing to incorporate the North American Energy Standards Board (NAESB) gas-electric coordination standards into

Commission-jurisdictional natural gas tariffs. I applaud NAESB and industry stakeholders for years of effort to address critical findings and recommendations from the Commission and North American Electricity Reliability Corporation's reports following Winter Storms Uri and Elliott. I write separately to urge NAESB and industry stakeholders to continue working to improve communication between transportation service providers (interstate pipelines) and generators and electricity system operators and to address outstanding gas-electric coordination matters.

2. The NAESB standards proposed here exemplify the type of brick-by-brick incremental improvements needed to address pressing gas-electric coordination challenges. However, these proposed standards alone may not be enough to fully address the on-going challenges. More information sharing will improve situational awareness for grid operators and power generators, which would help improve service to customers, particularly when the systems are stressed. I therefore encourage NAESB and industry stakeholders to continue this work and further enhance such information-sharing standards, potentially including providing information related to the natural gas scheduled by generators that are not directly connected to interstate pipelines. I further encourage continued collaboration between pipelines, suppliers, natural gas marketers, and owners of upstream gas gathering systems to update pipeline operators and ultimately downstream gas users and electricity system operators of changes in system conditions, such as wellhead freezes, that could affect natural gas users and consumers.

3. Given the criticality of natural gas for the electricity sector, combined with increasingly tight supply and demand balance, continued improvements in gas-electric coordination are paramount for ensuring reliability. In addition to providing feedback on the NAESB standards proposed in this NOPR, I urge stakeholders to provide comments in this proceeding on areas where additional improvements on gas-electric coordination would be valuable, particularly regarding information-sharing along the chain of entities that physically control or have financial rights to natural gas deliveries, starting at the wellhead and ending at generators or the gas local distribution companies. Further, I welcome input from stakeholders to help inform the Commission's next steps as we address this critical issue.

With these interests in mind, I respectfully concur.

Judy W. Chang,
Commissioner.

[FR Doc. 2025–20325 Filed 11–18–25; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R09–OAR–2025–2833; FRL–13057–01–R9]

Determination of Attainment by the Attainment Date but for International Emissions for the 2015 Ozone National Ambient Air Quality Standards; Phoenix-Mesa Nonattainment Area, Arizona

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA or “Agency”) is proposing to determine that the Phoenix-Mesa nonattainment area (“Phoenix-Mesa area”) would have attained the 2015 ozone national ambient air quality standards (NAAQS) by the August 3, 2024 “Moderate” area attainment date, but for emissions emanating from outside the United States. If we finalize this proposed action, the Phoenix-Mesa area would no longer be subject to the Clean Air Act (CAA) requirements pertaining to reclassification upon failure to attain and therefore would remain classified as a Moderate nonattainment area for the 2015 ozone NAAQS. This action, when finalized, will fulfill the EPA's statutory obligation to determine whether the Phoenix-Mesa area attained the NAAQS by the attainment date.

DATES: Comments must be received on or before December 19, 2025.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R09–OAR–2025–2833 at <https://www.regulations.gov>. For comments submitted at [Regulations.gov](https://www.regulations.gov), follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from [Regulations.gov](https://www.regulations.gov). The EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment.

The written comment is considered the official comment and should include discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.*, on the web, cloud, or other file sharing system). For additional submission methods, please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section. For the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit <https://www.epa.gov/dockets/commenting-epa-dockets>. If you need assistance in a language other than English or if you are a person with disabilities who needs a reasonable accommodation at no cost to you, please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section.

FOR FURTHER INFORMATION CONTACT:

Karina O'Connor, EPA Region IX, 75 Hawthorne St., San Francisco, CA 94105; telephone number: (415) 725–8713, email address: occonnor.karina@epa.gov.

SUPPLEMENTARY INFORMATION:

Throughout this document “we,” “us,” or “our” refer to the EPA.

Table of Contents

- I. Background
 - A. 2015 Ozone National Ambient Air Quality Standard and Area Designations
 - B. Clean Air Act Requirements for Moderate Ozone Nonattainment Areas
 - C. Requirement for Determination of Attainment of the 2015 Ozone NAAQS
 - D. International Transport and Clean Air Act Section 179B
 - E. Exceptional Events and Other Data Modification
- II. Phoenix-Mesa Ozone Determination of Attainment but for International Emissions
 - A. Phoenix-Mesa Ozone Nonattainment Area
 - B. Ozone Monitoring Sites in Phoenix-Mesa
 - C. Summary of the State's Submission
 - D. EPA Review of the State's Submission
- III. Proposed Action
- IV. Statutory and Executive Order Reviews
 - A. Executive Order 12866: Regulatory Planning and Review and Executive Order 13563: Improving Regulation and Regulatory Review
 - B. Executive Order 14192: Unleashing Prosperity Through Deregulation
 - C. Paperwork Reduction Act (PRA)
 - D. Regulatory Flexibility Act (RFA)
 - E. Unfunded Mandates Reform Act (UMRA)
 - F. Executive Order 13132: Federalism
 - G. Executive Order 13175: Consultation and Coordination With Indian Tribal Governments

- H. Executive Order 13045: Protection of Children From Environmental Health and Safety Risks
- I. Executive Order 13211: Actions That Significantly Affect Energy Supply, Distribution, or Use
- J. National Technology Transfer Advancement Act (NTTAA)

I. Background

A. 2015 Ozone National Ambient Air Quality Standard and Area Designations

Ground-level ozone pollution is formed from the reaction of volatile organic compounds (VOC) and oxides of nitrogen (NO_x) in the presence of sunlight. These two pollutants, referred to as ozone precursors, are emitted by many types of sources, including on- and non-road motor vehicles and engines, power plants and industrial facilities, and smaller area sources such as lawn and garden equipment and paints. Scientific evidence indicates that adverse public health effects occur following exposure to ground-level ozone pollution. Exposure to ozone can harm the respiratory system (the upper airways and lungs), can aggravate asthma and other lung diseases, and is linked to premature death from respiratory causes. People most at risk from breathing air containing ozone include people with asthma, children, older adults, and people who are active outdoors, especially outdoor workers.¹

Under CAA section 109, the EPA promulgates NAAQS (or “standards”) for pervasive air pollutants, such as ozone. The EPA has previously promulgated NAAQS for ozone in 1979, 1997, and 2008.² On October 26, 2015, the EPA revised the NAAQS for ozone to establish new 8-hour standards.³ In that action, the EPA promulgated identical revised primary and secondary ozone standards designed to protect public health and welfare that specified an 8-hour ozone level of 0.070 parts per million (ppm).⁴ Specifically, the standards require that the 3-year average of the annual fourth highest daily maximum 8-hour average ozone concentration (*i.e.*, the design value) may not exceed 0.070 ppm.⁵ When the

design value (DV) does not exceed 0.070 ppm at each ambient air quality monitoring site within the area, the area is deemed to be attaining the ozone NAAQS.⁶

Section 107(d) of the CAA provides that when the EPA promulgates a new or revised NAAQS, the Agency must designate areas of the country as nonattainment, attainment, or unclassifiable based on whether an area is not meeting (or is contributing to air quality in a nearby area that is not meeting) the NAAQS, meeting the NAAQS, or cannot be classified as meeting or not meeting the NAAQS, respectively. Subpart 2 of part D of title I of the CAA governs the classification, state planning, and emissions control requirements for any areas designated as nonattainment for a revised primary ozone NAAQS. In particular, CAA section 181(a)(1) also requires the EPA to classify each ozone nonattainment area at the time of designation, based on the extent of the ozone problem in the area (based on the area's DV). Classifications for ozone nonattainment areas range from “Marginal” to “Extreme.” CAA section 182 provides the specific attainment planning and additional requirements that apply to each ozone nonattainment area based on its classification. CAA section 182, as interpreted in the EPA's implementing regulations at 40 CFR 51.1308 through 51.1317, also establishes the timeframes by which air agencies must submit and implement SIP revisions to satisfy the applicable attainment planning elements, and the timeframes by which nonattainment areas must attain the 2015 ozone NAAQS.

Effective on August 3, 2018, the EPA designated 51 areas throughout the country, including Phoenix-Mesa, Arizona, nonattainment for the 2015 ozone NAAQS.⁷ In a separate action, the EPA assigned classification thresholds and attainment dates based on the

compliance with the standard. The design value for the 2015 ozone NAAQS is the 3-year average of the annual fourth highest daily maximum 8-hour average ozone concentration. The design value is calculated for each air quality monitor in an area and the area's design value is the highest design value among the individual monitoring sites in the area.

⁶ The data handling convention in 40 CFR part 50, appendix U dictates that concentrations shall be reported in “ppm” to the third decimal place, with additional digits to the right being truncated. Thus, a computed 3-year average ozone concentration of 0.071 ppm is greater than 0.070 ppm and would exceed the standard, but a design value of 0.0709 is truncated to 0.070 and attains the 2015 ozone NAAQS.

⁷ 83 FR 25776 (June 4, 2018), effective August 3, 2018. The EPA later designated the San Antonio area as a 2015 ozone NAAQS nonattainment area effective September 24, 2018. 83 FR 35136 (July 25, 2018).

¹ EPA Fact Sheet—Ozone and Health, available at <https://www.epa.gov/sites/default/files/2016-04/documents/20151001healthfs.pdf> and in the docket for this action.

² 44 FR 8202 (February 8, 1979), 62 FR 38856 (July 18, 1997), and 73 FR 16436 (March 27, 2008).

³ 80 FR 65292.

⁴ Because the 2015 primary and secondary NAAQS for ozone are identical, for convenience, the EPA refers to them in the singular as “the 2015 ozone NAAQS” or as “the standard.”

⁵ A design value is a statistic used to compare data collected at an ambient air quality monitoring site to the applicable NAAQS to determine

severity of each nonattainment area's ozone problem, determined by the area's DVs and classified the Phoenix-Mesa area as Marginal.⁸ The EPA established the attainment date for "Marginal," "Moderate," and "Serious" nonattainment areas as three years, six years, and nine years, respectively, from the effective date of the final designations. Thus, the attainment date for Marginal nonattainment areas for the 2015 ozone NAAQS was August 3, 2021, the attainment date for Moderate areas was August 3, 2024, and the attainment date for Serious areas is August 3, 2027. On October 7, 2022, the EPA determined that 22 areas, including the Phoenix-Mesa area addressed in this action, did not attain the standards by the Marginal attainment date, and these areas were reclassified as Moderate by operation of law.⁹

B. Clean Air Act Requirements for Moderate Ozone Nonattainment Areas

The list of applicable requirements for ozone nonattainment areas classified as Moderate includes a baseline emissions inventory, source emission statement rules, nonattainment new source review program requirements, an attainment demonstration, a reasonably available control measures (including reasonably available control technology) demonstration, a reasonable further progress (RFP) demonstration, and contingency measures for failure to attain or achieve RFP.

Attainment contingency measures are triggered upon the EPA's determination that an area failed to attain a given NAAQS by its applicable attainment date. For ozone nonattainment areas, such a finding would be made pursuant to CAA section 181(b)(2), as described in section I.C of this document. However, CAA section 179B(b) provides that where a state demonstrates to the EPA that the area would have attained the ozone NAAQS by the applicable attainment date but for emissions emanating from outside the U.S., the area is not subject to the reclassification provisions in section 181(b)(2) and will not be reclassified to a higher nonattainment level. Therefore, following the EPA's approval of a demonstration under section 179B(b), attainment contingency measures will not be triggered. Given these considerations, the EPA interprets the CAA not to require the state to have EPA-approved contingency measures for failure to attain for the NAAQS at issue

in an area with an approved section 179B(b) demonstration.¹⁰

RFP contingency measures under 172(c)(9) are generally triggered upon the EPA's determination that an area failed to achieve RFP. However, in the case of Moderate ozone nonattainment areas, the EPA's long-standing interpretation is that RFP contingency measures can be triggered only by a finding that the area has failed to attain the NAAQS by the attainment date under 181(b)(2).¹¹ This interpretation is based on the RFP requirements of the CAA, the purpose of which is to "ensur[e] attainment of the applicable [NAAQS] by the applicable date."¹² Consistent with this purpose, under CAA section 182(g), ozone nonattainment areas classified "Serious" or higher are required to meet RFP emissions reduction "milestones" and to demonstrate compliance with those milestones, except when the milestone coincides with the attainment date and the standard has been attained.¹³ This specific statutory exemption from milestone compliance demonstration submittals for areas that attained by the attainment date indicates that Congress intended that a finding that an area attained the standard—the finding made in a determination of attainment by the attainment date—would serve as a demonstration that RFP requirements for the area have been met. In other words, if a Serious or above area has attained the NAAQS by the attainment date, the RFP milestones have been sufficiently achieved. Accordingly, such a finding would also indicate that RFP contingency measures could not be triggered and are therefore no longer necessary.

In the case of Moderate areas, there are no RFP milestone compliance

demonstration requirements.¹⁴ Therefore, the EPA has previously concluded that "a determination of attainment by the attainment date for a Moderate area serves as demonstration that RFP requirements for the area have been met and that RFP contingency measures are no longer needed."¹⁵

C. Requirement for Determination of Attainment of the 2015 Ozone NAAQS

Section 181(b)(2)(A) of the CAA requires that within six months following the applicable attainment date, the EPA shall determine whether an ozone nonattainment area attained the ozone standard based on the area's design value as of that date. If the EPA determines that an area failed to attain, CAA section 181(b)(2)(A) requires the area to be reclassified by operation of law to the higher of: (1) the next higher classification for the area, or (2) the classification applicable to the area's design value as of the determination of failure to attain.¹⁶ Section 181(b)(2)(B) of the CAA requires the EPA to publish the determination of failure to attain and accompanying reclassification in the **Federal Register** no later than six months after the attainment date, which was February 3, 2025 for the Phoenix-Mesa area.

The EPA's proposed determination that the Phoenix-Mesa area would have attained the 2015 ozone NAAQS but for international emissions is based in part upon data that have been collected and quality-assured by the Arizona Department of Environmental Quality (ADEQ), the Maricopa County Air Quality Department (MCAQD), the Pinal County Air Quality Control District (PACQCD), and the Salt River Pima Maricopa Indian Community (SRPMIC) in accordance with 40 CFR part 58 and recorded in the EPA's Air Quality System (AQS) database.¹⁷

¹⁴ CAA section 182(g)(1)(exempting areas classified as Moderate from milestone requirements).

¹⁵ 84 FR 52838, 52847 (October 3, 2019). See also 85 FR 33571 (June 2, 2020) (finalizing this interpretation).

¹⁶ If the EPA were to determine that the Phoenix-Mesa nonattainment area failed to attain by the attainment date, it would be classified to the next highest classification of Serious. The reclassified area would then be subject to the Serious area requirement to attain the 2015 ozone NAAQS as expeditiously as practicable, but not later than August 3, 2027.

¹⁷ The EPA maintains the AQS, a database that contains ambient air pollution data collected by the EPA, state, local, and tribal air pollution control agencies. The AQS also contains meteorological data, descriptive information about each monitoring station (including its geographic location and its operator) and data quality assurance/quality control information. The AQS data are used to (1) assess air quality, (2) assist in attainment/non-attainment

⁸ 83 FR 10376 (March 9, 2018), effective May 8, 2018.

⁹ 87 FR 60897.

¹⁰ See 84 FR 58641, 58660 (November 1, 2019) (proposing the same interpretation with respect to Imperial County for the 2008 ozone NAAQS); 85 FR 11817 (February 27, 2020) (finalizing the same).

¹¹ See 57 FR 13498, 13511 (contrasting Moderate areas, for which contingency measures would be triggered "when the area fails to attain the standard by the attainment date" with Serious and above areas, for which contingency measures would also be triggered "if the area fails to meet the rate-of-progress requirements for any milestone other than one falling on an attainment year"). See also Memorandum from G.T. Helms, Chief Ozone/Carbon Monoxide Programs Branch, to Air Branch Chief, Regions I–X ("The test for moderate areas will be whether they attained the standard because the attainment date for moderate areas coincides with the milestone demonstration date. Failure to attain will cause an area to be required to implement its contingency measures . . .").

¹² CAA section 171(1).

¹³ CAA section 182(g)(2).

The level of the 2015 ozone NAAQS is 0.070 parts per million (ppm).¹⁸ Under the EPA regulations at 40 CFR part 50, appendix U, the 2015 ozone NAAQS is attained at a site when the 3-year average of the annual fourth highest daily maximum 8-hour average ambient ozone concentration (*i.e.*, DV) does not exceed 0.070 ppm. When the DV does not exceed 0.070 ppm at each ambient air quality monitoring site within the area, the area is deemed to be attaining the ozone NAAQS. Each area's DV is determined by the highest DV among monitors with valid DVs.¹⁹ The data handling convention in appendix U dictates that concentrations shall be reported in "ppm" to the third decimal place, with additional digits to the right being truncated. Thus, a computed 3-year average ozone concentration of 0.071 ppm is greater than 0.070 ppm and would exceed the standards, but a computed 3-year average ozone concentration of 0.0709 ppm is truncated to 0.070 ppm and attains the 2015 ozone NAAQS.

For the Phoenix-Mesa area, the Moderate attainment date was August 3, 2024. Because the DV is based on the three most recent, complete calendar years of data, attainment must occur no later than December 31 of the year prior to the attainment date (*i.e.*, December 31, 2023, in the case of Moderate nonattainment areas for the 2015 ozone NAAQS). Therefore, the EPA's determinations for this area are based in part upon the complete, quality-assured, and certified ozone monitoring data from calendar years 2021, 2022, and 2023. The DV for this period is 0.080 ppm, indicating that the Phoenix area did not attain the 2015 ozone NAAQS by its August 3, 2024 attainment date.²⁰

designations, (3) evaluate SIPs for non-attainment areas, (4) perform modeling for permit review analysis, and (5) prepare reports for Congress as mandated by the CAA. Access is through the website at <https://www.epa.gov/aqs>.

¹⁸ See 40 CFR 50.19.

¹⁹ According to appendix U to 40 CFR part 50, ambient monitoring sites with a DV of 0.070 ppm or less must meet minimum data completeness requirements in order to be considered valid. These requirements are met for a 3-year period at a site if daily maximum 8-hour average ozone concentrations are available for at least 90% of the days within the ozone monitoring season, on average, for the 3-year period, with a minimum of at least 75% of the days within the ozone monitoring season in any one year. Ozone monitoring seasons are defined for each State in appendix D to 40 CFR part 58. DVs greater than 0.070 ppm are considered to be valid regardless of the data completeness.

²⁰ 2023 Design Value_20241106_AMP480_2237472.

D. International Transport and Clean Air Act Section 179B

CAA section 179B(b) provides that where a state demonstrates to the Administrator's satisfaction that an ozone nonattainment area would have attained the NAAQS by the applicable attainment date but for emissions emanating from outside the United States (U.S.), that area shall not be subject to the mandatory reclassification provision of CAA section 181(b)(2).²¹ In the event an air agency does not demonstrate to the Administrator's satisfaction that it would have attained the NAAQS but for international emissions, it will be reclassified to the next higher classification.

Anthropogenic emissions sources outside of the U.S. can affect to varying degrees the air quality of nonattainment areas in the U.S. In a nonattainment area affected by international emissions, an air agency may elect under CAA section 179B to develop and submit to the EPA a demonstration intended to show that a nonattainment area would attain, or would have attained, the relevant NAAQS by the applicable statutory attainment date "but for" emissions emanating from outside the U.S.²² Under CAA section 179B, the EPA evaluates such demonstrations, and if it agrees with the air agency's demonstration, the EPA considers the impacts of international emissions in taking specific regulatory actions.

CAA section 179B provides the EPA with authority to consider impacts from international emissions in two contexts: (1) a "prospective" state demonstration submitted as part of an attainment plan, which the EPA considers when determining whether the SIP adequately demonstrates that a nonattainment area will attain the NAAQS by its future attainment date (CAA section 179B(a)); or (2) a "retrospective" state demonstration, which the EPA considers after the attainment date in determining whether a nonattainment area attained the NAAQS by the attainment date (CAA section 179B(b)–(d)).

First, CAA section 179B(a) provides that, "[n]otwithstanding any other provision of law, an implementation

plan or plan revision required under this chapter shall be approved by the Administrator if: (1) such plan or revision meets all the requirements applicable to it . . . other than a requirement that such plan or revision demonstrate attainment and maintenance of the relevant national ambient air quality standards by the attainment date specified under the applicable provision of this chapter, or in a regulation promulgated under such provision; and (2) the submitting state establishes to the satisfaction of the Administrator that the implementation plan of such state *would be adequate to attain and maintain the relevant national ambient air quality standards by the attainment date* . . . but for emissions emanating from outside of the United States," (emphasis added). The EPA refers to CAA section 179B(a) demonstrations as "prospective" demonstrations because they are intended to assess future air quality, taking into consideration the impact of international emissions.

Second, CAA section 179B(b) provides that, for ozone nonattainment areas, "[n]otwithstanding any other provision of law, any State that establishes to the satisfaction of the Administrator that . . . such State *would have attained* the national ambient air quality standard . . . by the applicable attainment date but for emissions emanating from outside of the United States," (emphasis added) shall not be subject to reclassification to a higher classification category by operation of law, as otherwise required in CAA section 181(b)(2).²³ The EPA refers to demonstrations developed under CAA section 179B(b) as "retrospective" demonstrations because they involve analyses of past air quality (*e.g.*, air quality data from the years evaluated for determining whether an area attained by the attainment date). Thus, an EPA-approved retrospective demonstration provides relief from reclassification that would have resulted from the EPA determining that the area failed to attain the NAAQS by the relevant attainment date.

Irrespective of whether developing and submitting a prospective or retrospective CAA section 179B demonstration, states still must meet all nonattainment area requirements

²¹ Note that the statute cites 42 U.S.C. 7511(a)(2), but that provision establishes ozone attainment deadlines for severe areas under the 1-hour standard. The EPA has long interpreted the citation in CAA section 179B(b) to be a scrivener's error that was supposed to refer to 42 U.S.C. 7511(b)(2), which refers to consequences for failure to attain by the attainment date.

²² All references to CAA section 179B are to 42 U.S.C. 7509a. International border areas, as added Pub. L. 101-549, title VIII, section 818, 104 Stat. 2697 (November 15, 1990).

²³ The EPA's longstanding view is that CAA section 179B(b) contains an erroneous reference to section 181(a)(2), and that Congress actually intended to refer here to section 181(b)(2), which addresses reclassification requirements for ozone nonattainment areas. See "State Implementation Plans; General Preamble for the Implementation of Title I of the Clean Air Act Amendments of 1990," 57 FR 13498, 13569, footnote 41 (April 16, 1992).

applicable for the relevant NAAQS and area classification. The 2015 Ozone NAAQS Implementation Rule did not include regulatory requirements specific to CAA section 179B but did provide guidance on certain points. In the preamble to the rule, the EPA confirmed that: (1) only areas classified Moderate and higher must show that they have implemented RACM/RACT; (2) CAA section 179B demonstrations are not geographically limited to nonattainment areas adjoining an international border; and, (3) a state demonstration prepared under CAA section 179B can consider emissions emanating from sources in North America (*i.e.*, Canada or Mexico) or sources on other continents.²⁴ In the preamble to that rule, the EPA encouraged air agencies to consult with the appropriate EPA regional office in developing CAA section 179B demonstrations.

The EPA issued more detailed guidance regarding CAA section 179B on December 18, 2020, which included recommendations to assist state, local, and Tribal air agencies that intend to develop a CAA section 179B demonstration (“179B Guidance”).²⁵ On April 7, 2025, the Administrator rescinded the 179B Guidance and announced that the “EPA intends to work with state and local air agencies to develop the evidence necessary to grant regulatory relief under CAA Section [179B].”²⁶ Accordingly, in this action, the EPA is applying interpretations and policies that differ in certain respects from those set forth in the rescinded 179B Guidance and previous actions under 179B(b), consistent with the discretion provided to the EPA under the Act and relevant case law.²⁷

The CAA does not specify what technical analyses would be sufficient to demonstrate “to the satisfaction of the Administrator” that a “State would have attained the [ozone NAAQS] by the applicable attainment date, but for” international emissions. Moreover, the

best reading of the phrase “to the satisfaction of the Administrator” is that it provides inherent flexibility to the EPA to determine what analyses are sufficient for this purpose.²⁸ As described in previous EPA 179B(b) determinations, “[g]iven the extensive number of technical factors and meteorological conditions that can affect international transport of air pollution, and the lack of specific guidance in the Act, the EPA evaluates CAA section 179B demonstrations based on the weight of evidence of all information and analyses provided by the air agency.”²⁹ We have further explained that, “[t]he EPA considers and qualitatively weighs all evidence based on its relevance to CAA section 179B and the nature of international contributions as described in the demonstration’s conceptual model. Every demonstration should include fact-specific analyses tailored to the nonattainment area in question.”³⁰ The EPA is retaining this overall weight-of-evidence approach to evaluating 179B(b) demonstrations, which we find to be consistent with the discretion granted to the agency to under section 179B(b). However, we no longer consider specific characteristics as necessarily suggesting the need for a more detailed demonstration with additional evidence.³¹ Similarly, we are no longer applying our previous policy that, “[w]hen a CAA section 179B demonstration shows that international contributions are larger than domestic contributions, the weight of evidence will be more compelling than if the demonstration shows domestic contributions exceeding international contributions.”³²

²⁸ *Loper Bright Enterprises v. Raimondo*, 609 U.S. 369, 395 (2024) (“[O]ther statutes[] empower an agency . . . to regulate subject to the limits imposed by a term or phrase that ‘leaves the agencies with flexibility,’ . . . such as ‘appropriate’ or ‘reasonable.’”).

²⁹ 87 FR 50030, 50033 (August 15, 2022); see also 87 FR 21842, 21852 (April 13, 2022).

³⁰ *Id.*

³¹ In previous actions on 179B demonstrations, the EPA has stated the following characteristics would suggest the need for a more detailed demonstration with additional evidence: (1) affected monitors are not located near an international border; (2) specific international sources and/or their contributing emissions are not identified or are difficult to identify; (3) exceedances on internationally influenced days are in the range of typical exceedances attributable to local sources; and (4) exceedances occurred in association with other processes and sources of pollutants, or on days where meteorological conditions were conducive to local pollutant formation (*e.g.*, for ozone, clear skies and elevated temperatures). See 87 FR 60897, 60906 (October 7, 2022); 87 FR 50030, 50033 (August 15, 2022).

³² 179B Guidance, p. 7. See also 87 FR 60897, 60906.

In evaluating previous CAA section 179B demonstrations, the EPA has also considered what measures an air agency has implemented to control local emissions. Specifically, the EPA has stated, “(f)or the EPA to concur with a state’s CAA section 179B retrospective demonstration, the weight of evidence should show the area could not attain with on-the-books measures and potential reductions associated with controls required for that particular NAAQS and classification that are to be implemented by the attainment date.”³³ The EPA has also noted that, “[b]ecause CAA section 179B does not relieve an air agency of its planning or control obligations, the air agency should show that it has implemented all required emissions controls at the local level as part of its demonstration.”³⁴ The EPA is now determining that its prior interpretation of CAA section 179B(b) with regard to planning and control obligations was not the best reading of the statute. CAA section 179B(b) does not expressly require that a state meet all CAA requirements for an area’s classification before the EPA can approve a retrospective demonstration. Accordingly, the EPA is now proposing to change our policy with respect to analysis of potential controls as part of a 179B(b) demonstration. Under the proposed new interpretation, states will no longer be expected to show that they could not attain with on-the-books measures and potential reductions associated with controls required to be implemented by the attainment date in order to qualify for approval of a 179B(b) determination. For example, areas classified Moderate and higher would no longer need to show that they could not attain by implementing RACM/RACT. However, approval of a 179B(b) demonstration does not relieve a state of its obligation to adopt and submit the required SIP elements for its existing classification, with the exception of contingency measures as described in section III. of this document.

E. Exceptional Events and Other Data Modification

Congress has recognized that it may not be appropriate for the EPA to use

³³ 87 FR 21842, 21852 (April 13, 2022). See also 87 FR 50030, 50034 (August 15, 2022).

³⁴ *Id.* See also 83 FR 62998, 63010 (“The EPA is not finalizing our proposed requirement that all demonstrations under CAA section 179B(b) must include a showing that the air agency adopted all RACM, including RACT. . . . For purposes of CAA section 179B demonstrations for the 2015 ozone NAAQS, we are maintaining the approach used for prior ozone standards that only areas classified Moderate and higher must show that they have implemented RACM/RACT.”)

²⁴ 83 FR 62998, 63009.

²⁵ “Guidance on the Preparation of Clean Air Act Section 179B Demonstrations for Nonattainment Areas Affected by International Transport of Emissions” issued on December 18, 2020. The EPA also issued a notice of availability in the **Federal Register** on January 7, 2021 (86 FR 1105).

²⁶ <https://www.epa.gov/newsreleases/administrator-zeldin-moves-forward-ensuring-us-states-are-not-punished-foreign-air>.

²⁷ See, *e.g.*, *FCC v. Fox Television Stations, Inc.*, 556 U.S. 502, 515 (2009) (referencing *Motor Vehicle Mfrs. Ass’n of United States, Inc. v. State Farm Mut. Auto. Ins. Co.*, 463 U.S. 29 (1983)) (an agency is free to change a prior policy and “need not demonstrate . . . that the reasons for the new policy are better than the reasons for the old one; it suffices that the new policy is permissible under the statute, that there are good reasons for it, and that the agency believes it to be better.”)

certain monitoring data collected by the ambient air quality monitoring network and maintained in the AQS in certain regulatory determinations. Thus, in 2005, Congress provided the statutory authority for the exclusion of data influenced by “exceptional events” meeting specific criteria by adding section 319(b) to the CAA. To implement this 2005 CAA amendment, the EPA promulgated the 2007 Exceptional Events Rule.³⁵ The 2007 Exceptional Events Rule created a regulatory process codified at 40 CFR parts 50 and 51 (§§ 50.1, 50.14 and 51.930). These regulatory sections, which superseded the EPA’s previous guidance on handling data influenced by events, contain definitions, procedural requirements, requirements for air agency demonstrations, criteria for the EPA’s approval of the exclusion of event-affected air quality data from the data set used for regulatory decisions, and requirements for air agencies to take appropriate and reasonable actions to protect public health from exceedances or violations of the NAAQS. In 2016, the EPA promulgated a comprehensive revision to the 2007 Exceptional Events Rule.³⁶ Under the Exceptional Events Rule, if a state demonstrates to the EPA’s satisfaction that emissions from a wildfire caused a specific air pollution concentration in excess of the NAAQS at a particular air quality monitoring location and otherwise satisfies the requirements of 40 CFR 50.14, the EPA

must exclude that data from use in determinations of exceedances and violations.³⁷

In 2019, the EPA issued guidance clarifying what types of regulatory determinations fall under the Exceptional Events Rule and identifying “other determinations, actions, and analyses that are not covered by the scope of the Exceptional Events Rule, but for which the exclusion, selection, or adjustment of monitoring data may be appropriate and allowable” under the CAA and applicable rules and guidance.³⁸ Among other things, the Clarification Memo on Data Modification cites the EPA’s Guideline on Air Quality Models (“Guideline”),³⁹ which allows for modification of the ambient data record for purposes of certain modeling analyses. In particular, the Guideline allows for “removal of data from specific days or hours when a monitor is being impacted by activities that are not typical or not expected to occur again in the future (e.g., construction, roadway repairs, forest fires, or unusual agricultural activities).”⁴⁰ These types of events are commonly known as “atypical events.” The Clarification Memo on Data Modification also cites modeling guidance issued by the EPA in 2018,⁴¹ which, in turn, discusses atypical events in the context of (1) establishing a base design value,⁴² and (2) developing relative response factors (RRFs).⁴³

II. Phoenix-Mesa Ozone Determination of Attainment but for International Emissions

A. Phoenix-Mesa Ozone Nonattainment Area

The Phoenix area is located in south-central Arizona along the channel and flood plain of the Salt River and includes the majority of Maricopa County and smaller portions of Gila County and Pinal County. In 2023 the Phoenix-Mesa-Chandler metro population was 5.1 million. The elevation of downtown Phoenix is about 350 meters above mean sea level (MSL) and it is surrounded by mountains as high as 1,400 meters above MSL. Given its location in the Sonoran Desert, the area experiences a continental summer climate with hot, dry summers dominated by persistent high-pressure systems.

B. Ozone Monitoring Sites in Phoenix-Mesa

There are currently 25 ozone monitoring sites in the Phoenix-Mesa nonattainment area.

Table 1 of this document shows the annual fourth highest daily maximum 8-hour average ozone concentration and 2021–2023 DV for each monitor in the Phoenix-Mesa area. All monitors have violating 2021–2023 DVs, except for the Buckeye monitor, which is located in an upwind rural area, and the Humboldt Mountain monitor, which is located in a downwind rural area.

TABLE 1—2021–2023 FOURTH HIGHEST DAILY MAXIMUM 8-HOUR AVERAGE OZONE CONCENTRATIONS AND DESIGN VALUES AT ALL MONITORS IN THE PHOENIX-MESA, AZ AREA

AQS site ID	Site name	Monitoring agency	Fourth highest daily maximum 8-hour average ozone concentration (ppm)			2021–2023 DV (ppm)
			2021	2022	2023	
04–007–0010	Tonto National Monument	ADEQ	0.075	0.074	0.076	0.075
04–013–0019	West Phoenix	MCAQD	0.078	0.076	0.077	0.077
04–013–1003	Mesa	MCAQD	0.083	0.078	0.080	0.080
04–013–1004	North Phoenix	MCAQD	0.081	0.077	0.077	0.078
04–013–1010	Falcon Field	MCAQD	0.080	0.078	0.080	0.079
04–013–2001	Glendale	MCAQD	0.079	0.081	0.079	0.079
04–013–2005	Pinnacle Peak	MCAQD	0.079	0.077	0.076	0.077
04–013–3002	Central Phoenix	MCAQD	0.081	0.072	0.078	0.077
04–013–3003	South Scottsdale	MCAQD	0.081	0.068	0.074	0.074
04–013–4003	South Phoenix	MCAQD	0.074	0.069	0.076	0.073
04–013–4004	West Chandler	MCAQD	0.073	0.071	0.069	0.071
04–013–4005	Tempe	MCAQD	0.079	0.073	0.080	0.077
04–013–4008	Cave Creek	MCAQD	0.074	0.071	0.076	0.073
04–013–4010	Dysart	MCAQD	0.077	0.075	0.074	0.075
04–013–4011	Buckeye	MCAQD	0.071	0.071	0.067	0.069

³⁵ 72 FR 13560 (March 22, 2007).

³⁶ 81 FR 68216 (October 3, 2016). We refer herein to the 2016 revision as the “Exceptional Events Rule.”

³⁷ 40 CFR 50.14(b)(4).

³⁸ Memorandum from Richard Wayland, Director Air Quality Assessment Division, “Additional

Methods, Determinations, and Analyses to Modify Air Quality Data Beyond Exceptional Events,” dated April 4, 2019 (“Clarification Memo on Data Modification”).

³⁹ 40 CFR part 51, appendix W.

⁴⁰ 40 CFR part 51, section 8.3.2.c.ii. See also id. sections 8.3.2.d and 8.3.3.d.

⁴¹ EPA, “Modeling Guidance for Demonstrating Attainment of Air Quality Goals for Ozone, PM_{2.5} and Regional Haze,” dated November 2018 (“Modeling Guidance”).

⁴² Id. at 102–103.

⁴³ Id. at 105–106.

TABLE 1—2021–2023 FOURTH HIGHEST DAILY MAXIMUM 8-HOUR AVERAGE OZONE CONCENTRATIONS AND DESIGN VALUES AT ALL MONITORS IN THE PHOENIX-MESA, AZ AREA—Continued

AQS site ID	Site name	Monitoring agency	Fourth highest daily maximum 8-hour average ozone concentration (ppm)			2021–2023 DV (ppm)
			2021	2022	2023	
04–013–7020	Senior Center	SRPMIC	0.077	^a N/A	^a N/A	^b Invalid
04–013–7021	Red Mountain	SRPMIC	0.078	0.075	0.079	0.077
04–013–7022	Lehi	SRPMIC	0.076	0.079	0.082	0.079
04–013–7024	High School	SRPMIC	0.074	0.077	0.076	0.075
04–013–9508	Humboldt Mountain	MCAQD	0.066	0.072	0.073	0.070
04–013–9702	Blue Point	MCAQD	0.072	0.077	0.080	0.076
04–013–9704	Fountain Hills	MCAQD	0.076	0.076	0.070	0.074
04–013–9997	JLG Supersite	ADEQ	0.082	0.076	0.083	0.080
04–021–3001	Apache Junction	PCAQCD	0.074	0.072	0.072	0.072
04–021–8001	Queen Valley	ADEQ	0.073	0.077	0.075	0.075

Sources: 2023 Design Value 20241106 AMP480 2237472; Modeling Protocol table 2–1.

^a The required annual 75 percent completeness criterion was not met, therefore the annual fourth highest daily maximum values were not provided.

^b The design value for the Senior Center site is invalid due to construction and was therefore not operational beginning August 18, 2022 and all of 2023.

C. Summary of the State's Submission

On September 24, 2025, the Maricopa Association of Governments (MAG) submitted to the EPA for review the “MAG 2025 Clean Air Act Section 179B(b) Retrospective Demonstration of the Impact of International Emissions on Ozone Concentrations in the Maricopa Nonattainment Area” (“Demonstration”).⁴⁴ The Demonstration includes two reports developed by consultants for MAG and submitted as appendices to the Demonstration.⁴⁵ Using several lines of evidence, MAG evaluated the extent to which ambient ozone levels in the Phoenix-Mesa area have been affected by international emissions. This evaluation includes a conceptual model of ozone formation in the Phoenix-Mesa area including a discussion of the meteorological and topographic conditions that influence ozone formation; modeling to quantify international contribution; information about precursor emissions and ozone air quality trends; and an analysis of the transport patterns influencing the area. In addition, MAG provided information to support the exclusion of days that it

found to be possibly influenced by wildfires, as discussed in section II.C.1. of this document.

1. Exclusion of Wildfire-Influenced Days

MAG discussed the handling of potential wildfire impacts in section 1.5 of the Demonstration. As an initial step, MAG, ADEQ, MAQD, and PCAQD identified 76 exceedance days as potentially influenced by wildfire in 2021–2023. MAG then selected a subset of 31 days from the original 76 days to exclude from the base DV⁴⁶ used in modeling. MAG explained that it did not submit these days as exceptional events because, “[t]he action requested in this demonstration (adjustment of base modeling year design value) does not readily fall under the type of actions that would trigger using the Exceptional Events Rule,”⁴⁷ but rather more closely aligns with data modification appropriate for developing a representative base design value for use in modeling analyses, as discussed in the Clarification Memo on Data Modification, Modeling Guideline, and Modeling Guidance.

The Atypical Events Evaluation, which was included as appendix C to the Demonstration, provided information to support the exclusion of these 31 days at exceeding monitors in the Phoenix-Mesa area as atypical events based on evidence that “wildfire-generated smoke, and ozone precursors

from the smoke, have impacted ozone concentrations” in the nonattainment area.⁴⁸ The EPA’s evaluation of these analyses is provided in the EPA’s “Technical Support Document for Review of Atypical Events on 2015 8-Hour Ozone Phoenix-Mesa, AZ Nonattainment Area for the 179B(b) Demonstration” (“Atypical Events TSD”) and summarized in section II.D. of this document.

2. Conceptual Model

MAG provided a conceptual model describing ozone formation in the Phoenix-Mesa area in section 2 and appendix B of the Demonstration. Overall, MAG cited the following as key ozone formation factors for the area:

- Multiple days of intense solar radiation, high temperatures and stagnant conditions, combined with sustained natural and anthropogenic emissions, lead to a photochemical buildup of ozone pollution.
- Daytime temperatures often exceed 100 °F, while the Urban Heat Island effect causes overnight temperatures to remain elevated.
- Sustained valley/mountain breeze circulation pattern traps ozone in basin.
- The inversion layer traps ozone and ozone precursors from the previous day, enhancing ozone concentration due to strong vertical mixing after sunrise.
- Westerly regional and long-range transport patterns bring pollution and wildfire smoke from throughout western North America.
- Frequent long-range transport due to wind shifts during the summer monsoon season brings ozone and ozone precursors from Mexico into the region.

⁴⁴ Letter dated September 24, 2025, from Ed Zuercher, Executive Director, MAG, to Lee Zeldin, Administrator, EPA.

⁴⁵ Ramboll Americas Engineering Solutions, Inc. (“Ramboll”), “Technical Analyses in Support of the MAG 2025 Clean Air Act § 179B(b) Retrospective Demonstration for the Maricopa Ozone Nonattainment Area,” dated September 2025 and submitted as appendix A of the Demonstration (“Ramboll Report”) and Sonoma Technology, “Evaluation of Atypical Exceedance Days of the 2015 Ozone Standard in the Maricopa Ozone Nonattainment Area for Wildfire Impacts (2021–2023),” dated September 2025 and submitted as appendix C of the Demonstration (“Atypical Events Evaluation”).

⁴⁶ MAG used the 2023 DV for each monitoring site as the base design value or anchor point for determining whether, when estimated modeled international anthropogenic contributions are removed, the monitor would have had an attaining design value.

⁴⁷ Demonstration, p. 13.

⁴⁸ Atypical Events Evaluation, p. 4.

- Stratospheric intrusions contribute to downward transport of ozone-rich air mass from upper levels.
- High-resolution satellite data link summer ozone exceedances to consistently higher NO₂ levels (especially morning/early afternoon) and reveal profound, distinct impacts of wildfire smoke on NO₂ and formaldehyde (HCHO).⁴⁹

As part of its conceptual model, MAG also provided information regarding ozone and precursor emissions monitoring, ozone exceedances during the 2021–2023 design value period, meteorological evidence of transport from Mexico, and a conceptual model of international transport of emissions. Specifically, MAG discussed two international transport patterns: a lower-level atmospheric flow pattern that brings humid air northward from Mexico into the Sonoran Desert and Great Basin states during July and August, and a mid- to upper-level atmospheric pattern linking Asia to the western U.S., which is more significant during the late spring through early summer.

3. Photochemical Modeling

In the Demonstration, MAG included results of modeling performed by MAG and its consultant Ramboll, using both the Comprehensive Air Quality Model with extensions (CAMx) and the Community Multiscale Air Quality (CMAQ) model to simulate ozone air quality over southwestern North America during the 2023 summer ozone season.

a. Source Apportionment Modeling

The primary line of evidence in the Demonstration is CAMx modeling with Ozone Source Apportionment Technology (OSAT) performed by Ramboll using MAG's 2023 modeling platform to quantify local, regional, and international contributions to ozone within the nonattainment area. This modeling is described in section 3 and appendix B of the Demonstration and section 3.2 of the Ramboll Report. The MAG modeling platform consists of a set of three nested grids: a southwestern

North America domain at 36 km horizontal resolution, an Arizona domain at 12 km resolution, and a domain for Maricopa NAA at 4 km resolution. Each domain resolves the atmosphere in 23 layers spanning from the surface up to the tropopause. MAG modeled the 2023 summer ozone season (April–September) using the Weather Research and Forecasting (WRF) model to develop three-dimensional meteorological fields for all grids and the Sparse Matrix Operator Kernel Emissions (SMOKE) processing system to develop anthropogenic, biogenic, and fire emission inventories within the domain. MAG developed three-dimensional initial/boundary conditions (IC/BC) for the master domain from Ramboll's application of the GEOS-Chem⁵⁰ global chemistry model for the 2023 year. The GEOS-Chem runs included: (1) a full representation of ozone, particulate matter, precursors, and products from the entire globe, and (2) a scenario in which all international anthropogenic (IA) emissions were removed (known as a “zero-out” run). OSAT uses time- and space-resolved BC concentration differences between the two global model scenarios to track the global IA contributions to total simulated ozone at NAA monitors.

Section 3.2.1 of the Ramboll Report describes the modeling configuration. OSAT tracked three emissions sector groups (anthropogenic, natural, and fire sources) and two source apportionment IC/BC groups (one representing global IA ozone and precursors and the other representing global natural and US emissions). Three geographic regions were defined in OSAT at the resolution of each modeling grid: the Maricopa NAA, the rest of the U.S. including 200 km territorial waters, and Mexico. The sum of tracers for ozone formed under NO_x sensitive conditions and ozone formed under VOC sensitive conditions associated with anthropogenic Mexico emissions and IC/BC IA, represent the

total international contribution from international emissions for the purposes of this 179B(b) demonstration.

Section 3.2 of the Demonstration and section 3.2.2 of the Ramboll Report summarize the 2023 OSAT results for Phoenix-Mesa area monitoring sites, as extracted from the 4-km grid and post-processed to daily maximum 8-hour average (MDA8) concentrations. To quantify IA impacts on 2021–2023 DVs, Ramboll used a modified version of the EPA's recommended “modeled attainment test.”⁵¹ In a typical attainment demonstration, the relative (or fractional) change in concentration between the modeled base year and a modeled future year provides a relative response factor (RRF). Each monitoring site's RRF is then multiplied by its monitored base year design value to provide an estimated future design value for comparison to the NAAQS. In this instance, instead of using a modeled base year and a modeled future year to develop the RRFs, MAG and Ramboll used the post-processed CAMx OSAT results, in the form of hourly cumulative ozone concentrations excluding ozone tracers for the total IA (BC IA + Mexico IA) to develop RRFs representing the fractional change in ozone concentration when IA sources are excluded.⁵² In addition, Ramboll calculated adjusted RRFs with wildfire-impacted days removed from the top-ten modeled days. Ramboll then used SMAT-CE to apply these unadjusted and adjusted RRFs to the unadjusted and adjusted 2021–2023 DVs respectively to provide an estimated design values without IA sources for comparison to the NAAQS.⁵³ The results are summarized in table 3–1 of the Demonstration and table 2 of this document.

⁵¹ See the EPA's “Modeling Guidance for Demonstrating Attainment of Air Quality Goals for Ozone, PM_{2.5} and Regional Haze,” dated November 2018 (“Modeling Guidance”), Chapter 4.

⁵² Demonstration appendix B, p. 146.

⁵³ Unadjusted 2021–2023 DVs refers to MDA8 ozone DVs for all official sites operating in the Maricopa NAA in AQS; adjusted DVs refers to 2021–2023 MDA8 ozone DVs from MAG reflecting the removal of 31 atypical wildfire days as discussed in section II.C.1. of this document.

⁴⁹ Demonstration, p. 17.

⁵⁰ GEOS-Chem is a global 3–D model of atmospheric chemistry driven by meteorological input from the Goddard Earth Observing System (GEOS) of the NASA Global Modeling and Assimilation Office.

TABLE 2—SUMMARY RESULTS OF OZONE SOURCE APPORTIONMENT MODELING

Source apportionment modeling results	2023 Ozone DV including international emissions (ppb)	2023 Ozone DV excluding international emissions (ppb)	2023 Ozone impact of international emissions (ppb)
Average of All Nonattainment Area Monitors	75	60	15
Average of All Nonattainment Area Monitors with Wildfire Days Excluded	73	57	16
Maximum Ozone Concentration Monitor	80	66	14
Maximum Ozone Concentration Monitor with Wildfire Days Excluded	77	62	15

Source: Demonstration, table 3–1.

Ramboll also provided site-averaged stacked area plots of simulated MDA8 ozone contributions from BC IA and Mexico IA sectors to illustrate the change in contributions from different international source regions over time. Ramboll noted that, IA contributions via BC (Asia/Intercontinental) dominate in April through June, and September, when stronger westerly winds are predominant, whereas in July through August, during southerly monsoonal flow, BC IA decreases significantly while Mexican contributions increase.

MAG provided an evaluation of photochemical modeling performance in section 3.3 and appendix B of the Demonstration. In addition, MAG provided additional detail regarding the source apportionment modeling results in section 7.2 of appendix B, including monitor-specific results and month-by-month comparisons of international and local anthropogenic source contributions. The monthly contribution results indicate that during most of the ozone season (April, May, June, and September) the international anthropogenic contribution is greater than the local (non-attainment area) anthropogenic contribution, while the local anthropogenic contribution is greater than the international anthropogenic contribution in July and August.

b. Zero-Out Modeling

In section 3.4 and appendix B, sections 7.1 and 7.4 of the Demonstration, MAG described the results of “zero-out” CAMx and CMAQ modeling simulations performed for comparison to the CAMx source apportionment modeling. Specifically, MAG performed CAMx zero-out simulations using the GEOS-Chem zero-out of international anthropogenic emissions scenario as the IC/BC and removing Mexico manmade emissions within the CAMx modeling domains. The zero-out simulations were compared to base year modeling to develop RRFs and applied them to the ozone DVs. This produced an estimated 2023 ozone DV in the absence of IA sources of 70 ppb, based on a starting ozone design value of 80 ppb (*i.e.*, potentially wildfire-impacted exceedance days not excluded), and 65 ppb with potentially wildfire-impacted exceedance days excluded. The analogous CMAQ zero-out modeling produced 2023 ozone DV of 70 ppb, based on a starting ozone design value of 80 ppb, and 64 ppb with potentially wildfire-impacted exceedance days excluded. MAG concluded that all simulations presented in the Demonstration estimated an attaining DV when IA sources were excluded.

4. Additional Analyses

In addition to the photochemical modeling described in section II.C.3. of this document, MAG and Ramboll provided the results of three secondary analyses used as supporting evidence: (1) EPA ozone photochemical modeling for manmade international emissions; (2) air parcel transport pattern analysis; and (3) ozone precursor emissions trends in the nonattainment area and in Mexico.

a. EPA Modeling of International Contribution

Section 4.1 of the Demonstration and sections 3.3 and 3.4 of the Ramboll Report summarize the results of photochemical modeling performed by the EPA in 2021 and 2023. In the 2021 modeling,⁵⁴ the EPA ran CMAQ for the base year of 2016 on a national grid with 12 km grid spacing and 35 vertical layers, then averaged total ozone and sector concentrations across the 10 highest modeled days at each grid cell coinciding with the peak monitor in each nonattainment area. The resulting modeled mean sector concentrations were scaled to represent their relative contribution to the 2018–2020 DV. Table 3 of this document lists the relative contributions by source category applied to the 2018–2020 DV value at the peak DV site in Phoenix.

TABLE 3—SUMMARY OF EPA SOURCE ATTRIBUTION MODELING RESULTS FOR PHOENIX-MESA

Site	2018–2020 DV	Natural	US	IA	Mix	DV without IA
Phoenix, AZ–05	79	27.0	38.3	8.5	5.1	70

Source: Ramboll Report, table 3–3. DVs are truncated to whole numbers to reflect the form of the ozone NAAQS.

With respect to the Phoenix-Mesa area, Ramboll concluded that “[a]ccording to EPA’s modeling, the IA contribution was estimated at 8.5 ppb, but source apportionment modeling would estimate a larger contribution by accounting for some fraction of the 5.1

ppb mixed anthropogenic component (for a total ozone contribution range of 8.5–13.6 ppb) and that “[r]emoving just the IA sector from the 79 ppb DV results in 70.5 ppb; *i.e.*, the Maricopa NAA would have attained the standard in 2020 but for the IA contribution.”⁵⁵

Ramboll also discussed the results of nationwide CAMx source apportionment modeling performed by the EPA to estimate contributions to 2023 ozone DVs from each state, Tribal lands, offshore marine vessel and oil/gas development, portions of Canada and

⁵⁴ Memorandum from Barron Henderson and Heather Simon (EPA, OAQPS), Subject: “Modeled U.S. and International Contributions for 2015

Ozone NAAQS Nonattainment Areas,” dated December 10, 2021 (“Henderson Simon Memo”).

⁵⁵ Ramboll Report, p. 32.

Mexico, biogenic emissions, wild and prescribed fires, lightning NO_x, and BC.⁵⁶ The EPA used the source apportionment results to apportion the projected 2021–2023 DV at each monitoring location. Ramboll

summarized the results of the EPA's modeling, averaged over the highest five sites in the nonattainment area for the following categories: Arizona, California (the largest upwind contributing state), Canada and Mexico, fires, and BC.

Because none of the projected 2023 DVs exceed 70 ppb, Ramboll also scaled those values to the actual peak monitored 2021–2023 DV of 80 ppb. The results are shown in table 4 of this document.

TABLE 4—MODEL-PROJECTED AND ACTUAL 2023 OZONE DV AND SOURCE CONTRIBUTIONS AVERAGED OVER THE HIGHEST 5 SITES IN THE MARICOPA NAA

	2023 DV	AZ	CA	C&M	Fires	BC
Projected DV	70	14.4	1.9	2.9	1.7	43.3
Actual DV	80	16.3	2.1	3.3	1.9	49.1

Source: Ramboll Report, table 3–4.

a. Air Parcel Transport Analysis

Section 5.1 of the Ramboll Report provides the results of a HYSPLIT⁵⁷ back trajectory analysis of the medium-range (three-day) origins of air parcels that arrived in the NAA on ozone exceedance days during 2021–2023. Ramboll ran the HYSPLIT model for each exceedance day and grouped the results by transport patterns (*i.e.*, northerly, easterly/southeasterly, southerly, and westerly). Out of all 160 exceedance days, 26 of the days (16 percent) were consistent with the northerly transport pattern; 44 days (28

percent) were consistent with the easterly pattern; 51 days (32 percent) were consistent with the southerly pattern; and 39 days (24 percent) were consistent with the westerly pattern.

Ramboll also recalculated the Maricopa NAA 2021–2023 DVs after excluding days with potential transport from Mexico (*i.e.*, all days with easterly, southerly, or westerly patterns) and presented these results in section 5.2 of the Ramboll Report, concluding that the average reduction in DV due to exclusion of wildfires and Mexican transport is 8.4 ppb.⁵⁸

a. Precursor and Ozone Trends

Section 4.0 of the Ramboll Report provides a comparison of ozone precursor emissions inventories and 2017–2023 trends for the Maricopa NAA (developed by MAG and Maricopa County) and the three Mexican border states of Baja California, Sonora, and Chihuahua (developed by the Eastern Research Group, Inc.). Summaries of the results of these analyses for NO_x and VOC are provided in tables 5 and 6 of this document respectively.

TABLE 5—2017 AND 2023 NO_x EMISSIONS, MARICOPA NAA US AND MEXICO BORDER STATES

Category	Maricopa NAA			Mexico border states		
	2017 (TPD)	2023 (TPD)	Percent change	2017 (TPD)	2023 (TPD)	Percent change
Point	9.35	7.49	–20	136.77	158.63	16
Airports	8.43	9.79	16	3.11	3.33	7
Area	11.51	9.25	–20	29.27	29.35	0.3
Nonroad	37.22	22.80	–39	53.12	50.81	–4
On-Road	80.74	39.59	–51	749.72	788.63	5
Emissions Reduction Credits (ERC)		0.01				
Mobile ERC		2.74				
Total	147.26	91.66	–38	971.99	1,030.75	6
Per capita (lbs/day)	0.062	0.036	–43	0.185	0.194	5

TABLE 6—2017 AND 2023 VOC EMISSIONS, MARICOPA NAA US AND MEXICO BORDER STATES

Category	Maricopa Nonattainment Area			Mexico Border States		
	2017 (TPD)	2023 (TPD)	Percent change	2017 (TPD)	2023 (TPD)	Percent change
Point	3.01	1.99	–34	26.88	31.04	15
Airports	4.21	4.90	16	0.66	0.70	6
Area	91.59	97.32	6	518.70	531.35	2
Nonroad	20.23	18.40	–9	3.29	3.05	–7
On-Road	48.82	37.16	–24	374.00	376.69	1
ERC		0.03				

⁵⁶EPA Office of Air Quality Planning and Standards, “Air Quality Modeling Technical Support Document, 2015 Ozone NAAQS SIP Disapproval Final Action” (January 31, 2023). In this instance, BC represents the entirety of global

pollutants, both natural and anthropogenic, other than from Canada and Mexico.

⁵⁷The HYSPLIT model, which is provided by the National Oceanic and Atmospheric Administration, “is a complete system for computing simple air

parcel trajectories, as well as complex transport, dispersion, chemical transformation, and deposition simulations.” <https://www.arl.noaa.gov/hysplit/>.

⁵⁸Ramboll Report, p. 32.

TABLE 6—2017 AND 2023 VOC EMISSIONS, MARICOPA NAA US AND MEXICO BORDER STATES—Continued

Category	Maricopa Nonattainment Area			Mexico Border States		
	2017 (TPD)	2023 (TPD)	Percent change	2017 (TPD)	2023 (TPD)	Percent change
Mobile ERC .....	.....	1.37	.....	.....	.....	.....
Total	167.86	161.18	– 4	923.53	942.83	2
Per capita (lbs/day)	0.071	0.063	– 11	0.175	0.177	1

D. EPA Review of the State's Submission

As part of meeting our duty to determine whether the Phoenix-Mesa area attained the 2015 ozone NAAQS by the applicable attainment date, the EPA evaluated air quality monitoring data submitted by ADEQ, MCAQD, PCAQCD, and SRPMIC to determine the attainment status of the Phoenix-Mesa nonattainment area as of its Moderate area attainment date. As indicated in table 1 of this document, the 2021–2023 DV is 0.080 ppm, indicating that the Phoenix-Mesa area did not attain the 2015 ozone NAAQS by its August 3, 2024 attainment date.

The EPA has also evaluated MAG's Demonstration. Our evaluation is included in the "EPA Evaluation of the Clean Air Act Section 179B(b) Demonstration for the Phoenix-Mesa 2015 Ozone NAAQS Nonattainment Area—Modeling and Impact of International Emissions Technical Support Document" ("179B(b) TSD") and the Atypical Events TSD provided in the docket for this rulemaking and our findings are summarized here. Overall, MAG's retrospective 179B(b) demonstration includes multiple lines of evidence focusing on 2021, 2022, 2023, which are the key years for evaluating attainment for a 2015 ozone Moderate nonattainment area. MAG provided a conceptual model showing that the area's ozone production is a complex mix of local emissions, interstate and international transport, and other meteorological factors. The primary line of evidence provided by MAG was photochemical source apportionment modeling, which indicated an international anthropogenic contribution of 14 ppb to the 2021–2023 DV of 80 ppb in the Phoenix-Mesa area which, when subtracted, would be an attaining value.

Other photochemical modeling, including zero-out modeling performed by the EPA and MAG, indicated an international anthropogenic contribution of 8.5–10.0 ppb to the Phoenix-Mesa area DV. Variation among modeling approaches means that there

can be a range in credible estimates. Information regarding potential wildfire influences on 31 exceedance days in 2021–2023, while not conclusive, adds additional supporting evidence. MAG also provided emissions estimates that ozone precursor emissions in the NAA are decreasing, while emissions in Mexico are increasing. Air parcel transport provided additional qualitative evidence of influence of emissions from Mexico on the Phoenix-Mesa area.

Based on the weight of evidence provided in these analyses collectively, the EPA proposes to find that MAG has established to the satisfaction of the Administrator that the Phoenix-Mesa area would have attained the 2015 ozone NAAQS by the applicable attainment date, but for emissions emanating from outside of the United States. Specifically, as described in detail in the 179B(b) TSD, we find that, collectively the weight of evidence supports the conclusion that the 2023 ozone design values at all monitoring sites in the Phoenix area would have been at or below 0.070 ppm (70 ppb) but for the influence of international emissions. Accordingly, the EPA is proposing to approve the Demonstration and determine that the Phoenix-Mesa nonattainment area ("Phoenix-Mesa area") would have attained the 2015 ozone national ambient air quality standards (NAAQS) by the August 3, 2024 "Moderate" area attainment date, but for emissions emanating from outside the United States. If finalized, this action will fulfill the EPA's statutory obligation under CAA section 181(b)(2) to determine whether the Phoenix area attained the 2015 ozone NAAQS as of the attainment date of August 3, 2024.

III. Proposed Action

For the reasons discussed in this document and the associated technical support documents, the EPA proposes to find that MAG has established to the satisfaction of the Administrator that the Phoenix area would have attained the 2015 ozone NAAQS by the Moderate

area attainment date of August 3, 2024, but for emissions emanating from outside the United States. If finalized, per CAA section 179B(b), Arizona will no longer be subject to the provisions of CAA section 181(b)(2), and the EPA's obligation under those provisions with respect to the Phoenix-Mesa Moderate 2015 ozone nonattainment area will therefore be fulfilled. The area will remain designated nonattainment and thus the State must continue to comply with applicable requirements for a Moderate ozone nonattainment area, except with respect to contingency measures, as described below.

In addition, the EPA also proposes to find that, if we finalize our 179B(b) determination as proposed, the contingency measure requirements of CAA section 172(c)(9) would no longer apply to the Phoenix-Mesa Moderate 2015 ozone nonattainment area. Specifically, as explained in section I.B. of this document, attainment contingency measures and RFP contingency measures can only be triggered for a Moderate ozone nonattainment area by a finding of failure to attain under CAA section 181(b)(2). As previously noted, if the EPA finalizes our determination under 179B(b), Arizona will no longer be subject to the provisions of 181(b)(2). Therefore, neither contingency measures for failing to attain nor RFP contingency measures could ever be triggered for this area. According, the EPA proposes to find that, if we finalize the 179B(b) determination for the Phoenix-Mesa Moderate 2015 ozone nonattainment area, the requirement for the state to submit attainment and RFP contingency measures will no longer apply to this area.

The EPA is soliciting public comments on the issues discussed in this document. We will accept comments from the public on this proposal until December 19, 2025 and will consider comments before taking final action.

IV. Statutory and Executive Order Reviews

A. Executive Order 12866: Regulatory Planning and Review and Executive Order 13563: Improving Regulation and Regulatory Review

This action is not a significant regulatory action and was therefore not submitted to the Office of Management and Budget (OMB) for review.

B. Executive Order 14192: Unleashing Prosperity Through Deregulation

Executive Order 14192 does not apply because it is not a significant regulatory action and is therefore exempted from review under Executive Order 12866.

C. Paperwork Reduction Act (PRA)

This rule does not impose any new information collection burden under the PRA not already approved by the Office of Management and Budget. This action proposes to find that the Phoenix-Mesa Moderate ozone nonattainment area would have attained the 2015 ozone NAAQS by the applicable attainment date, but for emissions emanating from outside the United States. Thus, the proposed action does not establish any new information collection burden that has not already been identified and approved in the EPA's information collection request.⁵⁹

D. Regulatory Flexibility Act (RFA)

I certify that this action will not have a significant economic impact on a substantial number of small entities under the RFA. This action will not impose any requirements on small entities. The proposed determination that the Phoenix-Mesa nonattainment area would have attained the 2015 ozone NAAQS but for international emissions does not in and of itself create any new requirements beyond what is mandated by the CAA. Instead, this rulemaking only makes factual determinations and does not directly regulate any entities.

E. Unfunded Mandates Reform Act (UMRA)

This action does not contain any unfunded mandate as described in UMRA, 2 U.S.C. 1531–1538, and does not significantly or uniquely affect small governments. This 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. It will not have substantial direct effects on the states, on the relationship between the national government and the states and Tribes, or on the distribution of power and responsibilities among the various levels of government. The division of responsibility between the Federal Government and the states for the purposes of implementing the NAAQS is established under the CAA.

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

This action has Tribal implications. However, it will neither impose substantial direct compliance costs on federally recognized Tribal governments, nor preempt Tribal law.

The EPA has identified Tribal areas within the nonattainment area covered by this proposed rule that would be potentially affected by this rulemaking. Specifically, the Fort McDowell Yavapai Nation, Gila River Indian Community of the Gila River Indian Reservation, Salt River Pima-Maricopa Indian Community of the Salt River Reservation, and Tohono O'odham Nation are located within the boundaries of the Phoenix-Mesa nonattainment area.

The EPA has communicated with the potentially affected Tribes located within the boundaries of the nonattainment area addressed in this proposal.

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

The EPA interprets Executive Order 13045 as applying only to those regulatory actions that concern environmental health or safety risks that the EPA has reason to believe may disproportionately affect children, per the definition of “covered regulatory action” in section 2–202 of the Executive Order. This action is not subject to Executive Order 13045 because it does not concern an environmental health risk or safety risk.

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

This action is not subject to Executive Order 13211, because it is not a significant regulatory action under Executive Order 12866.

J. National Technology Transfer Advancement Act (NTTAA)

This rulemaking does not involve technical standards.

List of Subjects in 40 CFR Part 52

Environmental protection, Administrative practice and procedure, Air pollution control, Designations and classifications, Incorporation by reference, Intergovernmental relations, Nitrogen oxides, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

Dated: November 13, 2025.

Michael Martucci,

Acting Regional Administrator, Region IX.

[FR Doc. 2025–20357 Filed 11–18–25; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

49 CFR Part 385

[Docket No. FMCSA–2025–0104]

RIN 2126–AC74

Incorporation by Reference; North American Standard Out-of-Service Criteria; Hazardous Materials Safety Permits (2025)

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), Department of Transportation (DOT).

ACTION: Notice of proposed rulemaking.

SUMMARY: FMCSA proposes amendments to its Hazardous Materials Safety Permits (HMSPs) regulations to incorporate by reference the updated Commercial Vehicle Safety Alliance (CVSA) handbook containing inspection procedures and Out-of-Service Criteria (OOSC) for inspections of shipments of transuranic waste and highway route-controlled quantities (HRCQs) of radioactive material (RAM). The OOSC provide enforcement personnel nationwide, including FMCSA's State partners, with uniform enforcement tolerances for inspections. Currently, the regulations reference the April 1, 2024 edition of the handbook. Through this notice, FMCSA proposes to incorporate by reference the April 1, 2025 edition.

DATES: Comments must be received on or before December 19, 2025.

ADDRESSES: You may submit comments identified by Docket Number FMCSA–2025–0104 using any of the following methods:

⁵⁹ On January 31, 2025, the EPA submitted a request for an extension without change of a previously approved information collection request (ICR) titled “Implementation of the 8-Hour National Ambient Air Quality Standards for Ozone (Renewal).” See OMB Control Number 2060–0695 and ICR Reference No: 202501–2060–004 for EPA ICR Number 2347.05. The ICR renewal is pending OMB final approval.

- **Federal eRulemaking Portal:** Go to <https://www.regulations.gov/docket/FMCSA-2025-0104/document>. Follow the online instructions for submitting comments.

- **Mail:** Dockets Operations, U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building, Ground Floor, Washington, DC 20590–0001.

- **Hand Delivery or Courier:** Dockets Operations, U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building, Ground Floor, Washington, DC 20590–0001, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. To be sure someone is there to help you, please call (202) 366–9317 or (202) 366–9826 before visiting Dockets Operations.

- **Fax:** (202) 493–2251.

Viewing incorporation by reference material: You may inspect the material proposed for incorporation by reference at the National Transportation Library, DOT, 1200 New Jersey Avenue SE, Washington, DC 20590–0001 between 8 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The telephone number is (202) 366–4000. Copies of the material are available as indicated in the “Incorporation by Reference” section of this preamble.

FOR FURTHER INFORMATION CONTACT: David Sutula, Vehicle and Roadside Operations Division, FMCSA, 1200 New Jersey Avenue SE, Washington, DC 20590–0001, (202) 961–1373, mcpsv@dot.gov. If you have questions on viewing or submitting material to the docket, contact Dockets Operations, (202) 366–9826.

SUPPLEMENTARY INFORMATION: FMCSA organizes this notice of proposed rulemaking (NPRM) as follows:

I. Public Participation and Request for Comments

- A. Submitting Comments
- B. Viewing Comments and Documents
- C. Privacy

II. Executive Summary

III. Abbreviations

IV. Legal Basis

V. Background

VI. Discussion of Proposed Rulemaking

VII. Section-by-Section Analysis

VIII. Regulatory Analyses

- A. E.O. 12866 (Regulatory Planning and Review), E.O. 13563 (Improving Regulation and Regulatory Review), and DOT Regulatory Policies and Procedures
- B. Advance Notice of Proposed Rulemaking
- C. E.O. 14192 (Unleashing Prosperity Through Deregulation)
- D. Regulatory Flexibility Act
- E. Assistance for Small Entities
- F. Unfunded Mandates Reform Act of 1995
- G. Paperwork Reduction Act
- H. E.O. 13132 (Federalism)

I. Privacy

J. E.O. 13175 (Indian Tribal Governments)
K. National Environmental Policy Act of 1969

L. Rulemaking Summary

I. Public Participation and Request for Comments

A. Submitting Comments

If you submit a comment, please include the docket number for this NPRM (FMCSA–2025–0104), indicate the specific section of this document to which your comment applies, and provide a reason for each suggestion or recommendation. You may submit your comments and material online or by fax, mail, or hand delivery, but please use only one of these means. FMCSA recommends that you include your name and a mailing address, an email address, or a phone number in the body of your document so FMCSA can contact you if there are questions regarding your submission.

To submit your comment online, go to <https://www.regulations.gov/docket/FMCSA-2025-0104/document>, click on this NPRM, click “Comment,” and type your comment into the text box on the following screen.

If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing.

FMCSA will consider all comments and material received during the comment period.

Confidential Business Information (CBI)

CBI is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to the NPRM contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to the NPRM, it is important that you clearly designate the submitted comments as CBI. Please mark each page of your submission that constitutes CBI as “PROPIN” to indicate it contains proprietary information. FMCSA will treat such marked submissions as confidential under the Freedom of Information Act, and they will not be placed in the public docket of the NPRM. Submissions containing CBI should be sent to Brian Dahlin, Chief, Regulatory Evaluation Division, Office of Policy, FMCSA, 1200 New Jersey Avenue SE, Washington, DC 20590–0001 or via email at brian.g.dahlin@dot.gov. At this time, you need not send

a duplicate hardcopy of your electronic CBI submissions to FMCSA headquarters. Any comments FMCSA receives not specifically designated as CBI will be placed in the public docket for this rulemaking.

B. Viewing Comments and Documents

To view any documents mentioned as being available in the docket, go to <https://www.regulations.gov/docket/FMCSA-2025-0104/document> and choose the document to review. To view comments, click this NPRM, then click “Browse Comments.” If you do not have access to the internet, you may view the docket online by visiting Dockets Operations in on the ground floor of the DOT West Building, 1200 New Jersey Avenue SE, Washington, DC 20590–0001, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. To be sure someone is there to help you, please call (202) 366–9317 or (202) 366–9826 before visiting Dockets Operations.

C. Privacy

In accordance with 5 U.S.C. 553(c), FMCSA solicits comments from the public to better inform its regulatory process. DOT posts these comments, including any personal information the commenter provides, to www.regulations.gov, as described in the system of records notice DOT/ALL 14 (Federal Docket Management System (FDMS)), which can be reviewed at <https://www.transportation.gov/individuals/privacy/privacy-act-system-records-notice>. The comments are posted without edit and are searchable by the name of the submitter.

II. Executive Summary

This NPRM proposes to update an incorporation by reference found at 49 Code of Federal Regulations (CFR) 385.4(b)(1) and referenced at § 385.415(b). The provision at § 385.4(b)(1) currently references the April 1, 2024, edition of CVSA’s handbook titled “North American Standard Out-of-Service Criteria and Level VI Inspection Procedures and Out-of-Service Criteria for Commercial Highway Vehicles Transporting Transuranics and Highway Route Controlled Quantities of Radioactive Materials as defined in 49 CFR part 173.403.” The CVSA handbook contains inspection procedures and OOSC for inspections of shipments of transuranic waste and HRCQs of RAM. The OOSC, while not regulations, provide enforcement personnel nationwide, including FMCSA’s State partners, with uniform enforcement tolerances for inspections. The material is available for

inspection at the FMCSA, Office of Safety, 1200 New Jersey Avenue SE, Washington, DC 20590 (Attention: Chief, Hazardous Materials Division) at (202) 493-0027. The document may be purchased from the Commercial Vehicle Safety Alliance 99 M Street SE, Suite 1025, Washington, DC 20003, 202-998-1002, www.cvsa.org.

In this NPRM, FMCSA proposes to incorporate by reference the HMSP-related provisions contained in the April 1, 2025 edition of the handbook. This NPRM will discuss all proposed updates to the currently incorporated 2024 edition of the handbook.

Fourteen HMSP-related updates distinguish the April 1, 2025 handbook edition from the April 1, 2024 edition. The incorporation by reference of the 2025 edition does not impose new regulatory requirements.

III. Abbreviations

ANPRM Advance notice of proposed rulemaking
 ATIS Automatic tire inflation systems
 CBI Confidential Business Information
 CDL Commercial driver's license
 CE Categorical Exclusion
 CFR Code of Federal Regulations
 CLP Commercial learner's permit
 CVSA Commercial Vehicle Safety Alliance
 DOT Department of Transportation
 E.O. Executive Order
 FMCSA Federal Motor Carrier Safety Administration
 FR Federal Register
 HMSP Hazardous Materials Safety Permit
 HRCQ Highway Route Controlled Quantity
 MCMIS Motor Carrier Management Information System
 NPRM Notice of proposed rulemaking
 OOS Out-of-service
 OOSC Out-of-Service Criteria
 PIA Privacy Impact Assessment
 PII Personally Identifiable Information
 PSI Pounds per square inch
 PTA Privacy Threshold Assessment
 RAM Radioactive material
 RFA Regulatory Flexibility Act
 TDG Transportation of Dangerous Goods
 TPS Tractor protection system
 TPV Tractor protection valve
 UMRA The Unfunded Mandates Reform Act of 1995
 U.S.C. United States Code

IV. Legal Basis

Congress has enacted several statutory provisions to ensure the safe transportation of hazardous materials in interstate commerce. Specifically, in provisions codified at 49 U.S.C. 5105(d), relating to inspections of motor vehicles carrying certain hazardous material, and 49 U.S.C. 5109, relating to HMSPs for motor carriers, the Secretary of Transportation (the Secretary) is required to promulgate regulations as part of a comprehensive safety program on HMSPs. The FMCSA Administrator

has been delegated authority under 49 U.S.C. 113(f) and 49 CFR 1.87(d)(2) to carry out the functions vested in the Secretary related to HMSPs. Consistent with that authority, FMCSA has promulgated regulations under 49 CFR part 385, subpart E to address the congressional mandate on HMSPs. Those regulations are the underlying provisions to which the material incorporated by reference discussed in this notice is applicable.

Congress authorized DOT by statute to promote safe transportation of hazardous materials in interstate commerce by prescribing, among other things, regulations and minimum standards for practices, methods, and procedures for inspections and safety permits for motor vehicles carrying certain hazardous materials (49 U.S.C. 5105(d); 49 U.S.C. 5109). The purpose of this rulemaking is to incorporate by reference the 2025 edition of the CVSA handbook outlining the OOSC and inspection procedures for commercial highway vehicles transporting RAMs.

Unless stated otherwise, FMCSA generally considers provisions that are not inextricably intertwined to be severable, meaning that if any provision in a rulemaking is later held to be invalid, the remainder of the rulemaking is not affected (49 CFR 389.41). The CVSA Handbook being incorporated by reference in this rulemaking contains numerous, unrelated provisions that focus on unique aspects of FMCSA's regulations. Therefore, FMCSA finds that the various provisions of the CVSA Handbook are severable and able to operate functionally if severed from each other. In the event a court were to invalidate one or more of the CVSA Handbook's unique provisions, the remaining provisions should stand.

V. Background

In 1986, the U.S. Department of Energy and CVSA entered into a cooperative agreement to develop a higher level of inspection procedures, out-of-service (OOS) conditions and/or criteria, an inspection decal, and a training and certification program for inspectors to conduct inspections on shipments of transuranic waste and HRCQs of RAM. CVSA developed the North American Standard Level VI Inspection Program for Transuranic Waste and Highway Route Controlled Quantities of Radioactive Material. This inspection program for select radiological shipments includes inspection procedures, enhancements to the North American Standard Level I Inspection, radiological surveys, CVSA Level VI decal requirements, and the "North American Standard Out-of-

Service Criteria and Level VI Inspection Procedures and Out-of-Service Criteria for Commercial Highway Vehicles Transporting Transuranics and Highway Route Controlled Quantities of Radioactive Materials as defined in 49 CFR part 173.403." As of January 1, 2005, all vehicles and carriers transporting HRCQs of RAM are covered by the U.S. Department of Transportation's HM Safety Permit rules (June 30, 2004; 69 FR 39350). All HRCQs of RAM must pass the North American Standard Level VI Inspection prior to the shipment being allowed to travel in the United States. All HRCQs of RAM shipments entering the United States must also pass the North American Standard Level VI Inspection either at the shipment's point of origin or when the shipment enters the United States.

Operational requirements for motor carriers transporting hazardous materials for which a HMSP is required are prescribed by § 385.415. Section 385.415(b) requires that motor carriers ensure a pre-trip inspection is performed on each motor vehicle to be used to transport a HRCQ of a Class 7 (radioactive) material, in accordance with the requirements of CVSA's handbook titled "North American Standard Out-of-Service Criteria and Level VI Inspection Procedures and Out-of-Service Criteria for Commercial Highway Vehicles Transporting Transuranics and Highway Route Controlled Quantities of Radioactive Materials as defined in 49 CFR part 173.403."

According to 2021 through 2024 data from FMCSA's Motor Carrier Management Information System (MCMIS), approximately 3 million Level I through Level VI inspections were performed annually. Nearly 96 percent of these were Level I,¹ Level II,² and Level III³ inspections. During the same period, an average of 1,089 Level VI inspections were performed annually, comprising only 0.04 percent of all inspections. On average, OOS violations were cited in only 6 Level VI inspections annually (0.6 percent), whereas on average, OOS violations were cited in 231,803 Level I

¹ Level I is a 37-step inspection procedure that involves examination of the motor carrier's and driver's credentials, record of duty status, the mechanical condition of the vehicle, and any hazardous materials or dangerous goods that may be present.

² Level II is a driver and walk-around vehicle inspection, involving the inspection of items that can be checked without physically getting under the vehicle.

³ Level III is a driver-only inspection that includes examination of the driver's credentials and documents.

inspections (27 percent), 283,872 Level II inspections (27 percent), and 63,114 Level III inspections (6 percent) annually. As these statistics demonstrate, OOS violations are cited in a far lower percentage of Level VI inspections than Level I, II, and III inspections, due largely to the enhanced oversight and inspection of these vehicles because of the sensitive nature of the cargo being transported.

The changes to the 2025 edition of the CVSA handbook are intended to ensure clarity in the presentation of the OOS conditions and are generally editorial or ministerial. As discussed below, FMCSA does not expect the changes made in the 2025 edition of the CVSA handbook to affect significantly the number of OOS violations cited during Level VI inspections.

VI. Discussion of the Proposed Rulemaking

Section 385.4(b)(1), as amended on August 21, 2024 (89 FR 67560), references the April 1, 2024, edition of the CVSA handbook. This NPRM proposes to amend § 385.4(b)(1) by replacing the reference to the April 1, 2024, edition date with a reference to the new edition date of April 1, 2025.

The HMSP-related changes made in the 2025 edition of the handbook, and proposed for incorporation by reference herein, are outlined below. It is necessary to update the materials incorporated by reference to ensure motor carriers and enforcement officials have convenient access to the correctly identified inspection criteria referenced in the rules.

FMCSA spoke with CVSA on April 29, 2025, during the Vehicle Committee meeting, to discuss the use of the term tractor protection valve (TPV). The Federal Motor Carrier Safety Regulations (FMCSR) use the term TPV whereas the inspections guidance from CVSA uses the term trailer supply valve for the same piece of equipment. To ensure consistency between the FMCSR and the CVSA guidance, it was agreed to standardize on the term tractor protection system (TPS) as described in the 2025 edition of the OOSC Handbook. CVSA provided the information needed for FMCSA to proceed with drafting the NPRM. FMCSA has placed a memorandum in the rulemaking docket documenting these communications.

April 1, 2025, Changes

Fourteen HMSP-related changes in the 2025 edition of the CVSA handbook distinguish it from the April 1, 2024, edition:

1. Part I, Item 3.b.1 (“Commercial Learner’s Permit”) was amended to clarify that an accompanying driver of a commercial learner’s permit (CLP) holder cannot be unauthorized to drive for any reason. This change follows FMCSA’s clarification that the accompanying driver must be a valid CDL holder authorized to operate the vehicle for that trip. Language was added to ensure consistency with the FMCSR. The change is intended to ensure clarity in the presentation of the OOS conditions and is not expected to affect significantly the number of OOS violations cited during Level VI inspections.

2. Part I, Items 2.b and 3.c (“Endorsements and Restrictions”) were updated to provide clarity on the Transportation of Dangerous Goods (TDG) certificate. Specifically, it reflects changes in Canadian TDG regulations, which do not require hazardous materials or dangerous goods classes to be listed on the certificate, though drivers can only transport classes listed if they are present in the certificate. This amendment applies to both CDL and non-CDL drivers, specifically in the enforcement of Canadian regulations. These updates will not impact the number of OOS violations cited during Level VI inspections in the United States.

3. Part I, Item 4.b.3 (“Medical Examiner’s Certificate”) was amended to include both passenger-carrying and property-carrying vehicles. Part I, Item 4.b.4 was removed, as its language was incorporated into the revised 4.b.3. The change ensures consistency with the OOSC’s emphasis on imminent hazards and clarifies that operating without a medical examiner’s certificate, Form MCSA–5876, is an imminent hazard. The updates are intended to ensure clarity in the presentation of the OOS conditions and are not expected to affect significantly the number of OOS violations cited during Level VI inspections.

4. Part II, Items 1.a.7.h (“Defective Brakes”) and 9 (“Lighting Devices (Headlamps, Tail Lamps, Stop Lamps, Turn Signals, and Lamps/Flags on Projecting Loads)”) were amended to include an OOS condition for inoperative brakes due to an unplugged electrical cable. Previously, electric trailer brakes that were non-functional due to a disconnected electrical line could result in multiple violations, with each inoperative brake being cited separately. This amendment ensures that only a single OOS violation is recorded for this condition, aligning the treatment of inoperative electric brakes with that of inoperative lamps on the

rear of a trailer due to an unplugged electrical connection. In addition, a note was added instructing inspectors to reference both the “Lighting Devices” and “Brakes” sections to ensure all relevant conditions are properly considered. The updates are intended to ensure clarity in the presentation of the OOS conditions and are not expected to affect significantly the number of OOS violations cited during Level VI inspections.

5. Part II, Item 1.h.7 (“Air Brake Hose/Tubing”) was amended to include an OOS condition for inoperative brakes due to a disconnected service gladhand. Previously, a trailer with non-functional air brakes caused by a disconnected service gladhand could result in multiple violations, with each inoperative brake being cited separately. This amendment ensures that only a single OOS violation is recorded for this condition, aligning it with the treatment of inoperative lamps on the rear of a trailer due to an unplugged electrical connection. The change is intended to ensure clarity in the presentation of the OOS conditions and is not expected to affect significantly the number of OOS violations cited during Level VI inspections.

6. Part II, Item 1.h.5 (“Air Brake Hose/Tubing”) was amended to remove the OOS condition for crimped air hoses and tubing that restrict airflow. During roadside inspections, it is challenging for inspectors to determine whether an air hose or tube restriction is severe enough to warrant an OOS violation. Industry discussions revealed that a crimped air hose or tube primarily impacts brake release rather than brake application. CVSA determined that if a brake fails to apply or release entirely, other detectable violations would likely result in an OOS determination. While a kinked or crimped air hose or tube remains a violation requiring repair before the next dispatch, the subjectivity of the previous language led to its removal from the OOSC. This update makes the OOS conditions more objective and ensures that enforcement focuses on clearly unsafe conditions rather than subjective assessments of crimp severity. The change is intended to ensure clarity in the presentation of the OOS conditions and is not expected to affect significantly the number of OOS violations cited during Level VI inspections.

7. Part II, Item 1.h (“Air Brake Hose/Tubing”) and Item 1.o.3 (“Hydraulic Brakes”) were amended to include language specifying that brake hoses or lines marked for applications other than brake systems constitute an OOS violation. During a roadside inspection,

a fuel line was found in an air brake system, clearly marked as a fuel line. As a result, FMCSA concurs with CVSA's decision that a fuel line found in any brake system, such as air or hydraulic brakes, will now be subject to an OOS violation. The updates are intended to ensure clarity in the presentation of the OOS conditions and are not expected to affect significantly the number of OOS violations cited during Level VI inspections.

8. Part II, Item 1.I ("Tractor Protection System") was amended to clarify that a vehicle will be declared OOS if the TPS fails to close automatically before pressure drops below 20 pounds per square inch (psi) in both the primary and secondary air systems, rather than either system. In a dual-circuit brake system, air is supplied to the TPS by a two-way check valve that is connected to both the primary and secondary circuits. The two-way check valve only takes air from the highest-pressure circuit, which prevents loss of air from a failed circuit. This will allow the TPS to close automatically in the event of a significant drop in air pressure in one of the circuits. This automatic closure mechanism activates when the air pressure in both circuits falls between 20 and 45 psi. This design helps prevent a large amount of air from escaping the towing vehicle's air brake system, which could otherwise lead to a dangerous reduction in braking power. However, if the air pressure reaches 20 psi and the TPS has not automatically closed, it likely indicates that both circuits have failed to supply air. This condition would compromise the trailer's ability to engage the parking or emergency brakes. It is important to note that this section was initially developed when single-circuit systems were common, and as such, the evolution and widespread adoption of dual-circuit systems were not fully reflected in the original language. The amendment addresses this gap by incorporating the operational characteristics of modern dual-circuit systems, providing clearer guidance on when the TPS should automatically close. The clarification stems from discussions with brake manufacturers regarding the overall functionality of single and dual-circuit brake systems. Therefore, FMCSA agrees it is appropriate that the vehicle will be declared OOS if the TPS fails to close automatically before pressure drops below 20 psi in both the primary and secondary air systems. The update is intended to ensure clarity in the presentation of the OOS conditions and is not expected to affect significantly the

number of OOS violations cited during Level VI inspections.

9. Part II, Item 2.a ("Cargo Securement") was amended to clarify that violations for loose dunnage, vehicle components, and similar items are considered vehicle OOS conditions. The inspectors believed that the driver was OOS when cargo, load components, spare tires, dunnage, or other unsecured items fell onto the roadway. However, CVSA clarifies that the intention of the OOS criteria is specific to the vehicle and would not affect driver status. The driver would be placed OOS based on driver-specific violations. As such, language was added to specify that the vehicle will be declared OOS which will help clarify this OOS condition. The update is intended to ensure clarity in the presentation of the OOS conditions and is not expected to affect significantly the number of OOS violations cited during Level VI inspections.

10. Part II, Item 9.b ("Lamps on Projecting Loads") was amended to add a section specifically addressing projecting load lamps. This change is necessary due to a previous update (89 FR 36742) to this section regarding lamps required to be on during specific times of the day. The previous update aimed to clarify situations where drivers may have lights turned off on the power unit. Unlike headlamps or tail lamps, projecting load lamps operate differently and may not have a traditional on/off switch, requiring them to be addressed separately. Therefore, an OOS condition was added to address this unique scenario. The update is intended to ensure clarity in the presentation of the OOS conditions and is not expected to affect significantly the number of OOS violations cited during Level VI inspections.

11. Part II, Item 11.a.1 ("Axle Parts/Members") was amended to clarify that a U-bolt bottom plate is part of the U-bolt assembly and should be considered an OOS condition if cracked or broken. This clarification addresses potential confusion during inspections by explicitly including the bottom plate as a critical component of the U-bolt assembly. The update is intended to ensure consistency in the identification of OOS conditions and is not expected to affect significantly the number of OOS violations cited during Level VI inspections.

12. Part II, Items 12.b.1 and 12.b.3 ("All Tires Other Than Those Found on the Front Steering Axle(s) of a Power Unit") were amended to address leaks in tires with and without automatic tire inflation systems (ATIS). Previously, a tire without an ATIS was considered

OOS if it had a noticeable leak that could be heard or felt, or if it had 50 percent or less of the maximum inflation pressure marked on the tire sidewall. Item 12.b.1 has now been revised to specify that the tread area is the relevant location for identifying a noticeable leak on tires without an ATIS. Item 12.b.2 remains unchanged and continues to address leaks in the tread area of tires equipped with an ATIS. In addition, the original language of Item 12.b.3 has been relocated to Item 12.b.4. New language has been introduced in Item 12.b.3 to state explicitly that any tire with a leak in the sidewall, regardless of ATIS presence, is an OOS condition. The updates are intended to ensure consistency in the application of OOS conditions and are not expected to affect significantly the number of OOS violations cited during Level VI inspections.

13. Part II, Item 12.a.8 and 12.b.4 ("Any Tire on Any Front Steering Axle(s) of a Power Unit") were amended to add a note clarifying that if only the rubber portion of a mudflap is contacting a tire, it should not be considered an OOS condition. This clarification aims to prevent misinterpretation during inspections and ensures that minor rubber contact does not incorrectly result in an OOS violation. Due to the revised language introduced in Item 12.b.3, discussed above, and the relocation of the original 12.b.3 content to 12.b.4, as noted in the previous change, the existing Item 12.b.4 has been renumbered as 12.b.5. The updates are intended to ensure consistency in the application of OOS conditions and are not expected to affect significantly the number of OOS violations cited during Level VI inspections.

14. Part II, Items 12.b.7, 12.b.8, 12.b.9, and 12.b.10 ("All Tires Other Than Those Found on the Front Steering Axle(s) of a Power Unit") were amended to remove the distinction between radial and bias tires. Previously, the criteria for OOS conditions were separated by tire type, radial tires and bias tires, despite being identical in nature. This separation caused confusion due to the differing item numbers and slightly varied wording. CVSA has removed the radial and bias tire language and clarified that the OOS condition applies to all tires, regardless of construction type. With the reorganization resulting from the new language introduced in the preceding changes, these items have now been shortened and simplified into two consolidated items: 12.b.8 and 12.b.9. This consolidation simplifies and clarifies the confusion and makes it easier to apply the OOS criteria

consistently. The updates are intended to ensure consistency in the application of OOS conditions and are not expected to affect significantly the number of OOS violations cited during Level VI inspections.

VII. Section-by-Section Analysis

Section 385.4 *Matter Incorporated by Reference*

Section 385.4(b)(1), as amended on August 21, 2024, references the April 1, 2024, edition of the CVSA handbook. This NPRM proposes to replace the reference to the April 1, 2024, edition of the CVSA handbook with a reference to the new edition date of April 1, 2025.

Regulatory Analyses

A. Executive Order (E.O.) 12866 (Regulatory Planning and Review) and DOT Regulatory Policies and Procedures

FMCSA has considered the impact of this NPRM under E.O. 12866 (58 FR 51735, Oct. 4, 1993), as amended, and DOT's regulatory policies and procedures. The Office of Information and Regulatory Affairs within the Office of Management and Budget (OMB) determined that this NPRM is not a significant regulatory action under section 3(f) of E.O. 12866. Accordingly, OMB has not reviewed it under that E.O.

The proposed rule, if finalized, would update an incorporation by reference from the April 1, 2024, edition to the April 1, 2025, edition of CVSA's handbook titled "North American Standard Out-of-Service Criteria and Level VI Inspection Procedures and Out-of-Service Criteria for Commercial Highway Vehicles Transporting Transuranics and Highway Route Controlled Quantities of Radioactive Materials as defined in 49 CFR part 173.403." FMCSA reviewed its MCMIS data on inspections performed from 2021 to 2024 and does not expect the HMSP-related handbook updates to have a significant effect on the number of OOS violations cited during Level VI inspections. Therefore, the proposed rule's impact would be de minimis.

B. E.O. 14192 (Unleashing Prosperity Through Deregulation)

This rulemaking is not a significant regulatory action as defined in Section 3(f) of E.O. 12866 or in section 11 of DOT Order 2100.6B, and therefore does not meet the significance criterion for being an E.O. 14192 regulatory action. Consequently, this rulemaking is not an E.O. 14192 regulatory action and no further action under E.O. 14192 is required.

C. Regulatory Flexibility Act

The Regulatory Flexibility Act (5 U.S.C. 601, *et seq.*) (RFA), as amended by the Small Business Regulatory Enforcement Fairness Act of 1996,⁴ requires Federal agencies to consider the effects of the regulatory action on small business and other small entities and to minimize any significant economic impact for any rule subject to notice-and-comment rulemaking under the Administrative Procedure Act unless the agency head certifies that the rule will not have a significant economic impact on a substantial number of small entities. The term *small entities* comprises small businesses and not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000 (5 U.S.C. 601(6)). Accordingly, DOT policy requires an analysis of the impact of all regulations on small entities, and mandates that agencies strive to lessen any adverse effects on these businesses. None of the HMSP-related updates from the 2025 edition impose new requirements or make substantive changes to the Federal Motor Carrier Safety Regulations.

Section 605 of the RFA allows an agency to certify a rule, instead of preparing an analysis, if the proposed rule is not expected to impact a substantial number of small entities. The proposed rule would update an incorporation by reference found at 49 CFR 385.4(b)(1) and 49 CFR 385.415(b), and would incorporate by reference the April 1, 2025, edition of the CVSA handbook. The changes to the 2025 edition of the CVSA handbook from the 2024 edition are intended to ensure clarity in the presentation of the OOS conditions and are generally editorial or ministerial. As noted above, FMCSA does not expect the changes made in the 2025 edition of the CVSA handbook to affect significantly the number of OOS violations cited during Level VI inspections in the United States. Accordingly, FMCSA certifies that the proposed action would not have a significant economic impact on a substantial number of small entities.

D. Assistance for Small Entities

In accordance with section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121, 110 Stat. 857), FMCSA wants to assist small entities in understanding this proposed rule so they can better evaluate its effects on

themselves and participate in the rulemaking initiative. If the proposed rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

Small businesses may send comments on the actions of Federal employees who enforce or otherwise determine compliance with Federal regulations to the Small Business Administration's Small Business and Agriculture Regulatory Enforcement Ombudsman (Office of the National Ombudsman, see <https://www.sba.gov/about-sba/oversight-advocacy/office-national-ombudsman>) and the Regional Small Business Regulatory Fairness Boards. The Ombudsman evaluates these actions annually and rates each agency's responsiveness to small business. If you wish to comment on actions by employees of FMCSA, call 1–888–REG–FAIR (1–888–734–3247). DOT has a policy regarding the rights of small entities to regulatory enforcement fairness and an explicit policy against retaliation for exercising these rights.

E. Unfunded Mandates Reform Act of 1995

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) (UMRA) requires Federal agencies to assess the effects of their discretionary regulatory actions. The Act addresses actions that may result in the expenditure by a State, local, or Tribal government, in the aggregate, or by the private sector of \$206 million (which is the value equivalent of \$100 million in 1995, adjusted for inflation to 2024 levels) or more in any 1 year. Though this NPRM would not result in such an expenditure, and the analytical requirements of UMRA do not apply as a result, FMCSA discusses the effects of this rulemaking elsewhere in this preamble.

F. Paperwork Reduction Act

This proposed rule contains no new information collection requirements under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520).

G. E.O. 13132 (Federalism)

A rule has implications for federalism under section 1(a) of E.O. 13132 if it has "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."

⁴ Public Law 104–121, 110 Stat. 857, (Mar. 29, 1996).

FMCSA has determined that this rulemaking would not have substantial direct costs on or for States, nor would it limit the policymaking discretion of States. Nothing in this document preempts any State law or regulation. Therefore, this rulemaking does not have sufficient federalism implications to warrant the preparation of a Federalism Impact Statement.

H. Privacy

The Consolidated Appropriations Act, 2005,⁵ requires agencies to assess the privacy impact of a regulation that will affect the privacy of individuals. This NPRM would not require the collection of personally identifiable information (PII).

The Privacy Act (5 U.S.C. 552a) applies only to Federal agencies and any non-Federal agency that receives records contained in a system of records from a Federal agency for use in a matching program.

The E-Government Act of 2002,⁶ requires Federal agencies to conduct a Privacy Impact Assessment (PIA) for new or substantially changed technology that collects, maintains, or disseminates information in an identifiable form. No new or substantially changed technology would collect, maintain, or disseminate information as a result of this rulemaking. Accordingly, FMCSA has not conducted a PIA.

FMCSA will complete a Privacy Threshold Assessment (PTA) to evaluate the risks and effects the proposed rulemaking might have on collecting, storing, and sharing PII. The PTA will be submitted to FMCSA's Privacy

Officer for review and preliminary adjudication and to DOT's Privacy Officer for review and final adjudication.

I. E.O. 13175 (Indian Tribal Governments)

This rulemaking does not have Tribal implications under E.O. 13175, Consultation and Coordination with Indian Tribal Governments, because it does not have a substantial direct effect on one or more Indian Tribes, on the relationship between the Federal Government and Indian Tribes, or on the distribution of power and responsibilities between the Federal Government and Indian Tribes.

J. National Environmental Policy Act of 1969

FMCSA analyzed this proposed rule pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. 4321, *et seq.*) and determined this action is categorically excluded from further analysis and documentation in an environmental assessment or environmental impact statement under DOT Order 5610.1D, section 29. This Categorical Exclusion (CE) covers minor revisions to regulations. The proposed requirements in this rulemaking are covered by this CE.

K. Rulemaking Summary

As required by 5 U.S.C. 553(b)(4), a summary of this rulemaking can be found in the Abstract section of the Department's Unified Agenda entry for this rulemaking at <https://www.reginfo.gov/public/do/eAgendaViewRule?pubId=202410&RIN=2126-AC74>.

List of Subjects in 49 CFR 385

Administrative practice and procedure, Highway safety,

Incorporation by reference, Mexico, Motor carriers, Motor vehicle safety, Reporting and recordkeeping requirements.

In consideration of the foregoing, FMCSA proposes to amend 49 CFR chapter III, part 385, as set forth below:

PART 385—SAFETY FITNESS PROCEDURES

■ 1. The authority citation for part 385 continues to read as follows:

Authority: 49 U.S.C. 113, 504, 521(b), 5105(d), 5109, 5113, 13901–13905, 13908, 31135, 31136, 31144, 31148, 31151, 31502; sec. 113(a), Pub. L. 103–311, 108 Stat. 1673, 1676; sec. 408, Pub. L. 104–88, 109 Stat. 803, 958; sec. 350, Pub. L. 107–87, 115 Stat. 833, 864; sec. 5205, Pub. L. 114–94, 129 Stat. 1312, 1537; and 49 CFR 1.87.

■ 2. Amend § 385.4 by revising paragraph (b)(1) to read as follows:

§ 385.4 Matter incorporated by reference.

* * * * *

(b) * * *

(1) “North American Standard Out-of-Service Criteria and Level VI Inspection Procedures and Out-of-Service Criteria for Commercial Highway Vehicles Transporting

Transuranics and Highway Route Controlled Quantities of Radioactive Materials as defined in 49 CFR part 173.403,” April 1, 2025, incorporation by reference approved for § 385.415(b).

* * * * *

Issued under authority delegated in 49 CFR 1.87.

Derek Barrs,

Administrator.

[FR Doc. 2025–20282 Filed 11–18–25; 8:45 am]

BILLING CODE 4910–EX–P

⁵Public Law 108–447, 118 Stat. 2809, 3268, note following 5 U.S.C. 552a (Dec. 4, 2014).

⁶Public Law 107–347, sec. 208, 116 Stat. 2899, 2921 (Dec. 17, 2002).

Notices

Federal Register

Vol. 90, No. 221

Wednesday, November 19, 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.

APPRAISAL SUBCOMMITTEE OF THE FEDERAL FINANCIAL INSTITUTIONS EXAMINATION COUNCIL

[Docket No. AS25–12]

Appraisal Subcommittee; Notice of Meeting

AGENCY: Appraisal Subcommittee of the Federal Financial Institutions Examination Council.

ACTION: Notice of special closed meeting.

Description: In accordance with section 1104(b) of title XI of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (title XI), codified at 12 U.S.C. 3333(b), and the Appraisal Subcommittee (ASC) Rules of Operation, notice is hereby given that the ASC is meeting for a Special Closed Meeting on November 20, 2025.

Location: Virtual Meeting via MS Teams.

Date: November 20, 2025.

Time: 11:00 a.m. ET.

Action and Discussion Item

Personnel Matters

The ASC is convening a Special Closed Meeting to discuss and take vote on personnel matters, pursuant to section 1104(b) of title XI (12 U.S.C. 3333(b)).

Natalie Lutz,
Attorney-Advisor.

[FR Doc. 2025–20261 Filed 11–18–25; 8:45 am]

BILLING CODE 6700–01–P

DEPARTMENT OF COMMERCE

International Trade Administration

United States-Mexico-Canada Agreement (USMCA), Article 10.12: Binational Panel Review: Notice of Request for Panel Review

AGENCY: United States Section, USMCA Secretariat, International Trade Administration, Department of Commerce.

ACTION: Notice of USMCA Request for Panel Review.

SUMMARY: A Request for Panel Review was filed on behalf of Deacero S.A.P.I. de C.V. and I.N.G.E.T.E.K.N.O.S. Estructurales, S.A. de C.V. with the United States Section of the USMCA Secretariat, pursuant to USMCA Article 10.12. Panel Review was requested of the U.S. Department of Commerce's Final Results in the 2022–2023 Administrative Review of Antidumping Duty Order on Steel Concrete Reinforcing Bar from Mexico. The USMCA Secretariat has assigned case number USA–MEX–2025–10.12–01 to this request. The Request for Panel Review was timely filed on October 2, 2025. Due to a lapse in appropriations for the U.S. federal government, the United States Section of the USMCA Secretariat was closed from October 1, 2025, through November 12, 2025. Thus, the Request for Panel Review was docketed on November 13, 2025, upon the office resuming operations; as such, November 13, 2025, shall be considered the start date for the dispute. The dispute timeline has been determined based on this date.

FOR FURTHER INFORMATION CONTACT: Vidya Desai, United States Secretary, USMCA Secretariat, Room 2061, 1401 Constitution Avenue NW, Washington, DC 20230, 202–482–5438.

SUPPLEMENTARY INFORMATION: The final determination was published in the **Federal Register** on September 4, 2025 (90 FR 42740).

Article 10.12 of Chapter 10 of USMCA provides a dispute settlement mechanism involving trade remedy determinations issued by the Government of the United States, the Government of Canada, and the Government of Mexico. Following a Request for Panel Review, a Binational Panel is composed to review the trade

remedy determination being challenged and issue a binding Panel Decision.

There are established USMCA *Rules of Procedure for Article 10.12 (Binational Panel Reviews)*, which were adopted by the three governments for panels requested pursuant to Article 10.12(2) of USMCA which requires Requests for Panel Review to be published in accordance with Rule 40. For the complete Rules, please see https://can-mex-usa-sec.org/secretariat/agreement-accord-acuerdo/usmca-aceum-tmec/rules-regles-reglas/article-article-articulo_10_12.aspx?lang=eng.

The Rules provide that:

(a) A Party or interested person may challenge the final determination in whole or in part by filing a Complaint in accordance with Rule 44 no later than 30 days after the filing of the first Request for Panel Review (due to the adjusted start date, the deadline for filing a Complaint is December 15, 2025);

(b) A Party, an investigating authority or other interested person who does not file a Complaint but who intends to participate in the panel review shall file a Notice of Appearance in accordance with Rule 45 no later than 45 days after the filing of the first Request for Panel Review (due to the adjusted start date, the deadline for filing a Notice of Appearance is December 29, 2025);

(c) The panel review will be limited to the allegations of error of fact or law, including challenges to the jurisdiction of the investigating authority, that are set out in the Complaints filed in the panel review and to the procedural and substantive defenses raised in the panel review.

Dated: November 17, 2025.

Vidya Desai,

United States Secretary, USMCA Secretariat.

[FR Doc. 2025–20331 Filed 11–18–25; 8:45 am]

BILLING CODE 3510–GT–P

DEPARTMENT OF COMMERCE

International Trade Administration

United States-Mexico-Canada Agreement (USMCA), Article 10.12: Binational Panel Reviews: Notice of Completion of Panel Review

AGENCY: United States Section, USMCA Secretariat, International Trade Administration, Department of Commerce.

ACTION: Notice of Completion of Panel Review in the matter of Certain Softwood Lumber Products From Canada: Final Results of Antidumping Duty Administrative Review; 2019 (Secretariat File Number: USA–CDA–2021–10.12–04).

SUMMARY: The USA–CDA–2021–10.12–04 Panel has granted a joint motion for voluntary dismissal filed on behalf of:

The Government of Canada; the Governments of Ontario and Québec; the British Columbia Lumber Trade Council; Resolute FP Canada Inc. and affiliates; the Ontario Forest Industries Association, the Conseil de l'industrie forestière du Québec, and individual members of each; Canfor Corporation, Canadian Forest Products, Ltd., and Canfor Wood Products Marketing, Ltd.; Tolko Marketing and Sales Ltd., Tolko Industries Ltd., and Gilbert Smith Forest Products Ltd.; and West Fraser Mills Ltd.; the Committee Overseeing Action for Lumber International Trade Investigations or Negotiations; and Sierra Pacific Industries, including its subsidiary Seneca Sawmill Company.

The motion requested the termination of panel review in the Certain Softwood Lumber Products From Canada: Final Results of Antidumping Duty Administrative Review; 2019 (Softwood Lumber AD AR2) dispute.

Given the Panel's ruling on this motion, and pursuant to Rule 75(1) of the *USMCA Rules of Procedure for Article 10.12 Binational Panel Reviews (Rules)*, the Softwood Lumber from Canada AD AR2 dispute has been dismissed.

As a result, and in accordance with Rules 81(a) and 82(b), notice is hereby given that panel review of the Softwood Lumber from Canada AD AR2 dispute has been completed effective October 23, 2025.

FOR FURTHER INFORMATION CONTACT: Vidya Desai, United States Secretary, NAFTA Secretariat, Room 2061, 1401 Constitution Avenue NW, Washington, DC 20230, (202) 482–5438.

SUPPLEMENTARY INFORMATION: Article 10.12 of Chapter 10 of USMCA provides a dispute settlement mechanism involving trade remedy determinations issued by the Government of the United States, the Government of Canada, and the Government of Mexico. Following a Request for Panel Review, a Binational Panel is composed to review the trade remedy determination being challenged and issue a binding Panel Decision. There are established USMCA *Rules of Procedure for Article 10.12 (Binational Panel Reviews)*, which were adopted by the three governments for panels requested pursuant to Article 10.12(2) of

USMCA which requires Notices of Completion of Panel Review to be published in accordance with Rule 82. For the complete Rules, please see https://can-mex-usa-sec.org/secretariat/agreement-accord-acuerdo/usmca-aceum-tmec/rules-regles-reglas/article-article-articulo_10_12.aspx?lang=eng.

Dated: November 17, 2025.

Vidya Desai,

U.S. Secretary, USMCA Secretariat.

[FR Doc. 2025–20314 Filed 11–18–25; 8:45 am]

BILLING CODE 3510–GT–P

DEPARTMENT OF COMMERCE

International Trade Administration

United States-Mexico-Canada Agreement (USMCA), Article 10.12: Binational Panel Reviews: Notice of Completion of Panel Review

AGENCY: United States Section, USMCA Secretariat, International Trade Administration, Department of Commerce.

ACTION: Notice of Completion of Panel Review in the matter of Certain Softwood Lumber Products from Canada: Final Results of Antidumping Duty Administrative Review, 2017–2018 (Secretariat File Number: USA–CDA–2020–10.12–02).

SUMMARY: The USA–CDA–2020–10.12–02 Panel has granted a joint motion for voluntary dismissal filed on behalf of:

The Government of Canada; Canfor Corporation, Canadian Forest Products, Ltd., and Canfor Wood Products Marketing, Ltd. (collectively, “Canfor”); Resolute FP Canada Inc. and affiliates (“Resolute”); West Fraser Mills Ltd.; and the Ontario Forest Industries Association (“OFIA”), the Conseil de l'industrie forestière du Québec (“CIFQ”), and the individual members of OFIA and CIFQ (collectively, the “Canadian Parties”).

The motion requested the termination of panel review in the Certain Softwood Lumber Products from Canada: Final Results of Antidumping Duty Administrative Review, 2017–2018 (Softwood Lumber AD AR) dispute.

Given the Panel's ruling on this motion, and pursuant to Rule 75(1) of the *USMCA Rules of Procedure for Article 10.12 Binational Panel Reviews (Rules)*, the Softwood Lumber from Canada AD AR dispute has been dismissed.

As a result, and in accordance with Rules 81(a) and 82(b), notice is hereby given that panel review of the Softwood Lumber from Canada AD AR dispute

has been completed effective October 30, 2025.

FOR FURTHER INFORMATION CONTACT:

Vidya Desai, United States Secretary, NAFTA Secretariat, Room 2061, 1401 Constitution Avenue NW, Washington, DC 20230, (202) 482–5438.

SUPPLEMENTARY INFORMATION: Article 10.12 of Chapter 10 of USMCA provides a dispute settlement mechanism involving trade remedy determinations issued by the Government of the United States, the Government of Canada, and the Government of Mexico. Following a Request for Panel Review, a Binational Panel is composed to review the trade remedy determination being challenged and issue a binding Panel Decision. There are established USMCA *Rules of Procedure for Article 10.12 (Binational Panel Reviews)*, which were adopted by the three governments for panels requested pursuant to Article 10.12(2) of USMCA which requires Notices of Completion of Panel Review to be published in accordance with Rule 82. For the complete Rules, please see https://can-mex-usa-sec.org/secretariat/agreement-accord-acuerdo/usmca-aceum-tmec/rules-regles-reglas/article-article-articulo_10_12.aspx?lang=eng.

Dated: November 17, 2025.

Vidya Desai,

U.S. Secretary, USMCA Secretariat.

[FR Doc. 2025–20324 Filed 11–18–25; 8:45 am]

BILLING CODE 3510–GT–P

DEPARTMENT OF COMMERCE

Patent and Trademark Office

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; Deposit of Biological Materials

AGENCY: United States Patent and Trademark Office, Department of Commerce.

ACTION: Notice of information collection; request for comments.

SUMMARY: The United States Patent and Trademark Office (hereafter “USPTO” or “Agency”), as required by the Paperwork Reduction Act of 1995, invites comments on the extension and revision of an existing information collection: 0651–0022 (Deposit of Biological Materials). The purpose of this notice is to allow 60 days for public comments preceding submission of the information collection to the Office of Management and Budget (OMB).

DATES: To ensure consideration, you must submit comments regarding this

information collection on or before January 20, 2026.

ADDRESSES: Interested persons are invited to submit written comments by any of the following methods. Do not submit Confidential Business Information or otherwise sensitive or protected information.

- *Email:* InformationCollection@uspto.gov. Include "0651-0022 comment" in the subject line of the message.
- *Federal eRulemaking Portal:* <http://www.regulations.gov>.
- *Mail:* Justin Isaac, Office of the Chief Administrative Officer, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450.
- *Telephone:* Raul Tamayo, Senior Legal Advisor, 571-272-7728.

FOR FURTHER INFORMATION CONTACT: Requests for additional information should be directed to Raul Tamayo, Senior Legal Advisor at: Office of Patent Legal Administration, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450; 571-272-7728; or raul.tamayo@uspto.gov with "0651-0022 comment" in the subject line. Additional information about this information collection is also available at <http://www.reginfo.gov> under "Information Collection Review."

SUPPLEMENTARY INFORMATION:

I. Abstract

This information collection covers information from patent applicants who seek to deposit biological material for patent purposes according to 37 CFR 1.801-1.809. The information collected from such patent applicants consists of information and documentation demonstrating the applicant's compliance with regulatory requirements, as well as information regarding the biological sample after it is deposited. This collection also covers applications from institutions that wish to be recognized by the USPTO as a suitable depository to receive deposits for patent application purposes. The information collection requirements for these actions are separate, as discussed below.

A. Deposits of Biological Material

The deposit of biological material for patent purposes is authorized by 35 U.S.C. 2(b)(2). The term "biological material" is defined in § 1.801 as including material that is capable of self-replication, either directly or indirectly. When an invention involves a biological material, words and figures may not sufficiently describe how to make and use the invention in a

reproducible manner as required by 35 U.S.C. 112. In such cases, the inventive biological material must be known and readily available to the public or be capable to be made or isolated without undue experimentation (see § 1.802). In order to satisfy the "known and readily available" requirement, the biological material may be deposited in a suitable depository that has been recognized as an International Depository Authority (IDA) established under the Budapest Treaty per § 1.803(a)(1), or any other depository recognized to be suitable by the USPTO per § 1.803(a)(2). Under the authority of 35 U.S.C. 2(b)(2), the deposit rules (§§ 1.801-1.809) set forth the examination procedures and conditions of deposit which must be satisfied in the event a deposit is required.

In cases where a deposit of biological material that is capable of self-replication either directly or indirectly is made, and the deposit is not made under the Budapest Treaty, the USPTO collects information to determine whether the deposit meets the viability requirements of § 1.807. This information includes a viability statement under § 1.807 identifying:

- (1) The name and address of the depository where the deposit was made;
- (2) The name and address of the depositor;
- (3) The date of the deposit;
- (4) The identity of the deposit and the accession number given by the depository;
- (5) The date of the viability test;
- (6) The procedure used to obtain a sample if the test was not done by the depository; and
- (7) A statement that the deposit is capable of reproduction.

A viability statement is not required when a deposit is made and accepted under the Budapest Treaty.

This information collection also covers additional information that may be gathered by the USPTO after a biological material is deposited into the recognized depository. For example, depositors may be required to submit verification statements for biological material deposited after the effective filing date of a patent application, or written notification that an acceptable deposit will be made. As another example, occasionally a deposit may become lost, contaminated, or incapable of functioning as described in the specification, and a replacement or supplemental deposit needs to be made. This information collection includes the written notification that the depositor must submit to the USPTO disclosing the particulars of the need for a replacement or supplemental deposit, as

well as the request for certificate of correction that is required when the replacement or supplemental deposit is being made in connection with a patent.

The USPTO does not provide forms for the information it collects in connection with the deposit of biological material. The International Bureau of the World Intellectual Property Organization provides forms for the deposit of biological material at an IDA under the Budapest Treaty.

B. Depositories

Institutions that wish to be recognized by the USPTO as a suitable depository to receive deposits for patent purposes are required by § 1.803(b) to make a request demonstrating that they are qualified to store and test the biological material submitted to them under patent applications (see also MPEP 2405). This information collection covers the information that a depository must submit when seeking recognition by the USPTO as a suitable depository under § 1.803(a)(2). Depositories should comply with the requirements of § 1.803(b) when requesting to become a recognized depository.

This information enables the USPTO to evaluate whether such a depository has internal practices (both technical and administrative) and the technical ability sufficient to protect the integrity of the biological material being stored by U.S. patent applicants. The information that the depository provides includes:

- (1) The name and address of the depository seeking recognition under § 1.803(a)(2),
- (2) Detailed information as to the capacity of the depository to comply with the requirements of § 1.803(a)(2), including information on its legal status, scientific standing, staff, and facilities;
- (3) An indication that the depository intends to be available, for the purposes of deposit, to any depositor under these same conditions;
- (4) Where the depository intends to accept for deposit only certain kinds of biological material, such kinds must be specified; and
- (5) An indication of the amount of any fees that the depository will, upon acquiring the status of a suitable depository under paragraph (a)(2) of this section, charge for storage, viability statements and furnishings of the samples of the deposit.

This collection also includes additional information gathered by the USPTO that may be needed after a depository has been recognized by the USPTO under § 1.803(a)(2). This information could include requests to handle additional types of biological

material other than the material originally recognized, viability statements that depositories may submit on behalf of depositors for deposits tested at the depository, and documentation that the public has been notified about where to obtain samples.

II. Method of Collection

Items in this information collection may be submitted electronically. Applicants may also submit the information in paper form by mail, fax, or hand delivery.

III. Data

OMB Control Number: 0651-0022.

Forms: (BP = Budapest)

- BP/1 (Statement in the Case of an Original Deposit (Rule 6.1))
- BP/2 (Statement in the Case of a New Deposit with the Same International Depository Authority (Rule 6.2))
- BP/3 (Statement in the Case of a New Deposit with Another International Depository Authority (Rule 6.2))
- BP/9 (Viability Statement (Rule 10.2) (International Form))

Type of Review: Extension and revision of a currently approved information collection.

Affected Public: Private sector.

Respondent's Obligation: Required to obtain or retain benefits.

Frequency: On occasion.

Estimated Number of Annual Respondents: 1,501 respondents.

Estimated Number of Annual Responses: 1,501 responses.

Estimated Time per Response: The USPTO estimates that the responses in this information collection will take the public approximately 1 to 5 hours to complete, depending on the complexity of the situation. This includes the time to gather the necessary information, create the document, and submit the completed item to the USPTO.

Estimated Total Annual Respondent Burden Hours: 1,505 hours.

Estimated Total Annual Respondent Hourly Cost Burden: \$672,735.

TABLE 1—TOTAL REPORTING BURDEN HOURS AND HOURLY COSTS TO PRIVATE SECTOR RESPONDENTS

Item No.	Item	Estimated annual respondents	Responses per respondent	Estimated annual responses	Estimated time for response (hours)	Estimated burden (hour/year)	Rate ¹ (\$/hour)	Estimated annual respondent Cost Burden
		(a)	(b)	(a) × (b) = (c)	(d)	(c) × (d) = (e)	(f)	(e) × (f) = (g)
1	Deposited Materials	1,500	1	1,500	1	1,500	447	\$670,500
2	Request for Depository Approval.	1	1	1	5	5	447	\$2,235
Totals ..	.....	1,501	.....	1,501	.....	1,505	.....	\$672,735

¹ 2023 Report of the Economic Survey, published by the Committee on Economics of Legal Practice of the American Intellectual Property Law Association, pg. F-41. The USPTO uses the average billing rate for intellectual property work in all firms, which is \$447 per hour (www.aipla.org/home/news-publications/economic-survey).

Estimated Total Annual Respondent Non-hourly Cost Burden: \$4,306,511.

There are no maintenance costs, recordkeeping costs, or filing fees associated with this information collection. However, the USPTO estimates that the total annual non-hour cost burden for this information collection, in the form of capital start-up costs and postage, is \$4,306,511.

Capital Start-Up Costs

Depositories charge fees to depositors, and all depositories charge about the same rates for their services. For example, the American Type Culture Collection (ATCC), one of the world's leading biological supply houses and recognized patent depositories, offers comprehensive patent services for

\$2,500 per deposit.² Any deposit made from outside the U.S. may have additional requirements from other federal agencies as part of their importation process. For the purposes of this information collection, the USPTO estimates that the depository fee is \$2,500 per deposit. The breakout for these costs is listed in the table below.

TABLE 2—CAPITAL START UP COSTS

Item No.	Item	Estimated annual responses	Filing fee (\$)	Non-hourly cost burden
		(a)	(b)	(a) × (b) = (c)
1	Deposited Material Depository Fee	1,500	2,500	\$3,750,000
Totals .....	.....	1,500	.....	\$3,750,000

Postage Costs

Biological deposits are generally shipped to the depository "Domestic Overnight" by Federal Express (FedEx). Since depositors are urged to supply frozen or freeze-dried materials, it must be packed in dry ice. Dry ice itself is considered a dangerous good and requires special packaging. Additional

FedEx special handling charges for inaccessible dangerous goods shipments is \$73 per shipment,³ which applies to temperature-sensitive biological materials and dry ice.

An average cost for shipping by FedEx "Domestic Overnight" can vary depending on the size of the package, the delivery time, and the delivery

distance. For purposes of this information collection, the USPTO estimates that the FedEx Domestic Overnight charge for a biological deposit is \$120 per shipment. If the shipment requires a pick-up by FedEx, there is an

² The ATCC Patent Depository service fee is \$2,500 per deposit, which is incurred at the time of receipt of a portion or all of the materials (<https://www.atcc.org/services/depositing-with-atcc/patent-deposit>).

www.atcc.org/services/depositing-with-atcc/patent-deposit.

³ FedEx, How to Ship Dangerous Goods (<https://www.fedex.com/en-us/service-guide/dangerous-goods/how-to-ship.html>).

additional charge of \$7.50.⁴ Special packaging is also required for these shipments. The average cost of frozen infectious shipments is estimated to be \$170 per package of four for specimen shipments requiring refrigeration or dry ice. Therefore, the USPTO estimates that the total average postage cost is \$371 per shipment. The USPTO estimates that respondents to this information collection will ship 1,500 biological deposits, for a total of \$556,500. The USPTO estimate that it will receive 1 depository request for recognition. The USPTO estimates that the postage cost for this type of mailed submission, using a Priority Mail legal flat-rate envelope, will be \$11.20. Combining these rates, the USPTO therefore estimates that the total mailing costs for this information collection is \$556,511 per year.

IV. Request for Comments

The USPTO is soliciting public comments to:

(a) Evaluate whether the collection of information is necessary for the proper performance of the functions of the Agency, including whether the information will have practical utility;

(b) Evaluate 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) Enhance the quality, utility, and clarity of the information to be collected; and

(d) Minimize the burden of the collection of information for 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 submission of responses.

All comments submitted in response to this notice are a matter of public record. The USPTO will include or summarize each comment in the request to OMB to approve this information collection. Before including an address, phone number, email address, or other personally identifiable information (PII) in a comment, be advised that the entire comment—including PII—may be made publicly available at any time. While you may request to withhold PII from

public view, the USPTO cannot guarantee that it will be able to do so.

Justin Isaac,
Information Collections Officer, Office of the Chief Administrative Officer, United States Patent and Trademark Office.

[FR Doc. 2025–20244 Filed 11–18–25; 8:45 am]

BILLING CODE 3510–16–P

DEPARTMENT OF COMMERCE

Patent and Trademark Office

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; Secrecy and License To Export

AGENCY: United States Patent and Trademark Office, Department of Commerce.

ACTION: Notice of information collection; request for comments.

SUMMARY: The United States Patent and Trademark Office (hereafter “USPTO” or “Agency”), as required by the Paperwork Reduction Act of 1995, invites comments on the extension and revision of an existing information collection: 0651–0034 (Secrecy and License to Export). The purpose of this notice is to allow 60 days for public comments preceding submission of the information collection to the Office of Management and Budget (OMB).
DATES: To ensure consideration, you must submit comments regarding this information collection on or before January 20, 2026.

ADDRESSES: Interested persons are invited to submit written comments by any of the following methods. Do not submit Confidential Business Information or otherwise sensitive or protected information.

- *Email:* InformationCollection@uspto.gov. Include “0651–0034 comment” in the subject line of the message.
- *Federal eRulemaking Portal:* <http://www.regulations.gov>.
- *Mail:* Justin Isaac, Office of the Chief Administrative Officer, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313–1450.
- *Telephone:* Jeffrey West, Senior Legal Advisor, 571–272–2226.

FOR FURTHER INFORMATION CONTACT: Requests for additional information should be directed to Jeffrey West, Senior Legal Advisor at: United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313–1450; 571–272–2226; or jeffrey.west@uspto.gov with “0651–0034 comment” in the

subject line. Additional information about this information collection is also available at <http://www.reginfo.gov> under “Information Collection Review.”

SUPPLEMENTARY INFORMATION:

I. Abstract

In the interest of national security, patent laws and regulations place certain limitations on the disclosure of information contained in patents and patent applications and on the filing of applications for patents in foreign countries.

This information collection includes the information needed by the USPTO to review the various types of petitions regarding secrecy orders and foreign filing licenses. This collection of information is required by 35 U.S.C. 181–186 and is administered by the USPTO through 37 CFR 5.1–5.5, 5.11–5.15, 5.18–5.20, and 5.25.

Secrecy Orders

Whenever the publication or disclosure of an invention by the publication of an application or by the granting of a patent is, in the opinion of the head of an interested Government agency, determined to be detrimental to national security, the USPTO Commissioner for Patents must issue a secrecy order and withhold the publication of a patent application and the grant of a patent for such period as the national security interest requires. A patent will not be issued on the application, nor will the application be published, as long as the secrecy order is in force. If a secrecy order is applied to an international application, the application will not be forwarded to the International Bureau as long as the secrecy order is in effect.

The Commissioner for Patents can issue three types of secrecy orders, each of a different scope. The first type, Secrecy Order and Permit for Foreign Filing in Certain Countries, is intended to permit the widest utilization of the technical data in the patent application while still controlling any publication or disclosure that would result in an unlawful exportation. The second type, the Secrecy Order and Permit for Disclosing Classified Information, is to treat classified technical data presented in a patent application in the same manner as any other classified material. The third type of secrecy order, the General Secrecy Order, is used where the other types of orders are not applicable, including orders issued by agencies other than the Department of Defense.

Under the provision of 35 U.S.C. 181, a secrecy order remains in effect for a period of one year from its date of

⁴ FedEx, U.S. Parcel Pickup Options (<https://www.fedex.com/content/dam/fedex-com/hdn/FedEx-US-Pickup-Options-with-rates-2025.pdf>).

issuance. A secrecy order may be renewed for additional periods of not more than one year upon notice by a Government agency that the national interest continues to require it. The applicant is notified of the renewal.

When the USPTO places a secrecy order on a patent application, the regulations authorize the applicant to petition the USPTO for permits to allow disclosure, modification, or rescission of the secrecy order, or to obtain a general or group permit. In each of these circumstances, the petition is forwarded to the appropriate defense agency for decision. Also, the Commissioner for Patents may rescind any order upon notification from the heads of the departments and the chief officers of the agencies who issued the order that the disclosure of the invention is no longer deemed detrimental to national security.

Unless expressly ordered otherwise, action on the application and prosecution by the applicant will proceed during the time the application is under a secrecy order to a specific point as indicated under 37 CFR 5.3. See the Manual of Patent Examining Procedure (MPEP) Section 130 (9th ed., rev. 01.2024, November 2024). For example, prosecution of a national application under a secrecy order may proceed only to the point where it is found to be in condition for allowance. See 37 CFR 5.3(c). Prosecution of international applications under a

secrecy order, on the other hand, will proceed only to the point before record and search copies would be transmitted to the international authorities or the applicant. See 37 CFR 5.3(d). National applications under a secrecy order that come to a final rejection must be appealed or otherwise prosecuted to avoid abandonment. Appeals in such cases must be completed by the applicant, but unless specifically indicated by the Commissioner of Patents, will not be scheduled for hearing until the secrecy order is removed.

Foreign Filing License

This information collection also covers information gathered with respect to foreign filing licenses. The filing of a patent application is considered a request for a foreign filing license. However, in some instances an applicant may need a license for filing patent applications in foreign countries prior to a filing in the USPTO or sooner than the anticipated licensing of a pending patent application.

For such circumstances, this information collection covers petitions for a foreign filing license either with or without a corresponding United States application. In addition, this information collection covers petitions to change the scope of a license and petitions for a retroactive license for instances when a patent application is

erroneously filed in a foreign country without the appropriate filing license.

II. Method of Collection

Items in this information collection may be submitted as electronic submissions. Applicants may also submit the information in paper form by mail, fax, or hand delivery.

III. Data

OMB Control Number: 0651-0034.

Forms: None.

Type of Review: Extension and revision of a currently approved information collection.

Affected Public: Private Sector.

Respondent's Obligation: Required to obtain or retain benefits.

Frequency: On occasion.

Estimated Number of Annual

Respondents: 7,318 respondents.

Estimated Number of Annual Responses: 7,318 responses.

Estimated Time per Response: The USPTO estimates that the responses in this information collection will take the public approximately 30 minutes (0.50 hours) to 4 hours to complete. This includes the time to gather the necessary information, create the document, and submit the completed item to the USPTO.

Estimated Total Annual Respondent Burden Hours: 4,207 hours.

Estimated Total Annual Respondent Hourly Cost Burden: \$1,880,529.

TABLE 1—TOTAL REPORTING BURDEN HOURS AND HOURLY COSTS TO RESPONDENTS

Item No.	Item	Estimated annual respondents	Responses per respondent	Estimated annual responses	Estimated time for response (hours)	Estimated burden (hour/year)	Rate ¹ (\$/hour)	Estimated annual respondent cost burden
		(a)	(b)	(a) × (b) = (c)	(d)	(c) × (d) = (e)	(f)	(e) × (f) = (g)
1	Petition for Recission of Secrecy Order.	5	1	5	3	15	\$447	\$6,705
2	Petition to Disclose or Modification of Secrecy Order.	20	1	20	2	40	447	17,880
3	Petition for General and Group Permits.	1	1	1	1	1	447	447
4	Petition for Expedited Handling of License (no corresponding application).	6,948	1	6,948	0.50 (30 minutes)	3,474	447	1,552,878
5	Petition for Expedited Handling of License (corresponding U.S. application).	199	1	199	0.50 (30 minutes)	100	447	44,700
6	Petition for Changing Scope of License.	1	1	1	0.50 (30 minutes)	1	447	447
7	Petition for Retroactive License.	144	1	144	4	576	447	257,472
Totals		7,318		7,318		4,207		1,880,529

¹ 2023 Report of the Economic Survey, published by the Committee on Economics of Legal Practice of the American Intellectual Property Law Association, pg. F-41. The USPTO uses the average billing rate for intellectual property work in all firms, which is \$447 per hour (www.aipla.org/home/news-publications/economic-survey).

Estimated Total Annual Respondent Non-hourly Cost Burden: \$1,622,976. There are no capital startup costs, maintenance costs, or recordkeeping

costs associated with this information collection. However, the USPTO estimates that the total annual non-hour cost burden for this information

collection, in the form of filing fees and postage costs, is \$1,622,976.

Filing Fees

There are four filing fees associated with this information collection. The fees are listed in Table 2 below.

TABLE 2—FILING FEES

Item no.	Fee code	Item	Estimated annual responses	Filing fee (\$)	Non-hourly cost burden
			(a)	(b)	(a) × (b) = (c)
4	1463	Petition for Expedited Handling of License (no corresponding application) (undiscounted entity).	6,342	\$235	\$1,490,370
4	2463	Petition for Expedited Handling of License (no corresponding application) (small entity).	567	94	53,298
4	3463	Petition for Expedited Handling of License (no corresponding application) (micro entity).	39	47	1,833
5	1463	Petition for Expedited Handling of License (corresponding U.S. application) (undiscounted entity).	182	235	42,770
5	2463	Petition for Expedited Handling of License (corresponding U.S. application) (small entity).	16	94	1,504
5	3463	Petition for Expedited Handling of License (corresponding U.S. application) (micro entity).	1	47	47
6	1463	Petition for Changing Scope of License (undiscounted entity)	1	235	235
6	2463	Petition for Changing Scope of License (small entity)	1	94	94
6	3463	Petition for Changing Scope of License (micro entity)	1	47	47
7	1463	Petition for Retroactive License (undiscounted entity)	131	235	30,785
7	2463	Petition for Retroactive License (small entity)	12	94	1,128
7	3463	Petition for Retroactive License (micro entity)	1	47	47
Totals			7,294		1,622,158

Postage Costs

Although the USPTO prefers that the items in this information collection be submitted electronically, responses may be submitted by mail through the United States Postal Service. The USPTO estimates that 1% of the 7,318 items will be submitted in the mail, resulting in 73 mailed items. The USPTO estimates that the average postage cost for a mailed submission, using a Priority Mail legal flat-rate envelope, will be \$11.20. Therefore, the USPTO estimates the total mailing costs for this information collection is \$818.

IV. Request for Comments

The USPTO is soliciting public comments to:

(a) Evaluate whether the collection of information is necessary for the proper performance of the functions of the Agency, including whether the information will have practical utility;

(b) Evaluate 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) Enhance the quality, utility, and clarity of the information to be collected; and

(d) 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 submission of responses.

All comments submitted in response to this notice are a matter of public record. The USPTO will include or summarize each comment in the request to OMB to approve this information collection. Before including an address, phone number, email address, or other personally identifiable information (PII) in a comment, be advised that the entire comment—including PII—may be made publicly available at any time. While you may request to withhold PII from public view, the USPTO cannot guarantee that it will be able to do so.

Justin Isaac,

Information Collections Officer, Office of the Chief Administrative Officer, United States Patent and Trademark Office.

[FR Doc. 2025–20246 Filed 11–18–25; 8:45 am]

BILLING CODE 3510–16–P

DEPARTMENT OF COMMERCE

Patent and Trademark Office

Agency Information Collection Activities; Submission to the Office of Management and Budget (OMB) for Review and Approval; Comment Request; Patent Term Extension and Adjustment

AGENCY: United States Patent and Trademark Office, Department of Commerce.

ACTION: Notice of information collection; request for comments.

SUMMARY: The United States Patent and Trademark Office (hereafter “USPTO” or “Agency”), as required by the Paperwork Reduction Act of 1995, invites comments on the extension and revision of an existing information collection: 0651–0020 (Patent Term Extension and Adjustment). The purpose of this notice is to allow 60 days for public comments preceding submission of the information collection to Office of Management and Budget (OMB).

DATES: To ensure consideration, comments regarding this information collection must be received on or before January 20, 2026.

ADDRESSES: Interested persons are invited to submit written comments by any of the following methods. Do not submit Confidential Business Information or otherwise sensitive or protected information.

• *Email:* InformationCollection@uspto.gov. Include “0651–0020 comment” in the subject line of the message.

• *Federal eRulemaking Portal:* <http://www.regulations.gov>.

• *Mail:* Justin Isaac, Office of the Chief Administrative Officer, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313–1450.

• *Telephone:* Jeffrey West, Senior Legal Advisor, 571–272–2226.

FOR FURTHER INFORMATION CONTACT:

Requests for additional information should be directed to: Jeffrey West, Senior Legal Advisor, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450; 571-272-7728; or jeffrey.west@uspto.gov with "0651-0020 comment" in the subject line. Additional information about this information collection is also available at <http://www.reginfo.gov> under "Information Collection Review."

SUPPLEMENTARY INFORMATION:**I. Abstract**

The patent term restoration portion of the Drug Price Competition and Patent Term Restoration Act of 1984 (Pub. L. 98-417), which is codified at 35 U.S.C. 156, permits the USPTO to extend the term of protection under a patent to compensate for delay during regulatory review and approval by the Food and Drug Administration (FDA) or United States Department of Agriculture (USDA). Only patents for drug products, medical devices, food additives, or color additives are potentially eligible for extension. The maximum length that a patent may be extended under 35 U.S.C. 156 is 5 years. The USPTO administers 35 U.S.C. 156 through 37 CFR 1.710-1.791.

This information collection covers information gathered in patent term extension applications submitted under 35 U.S.C. 156(d). Under this provision, an application for patent term extension must: identify the approved product; the patent to be extended; and the claims included in the patent that cover the approved product, a method of using the approved product, or a method of manufacturing the approved product. 35 U.S.C. 156(d) also requires the submission of information that enables the USPTO to determine the eligibility of the patent for extension, and the rights that will be derived from the extension, and information to enable the USPTO and the Secretary of Health and Human Services or the Secretary of

Agriculture to determine the period of the extension. Additionally, 35 U.S.C. 156(d) requires the applicant for patent term extension to provide a brief description of the activities undertaken by the applicant during the regulatory review period with respect to the approved product and the significant dates of these activities.

This information collection also covers information gathered in requests for interim extensions pursuant to 35 U.S.C. 156(d)(5) and 156(e)(2). Under 35 U.S.C. 156(d)(5), an interim extension may be granted if the applicable regulatory review period that began for a product is reasonably expected to extend beyond the expiration of the patent term in effect. Under 35 U.S.C. 156(e)(2), an interim extension may be granted if the term of an eligible patent for which an application for patent term extension has been submitted would expire before a certificate of extension is issued. In addition, this information collection covers requests for review of final eligibility decisions, and requests to withdraw an application requesting a patent term extension after it is submitted.

Apart from the extension provisions of 35 U.S.C. 156, the USPTO may in some cases adjust the term of an original patent under the provisions of 35 U.S.C. 154 due to certain delays in the prosecution of the patent application, including delays caused by interference proceedings, secrecy orders, or appellate review by the Patent Trial and Appeal Board or a Federal court in which the patent is issued pursuant to a decision reversing an adverse USPTO determination of patentability. The USPTO administers 35 U.S.C. 154 through 37 CFR 1.701-1.705. The patent term provisions of 35 U.S.C. 154(b), as amended by Title IV, Subtitle D of the Intellectual Property and Communications Omnibus Reform Act of 1999, allow the applicant an opportunity to request reconsideration of the USPTO's patent term adjustment

determination. This information collection covers information gathered in such a request.

In addition, this collection covers information collected when the USPTO reduces the amount of a granted patent term adjustment if delays were caused by an applicant's failure to make a reasonable effort to respond to a communication from the USPTO within three months of the communication's mailing date. Applicants may petition for reinstatement of a reduction in patent term adjustment with a showing that, in spite of all due care, the applicant was unable to respond to a communication from the USPTO within the three-month period.

II. Method of Collection

Items in this information collection may be submitted electronically, by mail, or by hand delivery to the USPTO.

III. Data

OMB Control Number: 0651-0020.

Forms: None.

Type of Review: Extension and revision of a currently approved information collection.

Affected Public: Private sector.

Respondent's Obligation: Required to obtain or retain benefits.

Frequency: On occasion.

Estimated Number of Annual Respondents: 903 respondents.

Estimated Number of Annual Responses: 903 responses.

Estimated Time per Response: The USPTO estimates that the responses in this information collection will take the public approximately 1 to 25 hours to complete. This includes the time to gather the necessary information, create the document, and submit the completed item(s) to the USPTO.

Estimated Total Annual Respondent Burden Hours: 6,807 hours.

Estimated Total Annual Respondent Hourly Cost Burden: \$3,042,729.

TABLE 1—TOTAL BURDEN HOURS AND HOURLY COSTS TO PRIVATE SECTOR RESPONDENTS

Item No.	Item name	Estimated annual respondents	Respondents per respondent	Estimated annual responses	Estimated time per response (hours)	Estimated burden (hour/year)	Rate ¹ (\$/hour)	Estimated annual respondent cost burden
		(a)	(b)	(a) x (b) = (c)	(d)	(c) x (d) = (e)	(f)	(e) x (f) = (g)
1	Application to Extend Patent Term Under 35 U.S.C. 156.	134	1	134	25	3,350	\$447	\$1,497,450
2	Request for Interim Extension Under 35 U.S.C. 156(e)(2).	24	1	24	1	24	447	10,728
3	Petition to review final Eligibility Decision Under 37 CFR 1.750.	56	1	56	25	1,400	447	625,800
4	Initial Application for Interim Extension Under 35 U.S.C. 156(d)(5).	4	1	4	20	80	447	35,760

TABLE 1—TOTAL BURDEN HOURS AND HOURLY COSTS TO PRIVATE SECTOR RESPONDENTS—Continued

Item No.	Item name	Estimated annual respondents	Respondents per respondent	Estimated annual responses	Estimated time per response (hours)	Estimated burden (hour/year)	Rate ¹ (\$/hour)	Estimated annual respondent cost burden
		(a)	(b)	(a) x (b) = (c)	(d)	(c) x (d) = (e)	(f)	(e) x (f) = (g)
5	Subsequent Application for Interim Extension Under 37 CFR 1.790.	3	1	3	1	3	447	1,341
6	Response to Requirement to Elect a Single Patent to Extend from a Single Regulatory Review Period.	38	1	38	1	38	447	16,986
7	Response to Request to Identify Holder of Regulatory Approval.	19	1	19	2	38	447	16,986
8	Declaration to Withdraw an Application to Extend Patent Term.	1	1	1	2	2	447	894
9	Petition for Reconsideration of Patent Term Adjustment Determination.	622	1	622	3	1,866	447	834,102
10	Petition for Reinstatement of Reduced Patent Term Adjustment.	1	1	1	4	4	447	1,788
11	Petition to Accord a Filing Date to an Application Under 37 CFR 1.740 for Extension of a Patent Term.	1	1	1	2	2	447	894
Totals	.....	903	.....	903	.....	6,807	.....	3,042,729

¹ 2023 Report of the Economic Survey, published by the Committee on Economics of Legal Practice of the American Intellectual Property Law Association, pg. F-41. The USPTO uses the average billing rate for intellectual property work in all firms, which is \$447 per hour (www.aipla.org/home/news-publications/economic-survey).

Estimated Total Annual Respondent Non-hourly Cost Burden: \$489,431. There are no capital startup costs, maintenance costs, or recordkeeping costs associated with this information

collection. However, the USPTO estimates that the total annual non-hourly cost burden for this information collection, in the form of filing fees and postage, is \$489,431.

Filing Fees

The items with filing fees are listed in the table below.

TABLE 2—FILING FEES

Item No.	Fee code(s)	Item	Annual estimated responses	Filing fee	Total cost
1	1457/2457/3457	Application to Extend Patent Term Under 35 U.S.C. 156.	134	\$2,500	\$335,000
4	1458/2458/3458	Initial Application for Interim Extension Under 35 U.S.C. 156(d)(5).	4	1,320	5,280
5	1459/2459/3459	Subsequent Application for Interim Extension Under 37 CFR 1.790.	3	680	2,040
9	1455/2455/3455	Petition for Reconsideration of Patent Term Adjustment Determination.	622	226	140,572
9	1465/2465/3465	Supplemental Redetermination After Notice of Final Determination.	4	1,440	5,760
10	1456/2456/3456	Petition for Reinstatement of Reduced Patent Term Adjustment.	1	452	452
11	1455/2455/3455	Petition to Accord a Filing Date to an Application Under 37 CFR 1.740 for Extension of a Patent Term.	1	226	226
Totals ...	.....	.....	769	.....	489,330

Postage

Although the USPTO prefers that the items in this information collection be submitted electronically, responses may be submitted by mail through the United States Postal Service. The USPTO estimates that 1% of the 903

items in this information collection will be submitted in the mail, resulting in 9 mailed items. The USPTO estimates that the average postage cost for a mailed submission, using a Priority Mail legal flat-rate envelope, will be \$11.20. Therefore, the USPTO estimates the

total mailing costs for this information collection at \$101.

IV. Request for Comments

The USPTO is soliciting public comments to:

(a) Evaluate whether the collection of information is necessary for the proper

performance of the functions of the Agency, including whether the information will have practical utility;

(b) Evaluate 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) Enhance the quality, utility, and clarity of the information to be collected; and

(d) 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 submission of responses.

All comments submitted in response to this notice are a matter of public record. The USPTO will include or summarize each comment in the request to OMB to approve this information collection. Before including an address, phone number, email address, or other personally identifiable information (PII) in a comment, be advised that the entire comment—including PII—may be made publicly available at any time. While one may request to withhold PII from public view, the USPTO cannot guarantee that it will be able to do so.

Justin Isaac,

Information Collections Officer, Office of the Chief Administrative Officer, United States Patent and Trademark Office.

[FR Doc. 2025–20243 Filed 11–18–25; 8:45 am]

BILLING CODE 3510–16–P

CONSUMER PRODUCT SAFETY COMMISSION

Performance Review Board Members

AGENCY: U.S. Consumer Product Safety Commission.

ACTION: Notice.

SUMMARY: The U.S. Consumer Product Safety Commission is hereby giving notice of the names of the members appointed to the Commission's Performance Review Board. The function of the Board is to make recommendations to the appropriate appointing authority relating to the performance of senior executives in the agency.

FOR FURTHER INFORMATION CONTACT: Margaret A. Evans, Chief Human Capital Officer, Office of the Executive Director, U.S. Consumer Product Safety Commission, 4330 East West Highway, Bethesda, MD 20814; Phone: (301) 504–7204.

SUPPLEMENTARY INFORMATION: Sections 4314(c)(1) through (5) of title 5, U.S.C., requires each agency to establish, in accordance with regulations prescribed by the Office of Personnel Management, one or more performance review boards. The PRB shall review and evaluate the initial appraisal of a senior executive's performance by the supervisor, along with any response by the senior executive, and make recommendations to the final rating authority relative to the performance of the senior executive.

The members of the Performance Review Board are:

1. Brien Lorenze, Executive Director
2. Jerry D. Ray, Deputy Executive Director for Safety Operations
3. Margaret A. Evans, Deputy Executive Director for Operations Support
4. Matthew Campbell, General Counsel (Alternate)

Alberta E. Mills,

Secretary, Consumer Product Safety Commission.

[FR Doc. 2025–20254 Filed 11–18–25; 8:45 am]

BILLING CODE 6355–01–P

DEPARTMENT OF DEFENSE

Department of the Navy

Notice of Availability of Record of Decision for the Atlantic Fleet Training and Testing Final Supplemental Environmental Impact Statement/ Overseas Environmental Impact Statement (ID# SEIS–007–17–USN–1723491961)

AGENCY: Department of the Navy (DoN), Department of Defense.

ACTION: Notice.

SUMMARY: In accordance with the National Environmental Policy Act and Executive Order 12114, the DoN announces its decision to conduct training and testing activities within the Atlantic Fleet Training and Testing (AFTT) Study Area as described in Alternative 1 of the AFTT Final Supplemental Environmental Impact Statement (EIS)/Overseas Environmental Impact Statement (OEIS).

SUPPLEMENTARY INFORMATION:

Alternative 1 is the DoN's preferred alternative and is representative of an annual level of training and testing activities that accounts for the natural fluctuations of training cycles, deployment schedules, use of synthetic training opportunities, and testing programs.

The complete text of the Record of Decision (ROD) and the AFTT Final

Supplemental EIS/OEIS is available on the project website at www.nepa.navy.mil/aftteis along with supporting documents. Single copies of the ROD are available upon request by contacting: Naval Facilities Engineering Systems Command Atlantic, Attention: Code EV22SG (AFTT EIS Project Managers), 6506 Hampton Boulevard, Norfolk, VA 23508–1278.

Dated: November 17, 2025.

A.R. DeMaio,

Lieutenant Commander, Judge Advocate General's Corps, U.S. Navy, Federal Register Liaison Officer.

[FR Doc. 2025–20280 Filed 11–18–25; 8:45 am]

BILLING CODE 3810–FF–P

DEPARTMENT OF ENERGY

[GDO Docket No. EA–407–B]

Application for Renewal of Authorization To Export Electric Energy; Vitol Inc.

AGENCY: Grid Deployment Office, Department of Energy.

ACTION: Notice of application.

SUMMARY: Vitol Inc. (the Applicant or Vitol) has applied for renewed authorization to transmit electric energy from the United States to Mexico pursuant to the Federal Power Act.

DATES: Comments, protests, or motions to intervene must be submitted on or before December 19, 2025.

ADDRESSES: Comments, protests, motions to intervene, or requests for more information should be addressed by electronic mail to Electricity.Exports@hq.doe.gov.

FOR FURTHER INFORMATION CONTACT: Marina Fennel, (240) 702–6156, Electricity.Exports@hq.doe.gov.

SUPPLEMENTARY INFORMATION: The United States Department of Energy (DOE) regulates electricity exports from the United States to foreign countries in accordance with section 202(e) of the Federal Power Act (FPA) (16 U.S.C. 824a(e)) and regulations thereunder (10 CFR 205.300 *et seq.*). Sections 301(b) and 402(f) of the DOE Organization Act (42 U.S.C. 7151(b) and 7172(f)) transferred this regulatory authority, previously exercised by the now-defunct Federal Power Commission, to DOE.

Section 202(e) of the FPA provides that an entity which seeks to export electricity must obtain an order from DOE authorizing that export (16 U.S.C. 824a(e)). On April 10, 2023, the authority to issue such orders was delegated to the DOE's Grid Deployment

Office (GDO) by Delegation Order No. S1–DEL–S3–2023 and Redelelegation Order No. S3–DEL–GD1–2023.¹

On June 30, 2025, Vitol filed an application with DOE (Application or App.) for renewal of their export authority for an additional five-year term. App. at 2.

According to the Application, Vitol is a “power marketer and dealer of other energy products” and “has received blanket authority from the Federal Energy Regulatory Commission to sell wholesale energy, capacity and/or ancillary services at market-based rates[.]” *Id.* at 3. Vitol is a Delaware corporation with its principal place of business in Houston, Texas. *Id.* at 4. The Applicant states it is a wholly owned direct subsidiary of Vitol US Holding Co, which is a direct, wholly-owned subsidiary of Euromin Inc. *Id.* at 3. The Applicant further states that Euromin Inc. is a wholly-owned subsidiary of the privately held Dutch company Vitol Holding B.V. *Id.*

The Applicant represents that its energy exports would be “surplus to the needs of the relevant system, and the exportation of the energy would not impair the adequacy of electric power supply with the United States[.]” App. at 5. The Applicant further states that “the requested authorization would not impede or tend to impede regional coordination of electric utility planning or operation. Applicant’s export transactions will be completed using the relevant procedures and/or market structures and coordinated with all relevant parties as required pursuant to the applicable market rules.” *Id.* at 6.

The existing international transmission facilities to be utilized by the Applicant have been previously authorized by Presidential permits issued pursuant to Executive Order 10485, as amended, and are appropriate for open access transmission by third parties. *See* App. at Exhibit C.

Procedural Matters: Any person desiring to be heard in this proceeding should file a comment or protest to the Application at Electricity.Exports@hq.doe.gov. Protests should be filed in accordance with Rule 211 of FERC’s Rules of Practice and Procedure (18 CFR 385.211). Any person desiring to become a party to this proceeding should file a motion to intervene at Electricity.Exports@hq.doe.gov in accordance with FERC Rule 214 (18 CFR 385.214).

Comments and other filings concerning Vitol Inc.’s Application should be clearly marked with GDO Docket No. EA–407–B. Additional copies are to be provided directly to Averill H. Conn, Vitol Inc., 2925 Richmond Avenue, Suite 1100, Houston, TX 77098–3133, acn@vitol.com; Casey Khan, Keturah A. Brown, 1000 Louisiana Street, Suite 5900, Houston, TX 77002, ckhan@sidley.com, keturah.brown@sidley.com.

A final decision will be made on the requested authorization after DOE reviews the action pursuant to the National Environmental Policy Act Implementing Procedures (June 2025), including 10 CFR part 1021, and after DOE evaluates whether the proposed action will have an adverse impact on the sufficiency of supply or reliability of the United States electric power supply system.

Copies of this Application will be made available, upon request, by accessing the program website at www.energy.gov/gdo/pending-applications-0 or by emailing Electricity.Exports@hq.doe.gov.

Signing Authority: This document of the Department of Energy was signed on November 12, 2025, by Chris Wright, Secretary of Energy, U.S. Department of Energy. That document with the original signature and date is maintained by DOE. For administrative purposes only, and in compliance with requirements of the Office of the Federal Register, the undersigned DOE Federal Register Liaison Officer has been authorized to sign and submit the document in electronic format for publication, as an official document of the Department of Energy. This administrative process in no way alters the legal effect of this document upon publication in the **Federal Register**.

Signed in Washington, DC, on November 17, 2025.

Jennifer Hartzell,

*Alternate Federal Register Liaison Officer,
U.S. Department of Energy.*

[FR Doc. 2025–20332 Filed 11–18–25; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Amended Notice of Intent To Prepare an Environmental Impact Statement for the Proposed North Plains Connector Project, Colstrip, MT to Center/St. Anthony, ND

AGENCY: Grid Deployment Office, Department of Energy.

ACTION: Amended notice of intent.

SUMMARY: On October 25, 2024, the Grid Deployment Office (GDO), Department of Energy (DOE) issued a Notice of Intent (NOI) to prepare an Environmental Impact Statement (EIS) for the Proposed North Plains Connector Project, Colstrip, Montana to Center/St. Anthony, North Dakota. The previous NOI indicated that DOE did not have decision making authority related to the North Plains Connector Project (NPC). This amended NOI (ANOI) clarifies that DOE does have a decision-making role with respect to the North Plains Connector Interregional Innovation (NPCII) conditional award pursuant to DOE’s Grid Resilience and Innovations Partnership (GRIP) Grant Program.

ADDRESSES: Please direct any questions about this amended NOI to Kira Treich, NEPA Document Manager, by any of the following methods:

- **Email:** northplainsconnector@hq.doe.gov.

- **Mail:** Kira Treich, NPC NEPA Document Manager, U.S. Department of Energy, Grid Deployment Office, 1000 Independence Avenue SW, Suite 4H–065, Washington, DC 20585.

Further information regarding the NPC EIS, including the original NOI, may be found at www.energy.gov/nepa/doeis-0568-north-plains-connector-multiple-locations.

FOR FURTHER INFORMATION CONTACT: Kira Treich, GDO NEPA Document Manager, northplainsconnector@hq.doe.gov, (202) 586–2006.

SUPPLEMENTARY INFORMATION:

Background: On October 25, 2024, the Grid Deployment Office (GDO), Department of Energy (DOE) issued a Notice of Intent (NOI) to prepare an Environmental Impact Statement (EIS) for the Proposed North Plains Connector Project, Colstrip, Montana to Center/St. Anthony, North Dakota. (89 FR 85182, October 25, 2024).

Separately, as part of the Infrastructure Investment and Jobs Act (Pub. L. 117–58 (2021)), DOE is administering the \$10.5 billion GRIP Program to enhance grid flexibility and improve the resilience of the power system against growing threats of extreme weather. This funding award program will accelerate the deployment of transformative projects that will help to ensure the reliability of the power sector’s infrastructure, so all American communities have access to affordable, reliable electricity.

In August 2024, DOE announced a conditional GRIP award of up to \$700 million, subject to completion of required environmental reviews and other applicable conditions, to Montana Department of Commerce (MTDOC) for

¹ As stated in Redelelegation Order No. S3–DEL–GD1–2023, nothing in the Order precludes the Secretary or the Under Secretary (for Infrastructure) from exercising any of the authority delegated by the Order.

the NPCII Project. Of this estimated \$700 million, if awarded, MTDOC would disburse an estimated \$605 million to the Project Proponent to support planning, procurement, permitting, construction, and commissioning of the Proposed Project.

Proposed Action: In addition to its role as a Co-Lead Agency for the EIS, DOE is now proposing to finalize the components of the NPCII GRIP award relevant to NPC's Proposed Project. If finalized, DOE would provide approximately \$605 million in Federal funding to MTDOC, who would then disburse those funds to the Project Proponent for the Proposed Project pursuant to the GRIP Program. The funding would be disbursed in a phased approach subject to certain conditions met in the preceding phase. Those funding phases would support planning, procurement, construction, and commissioning of the Proposed Project. In addition to clarifying DOE's role as a decisionmaker, this ANOI also provides information on the proposed upgrades at the Colstrip Substation and how those changes relate to the Proposed Project and updates the No Action Alternative to account for DOE's funding decision.

The scope of the EIS analysis described in the original NOI is not altered by DOE's pending decision regarding GRIP funding of the Proposed Project, nor does it alter, in any way, the scope of decisions put before ARS, BLM, or USFS. Therefore, DOE is not reopening the scoping period for this EIS.

Project Details: The Proposed Project details remain substantially the same as presented in the original NOI, with additional details to further describe the necessary upgrades to the Colstrip Substation. In addition to the modifications described in the original NOI, the EIS will analyze the potential installation of two new 500 kV bays within and adjacent to the existing Colstrip Substation, and the potential upgrade of the Colstrip Switchyard 500 kV bus to a 5,000-Amp rating. The existing footprint of the Colstrip Substation would be expanded by approximately 4 acres to the northwest and approximately 9 acres to the south and east to accommodate the interconnection.

Purpose and Need: DOE amends its purpose and need to include its obligation to administer the GRIP Program in a manner consistent with the Congressional intent of supporting projects that use innovative approaches to transmission, storage, and distribution infrastructure to enhance grid resilience and reliability, including

interregional transmission projects, investments that accelerate interconnection of energy generation, and utilization of distribution grid assets to provide backup power and reduce transmission requirements.

Alternatives: This ANOI modifies the No Action Alternative to consider DOE's funding decision. The Project Proponent may decide to proceed with developing the Proposed Project even without DOE funding, however, under the No Action Alternative, the analysis assumes DOE would not grant funds, the necessary permits and authorizations would not be granted by other relevant permitting entities, and the Proposed Project would not be constructed.

Responsible Official and Nature of Decision to Be Made: The original NOI identified each Federal agency's deciding Official and the scope of the relevant Federal decisions to be made. In this ANOI, DOE is adding its responsibility to decide whether to finalize the NPCII GRIP award components necessary to support the Proposed Project, or whether to terminate those components of the conditional GRIP award. The GDO Director is the Official responsible for making the decision.

Signing Authority

This document of the Department of Energy was signed on October 24, 2025, by Tina Francone, Director of the Grid Deployment Office. That document with the original signature and date is maintained by DOE. For administrative purposes only, and in compliance with requirements of the Office of the Federal Register, the undersigned DOE Federal Register Liaison Officer has been authorized to sign and submit the document in electronic format for publication, as an official document of the Department of Energy. This administrative process in no way alters the legal effect of this document upon publication in the **Federal Register**.

Signed in Washington, DC, on November 17, 2025.

Jennifer Hartzell,

*Alternate Federal Register Liaison Officer,
U.S. Department of Energy.*

[FR Doc. 2025-20267 Filed 11-18-25; 8:45 am]

BILLING CODE 6450-01-P

DEPARTMENT OF ENERGY

Energy Information Administration

Agency Information Collection Extension

AGENCY: U.S. Energy Information Administration (EIA), U.S. Department of Energy (DOE).

ACTION: Notice.

SUMMARY: EIA submitted an information collection request for extension as required by the Paperwork Reduction Act of 1995. The information collection requests a three-year extension with changes to its Oil and Gas Reserves System, OMB Control Number 1905-0057. The surveys included in the Oil and Gas Reserves System are the Form EIA-64A, *Annual Report of the Origin of Natural Gas Liquids Production*, Form EIA-23L, *Annual Report of Domestic Oil and Gas Reserves*, and Form EIA-23S, *Annual Survey of Domestic Oil and Gas Reserves*, (Summary Version) (suspended). The surveys included in the Oil and Gas Reserves System collect information on U.S. proved crude oil, natural gas, and natural gas liquids reserves and will be used to prepare electronic annual reports of U.S. proved reserves data that fulfill EIA's congressional mandate to provide accurate annual estimates of U.S. proved crude oil and natural gas reserves. The U.S. Government also uses the resulting information in EIA's reports to develop national and regional estimates of proved reserves of domestic crude oil and natural gas to facilitate national energy policy decisions.

DATES: Comments on this information collection must be received no later than December 19, 2025. 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: Kenneth Pick, EIA Clearance Officer, at (202) 558-5562. The forms and instructions are available on EIA's website at www.eia.gov/survey/.

SUPPLEMENTARY INFORMATION: This information collection request contains

- (1) OMB No.: 1905-0057;
- (2) *Information Collection Request Title:* Oil and Gas Reserves System;
- (3) *Type of Request:* Three-year extension with changes;
- (4) *Purpose:* The surveys included in the Oil and Gas Reserves System collect

information on U.S. proved crude oil, natural gas, and natural gas liquids reserves. In response to Public Law 95–91 Section 657, estimates of U.S. oil and gas reserves are to be reported annually. Many U.S. government agencies have an interest in the definitions of proved oil and gas reserves and the quality, reliability, and usefulness of estimates of reserves. Among these are the U.S. Energy Information Administration (EIA), Department of Energy; Bureau of Ocean Energy Management (BOEM), Department of Interior; Internal Revenue Service (IRS), Department of the Treasury; and the Securities and Exchange Commission (SEC). Each of these organizations has specific purposes for collecting, using, or estimating proved reserves. The EIA has a congressional mandate to provide accurate annual estimates of U.S. proved crude oil, natural gas, and natural gas liquids reserves, and EIA presents annual reserves data in EIA Web reports to meet this requirement. The BOEM maintains estimates of proved reserves to carry out their responsibilities in leasing, collecting royalty payments, and regulating the activities of oil and gas companies on Federal waters. Accurate reserve estimates are important, as the BOEM is second only to the IRS in generating Federal revenue. For the IRS, proved reserves and occasionally probable reserves are an essential component of calculating taxes for companies owning or producing oil and gas. The SEC requires publicly traded petroleum companies to annually file a reserves statement as part of their 10–K filing. The basic purpose of the 10–K filing is to give the investing public a clear and reliable financial basis to assess the relative value, as a financial asset, of a company's reserves, especially in comparison to other similar oil and gas companies.

The Government also uses the resulting information to develop national and regional estimates of proved reserves of domestic crude oil, natural gas, and natural gas liquids to facilitate national energy policy decisions. These estimates are essential to the development, implementation, and evaluation of energy policy and legislation. Data are used directly in EIA Web reports concerning U.S. crude oil, natural gas, and natural gas liquids reserves, and are incorporated into a number of other Web reports and analyses;

(4a) *Changes to Information Collection:*

Form EIA–23L, Annual Report of Domestic Oil and Gas Reserves (Change to Instructions)

EIA proposes a minor modification to Form EIA–23L instructions to align the disclosure language with other EIA surveys, without substantially changing the intention of the disclosure language.

Form EIA–64A, Annual Report of the Origin of Natural Gas Liquids Production (Change to Instructions)

EIA proposes six minor modifications to Form EIA–64A instructions to clarify the data requested:

1. Page 1 of the instructions describing who must file the form indicates that “facilities” refers to natural gas processing plants. EIA proposes adding “including gas sweetening plants” to clarify the respondent frame.
2. Page 4 of the instructions includes a diagram to assist respondents when filling out Section 2 of the form. EIA proposes defining residue gas as “dry natural gas after liquids extraction” in the text describing the diagram. This is the first place EIA uses the term residue natural gas other than in the Section title.
3. Page 4 of the instructions for Section 2.1 requests the total outlet of residue natural gas. EIA proposes clarifying the current definition of residue natural gas from “dry gas” to “dry natural gas after liquids extraction”.
4. Page 4 of the instructions for Section 2.2 requests the total natural gas used on site as plant fuel. EIA proposes modifying the current instruction to clarify that this data should include natural gas that is used to generate electricity consumed by the plant.
5. EIA proposes changing all instances of “residue gas” to “residue natural gas” for consistency within the instructions.
6. Pages 6 and 7 of the instructions include a form glossary. EIA proposes adding a definition to this glossary for gas sweetening plants: “A type of natural gas processing plant designed for removal of impurities such as hydrogen sulfide, carbon dioxide, sulfur, etc. from sour gas to make it suitable for transport and use.”;
- (5) *Annual Estimated Number of Respondents:* 878;
- (6) *Annual Estimated Number of Total Responses:* 878;
- (7) *Annual Estimated Number of Burden Hours:* 15,768;
- (8) *Annual Estimated Reporting and Recordkeeping Cost Burden:* \$1,497,802 (15,768 estimated burden hours times \$94.99). EIA estimates that respondents will have no additional costs associated

with the surveys other than the burden hours and the maintenance of the information during the normal course of business.

Statutory Authority: 15 U.S.C. 772(b), 42 U.S.C. 7101 *et seq.*

Signed in Washington, DC, on November 17, 2025.

Samson A. Adeshiyan,

Director, Office of Statistical Methods and Research, U.S. Energy Information Administration.

[FR Doc. 2025–20305 Filed 11–18–25; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following exempt wholesale generator filings:

Docket Numbers: EG26–45–000.

Applicants: Niyol Energy Storage, LLC.

Description: Niyol Energy Storage, LLC submits Notice of Self-Certification of Exempt Wholesale Generator Status. *Filed Date:* 11/13/25.

Accession Number: 20251113–5225.

Comment Date: 5 p.m. ET 12/4/25.

Docket Numbers: EG26–46–000.

Applicants: Cartwright Solar I LLC. *Description:* Cartwright Solar I LLC submits Notice of Self-Certification of Exempt Wholesale Generator Status. *Filed Date:* 11/14/25.

Accession Number: 20251114–5039.

Comment Date: 5 p.m. ET 12/5/25.

Docket Numbers: EG26–47–000.

Applicants: San Jacinto Cogeneration LLC. *Description:* San Jacinto Cogeneration LLC submits Notice of Self-Certification of Exempt Wholesale Generator Status. *Filed Date:* 11/14/25.

Accession Number: 20251114–5128. *Comment Date:* 5 p.m. ET 12/5/25.

Take notice that the Commission received the following Complaints and Compliance filings in EL Dockets:

Docket Numbers: EL26–25–000.

Applicants: Stay Ready Solar 1 Inc., *et al v. Entergy New Orleans, Inc.*

Description: Complaint of Stay Ready Solar 1 Inc., *et al. v. Entergy New Orleans, Inc.* *Filed Date:* 11/13/25.

Accession Number: 20251113–5216.

Comment Date: 5 p.m. ET 12/3/25.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER22–1697–004.

Applicants: Southwest Power Pool, Inc.

Description: Compliance filing: Compliance Filing in Response to September 2025 Order to be effective 12/31/9998.

Filed Date: 11/14/25.

Accession Number: 20251114–5127.

Comment Date: 5 p.m. ET 12/5/25.

Docket Numbers: ER24–1434–004.

Applicants: Central Hudson Gas & Electric Corporation, New York Independent System Operator, Inc.

Description: Compliance filing: New York Independent System Operator, Inc. submits tariff filing per 35: Central Hudson Compliance: Rate Schedule 21 WDS Settlement Proposal to be effective 8/5/2024.

Filed Date: 11/14/25.

Accession Number: 20251114–5078.

Comment Date: 5 p.m. ET 12/5/25.

Docket Numbers: ER24–2255–003.

Applicants: NextEra Energy Transmission MidAtlantic, Inc., PJM Interconnection, L.L.C.

Description: Compliance filing: NextEra Energy Transmission MidAtlantic, Inc. submits tariff filing per 35: Amendment to NEET MA Compliance Filing in ER24–2255 to be effective 8/12/2024.

Filed Date: 11/14/25.

Accession Number: 20251114–5148.

Comment Date: 5 p.m. ET 12/5/25.

Docket Numbers: ER25–177–000.

Applicants: Southwest Power Pool, Inc.

Description: Report Filing: Supplemental Filing—Compensation Mechanism for System Support Resources to be effective N/A.

Filed Date: 11/12/25.

Accession Number: 20251112–5305.

Comment Date: 5 p.m. ET 12/3/25.

Docket Numbers: ER25–2896–002.

Applicants: Southwest Power Pool, Inc.

Description: Compliance filing: Compliance Filing—Name Change to GridLiance High Plains LLC to be effective 10/16/2018.

Filed Date: 11/14/25.

Accession Number: 20251114–5054.

Comment Date: 5 p.m. ET 12/5/25.

Docket Numbers: ER26–508–000.

Applicants: El Paso Electric Company.

Description: § 205(d) Rate Filing: Housekeeping Filing of Attachment H–1 to EPE's OATT to be effective 1/13/2026.

Filed Date: 11/13/25.

Accession Number: 20251113–5221.

Comment Date: 5 p.m. ET 12/4/25.

Docket Numbers: ER26–510–000.

Applicants: Midcontinent Independent System Operator, Inc.

Description: § 205(d) Rate Filing: 2025–11–14 Forward Reliability Assessment Commitment Update to be effective 1/30/2026.

Filed Date: 11/14/25.

Accession Number: 20251114–5010.

Comment Date: 5 p.m. ET 12/5/25.

Docket Numbers: ER26–511–000.

Applicants: ibV Energy Partners, LLC.

Description: Request for Prospective Waiver, et al. of ibV Energy Partners.

Filed Date: 11/13/25.

Accession Number: 20251113–5241.

Comment Date: 5 p.m. ET 12/4/25.

Docket Numbers: ER26–512–000.

Applicants: WSPP Inc.

Description: § 205(d) Rate Filing: List of Members Update 2025 to be effective 10/31/2025.

Filed Date: 11/14/25.

Accession Number: 20251114–5072.

Comment Date: 5 p.m. ET 12/5/25.

Docket Numbers: ER26–513–000.

Applicants: Midcontinent Independent System Operator, Inc.

Description: § 205(d) Rate Filing: 2025–11–14 Planning Resource Replacement and DR Deferral Notice to be effective 3/1/2026.

Filed Date: 11/14/25.

Accession Number: 20251114–5097.

Comment Date: 5 p.m. ET 12/5/25.

Docket Numbers: ER26–514–000.

Applicants: Scatter Wash Energy Storage LLC.

Description: § 205(d) Rate Filing: Normal filing 2025 to be effective 11/15/2025.

Filed Date: 11/14/25.

Accession Number: 20251114–5102.

Comment Date: 5 p.m. ET 12/5/25.

Docket Numbers: ER26–515–000.

Applicants: PJM Interconnection, L.L.C.

Description: § 205(d) Rate Filing: Ministerial Clean-Up Filing of Tariff, Definitions C—D to be effective 7/18/2016.

Filed Date: 11/14/25.

Accession Number: 20251114–5124.

Comment Date: 5 p.m. ET 12/5/25.

Docket Numbers: ER26–516–000.

Applicants: Southern California Edison Company.

Description: § 205(d) Rate Filing: GIA/SA1405, 2nd Amend DSA/SA430, Mogul Energy (WDT888QFC) + DSA eTariff Removal to be effective 11/15/2025.

Filed Date: 11/14/25.

Accession Number: 20251114–5132.

Comment Date: 5 p.m. ET 12/5/25.

Docket Numbers: ER26–517–000.

Applicants: Canal Marketing LLC.

Description: § 205(d) Rate Filing: Revision to IROL–CIP Rate Schedule 17 (4–2024 through 3–2025) to be effective 1/13/2026.

Filed Date: 11/14/25.

Accession Number: 20251114–5152.

Comment Date: 5 p.m. ET 12/5/25.

Docket Numbers: ER26–518–000.

Applicants: Southern California Edison Company.

Description: § 205(d) Rate Filing: Letter Agreement, Rosa Storage Project, TOT1147, SA #372 to be effective 11/15/2025.

Filed Date: 11/14/25.

Accession Number: 20251114–5155.

Comment Date: 5 p.m. ET 12/5/25.

Docket Numbers: ER26–520–000.

Applicants: Pacific Gas and Electric Company.

Description: § 205(d) Rate Filing: TO SA 275: Revisions to California Department of Water Resources (CDWR) to be effective 1/14/2026.

Filed Date: 11/14/25.

Accession Number: 20251114–5171.

Comment Date: 5 p.m. ET 12/5/25.

Docket Numbers: ER26–521–000.

Applicants: Goat Rock Solar, LLC.

Description: § 205(d) Rate Filing: Goat Rock Solar MBR Application to be effective 1/14/2026.

Filed Date: 11/14/25.

Accession Number: 20251114–5174.

Comment Date: 5 p.m. ET 12/5/25.

Docket Numbers: ER26–522–000.

Applicants: Hester Hill Solar, LLC.

Description: § 205(d) Rate Filing: Hester Hill Solar MBR Application to be effective 1/14/2026.

Filed Date: 11/14/25.

Accession Number: 20251114–5175.

Comment Date: 5 p.m. ET 12/5/25.

Docket Numbers: ER26–523–000.

Applicants: Pinewood Solar, LLC.

Description: § 205(d) Rate Filing: Pinewood Solar MBR Application to be effective 1/14/2026.

Filed Date: 11/14/25.

Accession Number: 20251114–5179.

Comment Date: 5 p.m. ET 12/5/25.

Docket Numbers: ER26–524–000.

Applicants: PJM Interconnection, L.L.C.

Description: § 205(d) Rate Filing: Amendment to ISA, SA No. 6438; Queue No. AE1–229 to be effective 1/14/2026.

Filed Date: 11/14/25.

Accession Number: 20251114–5182.

Comment Date: 5 p.m. ET 12/5/25.

Docket Numbers: ER26–525–000.

Applicants: Southwest Atlanta Energy Storage, LLC.

Description: § 205(d) Rate Filing: Southwest Atlanta Energy Storage MBR Application to be effective 1/14/2026.

Filed Date: 11/14/25.

Accession Number: 20251114–5184.

Comment Date: 5 p.m. ET 12/5/25.

Docket Numbers: ER26–526–000.

Applicants: Lucky Corridor, LLC.
Description: § 205(d) Rate Filing:
 Filing of Tariff Clean Up to be effective
 6/18/2025.

Filed Date: 11/14/25.

Accession Number: 20251114–5195.

Comment Date: 5 p.m. ET 12/5/25.

The filings are accessible in the Commission's eLibrary system (<https://elibrary.ferc.gov/idmws/search/fercgensearch.asp>) by querying the docket number.

Any person desiring to intervene, to protest, or to answer a complaint in any of the above proceedings must file in accordance with Rules 211, 214, or 206 of the Commission's Regulations (18 CFR 385.211, 385.214, or 385.206) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: <http://www.ferc.gov/docs-filing/efiling/filing-req.pdf>. For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

The Commission's Office of Public Participation (OPP) supports meaningful public engagement and participation in Commission proceedings. OPP can help members of the public, including landowners, community organizations, Tribal members and others, access publicly available information and navigate Commission processes. For public inquiries and assistance with making filings such as interventions, comments, or requests for rehearing, the public is encouraged to contact OPP at (202) 502–6595 or OPP@ferc.gov.

Dated: November 14, 2025.

Carlos D. Clay,

Deputy Secretary.

[FR Doc. 2025–20301 Filed 11–18–25; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Filings Instituting Proceedings

Docket Numbers: PR26–9–000.

Applicants: Hope Gas, Inc.

Description: § 284.123(g) Rate Filing:
 HGI—November 1 2025 Rate Change

and SOC Revision to be effective 11/1/2025.

Filed Date: 11/13/25.

Accession Number: 20251113–5179.

Comment Date: 5 p.m. ET 12/4/25.

§ 284.123(g) Protest: 5 p.m. ET 1/12/26.

Docket Numbers: RP26–192–000.

Applicants: Rover Pipeline LLC.

Description: § 4(d) Rate Filing: Off-System Capacity Updates to be effective 12/14/2025.

Filed Date: 11/14/25.

Accession Number: 20251114–5050.

Comment Date: 5 p.m. ET 11/26/25.

Docket Numbers: RP26–193–000.

Applicants: Discovery Gas Transmission LLC.

Description: § 4(d) Rate Filing: 2026 HMRE Surcharge Annual Filing to be effective 1/1/2026.

Filed Date: 11/14/25.

Accession Number: 20251114–5060.

Comment Date: 5 p.m. ET 11/26/25.

Docket Numbers: RP26–194–000.

Applicants: MountainWest Overthrust Pipeline, LLC.

Description: § 4(d) Rate Filing: Statement of Negotiated Rates Version 23 to be effective 11/17/2025.

Filed Date: 11/14/25.

Accession Number: 20251114–5061.

Comment Date: 5 p.m. ET 11/26/25.

Docket Numbers: RP26–195–000.

Applicants: Gulf South Pipeline Company, LLC.

Description: § 4(d) Rate Filing: Update to Operational Plans/Emergency Procedures to be effective 12/15/2025.

Filed Date: 11/14/25.

Accession Number: 20251114–5069.

Comment Date: 5 p.m. ET 11/26/25.

Any person desiring to intervene, to protest, or to answer a complaint in any of the above proceedings must file in accordance with Rules 211, 214, or 206 of the Commission's Regulations (18 CFR 385.211, 385.214, or 385.206) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

The filings are accessible in the Commission's eLibrary system (<https://elibrary.ferc.gov/idmws/search/fercgensearch.asp>) by querying the docket number.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: <http://www.ferc.gov/docs-filing/efiling/filing-req.pdf>. For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

The Commission's Office of Public Participation (OPP) supports meaningful

public engagement and participation in Commission proceedings. OPP can help members of the public, including landowners, community organizations, Tribal members and others, access publicly available information and navigate Commission processes. For public inquiries and assistance with making filings such as interventions, comments, or requests for rehearing, the public is encouraged to contact OPP at (202) 502–6595 or OPP@ferc.gov.

Dated: November 14, 2025.

Carlos D. Clay,

Deputy Secretary.

[FR Doc. 2025–20269 Filed 11–18–25; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Western Area Power Administration

Boulder Canyon Project

AGENCY: Western Area Power Administration, DOE.

ACTION: Notice concerning fiscal year 2026 base charge and rates for electric service.

SUMMARY: The Deputy Secretary confirms, approves, and places into effect on a final basis the Western Area Power Administration (WAPA) Desert Southwest Region's (DSW) fiscal year (FY) 2026 base charge and rates for Boulder Canyon Project (BCP) electric service under Rate Schedule BCP–F11. The base charge is increasing 2.5 percent, from \$74.3 million in FY 2025 to \$76.2 million in FY 2026. This change is primarily due to a decrease in anticipated prior year carryover funds from FY 2025.

DATES: The FY 2026 base charge and rates are effective October 1, 2025, and will remain in effect through September 30, 2026.

FOR FURTHER INFORMATION CONTACT: Scott R. Lund, Regional Manager, Desert Southwest Region, Western Area Power Administration, P.O. Box 6457, Phoenix, AZ 85005–6457, or Tina Ramsey, Rates Manager, Desert Southwest Region, Western Area Power Administration, (602) 812–2355, or email: dswpwrmrk@wapa.gov.

SUPPLEMENTARY INFORMATION: On March 31, 2023, the Federal Energy Regulatory Commission (FERC) approved and confirmed Rate Schedule BCP–F11, under Rate Order No. WAPA–204, on a final basis through September 30, 2027.¹

¹ Order Confirming and Approving Rate Schedule on a Final Basis, FERC Docket No. EF22–4–000 (2023).

WAPA published a **Federal Register** notice (FRN) on April 28, 2025 (90 FR 17591), proposing the FY 2026 base charge and rates under Rate Schedule BCP-F11. The FRN also initiated a 90-day public consultation and comment period and set forth the date and location of the public information and public comment forums.

The rate-setting methodology for BCP electric service requires calculation of an annual base charge rather than a unit

rate for Hoover Dam hydropower. The base charge recovers an annual revenue requirement that includes projected costs of investment repayment, interest, operations, maintenance, replacements, payments to states, and Hoover Dam visitor services. Non-power revenue projections such as water sales, Hoover Dam visitor revenue, ancillary services, and late fees offset these projected costs. Hoover power contractors are billed a percentage of the base charge in

proportion to their power allocation. Unit rates are calculated for comparative purposes but are not used to determine the charges for electric service.

Rate Schedule BCP-F11 and the BCP Electric Service Contract require WAPA to calculate the annual base charge and rates for the next fiscal year before October 1 of each year. The FY 2025 BCP base charge and rates expire on September 30, 2025.

COMPARISON OF BASE CHARGE AND RATES

	FY 2025	FY 2026	Amount change	Percent change
Base Charge (\$)	74,334,285	76,174,568	1,840,283	2.5
Composite Rate (mills/kWh)	24.39	25.89	1.50	6.2
Energy Rate (mills/kWh)	12.20	12.95	0.75	6.1
Capacity Rate (\$/kW-Mo)	2.17	2.27	0.10	4.6

The base charge for BCP electric service is increasing from \$74.3 million in FY 2025 to \$76.2 million in FY 2026.

COMPARISON OF BASE CHARGE INPUTS

	FY 2025	FY 2026 proposed FRN	FY 2026	Change (FY 2025 to FY 2026)	Percent change
Reclamation Budget (\$)	87,237,463	88,803,044	86,339,548	(897,915)	(1.0)
WAPA Budget (\$)	10,136,615	10,136,615	9,090,506	(1,046,109)	(10.3)
Non-Power Revenue (\$)	18,907,029	18,826,056	18,826,056	(80,973)	(0.4)
Carryover (\$)	4,132,764	(70,570)	429,430	(3,703,334)	(89.6)
Base Charge (\$) ²	74,334,285	80,184,173	76,174,568	1,840,283	2.5

The Bureau of Reclamation's (Reclamation) FY 2026 budget reflects reductions, decreasing by \$898,000 from \$87.2 million to \$86.3 million, a 1 percent decrease from FY 2025. After publication of the FRN and a comprehensive review of operations and maintenance (O&M) expenditures, Reclamation's initial FY 2026 projected increase of \$3.1 million in O&M costs was reduced by \$2.3 million to an increase of \$898,000. The increase is primarily due to higher projected labor costs for salaries, benefits, and overhead, as well as increased costs for services, materials and supplies, and equipment due to rising purchase needs and inflation. In addition, visitor services costs are increasing by \$772,000 also due to higher projected labor costs for salaries, benefits, overhead, and overtime. These increases, totaling \$1.6 million, were offset by a \$2.5 million reduction in replacement costs due to several large projects being delayed.

WAPA made reductions to both its FY 2025 and FY 2026 budgets totaling \$1.5 million over both fiscal years. WAPA's FY 2025 O&M budget was reduced by \$500,000 impacting the carryover from FY 2025 to FY 2026. WAPA's FY 2026 budget is decreasing \$1 million from \$10.1 million to \$9.1 million, a 10 percent decrease from FY 2025. These adjustments were made after publication of the FRN, stemming from strategic cost-containment initiatives and a comprehensive review of expenditures.

Non-power revenue projections for Reclamation and WAPA are decreasing \$81,000 to \$18.3 million, due to lower estimated revenue from ancillary services.

The projected FY 2025 to FY 2026 carryover is \$429,000. While carryover was originally projected to be a shortfall in the FRN, the updated figure is a result of WAPA's previously mentioned cuts to their FY 2025 O&M budget. This amount represents a \$3.7 million decrease from the FY 2025 projected carryover. This decrease occurred due to higher than anticipated execution rates

in FY 2024 and the application of previously collected multi-year project funds to ongoing and upcoming work.

The composite rate is increasing 6.2 percent, the energy rate is increasing 6.1 percent, and the capacity rate is increasing 4.6 percent from FY 2025. These unit rate calculations use forecasted energy and capacity values which decreased by 3.5 percent and 2.3 percent, respectively, when compared to FY 2025.

Public Notice and Comment

DSW followed the Procedures for Public Participation in Power and Transmission Rate Adjustments and Extensions (10 CFR part 903) and General Regulations for the Charges for the Sale of Power from the BCP (10 CFR part 904). DSW took the following steps to involve interested parties in the rate process:

1. DSW provided a website where information is posted about this rate process. The website is located at www.wapa.gov/about-wapa/regions/dsw/rates/boulder-canyon-project-rates.

² Base Charge = Reclamation Budget + WAPA Budget – Non-Power Revenue – Carryover.

2. On April 28, 2025, a **Federal Register** notice (90 FR 17591) (FRN) announced the proposed FY 2026 base charge and rates and initiated a 90-day public consultation and comment period.

3. On April 28, 2025, DSW notified contractors and interested parties of the proposed rates and provided a copy of the published FRN by email.

4. On May 28, 2025, DSW held a public information forum, with options to attend virtually or in person, at the Desert Southwest Regional Office, Phoenix, Arizona. DSW representatives explained the proposed base charge and provided contractors and interested parties an opportunity to ask questions and provide comments for the record.

5. On June 25, 2025, DSW posted on its website responses to questions asked at the public information forum. These questions focused on the increase in Reclamation's maintenance budget and the projected monthly billing for the BCP base charge for FY 2026.

6. On June 27, 2025, DSW held a public comment forum, with options to attend virtually or in person, at the Desert Southwest Regional Office, Phoenix, Arizona, to provide an opportunity for contractors and other interested parties to provide comments for the record.

7. On July 28, 2025, the public consultation and comment period ended with DSW receiving one oral comment and several questions at the public information forum (see #5 previously listed) and written comments from Arizona Power Authority, Irrigation & Electrical Districts Association of Arizona and Colorado River Commission of Nevada.

8. The comments appear below, paraphrased where appropriate without compromising the meaning.

Oral comments were received from the following organization:

Arizona Power Authority

Written comments were received from the following organizations:

Arizona Power Authority
Colorado River Commission of Nevada
Irrigation and Electrical Districts Association of Arizona

Comments

Comment: At the public information forum, a commenter expressed concerns regarding the increase in personnel costs for Hoover Dam Visitor Services, as well as overall rising personnel expenses. The commenter recommended exploring cost-control measures, particularly given the subsidies allocated to Visitor Services.

Response: Reclamation acknowledges the commenter's concern regarding

rising personnel costs, particularly the increases affecting Hoover Dam Visitor Services. Reclamation will continue to evaluate and discuss potential cost-control measures at the Visitor Services Ad Hoc Committee meetings.

Comment: A commenter requested Reclamation seek methods to reduce operation costs in future base charge adjustments.

Response: Reclamation acknowledges the commenter's concerns and maintains an ongoing commitment to managing expenditures efficiently and reducing operational costs.

Comment: Commenters requested WAPA to cease collecting post-retirement benefits (PRBs) in the BCP rates to prevent further accumulation of funds, or to change its practice and defer collection until a resolution is reached by legislation for the use of these funds.

Response: Reclamation and WAPA acknowledge the commenters' concerns and recommendations regarding PRBs and will collaboratively work with Hoover Contractors to explore potential solutions that comport with contractual and legal requirements related to the collection and use of these funds.

Comment: A commenter requested WAPA, Reclamation and the Hoover Contractors to convene a workgroup to identify an administrative solution for utilizing stranded PRB funds on necessary maintenance and replacements at Hoover Dam.

Response: Reclamation and WAPA acknowledge the request to convene a workgroup, including Hoover Contractors, to identify administrative solutions for applying PRB funds toward essential maintenance and replacements at Hoover Dam. This requested collaborative approach will be considered as part of our continuous work toward developing and pursuing a comprehensive resolution for PRBs.

Comment: A commenter thanked WAPA for its cost-containment efforts and noted the increase in the FY 2026 base charge was not the result of an increase in WAPA's costs.

Response: WAPA appreciates the comment and is committed to developing budgets that will accomplish necessary work while ensuring the base charge and rates are the lowest cost possible consistent with sound business principles.

Certification of Rates

WAPA's Administrator certified the FY 2026 base charge and rates under Rate Schedule BCP-F11 are the lowest possible rates consistent with sound business principles. The base charge and rates were developed following

administrative policies and applicable laws.

Availability of Information

Information used by WAPA to develop the base charge and rates for electric service is available for inspection and copying at the Desert Southwest Regional Office, located at 615 South 43rd Avenue, Phoenix, Arizona 85009. Many of these documents are also available on DSW's website at www.wapa.gov/about-wapa/regions/dsw/rates/boulder-canyon-project-rates.

Legal Authority

DOE is setting rates for BCP electric service in accordance with section 302 of the DOE Organization Act (42 U.S.C. 7152). This provision transferred to, and vested in, the Secretary of Energy certain functions of the Secretary of the Interior, along with the power marketing functions of Reclamation.

DOE regulations governing charges for the sale of BCP power, 10 CFR 904.7(e), require annual review of the BCP base charge and an "adjust[ment], either upward or downward, when necessary and administratively feasible, to assure sufficient revenues to effect payment of all costs and financial obligations associated with the [p]roject." WAPA's Administrator provided all BCP contractors an opportunity to comment on the proposed base charge adjustment, consistent with DOE procedures for public participation in rate adjustments. The BCP Electric Service Contract states that for years other than the first year and each fifth year thereafter, when the rate schedule is approved by the Deputy Secretary of Energy on a provisional basis and by FERC on a final basis, adjustments to the base charge "shall become effective upon approval by the Deputy Secretary of Energy."

Accordingly, the Deputy Secretary of Energy may approve the FY 2026 base charge and rates for BCP electric service, as authorized by the BCP Electric Service Contract and DOE's procedures for public participation in rate adjustments set forth at 10 CFR parts 903 and 904.³

Following DOE's review of WAPA's proposal, and as authorized by applicable provisions of the BCP Electric Service Contract, I have confirmed, approved, and placed the FY 2026 base charge and rates for BCP electric service, under Rate Schedule BCP-F11, into effect on a final basis through September 30, 2026.

³ 50 FR 37835 (Sept. 18, 1985) and 84 FR 5347 (Feb. 21, 2019).

Ratemaking Procedure Requirements Environmental Compliance

WAPA has determined that this action fits within the following categorical exclusion listed in appendix B to 10 CFR part 1021 and appendix B of DOE's National Environmental Policy Act (NEPA) Implementing Procedures published on June 30, 2025: B4.3 (Electric power marketing rate changes). Under 10 CFR 1021.102, categorically excluded projects and activities do not require preparation of either an environmental impact statement or an environmental assessment.⁴ A copy of the categorical exclusion determination titled Boulder Canyon Project—Proposed Rate-Setting Formulas for Electric Service and Fiscal Year 2023 Base Charge and Rates, Rate Order WAPA-204 (1-31-2022) is available on WAPA's website at: www.wapa.gov/about-wapa/regions/dsw/environment/dsw-cx.

Determination Under Executive Order 12866

WAPA has an exemption from centralized regulatory review under Executive Order 12866; accordingly, no clearance of this notice by the Office of Management and Budget is required.

Signing Authority

This document of the Department of Energy was signed on October 17, 2025, by James Danly, Deputy Secretary of Energy. That document, with the original signature and date, is maintained by DOE. For administrative purposes only, and in compliance with requirements of the Office of the Federal Register, the undersigned DOE Federal Register Liaison Officer has been authorized to sign and submit the document in electronic format for publication, as an official document of the Department of Energy. This administrative process in no way alters the legal effect of this document upon publication in the **Federal Register**.

Signed in Washington, DC, on November 17, 2025.

Jennifer Hartzell,

*Alternate Federal Register Liaison Officer,
U.S. Department of Energy.*

[FR Doc. 2025-20296 Filed 11-18-25; 8:45 am]

BILLING CODE 6450-01-P

ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-OPPT-2018-0427]; FRL-11809-06-OCSPP]

1,2-Dichloroethane; Draft Risk Evaluation Under the Toxic Substances Control Act (TSCA); Notice of Availability and Request for Comment

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency (EPA or Agency) is announcing the availability of and seeking public comment on a draft risk evaluation under the Toxic Substances Control Act (TSCA) for 1,2-dichloroethane (CASRN 107-06-2). The purpose of risk evaluations under TSCA is to determine whether a chemical substance presents an unreasonable risk of injury to health or the environment under the conditions of use (COUs), including unreasonable risk to potentially exposed or susceptible subpopulations identified as relevant to the risk evaluation by EPA, and without consideration of costs or non-risk factors. EPA used the best available science to prepare this draft risk evaluation and to preliminarily determine, based on the weight of scientific evidence, that 1,2-dichloroethane poses unreasonable risk to human health and the environment driven primarily by certain COUs analyzed in the draft risk evaluation.

DATES: Comments must be received on or before January 20, 2026.

ADDRESSES: Submit your comments, identified by docket identification (ID) number EPA-HQ-OPPT-2018-0427, online at <https://www.regulations.gov>. Follow the online instructions for submitting comments. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Additional instructions on commenting and visiting the docket, along with more information about dockets generally, is available at <https://www.epa.gov/dockets>.

FOR FURTHER INFORMATION CONTACT:

For technical information: Seema Schappelle, Existing Chemical Risk Assessment Division, Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460-0001; telephone number: (202) 564-8006; email address: 1.2.Dichloroethane.TSCA@epa.gov.

For general information: The TSCA-Hotline, Goodwill of the Finger Lakes, 422 South Clinton Ave., Rochester, NY 14620; telephone number: (202) 554-1404; email address: TSCA-Hotline@epa.gov.

SUPPLEMENTARY INFORMATION:

I. Executive Summary

A. Does this action apply to me?

This action is directed to the public in general and may be of particular interest to those involved in the manufacture (defined under TSCA section 3(9) to include import), processing, distribution, use, and disposal of 1,2-dichloroethane, related industry trade organizations, non-governmental organizations with an interest in human and environmental health, state and local governments, Tribal Nations, and/or those interested in the assessment of risks involving chemical substances and mixtures regulated under TSCA. As such, the Agency has not attempted to describe all the specific entities that this action might apply to. If you need help determining applicability, consult the technical contact listed under **FOR FURTHER INFORMATION CONTACT**.

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

The Agency is conducting this risk evaluation under TSCA section 6, 15 U.S.C. 2605, which requires that EPA conduct risk evaluations on chemical substances and identifies the minimum components EPA must include in the risk evaluations. Each risk evaluation must be conducted consistent with the best available science, be based on the weight of scientific evidence, consider reasonably available information, and not consider costs or non-risk factors. 15 U.S.C. 2625(h), (i), and (k). See also the implementing procedural regulations at 40 CFR part 702.

C. What action is the Agency taking?

EPA is announcing the availability of and seeking public comment on a draft risk evaluation under TSCA for 1,2-dichloroethane. The purpose of risk evaluations under TSCA is to determine whether a chemical substance presents an unreasonable risk of injury to health or the environment under the COUs, including unreasonable risk to potentially exposed or susceptible subpopulations identified as relevant to the risk evaluation by EPA, and without consideration of costs or non-risk factors. EPA has used the best available science to prepare this draft risk evaluation and, based on the weight of scientific evidence, to preliminarily

⁴ The determination was done in compliance with the National Environmental Policy Act (NEPA) of 1969, as amended, 42 U.S.C. 4321 *et seq.*, and DOE NEPA Implementing Procedures, including 10 CFR part 1021.

determine that 1,2-dichloroethane presents unreasonable risk to human health and the environment driven primarily by certain COUs analyzed in the draft risk evaluation.

D. What should I consider as I prepare my comments?

1. *Submitting CBI.* Do not submit CBI to EPA through <https://www.regulations.gov> or email. If you wish to include CBI in your comment, 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 so marked will not be disclosed except in accordance with procedures set forth in 40 CFR parts 2 and 703, as applicable.

2. *Tips for preparing your comments.* When preparing and submitting your comments, see the commenting tips at <https://www.epa.gov/dockets/commenting-epa-dockets>.

II. Background

A. What is 1,2-Dichloroethane?

1,2-Dichloroethane, also known as ethylene dichloride or EDC (CASRN 107-06-2), is a volatile, colorless, oily liquid with a chloroform-like odor that is used primarily in the synthesis of vinyl chloride; over 90 percent of 1,2-dichloroethane is manufactured to be converted to vinyl chloride. It is soluble in water (8,600 mg/L) and is miscible in most organic solvents. Between 2016 and 2019, production volume of 1,2-dichloroethane was reported to be between 30 to 40 billion pounds, based on the 2020 TSCA Chemical Data Reporting data.

B. Summary of Activities for the Risk Evaluation of 1,2-Dichloroethane

In December 2019, EPA announced its designation of 1,2-dichloroethane as a high priority substance for risk evaluation under TSCA (Ref. 1). In April 2020, EPA sought public comment on the draft scope of the 1,2-dichloroethane risk evaluation (Ref. 2), and after considering public comments, issued the final scope in September 2020 (Ref. 3). In July 2024, EPA released the *Draft Human Health Hazard Assessment for 1,2-Dichloroethane* for public comment and external peer review by the Science Advisory Committee on Chemicals (SACC) (Ref. 4). As part of the SACC deliberations, the Agency held a virtual public meeting to discuss the *Draft Risk Evaluation for 1,1-Dichloroethane* as well as the *Draft Human Health Hazard Assessment for 1,2-Dichloroethane* in September 2024. For more information about this meeting, go to the SACC

website at <https://www.epa.gov/tsca-peer-review/science-advisory-committee-chemicals-meetings>. In June 2025, EPA released a response to comments document titled, "Summary of and Response to External Peer Review and Public Comments on the Risk Evaluation for 1,1-Dichloroethane and Human Health Hazard Technical Support Document for 1,2-Dichloroethane" (Ref 5). These documents, other supporting documents, and public comments are in dockets EPA-HQ-OPPT-2018-0427 and EPA-HQ-OPPT-2024-0114. The draft risk evaluation for 1,2-dichloroethane is being released with this notice.

Due to prior review, EPA is not soliciting additional peer review of the human health hazard assessment. Additional external peer review is also not needed on the other components of the draft risk evaluation because (1) the *Draft Human Health Hazard Assessment for 1,2-Dichloroethane* was peer reviewed by the SACC (Ref. 4); and (2) the methodologies used in the development of the 1,2-dichloroethane draft risk evaluation have been previously peer reviewed by the SACC in published risk evaluations for 1,1-dichloroethane (Ref. 5), carbon tetrachloride (Ref. 6), methylene chloride (Ref. 7), perchloroethylene (Ref. 8), and trichloroethylene (Ref. 9), as well as the Draft TSCA Screening Level Approach for Assessing Ambient Air and Water Exposures to Fenceline Communities (Ref. 10). This draft risk evaluation reflects SACC and public comments received on the *Draft Human Health Hazard Assessment for 1,2-Dichloroethane*.

III. Request for Comment

EPA seeks feedback on the assessment of risk presented in the draft risk evaluation for 1,2-dichloroethane, a copy of which is available in the docket, and encourages all potentially interested parties, including individuals, governmental and non-governmental organizations, non-profit organizations, academic institutions, research institutions, and private sector entities to comment on the draft risk evaluation. To the extent possible, the Agency asks commenters to please cite any public data related to or that support comments provided, and to the extent permissible, describe any supporting data that is not publicly available.

EPA welcomes specific input on each section of the draft risk evaluation, particularly input on the following:

- The approach taken to evaluate the byproducts in the *Draft Byproducts Assessment for 1,2-Dichloroethane*;

- The COU names and descriptions for "Industrial use—other use—process solvent," particularly whether there is overlap between this use as a process solvent in chemical reactions (including a proprietary use in pesticide, fertilizer, and other agricultural chemical manufacturing) and other processing or industrial and commercial COUs that may duplicate this newly added COU (e.g., Processing—incorporated into a formulation, mixture, or reaction product);

- Whether the delineation of occupational exposure scenarios (OESs) associated with the Disposal COU are clear and accurate;

- Whether and how exposure controls and personal protective equipment (PPE) are used during the manufacture, processing, and use of 1,2-dichloroethane for each of the COUs. Although EPA has test order data, additional information on when and where exposure controls and PPE are used would be informative;

- All aspects of the approach for assessing ambient air inhalation exposure for the general population, including exposure input assumptions, uncertainties, as well as the calculation and interpretation of additional cancer cases based on the population exposed;

- Information on environmental releases for OESs for which releases were modeled (Repackaging, Application of adhesives and sealants, Industrial and commercial non-aerosol cleaning/degreasing, Application of lubricants and greases, Industrial and commercial aerosol products, and Laboratory use); and

- Information on OESs for which EPA has slight confidence on exposures to workers and ONUs (Repackaging, Industrial and commercial aerosol products, and Waste handling, treatment, and disposal [landfills]), including on the degree to which 1,2-dichloroethane is used in Industrial and commercial aerosol products. Information to help clarify the approach EPA used to analyze OSHA CEHD, specifically the step of removing data in which all measurements taken at the site were recorded as "0" or below the limit of detection and there was no evidence such as a bulk sample that shows the presence of the chemical at the site as EPA assumed that the chemical of interest may not have been at the site at the time of sampling; and

- Information (e.g., SDS documents) to inform the level of 1,2-dichloroethane in adhesives. The concentration evaluated for the dermal exposure for the Industrial application of adhesives and sealants OES is 91.8 percent based

on an SDS for an adhesive containing 1,2-dichloroethane.

IV. Next Steps

EPA will consider comments received on the draft risk evaluation and announce the availability of the final risk evaluation for 1,2-dichloroethane.

Under TSCA section 6, EPA must determine in the final risk evaluation, based on the weight of scientific evidence, whether or not the chemical presents an unreasonable risk to health or the environment under the chemical's COUs. This includes consideration of risks to potentially exposed or susceptible subpopulations who may be at greater risks than the general population, such as children and workers. TSCA prohibits EPA from considering non-risk factors (e.g., costs/benefits) during risk evaluation.

If EPA determines in its final risk evaluation that a chemical presents an unreasonable risk to health or the environment, the chemical will move to risk management action under TSCA section 6(a) for the relevant COUs. EPA would be required to implement, via regulation, regulatory restrictions on the manufacture (including import), processing, distribution, use or disposal of the chemical to eliminate the identified unreasonable risk. TSCA section 6(a) includes a range of risk management options, including labeling, recordkeeping or notice requirements, actions to reduce human exposure or environmental release, and a ban of the chemical or of certain uses. Like the prioritization and risk evaluation processes, there is an opportunity for public comment on any proposed risk management actions.

For more information about the TSCA risk evaluation process for existing chemicals, go to <https://www.epa.gov/assessing-and-managing-chemicals-under-tsca>.

V. References

The following is a listing of the documents that are specifically referenced in this document. The docket

includes these documents and other information considered by EPA, including documents that are referenced within the documents that are included in the docket, even if the referenced document is not physically located in the docket. For assistance in locating these other documents, please consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

1. EPA. High-Priority Substance Designations Under the Toxic Substances Control Act (TSCA) and Initiation of Risk Evaluation on High-Priority Substances; Notice of Availability. **Federal Register**. 84 FR 71924, December 30, 2019 (FRL-10003-15).
2. EPA. Draft Scopes of the Risk Evaluations To Be Conducted for Thirteen Chemical Substances Under the Toxic Substances Control Act; Notice of Availability. **Federal Register**. 85 FR 19941, April 9, 2020 (FRL-10007-11).
3. EPA. Final Scopes of the Risk Evaluations To Be Conducted for Twenty Chemical Substances Under the Toxic Substances Control Act; Notice of Availability. **Federal Register**. 85 FR 55281, September 4, 2020 (FRL-10013-90).
4. EPA. 1,1-Dichloroethane and 1,2-Dichloroethane; Science Advisory Committee on Chemicals (SACC) Peer Review; Notice of SACC Meeting, Availability of Draft Documents and Request for Comment. **Federal Register**. 89 FR 54815, July 2, 2024 (FRL-11809-03).
5. EPA. 1,1-Dichloroethane; Risk Evaluation Under the Toxic Substances Control Act (TSCA); Notice of Availability. **Federal Register**. 90 FR 26581, June 23, 2025 (FRL-11809-04).
6. EPA. Carbon Tetrachloride (CCl₄); Final Toxic Substances Control Act (TSCA) Risk Evaluation; Notice of Availability. **Federal Register**. 85 FR 70147, November 4, 2020 (FRL-10015-51).
7. EPA. Methylene Chloride (MC); Final Toxic Substances Control Act (TSCA) Risk Evaluation; Notice of Availability. **Federal Register**. 85 FR 37942, June 24, 2020 (FRL-10011-16).
8. EPA. Perchloroethylene (PCE); Final Toxic Substances Control Act (TSCA) Risk Evaluation; Notice of Availability. **Federal Register**. 85 FR 82474, December 18, 2020 (FRL-10017-44).
9. EPA. Trichloroethylene (TCE); Final Toxic

Substances Control Act (TSCA) Risk Evaluation; Notice of Availability.

- Federal Register**. 85 FR 75010, November 24, 2020 (FRL-10016-91).
10. EPA. Science Advisory Committee on Chemicals (SACC); Notice of Public Meeting and Request for Comments on Draft Toxic Substances Control Act (TSCA) Screening Level Approach for Assessing Ambient Air and Water Exposures to Fenceline Communities. **Federal Register**. 87 FR 3294, January 21, 2022 (FRL-9392-01).

Authority: 15 U.S.C. 2601 *et seq.*

Dated: November 14, 2025.

Nancy B. Beck,

*Principal Deputy Assistant Administrator,
Office of Chemical Safety and Pollution
Prevention.*

[FR Doc. 2025-20240 Filed 11-18-25; 8:45 am]

BILLING CODE 6560-50-P

FEDERAL COMMUNICATIONS COMMISSION

[FR ID 318180]

Sunshine Act Meeting; Open Commission Meeting Thursday, November 20, 2025

November 13, 2025.

The Federal Communications Commission will hold an Open Meeting on the subjects listed below on Thursday, November 20, 2025 which is scheduled to commence at 10:30 a.m. in the Commission Meeting Room of the Federal Communications Commission, 45 L Street NE, Washington, DC.

While attendance at the Open Meeting is available to the public, the FCC headquarters building is not open access, and all guests must check in with and be screened by FCC security at the main entrance on L Street. Attendees at the Open Meeting will not be required to have an appointment but must otherwise comply with protocols outlined at: www.fcc.gov/visit. Open Meetings are streamed live at: www.fcc.gov/live and on the FCC's YouTube channel.

Item No.	Bureau	Subject
1	Wireless Telecommunications	<i>Title</i> : Freeing Up Large Swath of Upper C-band Frequencies (GN Docket No. 25-59). <i>Summary</i> : The Commission will consider a Notice of Proposed Rulemaking that explores options for reconfiguring the Upper C-band (3.98 GHz to 4.2 GHz) in the contiguous United States, in furtherance of Congress' direction in the One Big Beautiful Bill Act.

Item No.	Bureau	Subject
2	Consumer and Governmental Affairs	<i>Title:</i> Modernizing Telecommunications Relay Services (CG Docket No. 03–123); Speech-to-Speech and Internet Protocol (IP), Speech-to-Speech Telecommunications Relay Services (CG Docket No. 08–15). <i>Summary:</i> The Commission will consider a Notice of Proposed Rulemaking that would seek comment on terminating the mandatory status of TTY-based relay service for state-based TRS programs; facilitate the transition of analog TRS users to Internet-based forms of TRS; propose and seek comment on recognizing IP STS as a compensable form of TRS; explore certifying a national analog relay provider; and seek comment on streamlining TRS provider certification and data collection processes, updating or eliminating obsolete rules, and closing an outdated docket.
3	Public Safety and Homeland Security	The Commission will consider as part of the Delete, Delete, Delete proceeding a Direct Final Rule that would move to delete approximately 21 rules and requirements that have sunset by operation of law; govern an expired event; regulate an obsolete technology; are no longer used in practice by the FCC or licensees; or are otherwise duplicative, outdated, or unnecessary.
4	Public Safety and Homeland Security	<i>Title:</i> Protecting the Nation's Communications Systems from Cybersecurity Threats (PS Docket No. 22–329). <i>Summary:</i> The Commission will consider an Order on Reconsideration that advances an agile and collaborative approach to protecting the nation from cyberattacks by rescinding an unlawful and ineffective January 2025 Declaratory Ruling and NPRM.

* * * * *

The meeting will be webcast at: www.fcc.gov/live. Open captioning will be provided as well as a text only version on the FCC website. Other reasonable accommodations for people with disabilities are available upon request. In your request, include a description of the accommodation you will need and a way we can contact you if we need more information. Last minute requests will be accepted but may be impossible to fill. Send an email to: fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau at 202–418–0530.

Press Access—Members of the news media are welcome to attend the meeting and will be provided reserved seating on a first-come, first-served basis. Following the meeting, the Chairman may hold a news conference in which he will take questions from credentialed members of the press in attendance. Also, senior policy and legal staff will be made available to the press in attendance for questions related to the items on the meeting agenda. Commissioners may also choose to hold press conferences. Press may also direct questions to the Office of Media Relations (OMR): MediaRelations@fcc.gov. Questions about credentialing should be directed to OMR.

Additional information concerning this meeting may be obtained from the Office of Media Relations, (202) 418–0500. Audio/Video coverage of the meeting will be broadcast live with open captioning over the internet from the FCC Live web page at www.fcc.gov/live.

Authority: This meeting is held, in accordance with the Government in the Sunshine Act (Sunshine Act), Public

Law 94–409, as amended (5 U.S.C. 552b).

Federal Communications Commission.

Marlene Dortch,

Secretary.

[FR Doc. 2025–20263 Filed 11–17–25; 11:15 am]

BILLING CODE 6712–01–P

FEDERAL RESERVE SYSTEM

Change in Bank Control Notices; Acquisitions of Shares of a Bank or Bank Holding Company

The notificants listed below have applied under the Change in Bank Control Act (Act) (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire shares of a bank or bank holding company. The factors that are considered in acting on the applications are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The public portions of the applications listed below, as well as other related filings required by the Board, if any, are available for immediate inspection at the Federal Reserve Bank(s) indicated below and at the offices of the Board of Governors. This information may also be obtained on an expedited basis, upon request, by contacting the appropriate Federal Reserve Bank and from the Board's Freedom of Information Office at <https://www.federalreserve.gov/foia/request.htm>. Interested persons may express their views in writing on the standards enumerated in paragraph 7 of the Act.

Comments received are subject to public disclosure. In general, comments received will be made available without change and will not be modified to remove personal or business

information including confidential, contact, or other identifying information. Comments should not include any information such as confidential information that would not be appropriate for public disclosure.

Comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors, Benjami W. McDonough, Deputy Secretary of the Board, 20th Street and Constitution Avenue NW, Washington DC 20551–0001, not later than December 4, 2025.

A. Federal Reserve Bank of Chicago (Colette A. Fried, Assistant Vice President) 230 South LaSalle Street, Chicago, Illinois 60690–1414.

Comments can also be sent electronically to

Comments.applications@chi.frb.org:

1. *The Murray Family Trust, dated December 28, 2015, Citizens State Bank, as trustee, Arthur R. Murray, III all of Milford, Illinois, and Christopher Murray, Baldwin, Illinois; Arthur R. Murray, III, individually and as executor of the Estate of Phyllis M. Murray, Milford, Illinois; to form the Murray Family Group, a group acting in concert, to acquire voting shares of Arthur R. Murray, Inc., of Milford, Illinois, and thereby indirectly acquire voting shares of Citizens State Bank of Milford, Milford, Illinois and Dewey Bank, Dewey, Illinois.*

B. Federal Reserve Bank of St. Louis (Holly A. Rieser, Senior Manager) P.O. Box 442, St. Louis, Missouri 63166–2034. Comments can also be sent electronically to

Comments.applications@stls.frb.org:

1. *Heath O'Brien Jenkins, Madison, Mississippi; to acquire voting shares of Genesis Bancorp, Inc., and thereby indirectly acquire voting shares of*

Genesis Bank, both of Benoit, Mississippi.

Board of Governors of the Federal Reserve System.

Michele Taylor Fennell,

Associate Secretary of the Board.

[FR Doc. 2025–20313 Filed 11–18–25; 8:45 am]

BILLING CODE P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[CMS–3448–CN]

Medicare Program; Announcement of the Re-Approval of COLA Under the Clinical Laboratory Improvement Amendments of 1988; Correction

AGENCY: Centers for Medicare & Medicaid Services (CMS), Department of Health and Human Services (HHS).

ACTION: Notice; correction.

SUMMARY: This document corrects technical errors that appeared in the notice published in the March 6, 2024 *Federal Register* titled “Medicare Program; Announcement of the Re-Approval of COLA Under the Clinical Laboratory Improvement Amendments of 1988.”

DATES:

Effective date: This correction notice is effective November 19, 2025.

Applicability Date: The corrections in this notice are applicable to the re-approval of COLA as an Accreditation Organization for clinical laboratories under the Clinical Laboratory Improvement Amendments of 1988 (CLIA) from March 6, 2024 to March 6, 2030.

FOR FURTHER INFORMATION CONTACT: Sam Cyrus, (443) 896–4827.

SUPPLEMENTARY INFORMATION:

I. Background

In FR Doc. 2024–04674 of March 6, 2024 (89 FR 15994 through 15996), there were technical errors that are identified and corrected in this correcting document.

II. Summary of Errors

On page 15994 in the **SUMMARY** section, we inadvertently omitted the subspecialty of Urinalysis from the list of specialties and subspecialties under the Clinical Laboratory Improvement Amendments of 1988 (CLIA) for which COLA was re-approved as an accreditation organization. On pages 15994 and 15995, we also inadvertently

omitted the subspecialty of Urinalysis in two bulleted paragraphs.

III. Correction of Errors

In FR Doc 2024–04674 of March 6, 2024 (89 FR 15994 through 15995), make the following corrections:

1. On page 15994,
 - a. Second column, first partial paragraph (**SUMMARY** section), lines 5 through 7, the phrase “Chemistry, including Routine Chemistry, Toxicology, and Endocrinology;” is corrected to read “Chemistry, including Routine Chemistry, Toxicology, Endocrinology, and Urinalysis;”.
 - b. Third column, first bulleted paragraph, lines 1 through 3, the paragraph “• Chemistry, including Routine Chemistry, Toxicology, and Endocrinology.” is corrected to read “• Chemistry, including Routine Chemistry, Toxicology, Endocrinology, and Urinalysis.”.
2. On page 15995, first column, first bulleted paragraph, lines 1 through 3, the paragraph “• Chemistry, including Routine Chemistry, Toxicology, and Endocrinology.” is corrected to read “• Chemistry, including Routine Chemistry, Toxicology, Endocrinology, and Urinalysis.”.

The Director of the Office of Strategic Operations and Regulatory Affairs of the Centers for Medicare & Medicaid Services (CMS), Kathleen Cantwell, having reviewed and approved this document, authorizes Trenesha Fultz-Mimms, who is the Federal Register Liaison, to electronically sign this document for purposes of publication in the *Federal Register*.

Trenesha Fultz-Mimms,

Federal Register Liaison, Centers for Medicare & Medicaid Services.

[FR Doc. 2025–20328 Filed 11–18–25; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[CMS–1839–N]

Medicare Program; Public Meeting for New Revisions to the Healthcare Common Procedure Coding System (HCPCS) Coding—December 17, 2025, With an Overflow Date of December 18, 2025

AGENCY: Centers for Medicare & Medicaid Services (CMS), Department of Health and Human Services (HHS).

ACTION: Notice of meeting.

SUMMARY: This notice announces the second biannual virtual Healthcare Common Procedure Coding System (HCPCS) Level II public meeting of 2025 to discuss the Centers for Medicare and Medicaid Services’ preliminary coding, Medicare benefit category, and Medicare payment determinations, if applicable, for new revisions to the HCPCS Level II code set for non-drug and non-biological items and services, as well as how to register for the meeting.

DATES: Primary date: Wednesday, December 17, 2025, 9 a.m. to 5 p.m. Eastern Time (ET). Overflow date: Thursday, December 18, 2025, 9 a.m. to 5 p.m. ET.

ADDRESSES: *Virtual Meeting Location:* The HCPCS Level II public meeting will be held virtually via Microsoft Teams only.

FOR FURTHER INFORMATION CONTACT:

Sundus Ashar, (410) 786–0750, Sundus.ashar1@cms.hhs.gov, or HCPCS@cms.hhs.gov.

SUPPLEMENTARY INFORMATION:

I. Background

On December 21, 2000, Congress enacted the Medicare, Medicaid, and State Children’s Health Insurance Program (SCHIP) Benefits Improvement and Protection Act of 2000 (BIPA) (Pub. L. 106–554). Section 531(b) of BIPA mandated that the Secretary establish procedures that permit public consultation for coding and payment determinations for new durable medical equipment (DME) under Medicare Part B of title XVIII of the Social Security Act (the Act). In the November 23, 2001, *Federal Register* (66 FR 58743), we published a notice providing information regarding the establishment of the annual public meeting process for DME.

In 2020, we implemented changes to our HCPCS Level II coding procedures, including the establishment of quarterly coding cycles for drugs and biological products and biannual coding cycles for non-drug and non-biological items and services.

In the December 28, 2021, *Federal Register* (86 FR 73860), we published a final rule that established procedures for making Medicare benefit category and payment determinations for new items and services that are DME, prosthetic devices, orthotics and prosthetics, therapeutic shoes and inserts, surgical dressings, or splints, casts, and other devices used for reductions of fractures and dislocations under Medicare Part B.

II. Public Meeting Agendas

The list of topics for discussion, which will become available in the

upcoming days at <https://www.cms.gov/Medicare/Coding/MedHCPCSGenInfo/HCPCSPublicMeetings>, identify CMS' preliminary coding, Medicare benefit category, and Medicare payment determinations, if applicable. In establishing the public meeting agendas, we may group multiple, related code applications under the same agenda item.

Overflow Procedures

If all of the agenda items are not addressed on December 17, 2025, we will hold a subsequent virtual session on December 18, 2025 at 9 a.m. ET. We will proceed in the order of the HCPCS Level II public meeting agenda, only discussing those items that were not addressed, until complete. We will not go back and discuss any prior agenda items. Original registration will apply to the overflow date. The link to the live stream of the public meeting will be posted in the Guidelines for Participation in HCPCS Public Meetings document on the CMS website.

III. Participation Categories

Every speaker must declare at the beginning of their presentation during the meeting, as well as in their written summary, whether they have any financial involvement with the applicant and manufacturer, if different, of the item that is the subject of the HCPCS Level II application, or with any competitors of that manufacturer with respect to the item. This includes any payment, salary, remuneration, or benefit provided to the speaker by the applicant, manufacturer, or any such competitors.

A. Primary Speakers

Each applicant that submitted a HCPCS Level II code application that will be discussed at the public meeting is permitted to designate a primary speaker. Fifteen minutes is the total time interval for a primary speaker per agenda item. Any unused time from the primary speaker will be forfeited and cannot be delegated to another speaker. Primary speakers must register as a speaker and submit any supporting PowerPoint presentation by the stated deadline. We will accept PowerPoint presentations (maximum of 10 slides in PowerPoint presentation format, not PDF) that are emailed to HCPCS@cms.hhs.gov by the stated deadline. We will not play videos, transitions, or animations during the public meeting session and request the speakers exclude these materials from their PowerPoint presentation and instead submit any relevant video or animation materials along with the written

comments. We request that speakers ensure the presentation does not include any inappropriate or confidential content before submission. Due to the timeframe needed for the planning and coordination of the HCPCS Level II public meetings, materials that are not submitted appropriately and in accordance with this deadline cannot be accommodated.

B. 5-Minute Speakers

Any individual related to the public meeting agenda item, including but not limited to an employee, competitor, insurer, public consumer, or other interested party, may register as a 5-minute speaker by the stated deadline. Depending on the availability of time, we may limit the number of 5-minute speakers; however, we will ensure an array of interested parties are represented if registered by the stated deadline. We will not accept any other written materials, outside of the written comments, from a 5-minute speaker (that is, 5-minute speakers are not allowed to present a PowerPoint presentation).

C. All Other Attendees

All individuals who plan to attend the public meetings to listen and do not plan to speak may access the public meeting using the live stream link posted on the HCPCS Level II website.

Individuals who require special assistance must register and request special assistance services by the stated deadline in the **FOR FURTHER INFORMATION CONTACT** section of this notice.

IV. Registration Requirements

The registration instructions for the HCPCS Level II public meeting will be posted in the Guidelines for Participation in HCPCS Public Meetings document on the CMS website. All individuals who plan to speak (15 or 5 minutes) at the public meeting must register by 5 p.m. ET on December 3, 2025. The following information must be provided when registering by the stated deadline:

- Name;
- Company name (if applicable);
- Email address;
- Topic item and application number (for speakers only);
- Any special assistance requests;
- Whether the registrant is a primary speaker or a 5-minute speaker for an agenda item; and
- Whether the primary speaker will use a PowerPoint presentation.

V. Written Comments

The primary and 5-minute speaker(s) must email a brief, written summary

(one paragraph) of their comments and conclusions. Written comments from anyone, including the primary and 5-minute speaker(s), will only be accepted when emailed to: HCPCS@cms.hhs.gov before 5 p.m. ET on December 19, 2025.

VI. Additional Information

All participants should regularly check the CMS website for updates at <https://www.cms.gov/Medicare/Coding/MedHCPCSGenInfo/HCPCSPublicMeetings>.

The HCPCS section of the CMS website also includes details regarding the public meeting process for new revisions to the HCPCS Level II code set, including guidelines for an effective presentation. The HCPCS section of the CMS website also contains a document titled "HCPCS Level II Coding Procedures (PDF)," which is a description of the HCPCS Level II coding process, including a detailed explanation of the procedures CMS uses to make HCPCS Level II coding determinations.

When CMS refers to a HCPCS Level II code or HCPCS Level II coding application above, CMS may also be referring to circumstances when a HCPCS code has already been issued, but a Medicare benefit category and/or payment has not been determined. CMS is working diligently to address Medicare benefit category and payment determinations for new items and services that may be DME, prosthetic devices, orthotics and prosthetics, therapeutic shoes and inserts, surgical dressings, or splints, casts, and other devices used for reductions of fractures and dislocations under Medicare Part B.

VII. Collection of Information Requirements

This document does not impose information collection requirements, that is, reporting, recordkeeping, or third-party disclosure requirements. Consequently, there is no need for review by the Office of Management and Budget under the authority of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

The Administrator of CMS, Dr. Mehmet Oz, having reviewed and approved this document, authorizes Trenesha Fultz-Mimms, who is the Federal Register Liaison, to electronically sign this document for purposes of publication in the **Federal Register**.

Trenesha Fultz-Mimms,
Federal Register Liaison, Centers for Medicare & Medicaid Services.

[FR Doc. 2025–20330 Filed 11–18–25; 8:45 am]

BILLING CODE 4120-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[CMS-8090-N]

RIN 0938-AV55

Medicare Program; CY 2026 Part A Premiums for the Uninsured Aged and for Certain Disabled Individuals Who Have Exhausted Other Entitlement

AGENCY: Centers for Medicare & Medicaid Services (CMS), HHS.

ACTION: Notice.

SUMMARY: This notice announces Medicare's Hospital Insurance Program (Medicare Part A) premium for uninsured enrollees in calendar year (CY) 2026. This premium is paid by enrollees aged 65 and over who are not otherwise eligible for benefits under Medicare Part A (hereafter known as the "uninsured aged") and by certain individuals with disabilities who have exhausted other entitlement. The monthly Medicare Part A premium for the 12 months beginning January 1, 2026 for these individuals will be \$565. The premium for certain other individuals as described in this notice will be \$311.

DATES: The premium announced in this notice is effective on January 1, 2026.

FOR FURTHER INFORMATION CONTACT: Yaminee Thaker, (410) 786-7921.

SUPPLEMENTARY INFORMATION:

I. Background

Section 1818 of the Social Security Act (the Act) provides for voluntary enrollment in Medicare Part A, subject to payment of a monthly premium, of certain persons aged 65 and older who are uninsured under the Old-Age, Survivors, and Disability Insurance (OASDI) program or the Railroad Retirement Act and do not otherwise meet the requirements for entitlement to Medicare Part A. These "uninsured aged" individuals are uninsured under the OASDI program or the Railroad Retirement Act, because they do not have 40 quarters of coverage under Title II of the Act (or are/were not married to someone who did). (Persons insured under the OASDI program or the Railroad Retirement Act and certain others do not have to pay premiums for Medicare Part A.)

Section 1818A of the Act provides for voluntary enrollment in Medicare Part A, subject to payment of a monthly premium for certain individuals with disabilities who have exhausted other entitlement. These are individuals who

were entitled to coverage due to a disabling impairment under section 226(b) of the Act, but who are no longer entitled to disability benefits and premium-free Medicare Part A coverage because they have gone back to work and their earnings exceed the statutorily defined "substantial gainful activity" amount (section 223(d)(4) of the Act).

Section 1818A(d)(2) of the Act specifies that the provisions relating to premiums for the aged under section 1818(d) through section 1818(f) of the Act will also apply to certain individuals with disabilities as described above.

Section 1818(d)(1) of the Act requires us to estimate, on an average per capita basis, the amount to be paid from the Federal Hospital Insurance Trust Fund for services incurred in the upcoming calendar year (CY) (including the associated administrative costs) on behalf of individuals aged 65 and over who will be entitled to benefits under Medicare Part A. We must then determine the monthly actuarial rate for the following year (the per capita amount estimated above divided by 12) and publish the dollar amount for the monthly premium in the succeeding CY. If the premium is not a multiple of \$1, the premium is rounded to the nearest multiple of \$1 (or, if it is a multiple of 50 cents but not of \$1, it is rounded to the next highest \$1).

Section 13508 of the Omnibus Budget Reconciliation Act of 1993 (Pub. L. 103-66) amended section 1818(d) of the Act to provide for a reduction in the premium amount for certain voluntary enrollees (sections 1818 and 1818A of the Act). The reduction applies to an individual who is eligible to buy into the Medicare Part A program and who, as of the last day of the previous month:

- Had at least 30 quarters of coverage under Title II of the Act;
- Was married, and had been married for the previous 1-year period, to a person who had at least 30 quarters of coverage;
- Had been married to a person for at least 1 year at the time of the person's death if, at the time of death, the person had at least 30 quarters of coverage; or
- Is divorced from a person and had been married to the person for at least 10 years at the time of the divorce if, at the time of the divorce, the person had at least 30 quarters of coverage.

Section 1818(d)(4)(A) of the Act specifies that the premium that these individuals will pay for CY 2026 will be equal to the premium for uninsured aged enrollees reduced by 45 percent.

Section 1818(g) of the Act requires the Secretary of the Department of Health and Human Services (the Secretary), at

the request of a State, to enter into a Medicare Part A buy-in agreement with a State to pay Medicare Part A premiums for Qualified Medicare Beneficiaries (QMBs). Under the QMB program, State Medicaid agencies must pay the Medicare Part A premium for those not eligible for premium-free Medicare Part A if those individuals meet all of the eligibility requirements for the QMB program under the State's Medicaid State plan. (Entering into a Medicare Part A buy-in agreement would permit a State to avoid any Medicare Part A late enrollment penalties that the individual may owe and would allow States to enroll persons in Medicare Part A at any time of the year, without regard to Medicare enrollment periods.) Other individuals may be eligible for the Qualified Disabled Working Individuals program, through which State Medicaid programs provide coverage of Medicare Part A premiums for individuals eligible to enroll in Medicare Part A by virtue of section 1818A of the Act who meet certain financial eligibility criteria.

II. Monthly Premium Amount for CY 2026

The monthly premium for the uninsured aged and certain individuals with disabilities who have exhausted other entitlement for the 12 months beginning January 1, 2026, is \$565. The monthly premium for the individuals eligible under section 1818(d)(4)(B) of the Act, and therefore, subject to the 45 percent reduction in the monthly premium, is \$311.

III. Monthly Premium Rate Calculation

As discussed in section I of this notice, the monthly Medicare Part A premium is equal to the estimated monthly actuarial rate for CY 2026 rounded to the nearest multiple of \$1 and equals one-twelfth of the average per capita amount, which is determined by projecting the number of Medicare Part A enrollees aged 65 years and over, as well as the benefits and administrative costs that will be incurred on their behalf.

The steps involved in projecting these future costs to the Federal Hospital Insurance Trust Fund are:

- Establishing the present cost of services furnished to beneficiaries, by type of service, to serve as a projection base;
- Projecting increases in payment amounts for each of the service types; and
- Projecting increases in administrative costs.

We base our projections for CY 2026 on—(1) current historical data; and (2)

projection assumptions derived from current law and the Midsession Review of the President's Fiscal Year 2026 Budget.

For CY 2026, we estimate that 62,921,568 people aged 65 years and over will be entitled to (enrolled in) benefits (without premium payment) and that they will incur about \$426.445 billion in benefits and related administrative costs. Thus, the estimated monthly average per capita amount is \$564.78 and the monthly premium is \$565. Subsequently, the full monthly premium reduced by 45 percent is \$311.

IV. Costs to Beneficiaries

The CY 2026 monthly premium of \$565 is approximately 9.1 percent higher than the CY 2025 premium of \$518. We estimate that approximately 772,000 enrollees will voluntarily enroll in Medicare Part A by paying the full premium. We estimate that over 90 percent of these individuals will have their Medicare Part A premium paid by States, since they are enrolled in the QMB program. Furthermore, the CY 2026 reduced monthly premium of \$311 is approximately 9.1 percent higher than the CY 2025 premium of \$285. We estimate that an additional 103,000 enrollees will pay the reduced premium. Therefore, we estimate that the total aggregate cost to enrollees paying these premiums in CY 2026, compared to the amount that they paid in CY 2025, will be about \$467 million.

V. Waiver of Proposed Rulemaking

We ordinarily publish a notice of proposed rulemaking in the **Federal Register** and invite public comment prior to a rule taking effect in accordance with section 1871 of the Act. Section 1871(a)(2) of the Act provides that no rule, requirement, or other statement of policy (other than a national coverage determination) that establishes or changes a substantive legal standard governing the scope of benefits, the payment for services, or the eligibility of individuals, entities, or organizations to furnish or receive services or benefits under Medicare shall take effect unless it is promulgated through notice and comment rulemaking. Unless there is a statutory exception, section 1871(b)(1) of the Act generally requires the Secretary to provide for notice of a proposed rule in the **Federal Register** and provide a period of not less than 60 days for public comment before establishing or changing a substantive legal standard regarding the matters enumerated by the statute. Section 1871(b)(2)(C) of the Act also provides exceptions from the notice

and 60-day comment period, under the good cause standard set forth in 5 U.S.C. 553(b)(B). Section 553(b)(B) authorizes an agency to dispense with notice and comment rulemaking for good cause if the agency makes a finding that notice and comment procedures are impracticable, unnecessary, or contrary to the public interest.

The annual Medicare Part A premium announcement set forth in this notice does not establish or change a substantive legal standard regarding the matters enumerated by the statute or constitute a substantive rule which would be subject to the notice requirements in section 1871(b) of the Act. However, to the extent that an opportunity for public notice and comment could be construed as required for this notice, we find good cause to waive this requirement. Section 1818(d) of the Act requires the Secretary during September of each year to determine and publish the amount to be paid, on an average per capita basis, from the Federal Hospital Insurance Trust Fund for services incurred in the impending CY (including the associated administrative costs) on behalf of individuals aged 65 and over who will be entitled to benefits under Medicare Part A. Further, the statute requires that the agency determine the applicable premium amount for each CY in accordance with the statutory formula, and we are simply notifying the public of the changes to the Medicare Part A premiums for CY 2026. We have calculated the Medicare Part A premiums as directed by the statute; the statute establishes both when the premium amounts must be published and the information that the Secretary must factor into the premium amounts, so we do not have any discretion in that regard. We find notice and comment procedures to be unnecessary for this notice and we find good cause to waive such procedures under section 553(b)(B) and section 1871(b)(2)(C) of the Act, if such procedures may be construed to be required at all. Through this notice, we are simply notifying the public of the updates to the Medicare Part A premiums, in accordance with the statute, for CY 2026.

VI. Collection of Information Requirements

This document does not impose information collection requirements, that is, reporting, recordkeeping or third-party disclosure requirements. Consequently, there is no need for review by the Office of Management and Budget under the authority of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

VII. Regulatory Impact Analysis

We have prepared this Regulatory Impact Analysis (RIA) section in the interest of ensuring that the impacts of this notice are fully understood.

A. Statement of Need

This notice announces the CY 2026 Medicare Part A premiums for the uninsured aged and for certain disabled individuals who have exhausted other entitlement, as required by sections 1818 and 1818A of the Act. It also responds to section 1818(d) of the Act, which requires the Secretary to provide for publication of these amounts in the **Federal Register** during the September that precedes the start of each CY. As this statutory provision prescribes a detailed methodology for calculating these amounts, we do not have the discretion to adopt an alternative approach to these issues.

B. Overall Impact

We have examined the impacts of this rule as required by Executive Order 12866, "Regulatory Planning and Review"; Executive Order 13132, "Federalism"; Executive Order 13563, "Improving Regulation and Regulatory Review"; Executive Order 14192, "Unleashing Prosperity Through Deregulation"; the Regulatory Flexibility Act (RFA) (Pub. L. 96-354); section 1102(b) of the Social Security Act; section 202 of the Unfunded Mandates Reform Act of 1995 (Pub. L. 104-4); and the Congressional Review Act (5 U.S.C. 804(2)).

Executive Orders 12866 and 13563 direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select those regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety, and other advantages; distributive impacts.). Section 3(f) of Executive Order 12866 defines a "significant regulatory action" as any regulatory action that is 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 a serious inconsistency or otherwise interfere with an action taken or planned by another agency; (3) materially alter the budgetary impact 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, or the President's priorities.

A regulatory impact analysis (RIA) must be prepared for a regulatory action that is significant under section 3(f)(1) of E.O. 12866. As stated in section IV. of this notice, we estimate that the overall effect of the changes in the Medicare Part A premium will be a cost to voluntary enrollees (sections 1818 and 1818A of the Act) of about \$467 million. Based on our estimates, OIRA has determined this notice is significant under section 3(f)(1). Accordingly, we have prepared an RIA that to the best of our ability presents the costs and benefits of this notice.

In accordance with subtitle E of the Small Business Regulatory Enforcement Fairness Act of 1996 (also known as the Congressional Review Act), OIRA has determined that this notice meets the criteria set forth in 5 U.S.C. 804(2). For the reasons given, however, we find for good cause that notice and public procedure are impracticable, unnecessary, and contrary to the public interest and have determined that this policy will take effect on January 1, 2026, pursuant to 5 U.S.C. 808(2).

C. Accounting Statement and Table

As required by OMB Circular A-4 (available at https://www.whitehouse.gov/wp-content/uploads/legacy_drupal_files/omb/circulars/A4/a-4.pdf), in the Table 1, we have prepared an accounting statement showing the total aggregate cost to enrollees paying premiums in CY 2026, compared to the amount that they paid in CY 2025. This amount is approximately \$467 million. As stated in section IV. of this notice, the CY 2026 premium of \$565 is approximately 9.1 percent higher than the CY 2025 premium of \$518. We estimate that approximately 772,000 enrollees will voluntarily enroll in Medicare Part A by paying the full premium. We estimate that over 90 percent of these individuals will have their Medicare Part A premium paid by States, since they are enrolled in the QMB program. Furthermore, the CY 2026 reduced premium of \$311 is approximately 9.1 percent higher than the CY 2025 premium of \$285.

TABLE 1—ESTIMATED TRANSFERS FOR CY 2025 MEDICARE PART A PREMIUM

Category	Transfers	Period covered
Annualized Monetized Transfers.	\$467 million	2026

TABLE 1—ESTIMATED TRANSFERS FOR CY 2025 MEDICARE PART A PREMIUM—Continued

Category	Transfers	Period covered
From Whom to Whom.	Beneficiaries to Federal Government.	.....

D. Regulatory Flexibility Act

The RFA requires agencies to analyze options for regulatory relief of small entities, if a rule has a significant impact on a substantial number of small entities. For purposes of the RFA, small entities include small businesses, nonprofit organizations, and small governmental jurisdictions. Most hospitals and most other providers and suppliers are small entities, either by being nonprofit organizations or by meeting the Small Business Administration's (SBA) definition of a small business (having revenues of less than \$9.0 million to \$47 million in any 1 year). Individuals and States are not included in the definition of a small entity. This annual notice announces the Medicare Part A premiums for CY 2026 and will have an impact on certain Medicare beneficiaries, but not on small entities as defined by the SBA. As a result, we are not preparing an analysis for the RFA because the Secretary has certified that this notice will not have a significant economic impact on a substantial number of small entities.

In addition, section 1102(b) of the Act requires us to prepare an RIA if a rule may have a significant impact on the operations of a substantial number of small rural hospitals. This analysis must conform to the provisions of section 604 of the RFA. For purposes of section 1102(b) of the Act, we define a small rural hospital as a hospital that is located outside of a metropolitan statistical area and has fewer than 100 beds. This annual notice announces the Medicare Part A premiums for CY 2026 and will have an impact on certain Medicare beneficiaries. As a result, we are not preparing an analysis for section 1102(b) of the Act, because the Secretary has certified that this notice will not have a significant impact on the operations of a substantial number of small rural hospitals.

E. Unfunded Mandates Reform Act

Section 202 of the Unfunded Mandates Reform Act of 1995 also requires that agencies assess anticipated costs and benefits before issuing any rule whose mandates require spending in any 1 year of \$100 million in 1995 dollars, updated annually for inflation.

In 2025, that threshold is approximately \$187 million. This notice would not impose a mandate that will result in the expenditure by State, local, and Tribal Governments, in the aggregate, or by the private sector, of more than \$187 million in any 1 year.

F. Federalism

Executive Order 13132 establishes certain requirements that an agency must meet when it promulgates a proposed rule (and subsequent final rule) that imposes substantial direct requirement costs on State and local governments, preempts State law, or otherwise has Federalism implications. This notice will not have a substantial direct effect on State or local governments, preempt State law, or otherwise have Federalism implications.

G. Congressional Review

This notice is subject to the Congressional Review Act and has been transmitted to the Congress and the Government Accountability Office's Comptroller General for review.

Mehemet Oz, Administrator of the Centers for Medicare & Medicaid Services, approved this document on October 31, 2025.

Robert F. Kennedy, Jr.,
Secretary, Department of Health and Human Services.

[FR Doc. 2025–20250 Filed 11–14–25; 4:45 pm]
BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[Document Identifier: CMS–10391]

Agency Information Collection
Activities: Proposed Collection;
Comment Request

AGENCY: Centers for Medicare & Medicaid Services, Health and Human Services (HHS).
ACTION: Notice.

SUMMARY: The Centers for Medicare & Medicaid Services (CMS) is announcing an opportunity for the public to comment on CMS' intention to collect information from the public. Under the Paperwork Reduction Act of 1995 (PRA), federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information (including each proposed extension or reinstatement of an existing collection of information) and to allow 60 days for public comment on the proposed action. Interested persons are

invited to send comments regarding our burden estimates or any other aspect of this collection of information, including the necessity and utility of the proposed information collection for the proper performance of the agency's functions, the accuracy of the estimated burden, ways to enhance the quality, utility, and clarity of the information to be collected, and the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

DATES: Comments must be received by January 20, 2026.

ADDRESSES: When commenting, please reference the document identifier or OMB control number. To be assured consideration, comments and recommendations must be submitted in any one of the following ways:

1. *Electronically.* You may send your comments electronically to <http://www.regulations.gov>. Follow the instructions for "Comment or Submission" or "More Search Options" to find the information collection document(s) that are accepting comments.

2. *By regular mail.* You may mail written comments to the following address:

CMS, Office of Strategic Operations and Regulatory Affairs, Division of Regulations Development, Attention: Document Identifier: _____/OMB Control Number: _____, Room C4-26-05, 7500 Security Boulevard, Baltimore, Maryland 21244-1850.

To obtain copies of a supporting statement and any related forms for the proposed collection(s) summarized in this notice, please access the CMS PRA website by copying and pasting the following web address into your web browser: <https://www.cms.gov/Regulations-and-Guidance/Legislation/PaperworkReductionActof1995/PRA-Listing>.

FOR FURTHER INFORMATION CONTACT: William N. Parham at (410) 786-4669.

SUPPLEMENTARY INFORMATION:

Contents

This notice sets out a summary of the use and burden associated with the following information collections. More detailed information can be found in each collection's supporting statement and associated materials (see **ADDRESSES**).

Under the PRA (44 U.S.C. 3501-3520), federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. The term "collection of information" is defined in 44 U.S.C. 3502(3) and 5 CFR

1320.3(c) and includes agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA requires federal agencies to publish a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension or reinstatement of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, CMS is publishing this notice.

Information Collections

1. *Type of Information Collection Request:* Revision of a currently approved collection; *Title of Information Collection:* Methods for Assuring Access to Covered Medicaid Services Under 42 CFR 447.203 and 447.204; *Use:* Sections 447.203 and 447.204 require that states: "assure that payments are consistent with efficiency, economy, and quality of care and are sufficient to enlist enough providers so that care and services are available under the plan at least to the extent that such care and services are available to the general population in the geographic area." The information is used by states to: document that access to care is in compliance with section 1902(a)(30)(A) of the Social Security Act, identify issues with access within a state's Medicaid program, and inform any necessary programmatic changes to address issues with access to care. CMS will use the information to monitor ongoing compliance with section 1902(a)(30)(A) of the Social Security Act, and to make informed approval decisions on State plan amendments that propose to make Medicaid rate reductions or restructure payment rates. Beneficiaries, providers, and other affected stakeholders may use the information to raise access issues to state Medicaid agencies and work with agencies to address those issues. *Form Number:* CMS-10391 (OMB control number: 0938-1134); *Frequency:* Annually; *Affected Public:* State, Local, or Tribal Governments; *Number of Respondents:* 51; *Total Annual Responses:* 346; *Total Annual Hours:* 15,305. (For questions regarding this collection contact Jocelyn Velez at 410-786-2367.)

William N. Parham, III,

Director, Division of Information Collections and Regulatory Impacts, Office of Strategic Operations and Regulatory Affairs.

[FR Doc. 2025-20279 Filed 11-18-25; 8:45 am]

BILLING CODE 4120-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[CMS-8091-N]

RIN 0938-AV56

Medicare Program; Medicare Part B Monthly Actuarial Rates, Premium Rates, and Annual Deductible Beginning January 1, 2026

AGENCY: Centers for Medicare & Medicaid Services (CMS), Department of Health and Human Services (HHS).

ACTION: Notice.

SUMMARY: This notice announces the monthly actuarial rates for aged (age 65 and over) and disabled (under age 65) beneficiaries enrolled in Part B of the Medicare Supplementary Medical Insurance (SMI) program beginning January 1, 2026. In addition, this notice announces the monthly premium for aged and disabled beneficiaries, the deductible for 2026, and the income-related monthly adjustment amounts to be paid by beneficiaries with modified adjusted gross income above certain threshold amounts. The monthly actuarial rates for 2026 are \$405.40 for aged enrollees and \$548.60 for disabled enrollees. The standard monthly Part B premium rate for all enrollees for 2026 is \$202.90, which is equal to 50 percent of the monthly actuarial rate for aged enrollees (or approximately 25 percent of the expected average total cost of Part B coverage for aged enrollees) plus the \$0.20 repayment amount required under current law. (The 2026 premium is 9.7 percent or \$17.90 higher than the 2025 standard premium rate of \$185.00.) The Part B deductible for 2026 is \$283.00 for all Part B beneficiaries. If a beneficiary has to pay an income-related monthly adjustment amount, that individual will have to pay a total monthly premium of about 35, 50, 65, 80, or 85 percent of the total cost of Part B coverage plus a repayment amount of \$0.30, \$0.40, \$0.50, \$0.60, or \$0.70, respectively. Beginning in 2023, certain Medicare enrollees who are 36 months post kidney transplant, and therefore no longer eligible for full Medicare coverage, can elect to continue Part B coverage of immunosuppressive drugs by paying a premium. For 2026, the immunosuppressive drug premium is \$121.60.

DATES: January 1, 2026.

FOR FURTHER INFORMATION CONTACT: M. Kent Clemens, (410) 786-6391.

SUPPLEMENTARY INFORMATION:

I. Background

Part B is the voluntary portion of the Medicare program that pays all or part of the costs for physicians' services; outpatient hospital services; certain home health services; services furnished by rural health clinics, ambulatory surgical centers, and comprehensive outpatient rehabilitation facilities; and certain other medical and health services not covered by Medicare Part A, Hospital Insurance. Medicare Part B is available to individuals who are entitled to Medicare Part A, as well as to U.S. residents who have attained age 65 and are citizens and to non-citizens who were lawfully admitted for permanent residence and have resided in the United States for 5 consecutive years. Part B requires enrollment and payment of monthly premiums, as described in 42 CFR part 407, subpart B, and part 408, respectively. The premiums paid by (or on behalf of) all enrollees fund approximately one-fourth of the total incurred costs, and transfers from the general fund of the Treasury pay approximately three-fourths of these costs.

The Secretary of Health and Human Services (the Secretary) is required by section 1839 of the Social Security Act (the Act) to announce the Part B monthly actuarial rates for aged and disabled beneficiaries as well as the monthly Part B premium. The Part B annual deductible, income-related monthly adjustment amounts, and immunosuppressive drug premium are included because their determinations are directly linked to the aged actuarial rate.

The monthly actuarial rates for aged and disabled enrollees are used to determine the correct amount of general revenue financing per beneficiary each month. These amounts, according to actuarial estimates, will equal, respectively, one-half of the expected average monthly cost of Part B for each aged enrollee (age 65 or over) and one-half of the expected average monthly cost of Part B for each disabled enrollee (under age 65).

The Part B deductible to be paid by enrollees is also announced. Prior to the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (MMA) (Pub. L. 108–173), the Part B deductible was set in statute. After setting the 2005 deductible amount at \$110.00, section 629 of the MMA (amending section 1833(b) of the Act) required that the Part B deductible be indexed beginning in 2006. The inflation factor to be used each year is the annual percentage increase in the Part B actuarial rate for enrollees age 65

and over. Specifically, the 2026 Part B deductible is calculated by multiplying the 2025 deductible by the ratio of the 2026 aged actuarial rate to the 2025 aged actuarial rate. The amount determined under this formula is then rounded to the nearest \$1.00.

The monthly Part B premium rate to be paid by aged and disabled enrollees is also announced. (Although the costs to the program per disabled enrollee are different than for the aged, the statute provides that the two groups pay the same premium amount.) Beginning with the passage of section 203 of the Social Security Amendments of 1972 (Pub. L. 92–603), the premium rate, which was determined on a fiscal-year basis, was limited to the lesser of the actuarial rate for aged enrollees, or the current monthly premium rate increased by the same percentage as the most recent general increase in monthly Title II Social Security benefits.

However, the passage of section 124 of the Tax Equity and Fiscal Responsibility Act of 1982 (TEFRA) (Pub. L. 97–248) suspended this premium determination process. Section 124 of TEFRA changed the premium basis to 50 percent of the monthly actuarial rate for aged enrollees (that is, 25 percent of program costs for aged enrollees). Section 606 of the Social Security Amendments of 1983 (Pub. L. 98–21), section 2302 of the Deficit Reduction Act of 1984 (DEFRA 84) (Pub. L. 98–369), section 9313 of the Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA 85) (Pub. L. 99–272), section 4080 of the Omnibus Budget Reconciliation Act of 1987 (OBRA 87) (Pub. L. 100–203), and section 6301 of the Omnibus Budget Reconciliation Act of 1989 (OBRA 89) (Pub. L. 101–239) extended the provision that the premium be based on 50 percent of the monthly actuarial rate for aged enrollees (that is, 25 percent of program costs for aged enrollees). This extension expired at the end of 1990.

The premium rate for 1991 through 1995 was legislated by section 1839(e)(1)(B) of the Act, as added by section 4301 of the Omnibus Budget Reconciliation Act of 1990 (OBRA 90) (Pub. L. 101–508). In January 1996, the premium determination basis would have reverted to the method established by the 1972 Social Security Act Amendments. However, section 13571 of the Omnibus Budget Reconciliation Act of 1993 (OBRA 93) (Pub. L. 103–66) changed the premium basis to 50 percent of the monthly actuarial rate for aged enrollees (that is, 25 percent of program costs for aged enrollees) for 1996 through 1998.

Section 4571 of the Balanced Budget Act of 1997 (BBA) (Pub. L. 105–33) permanently extended the provision that the premium be based on 50 percent of the monthly actuarial rate for aged enrollees (that is, 25 percent of program costs for aged enrollees).

The BBA included a further provision affecting the calculation of the Part B actuarial rates and premiums for 1998 through 2003. Section 4611 of the BBA modified the home health benefit payable under Part A for individuals enrolled in Part B. Under this section, beginning in 1998, expenditures for home health services not considered “post-institutional” are payable under Part B rather than Part A. However, section 4611(e)(1) of the BBA required that there be a transition from 1998 through 2002 for the aggregate amount of the expenditures transferred from Part A to Part B. Section 4611(e)(2) of the BBA also provided a specific yearly proportion for the transferred funds. The proportions were one-sixth for 1998, one-third for 1999, one-half for 2000, two-thirds for 2001, and five-sixths for 2002. For the purpose of determining the correct amount of financing from general revenues of the Federal Government, it was necessary to include only these transitional amounts in the monthly actuarial rates for both aged and disabled enrollees, rather than the total cost of the home health services being transferred.

Section 4611(e)(3) of the BBA also specified, for the purpose of determining the premium, that the monthly actuarial rate for enrollees age 65 and over be computed as though the transition would occur for 1998 through 2003 and that one-seventh of the cost be transferred in 1998, two-sevenths in 1999, three-sevenths in 2000, four-sevenths in 2001, five-sevenths in 2002, and six-sevenths in 2003. Therefore, the transition period for incorporating this home health transfer into the premium was 7 years while the transition period for including these services in the actuarial rate was 6 years.

Section 811 of the MMA, which amended section 1839 of the Act, requires that, starting on January 1, 2007, the Part B premium a beneficiary pays each month be based on that individual's annual income. (The MMA specified that there be a 5-year transition period to reach full implementation of this provision. However, section 5111 of the Deficit Reduction Act of 2005 (DRA) (Pub. L. 109–171) modified the transition to a 3-year period, which ended in 2009.) Specifically, if a beneficiary's modified adjusted gross income is greater than the legislated threshold amounts (for 2026,

\$109,000 for a beneficiary filing an individual income tax return and \$218,000 for a beneficiary filing a joint tax return), the beneficiary is responsible for a larger portion of the estimated total cost of Part B benefit coverage. In addition to the standard 25-percent premium, these beneficiaries now have to pay an income-related monthly adjustment amount. The MMA made no change to the actuarial rate calculation, and the standard premium, which will continue to be paid by beneficiaries whose modified adjusted gross income is below the applicable thresholds, still represents 25 percent of the estimated total cost to the program of Part B coverage for an aged enrollee. However, depending on income and tax filing status, a beneficiary can now be responsible for 35, 50, 65, 80, or 85 percent of the estimated total cost of Part B coverage, rather than 25 percent. Section 402 of the Medicare Access and CHIP Reauthorization Act of 2015 (MACRA) (Pub. L. 114–10) modified the income thresholds beginning in 2018, and section 53114 of the Bipartisan Budget Act of 2018 (BBA of 2018) (Pub. L. 115–123) further modified the income thresholds beginning in 2019. For years beginning in 2019, the BBA of 2018 established a new income threshold. If a beneficiary's modified adjusted gross income is greater than or equal to \$500,000 for a beneficiary filing an individual income tax return and \$750,000 for a beneficiary filing a joint tax return, the beneficiary is responsible for 85 percent of the estimated total cost of Part B coverage. The BBA of 2018 specified that these new income threshold levels be inflation-adjusted beginning in 2028. The result of the higher premium is that the Part B premium subsidy is reduced, and less general revenue financing is required, for beneficiaries with higher income because they are paying a larger share of the total cost with their premium. That is, the premium subsidy continues to be approximately 75 percent for beneficiaries with income below the applicable income thresholds, but it will be reduced for beneficiaries with income above these thresholds.

The Consolidated Appropriations Act, 2021 (Pub. L. 116–260) established a new basis for Medicare Part B eligibility for post-kidney-transplant immunosuppressive drug coverage only. Medicare eligibility due solely to end-stage renal disease generally ends 36 months after a successful kidney transplant. Beginning in 2023, post-kidney-transplant individuals without certain types of insurance coverage can elect to enroll in Part B and receive

coverage of immunosuppressive drugs only. The premium for this continuation of coverage is 15 percent of a different aged actuarial rate, which is equal to 100 percent of the costs for aged enrollees (rather than the standard aged actuarial rate, which is equal to one-half of the costs for aged enrollees). Enrollees paying the immunosuppressive premium are not subject to the late enrollment penalty and the \$3.00 repayment amounts, but they are subject to the hold-harmless provision (described later) and the income-related monthly adjustment amounts. The law requires transfers equal to the reduction in aggregate premiums payable that results from enrollees with coverage only for immunosuppressive drugs paying the immunosuppressive drug Part B premium rather than the standard Part B premium. These transfers are to be treated as premiums payable for general revenue matching purposes.

Section 4732(c) of the BBA added section 1933(c) of the Act, which required the Secretary to allocate money from the Part B trust fund to the State Medicaid programs for the purpose of providing Medicare Part B premium assistance from 1998 through 2002 for the low-income Medicaid beneficiaries who qualify under section 1933 of the Act. This allocation, while not a benefit expenditure, was an expenditure of the trust fund and was included in calculating the Part B actuarial rates through 2002. For 2003 through 2015, the expenditure was made from the trust fund because the allocation was temporarily extended. However, because the extension occurred after the financing was determined, the allocation was not included in the calculation of the financing rates for these years. Section 211 of MACRA permanently extended this expenditure, which is included in the calculation of the Part B actuarial rates for 2016 and subsequent years.

Another provision affecting the calculation of the Part B premium is section 1839(f) of the Act, as amended by section 211 of the Medicare Catastrophic Coverage Act of 1988 (MCCA 88) (Pub. L. 100–360). (The Medicare Catastrophic Coverage Repeal Act of 1989 (Pub. L. 101–234) did not repeal the revisions to section 1839(f) of the Act made by MCCA 88.) Section 1839(f) of the Act, referred to as the hold-harmless provision, provides that, if an individual is entitled to benefits under section 202 or 223 of the Act (the Old-Age and Survivors Insurance Benefit and the Disability Insurance Benefit, respectively) and has the Part B premium deducted from these benefit

payments, the premium increase will be reduced, if necessary, to avoid causing a decrease in the individual's net monthly payment. This decrease in payment occurs if the increase in the individual's Social Security benefit resulting from the cost-of-living adjustment under section 215(i) of the Act is less than the increase in the premium. Specifically, the reduction in the premium amount applies if the individual is entitled to benefits under section 202 or 223 of the Act for November and December of a particular year and the individual's Part B premiums for December and the following January are deducted from the respective month's section 202 or 223 benefits. The hold-harmless provision does not apply to beneficiaries who are required to pay an income-related monthly adjustment amount.

A check for benefits under section 202 or 223 of the Act is received in the month following the month for which the benefits are due. The Part B premium that is deducted from a particular check is the Part B payment for the month in which the check is received. Therefore, a benefit check for November is not received until December, but December's Part B premium has been deducted from it.

Generally, if a beneficiary qualifies for hold-harmless protection, the reduced premium for the individual for that January and for each of the succeeding 11 months is the greater of either—

- The monthly premium for January reduced as necessary to make the December monthly benefits, after the deduction of the Part B premium for January, at least equal to the preceding November's monthly benefits, after the deduction of the Part B premium for December; or
- The monthly premium for that individual for that December.

In determining the premium limitations under section 1839(f) of the Act, the monthly benefits to which an individual is entitled under section 202 or 223 of the Act do not include retroactive adjustments or payments and deductions on account of work. Also, once the monthly premium amount is established under section 1839(f) of the Act, it will not be changed during the year even if there are retroactive adjustments or payments and deductions on account of work that apply to the individual's monthly benefits.

Individuals who have enrolled in Part B late or who have re-enrolled after the termination of a coverage period are subject to an increased premium under section 1839(b) of the Act. The increase is a percentage of the premium and is

based on the new premium rate before any reductions under section 1839(f) of the Act are made.

Section 1839 of the Act, as amended by section 601(a) of the Bipartisan Budget Act of 2015 (Pub. L. 114–74), specified that the 2016 actuarial rate for enrollees age 65 and older be determined as if the hold-harmless provision did not apply. The premium revenue that was lost by using the resulting lower premium (excluding the forgone income-related premium revenue) was replaced by a transfer of general revenue from the Treasury, which will be repaid over time to the general fund.

Similarly, section 1839 of the Act, as amended by section 2401 of the Continuing Appropriations Act, 2021 and Other Extensions Act (Pub. L. 116–159), specified that the 2021 actuarial rate for enrollees age 65 and older be determined as the sum of the 2020 actuarial rate for enrollees age 65 and older and one-fourth of the difference between the 2020 actuarial rate and the preliminary 2021 actuarial rate (as determined by the Secretary) for such enrollees. The premium revenue lost by using the resulting lower premium (excluding the forgone income-related premium revenue) was replaced by a transfer of general revenue from the Treasury, which will be repaid over time.

Starting in 2016, in order to repay the balance due (which includes the transfer amounts and the forgone

income-related premium revenue from the Bipartisan Budget Act of 2015 and the Continuing Appropriations Act, 2021 and Other Extensions Act), the Part B premium otherwise determined will be increased by \$3.00. The 2026 repayment amount is \$0.20 and will mark the final amounts collected to fully repay the balance due. The repayment amounts will be added to the Part B premium otherwise determined each year and will be paid back to the general fund of the Treasury.

High-income enrollees pay the \$0.20 repayment amount plus an additional \$0.30, \$0.40, \$0.50, \$0.60, or \$0.70 in repayment as part of the income-related monthly adjustment amount (IRMAA) premium dollars, which reduce (dollar for dollar) the amount of general revenue received by Part B from the general fund of the Treasury. Because of this general revenue offset, the repayment IRMAA premium dollars are not included in the direct repayments made to the general fund of the Treasury from Part B in order to avoid a double repayment. (Only the \$0.20 monthly repayment amounts are included in the direct repayments.)

The repayment amounts (excluding those for high-income enrollees) are subject to the hold-harmless provision. The original balance due was \$9,066,409,000, consisting of \$1,625,761,000 in forgone income-related premium revenue plus a transfer amount of \$7,440,648,000 from the provisions of the Bipartisan Budget Act

of 2015. The increase in the balance due in 2021 was \$8,799,829,000, consisting of \$946,046,000 in forgone income-related premium income plus a transfer amount of \$7,853,783,000 from the provisions of the Continuing Appropriations Act, 2021 and Other Extensions Act. The balance due is expected to be zero by the end of 2026.

II. Provisions of the Notice

A. Notice of Medicare Part B Monthly Actuarial Rates, Monthly Premium Rates, and Annual Deductible

The Medicare Part B monthly actuarial rates applicable for 2026 are \$405.40 for enrollees age 65 and over and \$548.60 for disabled enrollees under age 65. In section II.B. of this notice, we present the actuarial assumptions and bases from which these rates are derived. The Part B standard monthly premium rate for all enrollees for 2026 is \$202.90. The Part B immunosuppressive drug premium is \$121.60.

The following are the 2026 Part B monthly premium rates to be paid by (or on behalf of) beneficiaries with full Part B coverage who file either individual tax returns (and are single individuals, heads of households, qualifying widows or widowers with dependent children, or married individuals filing separately who lived apart from their spouses for the entire taxable year) or joint tax returns.

FULL PART B COVERAGE

Beneficiaries who file individual tax returns with modified adjusted gross income:	Beneficiaries who file joint tax returns with modified adjusted gross income:	Income-related monthly adjustment amount	Total monthly premium amount
Less than or equal to \$109,000	Less than or equal to \$218,000	\$0.00	\$202.90
Greater than \$109,000 and less than or equal to \$137,000	Greater than \$218,000 and less than or equal to \$274,000	81.20	284.10
Greater than \$137,000 and less than or equal to \$171,000	Greater than \$274,000 and less than or equal to \$342,000	202.90	405.80
Greater than \$171,000 and less than or equal to \$205,000	Greater than \$342,000 and less than or equal to \$410,000	324.60	527.50
Greater than \$205,000 and less than \$500,000	Greater than \$410,000 and less than \$750,000	446.30	649.20
Greater than or equal to \$500,000	Greater than or equal to \$750,000	487.00	689.90

For beneficiaries with immunosuppressive drug only Part B coverage who file either individual tax returns (and are single individuals,

heads of households, qualifying widows or widowers with dependent children, or married individuals filing separately who lived apart from their spouses for

the entire taxable year) or joint tax returns, the 2026 Part B monthly premium rates are as follows:

PART B IMMUNOSUPPRESSIVE DRUG COVERAGE ONLY

Beneficiaries who file individual tax returns with modified adjusted gross income:	Beneficiaries who file joint tax returns with modified adjusted gross income:	Income-related monthly adjustment amount	Total monthly premium amount
Less than or equal to \$109,000	Less than or equal to \$218,000	\$0.00	\$121.60
Greater than \$109,000 and less than or equal to \$137,000	Greater than \$218,000 and less than or equal to \$274,000	81.10	202.70
Greater than \$137,000 and less than or equal to \$171,000	Greater than \$274,000 and less than or equal to \$342,000	202.70	324.30
Greater than \$171,000 and less than or equal to \$205,000	Greater than \$342,000 and less than or equal to \$410,000	324.30	445.90
Greater than \$205,000 and less than \$500,000	Greater than \$410,000 and less than \$750,000	445.90	567.50
Greater than or equal to \$500,000	Greater than or equal to \$750,000	486.50	608.10

In addition, the monthly premium rates to be paid by (or on behalf of) beneficiaries with full Part B coverage

who are married and lived with their spouses at any time during the taxable

year, but who file separate tax returns from their spouses, are as follows:

FULL PART B COVERAGE

Beneficiaries who are married and lived with their spouses at any time during the year, but who file separate tax returns from their spouses, with modified adjusted gross income:	Income-related monthly adjustment amount	Total monthly premium amount
Less than or equal to \$109,000	\$0.00	\$202.90
Greater than \$109,000 and less than \$391,000	446.30	649.20
Greater than or equal to \$391,000	487.00	689.90

The monthly premium rates to be paid by (or on behalf of) beneficiaries with immunosuppressive drug only Part

B coverage who are married and lived with their spouses at any time during the taxable year, but who file separate

tax returns from their spouses, are as follows:

PART B IMMUNOSUPPRESSIVE DRUG COVERAGE ONLY

Beneficiaries who are married and lived with their spouses at any time during the year, but who file separate tax returns from their spouses, with modified adjusted gross income:	Income-related monthly adjustment amount	Total monthly premium amount
Less than or equal to \$109,000	\$0.00	\$121.60
Greater than \$109,000 and less than \$391,000	445.90	567.50
Greater than or equal to \$391,000	486.50	608.10

The Part B annual deductible for 2026 is \$283.00 for all beneficiaries.

B. Statement of Actuarial Assumptions and Bases Employed in Determining the Monthly Actuarial Rates and the Monthly Premium Rate for Part B Beginning January 2026

The actuarial assumptions and bases used to determine the monthly actuarial rates and the monthly premium rates for Part B are established by the Centers for Medicare & Medicaid Services' (CMS') Office of the Actuary (OACT). The estimates underlying these determinations are prepared by actuaries meeting the qualification standards and following the actuarial standards of practice established by the Actuarial Standards Board.

1. Actuarial Status of the Part B Account in the Supplementary Medical Insurance Trust Fund

Under section 1839 of the Act, the starting point for determining the

standard monthly premium is the amount that would be necessary to finance Part B on an incurred basis. This is the amount of income that would be sufficient to pay for services furnished during that year (including associated administrative costs) even though payment for some of these services will not be made until after the close of the year. The portion of income required to cover benefits not paid until after the close of the year is added to the trust fund and used when needed.

Because the premium rates are established prospectively, they are subject to projection error. Additionally, legislation enacted after the financing was established, but effective for the period in which the financing is set, may affect program costs. As a result, the income to the program may not equal incurred costs. Trust fund assets must therefore be maintained at a level that is adequate to cover an appropriate degree of variation between actual and

projected costs, and the amount of incurred, but unpaid, expenses. Numerous factors determine what level of assets is appropriate to cover variation between actual and projected costs. For 2026, the three most important of these factors are: (1) the difference from prior years between the actual performance of the program and estimates made at the time financing was established; (2) the likelihood and potential magnitude of expenditure changes resulting from enactment of legislation affecting Part B costs in a year subsequent to the establishment of financing for that year; and (3) the expected relationship between incurred and cash expenditures.

Table 1 summarizes the estimated actuarial status of the trust fund as of the end of the financing period for 2024 and 2025.

TABLE 1—ESTIMATED ACTUARIAL STATUS OF THE PART B ACCOUNT IN THE SUPPLEMENTARY MEDICAL INSURANCE TRUST FUND AS OF THE END OF THE FINANCING PERIOD

Financing period ending	Assets ¹ (in millions)	Liabilities ² (in millions)	Assets less liabilities ¹ (in millions)
December 31, 2024	\$151,664	\$39,862	\$111,801
December 31, 2025	144,774	43,201	101,574

¹ Includes remedy payments of \$10.5 billion to 340B drug providers.

² These amounts include only items incurred but not paid. They do not include the amounts that are to be paid back to the general fund of the Treasury over time as specified by section 1839 of the Act as amended by section 601(a) of the Bipartisan Budget Act of 2015 and further amended by section 2401 of the Continuing Appropriations Act, 2021 and Other Extensions Act, nor do they include the Accelerated and Advance Payments Program amounts that are to be repaid by providers and returned to the general fund of the Treasury.

2. Monthly Actuarial Rate for Enrollees Age 65 and Older

The monthly actuarial rate for enrollees age 65 and older is one-half of the sum of monthly amounts for: (1) the projected cost of benefits; and (2) administrative expenses for each enrollee age 65 and older, after adjustments to this sum to allow for interest earnings on assets in the trust fund and an adequate contingency margin. The contingency margin is to be an amount appropriate to provide for possible variation between actual and projected costs and to amortize any surplus assets or unfunded liabilities.

The monthly actuarial rate for enrollees age 65 and older for 2026 is determined by first establishing per enrollee costs by type of service from program data through 2024 and then projecting these costs for subsequent years. The projection factors used for financing periods from January 1, 2023 through December 31, 2026 are shown in Table 2 and reflect the skin substitute policies included in the calendar year 2026 Physician Fee Schedule final rule (90 FR 49486).

As indicated in Table 3, the projected per enrollee amount required to pay for one-half of the total of benefits and administrative costs for enrollees age 65 and over for 2026 is \$398.21. The monthly actuarial rate of \$405.40 provides an adjustment of \$10.44 for a contingency margin and –\$3.24 for interest earnings.

Starting in 2011, manufacturers and importers of brand-name prescription drugs pay a fee that is allocated to the Part B account of the SMI trust fund. For 2026, the total of these brand-name drug fees is estimated to be \$2.8 billion. The contingency margin for 2026 has been reduced to account for this additional revenue.

The traditional goal for the Part B reserve has been that assets minus liabilities at the end of a year should represent between 15 and 20 percent of the following year's total incurred expenditures. To accomplish this goal, a 17-percent reserve ratio, which is a fully adequate contingency reserve level, has been the normal target used to calculate the Part B premium. At the end of 2025, the reserve ratio is expected to be 16.0 percent. When the reserve ratio is somewhat below 17 percent, the typical approach in the premium determination is to target a reserve ratio of 17 percent the following year. OACT has estimated that a target reserve ratio of 14 percent

is the minimally financially adequate level for the Part B premium determination. The 2026 financing targets a 17-percent reserve ratio.

The actuarial rate of \$405.40 per month for aged beneficiaries, as announced in this notice for 2026, reflects the combined effect of the factors and legislation previously described and the projected assumptions listed in Table 2.

3. Monthly Actuarial Rate for Disabled Enrollees

Disabled enrollees are those persons under age 65 who are enrolled in Part B because of entitlement to Social Security disability benefits for more than 24 months or because of entitlement to Medicare under the End-stage Renal Disease (ESRD) program. Projected monthly costs for disabled enrollees (other than those with ESRD) are prepared in a manner parallel to the projection for the aged using appropriate actuarial assumptions (see Table 2). Costs for the ESRD program are projected differently because of the different nature of services offered by the program.

As shown in Table 4, the projected per enrollee amount required to pay for one-half of the total of benefits and administrative costs for disabled enrollees for 2026 is \$513.50. The monthly actuarial rate of \$548.60 also provides an adjustment of –\$4.31 for interest earnings and \$39.41 for a contingency margin, reflecting the same factors described previously for the aged actuarial rate at magnitudes applicable to the disabled rate determination. Based on current estimates, the assets associated with the disabled Medicare beneficiaries at the end of 2025 are not sufficient to cover the amount of incurred, but unpaid, expenses and to provide for a significant degree of variation between actual and projected costs, and accordingly a positive margin is needed.

The actuarial rate of \$548.60 per month for disabled beneficiaries, as announced in this notice for 2026, reflects the combined net effect of the factors described previously for aged beneficiaries and the projection assumptions listed in Table 2.

4. Sensitivity Testing

Several factors contribute to uncertainty about future trends in medical care costs. It is appropriate to test the adequacy of the rates using

alternative cost growth rate assumptions, the results of which are shown in Table 5. One set represents increases that are higher and, therefore, more pessimistic than the current estimate, and the other set represents increases that are lower and, therefore, more optimistic than the current estimate. The values for the alternative assumptions were determined from a statistical analysis of the historical variation in the respective increase factors.

As indicated in Table 5, the monthly actuarial rates would result in an excess of assets over liabilities of \$120,996 million by the end of December 2026 under the cost growth rate assumptions shown in Table 2 and under the assumption that the provisions of current law are fully implemented. This result amounts to 17.5 percent of the estimated total incurred expenditures for the following year.

Assumptions that are somewhat more pessimistic (and that therefore test the adequacy of the assets to accommodate projection errors) produce a surplus of \$61,183 million by the end of December 2026 under current law, which amounts to 7.9 percent of the estimated total incurred expenditures for the following year. Under fairly optimistic assumptions, the monthly actuarial rates would result in a surplus of \$170,663 million by the end of December 2026, or 27.7 percent of the estimated total incurred expenditures for the following year.

The sensitivity analysis indicates that, in a typical year, the premium and general revenue financing established for 2026, together with existing Part B account assets, would be adequate to cover estimated Part B costs for 2026 under current law, should actual costs prove to be somewhat greater than expected.

5. Premium Rates and Deductible

As determined in accordance with section 1839 of the Act, the following are the 2026 Part B monthly premium rates to be paid by (or on behalf of) beneficiaries with full Part B coverage who file either individual tax returns (and are single individuals, heads of households, qualifying widows or widowers with dependent children, or married individuals filing separately who lived apart from their spouses for the entire taxable year) or joint tax returns.

Beneficiaries who file individual tax returns with modified adjusted gross income:	Beneficiaries who file joint tax returns with modified adjusted gross income:	Income-related monthly adjustment amount	Total monthly premium amount
Less than or equal to \$109,000	Less than or equal to \$218,000	\$0.00	\$202.90
Greater than \$109,000 and less than or equal to \$137,000	Greater than \$218,000 and less than or equal to \$274,000	81.20	284.10
Greater than \$137,000 and less than or equal to \$171,000	Greater than \$274,000 and less than or equal to \$342,000	202.90	405.80
Greater than \$171,000 and less than or equal to \$205,000	Greater than \$342,000 and less than or equal to \$410,000	324.60	527.50
Greater than \$205,000 and less than \$500,000	Greater than \$410,000 and less than \$750,000	446.30	649.20
Greater than or equal to \$500,000	Greater than or equal to \$750,000	487.00	689.90

the entire taxable year) or joint tax returns, the 2026 Part B monthly premium rates are as follows:

Beneficiaries who file individual tax returns with modified adjusted gross income:	Beneficiaries who file joint tax returns with modified adjusted gross income:	Income-related monthly adjustment amount	Total monthly premium amount
Less than or equal to \$109,000	Less than or equal to \$218,000	\$0.00	\$121.60
Greater than \$109,000 and less than or equal to \$137,000	Greater than \$218,000 and less than or equal to \$274,000	81.10	202.70
Greater than \$137,000 and less than or equal to \$171,000	Greater than \$274,000 and less than or equal to \$342,000	202.70	324.30
Greater than \$171,000 and less than or equal to \$205,000	Greater than \$342,000 and less than or equal to \$410,000	324.30	445.90
Greater than \$205,000 and less than \$500,000	Greater than \$410,000 and less than \$750,000	445.90	567.50
Greater than or equal to \$500,000	Greater than or equal to \$750,000	486.50	608.10

year, but who file separate tax returns from their spouses, are as follows:

Beneficiaries who are married and lived with their spouses at any time during the year, but who file separate tax returns from their spouses, with modified adjusted gross income:	Income-related monthly adjustment amount	Total monthly premium amount
Less than or equal to \$109,000	\$0.00	\$202.90
Greater than \$109,000 and less than \$391,000	446.30	649.20
Greater than or equal to \$391,000	487.00	689.90

tax returns from their spouses, are as follows:

Beneficiaries who are married and lived with their spouses at any time during the year, but who file separate tax returns from their spouses, with modified adjusted gross income:	Income-related monthly adjustment amount	Total monthly premium amount
Less than or equal to \$109,000	\$0.00	\$121.60
Greater than \$109,000 and less than \$391,000	445.90	567.50
Greater than or equal to \$391,000	486.50	608.10

[illegible]

TABLE 2—PROJECTION FACTORS¹—Continued
[12-Month Periods Ending December 31 of 2023–2026 (in percent)]

Calendar year	Physician fee schedule	Durable medical equipment	Practitioner Lab ²	Physician-administered drugs	Other practitioner services ³	Outpatient hospital	Home health agency	Hospital lab ⁴	Other institutional services ⁵	Managed care
2023	2.6	13.5	–1.6	27.9	15.3	5.4	2.6	–9.7	7.6	8.5
2024	4.0	6.6	7.7	40.4	–2.5	8.1	3.2	1.8	10.0	3.1
2025	8.8	8.5	8.0	33.8	12.1	14.3	5.6	12.1	16.5	5.4
2026	7.2	8.5	7.0	–26.2	9.6	11.7	9.2	4.7	8.2	8.1

¹ All values for services other than managed care are per fee-for-service enrollee. Managed care values are per managed care enrollee.

² Includes services paid under the lab fee schedule furnished in the physician's office or an independent lab.

³ Includes ambulatory surgical center facility costs, ambulance services, parenteral and enteral drug costs, supplies, etc.

⁴ Includes services paid under the lab fee schedule furnished in the outpatient department of a hospital.

⁵ Includes services furnished in dialysis facilities, rural health clinics, federally qualified health centers, rehabilitation and psychiatric hospitals, etc.

TABLE 3—DERIVATION OF MONTHLY ACTUARIAL RATE FOR ENROLLEES AGE 65 AND OVER FOR FINANCING PERIODS
ENDING DECEMBER 31, 2023, THROUGH DECEMBER 31, 2026

	CY 2023	CY 2024	CY 2025	CY 2026
Covered services (at level recognized):				
Physician fee schedule	\$66.05	\$65.95	\$66.95	68.74
Durable medical equipment	6.79	7.28	8.29	8.61
Practitioner lab ¹	4.56	4.79	4.88	5.00
Physician-administered drugs	22.40	27.67	32.82	23.14
Other practitioner services ²	11.21	10.38	11.10	11.65
Outpatient hospital	54.36	57.13	61.85	65.92
Home health agency	7.13	6.99	7.12	7.39
Hospital lab ³	1.97	1.95	2.00	2.00
Other institutional services ⁴	17.05	17.47	18.25	18.84
Managed care	180.48	193.35	204.63	226.44
Total services	372.01	392.97	417.89	437.73
Cost sharing:				
Deductible	–8.65	–9.19	–9.85	–10.83
Coinsurance	–25.15	–26.31	–28.42	–26.49
Sequestration of benefits	–6.76	–7.15	–7.59	–8.01
Total benefits	331.45	350.32	372.03	392.42
Administrative expenses	5.61	5.78	5.64	5.79
Incurred expenditures	337.05	356.10	377.67	398.21
Value of interest	–3.02	–2.68	–2.50	–3.24
Contingency margin for projection error and to amortize the surplus or deficit	–10.34	–10.03	–7.07	10.44
Monthly actuarial rate	323.70	343.40	368.10	405.40

¹ Includes services paid under the lab fee schedule furnished in the physician's office or an independent lab.

² Includes ambulatory surgical center facility costs, ambulance services, parenteral and enteral drug costs, supplies, etc.

³ Includes services paid under the lab fee schedule furnished in the outpatient department of a hospital.

⁴ Includes services furnished in dialysis facilities, rural health clinics, federally qualified health centers, rehabilitation, and psychiatric hospitals, etc.

TABLE 4—DERIVATION OF MONTHLY ACTUARIAL RATE FOR DISABLED ENROLLEES FOR FINANCING PERIODS ENDING
DECEMBER 31, 2023, THROUGH DECEMBER 31, 2026

	CY 2023	CY 2024	CY 2025	CY 2026
Covered services (at level recognized):				
Physician fee schedule	\$52.44	\$50.41	\$51.07	\$49.01
Durable medical equipment	10.27	10.18	10.29	9.96
Practitioner lab ¹	4.37	4.34	4.35	4.19
Physician-administered drugs	19.53	25.61	31.92	21.03
Other practitioner services ²	11.38	10.48	11.00	10.83
Outpatient hospital	50.62	50.83	54.19	54.12
Home health agency	5.37	5.16	5.08	4.96
Hospital lab ³	1.99	1.89	1.98	1.86
Other institutional services ⁴	35.15	34.69	37.64	36.94
Managed care	252.50	277.92	309.72	351.48
Total services	443.62	471.50	517.24	544.38
Cost sharing:				
Deductible	–8.13	–8.64	–9.26	–10.17

TABLE 4—DERIVATION OF MONTHLY ACTUARIAL RATE FOR DISABLED ENROLLEES FOR FINANCING PERIODS ENDING DECEMBER 31, 2023, THROUGH DECEMBER 31, 2026—Continued

	CY 2023	CY 2024	CY 2025	CY 2026
Coinsurance	– 26.10	– 25.54	– 26.96	– 22.00
Sequestration of benefits	– 8.18	– 8.74	– 9.62	– 10.24
Total benefits	401.21	428.58	471.41	501.96
Administrative expenses	6.27	6.61	10.45	11.53
Incurred expenditures	407.48	435.19	481.86	513.50
Value of interest	– 3.26	– 2.61	– 2.80	– 4.31
Contingency margin for projection error and to amortize the surplus or deficit	– 46.32	– 5.37	8.74	39.41
Monthly actuarial rate	357.90	427.20	487.80	548.60

¹ Includes services paid under the lab fee schedule furnished in the physician's office or an independent lab.

² Includes ambulatory surgical center facility costs, ambulance services, parenteral and enteral drug costs, supplies, etc.

³ Includes services paid under the lab fee schedule furnished in the outpatient department of a hospital.

⁴ Includes services furnished in dialysis facilities, rural health clinics, federally qualified health centers, rehabilitation, and psychiatric hospitals, etc.

TABLE 5—ACTUARIAL STATUS OF THE PART B ACCOUNT IN THE SMI TRUST FUND UNDER THREE SETS OF ASSUMPTIONS FOR FINANCING PERIODS THROUGH DECEMBER 31, 2026

As of December 31,	2024	2025	2026
Actuarial status (in millions):			
Assets	\$151,664	\$144,774	\$165,865
Liabilities	\$39,862	\$43,201	\$44,869
Assets less liabilities	\$111,801	\$101,574	\$120,996
Ratio ¹	18.9%	15.9%	17.5%
Low-cost projection:			
Actuarial status (in millions):			
Assets	\$151,664	\$158,457	\$212,961
Liabilities	\$39,862	\$41,680	\$42,298
Assets less liabilities	\$111,801	\$116,776	\$170,663
Ratio ¹	19.4%	19.5%	27.7%
High-cost projection:			
Actuarial status (in millions):			
Assets	\$151,664	\$131,149	\$108,659
Liabilities	\$39,862	\$44,715	\$47,476
Assets less liabilities	\$111,801	\$86,434	\$61,183
Ratio ¹	18.4%	12.7%	7.9%

¹ Ratio of assets less liabilities at the end of the year to the total incurred expenditures during the following year, expressed as a percent.

III. Collection of Information Requirements

This document does not impose information collection requirements—that is, reporting, recordkeeping, or third-party disclosure requirements. Consequently, there is no need for review by the Office of Management and Budget under the authority of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

IV. Regulatory Impact Analysis

A. Statement of Need

This notice announces the monthly actuarial rates and premium rates, as required by section 1839(a) of the Act, and the annual deductible, as required by section 1833(b) of the Act, for beneficiaries enrolled in Part B of the

Medicare Supplementary Medical Insurance (SMI) program beginning January 1, 2026. It also responds to section 1839(a)(1) of the Act, which requires the Secretary to provide for publication of these amounts in the **Federal Register** during the September that precedes the start of each calendar year. As section 1839 prescribes a detailed methodology for calculating these amounts, we do not have the discretion to adopt an alternative approach on these issues.

B. Overall Impact

We have examined the impacts of this notice as required by Executive Order 12866, “Regulatory Planning and Review”; Executive Order 13132, “Federalism”; Executive Order 13563, “Improving Regulation and Regulatory

Review”; Executive Order 14192, “Unleashing Prosperity Through Deregulation”; the Regulatory Flexibility Act (RFA) (Pub. L. 96–354); section 1102(b) of the Social Security Act; section 202 of the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4); and the Congressional Review Act (5 U.S.C. 804(2)).

Executive Orders 12866 and 13563 direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select those regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety, and other advantages; distributive impacts.). Section 3(f) of Executive Order 12866 defines a “significant regulatory action” as any regulatory

action that is 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 a serious inconsistency or otherwise interfere with an action taken or planned by another agency; (3) materially alter the budgetary impact 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, or the President's priorities.

A regulatory impact analysis (RIA) must be prepared for a regulatory action that is significant under section 3(f)(1) of E.O. 12866.

The 2026 standard Part B premium of \$202.90 is \$17.90 higher than the 2025 premium of \$185.00. We estimate that the total premium increase, for the approximately 65 million Part B enrollees in 2026, will be \$14.0 billion. Based on our estimates, OIRA has determined this notice is significant under section 3(f)(1). Accordingly, we have prepared a Regulatory Impact Analysis that to the best of our ability presents the costs and benefits of the rulemaking. Therefore, OMB has reviewed these proposed regulations. Pursuant to Subtitle E of the Small Business Regulatory Enforcement Fairness Act of 1996 (also known as the Congressional Review Act), OIRA has also determined that this notice is a "major rule" as defined in 5 U.S.C. 804(2). For the reasons given in section V. of this notice, however, we find for good cause that notice and public

procedure are impracticable, unnecessary, and contrary to the public interest and have determined that this policy will take effect on January 1, 2026, pursuant to 5 U.S.C. 808(2).

C. Detailed Economic Analysis

As discussed earlier, this notice announces that the monthly actuarial rates applicable for 2026 are \$405.40 for enrollees age 65 and over and \$548.60 for disabled enrollees under age 65. It also announces the 2026 monthly Part B premium rates to be paid by (or on behalf of) beneficiaries with full Part B coverage who file either individual tax returns (and are single individuals, heads of households, qualifying widows or widowers with dependent children, or married individuals filing separately who lived apart from their spouses for the entire taxable year) or joint tax returns.

FULL PART B COVERAGE

Beneficiaries who file individual tax returns with modified adjusted gross income:	Beneficiaries who file joint tax returns with modified adjusted gross income:	Income-related monthly adjustment amount	Total monthly premium amount
Less than or equal to \$109,000	Less than or equal to \$218,000	\$0.00	\$202.90
Greater than \$109,000 and less than or equal to \$137,000	Greater than \$218,000 and less than or equal to \$274,000	81.20	284.10
Greater than \$137,000 and less than or equal to \$171,000	Greater than \$274,000 and less than or equal to \$342,000	202.90	405.80
Greater than \$171,000 and less than or equal to \$205,000	Greater than \$342,000 and less than or equal to \$410,000	324.60	527.50
Greater than \$205,000 and less than \$500,000	Greater than \$410,000 and less than \$750,000	446.30	649.20
Greater than or equal to \$500,000	Greater than or equal to \$750,000	487.00	689.90

For beneficiaries with immunosuppressive drug only Part B coverage who file either individual tax returns (and are single individuals,

heads of households, qualifying widows or widowers with dependent children, or married individuals filing separately who lived apart from their spouses for

the entire taxable year) or joint tax returns, the 2026 Part B monthly premium rates are announced and shown below.

PART B IMMUNOSUPPRESSIVE DRUG COVERAGE ONLY

Beneficiaries who file individual tax returns with modified adjusted gross income:	Beneficiaries who file joint tax returns with modified adjusted gross income:	Income-related monthly adjustment amount	Total monthly premium amount
Less than or equal to \$109,000	Less than or equal to \$218,000	\$0.00	\$121.60
Greater than \$109,000 and less than or equal to \$137,000	Greater than \$218,000 and less than or equal to \$274,000	81.10	202.70
Greater than \$137,000 and less than or equal to \$171,000	Greater than \$274,000 and less than or equal to \$342,000	202.70	324.30
Greater than \$171,000 and less than or equal to \$205,000	Greater than \$342,000 and less than or equal to \$410,000	324.30	445.90
Greater than \$205,000 and less than \$500,000	Greater than \$410,000 and less than \$750,000	445.90	567.50
Greater than or equal to \$500,000	Greater than or equal to \$750,000	486.50	608.10

In addition, the monthly premium rates to be paid by (or on behalf of) beneficiaries with full Part B coverage

who are married and lived with their spouses at any time during the taxable year, but who file separate tax returns

from their spouses, are also announced and listed in the following table:

FULL PART B COVERAGE

Beneficiaries who are married and lived with their spouses at any time during the year, but who file separate tax returns from their spouses, with modified adjusted gross income:	Income-related monthly adjustment amount	Total monthly premium amount
Less than or equal to \$109,000	\$0.00	\$202.90
Greater than \$109,000 and less than \$500,000	446.30	649.20
Greater than or equal to \$500,000	487.00	689.90

The monthly premium rates to be paid by (or on behalf of) beneficiaries with immunosuppressive drug only Part

B coverage who are married and lived with their spouses at any time during the taxable year, but who file separate

tax returns from their spouses, are announced and listed in the following table:

PART B IMMUNOSUPPRESSIVE DRUG COVERAGE ONLY

Beneficiaries who are married and lived with their spouses at any time during the year, but who file separate tax returns from their spouses, with modified adjusted gross income:	Income-related monthly adjustment amount	Total monthly premium amount
Less than or equal to \$109,000	\$0.00	\$121.60
Greater than \$109,000 and less than \$500,000	445.90	567.50
Greater than or equal to \$500,000	486.50	608.10

D. Accounting Statement and Table

As required by OMB Circular A–4 (available at <https://www.white>

[house.gov/omb/information-resources/guidance/circulars/](https://www.house.gov/omb/information-resources/guidance/circulars/)), in Table 6 we have prepared an accounting statement.

TABLE 6—ACCOUNTING STATEMENT: THE ESTIMATED AGGREGATE PART B PREMIUM INCREASE FOR ALL ENROLLEES FOR 2026

Category	
Annualized Monetized Transfers	\$14.0 billion.
From Whom to Whom?	Beneficiaries to Federal Government.

E. Regulatory Flexibility Act (RFA)

The RFA requires agencies to analyze options for regulatory relief of small businesses, if a rule or other regulatory document has a significant impact on a substantial number of small entities. For purposes of the RFA, small entities include small businesses, nonprofit organizations, and small governmental jurisdictions. Individuals and States are not included in the definition of a small entity. This notice announces the monthly actuarial rates for aged (age 65 and over) and disabled (under age 65) beneficiaries enrolled in Part B of the Medicare SMI program beginning January 1, 2026. Also, this notice announces the monthly premium for aged and disabled beneficiaries as well as the income-related monthly adjustment amounts to be paid by beneficiaries with modified adjusted gross income above certain threshold amounts. As a result, we are not preparing an analysis for the RFA because the Secretary has determined that this notice will not have a significant economic impact on a substantial number of small entities.

In addition, section 1102(b) of the Act requires us to prepare a regulatory impact analysis if a rule or other regulatory document may have a significant impact on the operations of a substantial number of small rural hospitals. This analysis must conform to the provisions of section 604 of the RFA. For purposes of section 1102(b) of the Act, we define a small rural hospital as a hospital that is located outside of a Metropolitan Statistical Area and has fewer than 100 beds. As we discussed

previously, we are not preparing an analysis for section 1102(b) of the Act because the Secretary has determined that this notice will not have a significant effect on a substantial number of small rural hospitals.

Section 202 of the Unfunded Mandates Reform Act of 1995 (UMRA) also requires that agencies assess anticipated costs and benefits before issuing any rule whose mandates require spending in any 1 year of \$100 million in 1995 dollars, updated annually for inflation. In 2025, that threshold is approximately \$187 million. Part B enrollees who are also enrolled in Medicaid have their monthly Part B premiums paid by Medicaid. The cost to each State Medicaid program from the 2026 premium increase is estimated to be more than the threshold. This notice does not impose mandates that will have a consequential effect of the threshold amount or more on State, local, or tribal governments or on the private sector.

Executive Order 13132 establishes certain requirements that an agency must meet when it publishes a proposed rule or other regulatory document (and subsequent final rule or other regulatory document) that imposes substantial direct compliance costs on State and local governments, preempts State law, or otherwise has Federalism implications. We have determined that this notice does not significantly affect the rights, roles, and responsibilities of States. Accordingly, the requirements of Executive Order 13132 do not apply to this notice.

V. Waiver of Proposed Rulemaking

We ordinarily publish a notice of proposed rulemaking in the **Federal Register** and invite public comment prior to a rule taking effect in accordance with section 1871 of the Act. Section 1871(a)(2) of the Act provides that no rule, requirement, or other statement of policy (other than a national coverage determination) that establishes or changes a substantive legal standard governing the scope of benefits, the payment for services, or the eligibility of individuals, entities, or organizations to furnish or receive services or benefits under Medicare shall take effect unless it is promulgated through notice and comment rulemaking. Unless there is a statutory exception, section 1871(b)(1) of the Act generally requires the Secretary of the Department of Health and Human Services (the Secretary) to provide for notice of a proposed rule in the **Federal Register** and provide a period of not less than 60 days for public comment before establishing or changing a substantive legal standard regarding the matters enumerated by the statute. Section 1871(b)(2)(C) of the Act provides exceptions from the notice and 60-day comment period, under the good cause standard set forth in 5 U.S.C. 553(b)(B). Section 553(b)(B) expressly authorizes an agency to dispense with notice and comment rulemaking for good cause if the agency makes a finding that notice and comment procedures are impracticable, unnecessary, or contrary to the public interest.

The annual updated amounts for the Part B monthly actuarial rates for aged

and disabled beneficiaries, the Part B premium, and the Part B deductible set forth in this notice do not establish or change a substantive legal standard regarding the matters enumerated by the statute or constitute a substantive rule that would be subject to the notice requirements in section 1871(b) of the Act. However, to the extent that an opportunity for public notice and comment could be construed as required for this notice, we find good cause to waive this requirement.

Section 1839 of the Act requires the Secretary to determine the monthly actuarial rates for aged and disabled beneficiaries, as well as the monthly Part B premium (including the income-related monthly adjustment amounts to be paid by beneficiaries with modified adjusted gross income above certain threshold amounts), for each calendar year in accordance with the statutory formulae, in September preceding the year to which they will apply. Further, the statute requires that the agency promulgate the Part B premium amount, in September preceding the year to which it will apply, and include a public statement setting forth the actuarial assumptions and bases employed by the Secretary in arriving at the amount of an adequate actuarial rate for enrollees age 65 and older. We include the Part B annual deductible, which is established in accordance with a specific formula described in section 1833(b) of the Act, because the determination of the amount is directly linked to the rate of increase in actuarial rate under section 1839(a)(1) of the Act. We have calculated the monthly actuarial rates for aged and disabled beneficiaries, the Part B deductible, and the monthly Part B premium as directed by the statute; since the statute establishes both when the monthly actuarial rates for aged and disabled beneficiaries and the monthly Part B premium must be published and what information must be factored into those amounts by the Secretary, we do not have any discretion in that regard. We find notice and comment procedures to be unnecessary for this notice, and we find good cause to waive such procedures under section 553(b)(B) and section 1871(b)(2)(C) of the Act, if such procedures may be construed to be required at all. Through this notice, we are simply notifying the public of the updates to the monthly actuarial rates for aged and disabled beneficiaries and the Part B deductible, as well as the monthly Part B premium amounts and the income-related monthly adjustment amounts to be paid by certain

beneficiaries, in accordance with the statute, for CY 2026.

Dr. Mehmet Oz, Administrator of the Centers for Medicare & Medicaid Services, approved this document.

Robert F. Kennedy, Jr.,

Secretary, Department of Health and Human Services.

[FR Doc. 2025–20251 Filed 11–14–25; 4:45 pm]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[CMS–3450–CN]

Medicare Program; Announcement of the Re-Approval of the Joint Commission as an Accreditation Organization Under the Clinical Laboratory Improvement Amendments of 1988; Correction

AGENCY: Centers for Medicare & Medicaid Services (CMS), Department of Health and Human Services (HHS).

ACTION: Notice; correction.

SUMMARY: This document corrects technical errors that appeared in the notice published in the May 24, 2024, **Federal Register** titled “Medicare Program; Announcement of the Reapproval of the Joint Commission as an Accreditation Organization Under the Clinical Laboratory Improvement Amendments of 1988”.

DATES:

Effective date: This correction notice is effective November 19, 2025.

Applicability date: The corrections in this notice are applicable to the re-approval of the Joint Commission as an Accreditation Organization Under the Clinical Laboratory Improvement Amendments (CLIA) of 1988 from May 24, 2024 through May 24, 2030.

FOR FURTHER INFORMATION CONTACT: Raymond Castillo, (312) 886–3595.

SUPPLEMENTARY INFORMATION:

I. Background

In FR Doc. 2024–11421 of May 24, 2024 (89 FR 45900 through 45901), there were technical errors that are identified and corrected in this correcting document.

II. Summary of Errors

On page 45900, in the **SUMMARY** section, we inadvertently omitted several entries from the list of specialties and subspecialties under the Clinical Laboratory Improvement Amendments (CLIA) of 1988. We also

made inadvertent technical errors in several bulleted paragraphs.

III. Correction of Errors

In FR Doc. 2024–11421 of May 24, 2024 (89 FR 45900 through 45901), make the following correction:

1. On page 45900,
a. First column, sixth full paragraph (**SUMMARY** section), lines 15 through 22, the phrase “Toxicology, and Endocrinology; Hematology, including routine hematology and coagulation; Immunohematology, including ABO Group, D (Rho) typing, Unexpected Antibody Detection, Compatibility Testing, and Antibody Identification; Pathology, including Histopathology, Oral Pathology, and Cytology.” is corrected to read, “Toxicology, Endocrinology, and Urinalysis; Hematology, including routine hematology and coagulation; Immunohematology, including ABO Group, D (Rho) typing, Unexpected Antibody Detection, Compatibility Testing, and Antibody Identification; Pathology, including Histopathology, Oral Pathology, Cytology, Histocompatibility, Radiobioassay, and Clinical Cytogenetics.”

b. Second column,
(1) Third bulleted paragraph, lines 2 and 3, the phrase “Toxicology, and Endocrinology.” is corrected to read, “Toxicology, Endocrinology, and Urinalysis.”

(2) Sixth bulleted paragraph, lines 1 through 3, the paragraph “• Pathology, including Histopathology, and Oral Pathology, and Cytology.” is corrected to read as follows:

“• Histocompatibility.
• Radiobioassay.
• Clinical Cytogenetics.”
• Pathology, including Histopathology, and Oral Pathology, and Cytology.”

c. Third column,
(1) Third bulleted paragraph, lines 2 and 3, the phrase “Toxicology, and Endocrinology.” is corrected to read, “Toxicology, Endocrinology, and Urinalysis.”

(2) Sixth bulleted paragraph, lines 1 through 3, the paragraph “• Pathology, including Histopathology, and Oral Pathology, and Cytology.” is corrected to read as follows:

“• Pathology, including Histopathology, and Oral Pathology, and Cytology.

• Histocompatibility.
• Radiobioassay.
• Clinical Cytogenetics.”

The Director of the Office of Strategic Operations and Regulatory Affairs of the Centers for Medicare & Medicaid Services (CMS), Kathleen Cantwell,

having reviewed and approved this document, authorizes Trenesha Fultz-Mimms, who is the Federal Register Liaison, to electronically sign this document for purposes of publication in the **Federal Register**.

Trenesha Fultz-Mimms,

Federal Register Liaison, Centers for Medicare & Medicaid Services.

[FR Doc. 2025–20329 Filed 11–18–25; 8:45 am]

BILLING CODE P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[CMS–8089–N]

RIN 0938–AV54

Medicare Program; CY 2026 Inpatient Hospital Deductible and Hospital and Extended Care Services Coinsurance Amounts

AGENCY: Centers for Medicare & Medicaid Services (CMS), HHS.

ACTION: Notice.

SUMMARY: This notice announces the inpatient hospital deductible and the hospital and extended care services coinsurance amounts for services furnished in calendar year (CY) 2026 under Medicare's Hospital Insurance Program (Medicare Part A). The Medicare statute specifies the formulae used to determine these amounts. For CY 2026, the inpatient hospital deductible will be \$1,736. The daily coinsurance amounts for CY 2026 will be as follows: \$434 for the 61st through 90th day of hospitalization in a benefit period; \$868 for lifetime reserve days; and \$217 for the 21st through 100th day of extended care services in a skilled nursing facility in a benefit period.

DATES: The deductible and coinsurance amounts announced in this notice are effective on January 1, 2026.

FOR FURTHER INFORMATION CONTACT: Suzanne Codespote, (410) 786–7737 or Yaminee Thaker (410) 786–7921.

SUPPLEMENTARY INFORMATION:

I. Background

Section 1813 of the Social Security Act (the Act) provides for an inpatient hospital deductible to be subtracted from the amount payable by Medicare for inpatient hospital services furnished to a beneficiary. It also provides for certain coinsurance amounts to be subtracted from the amounts payable by Medicare for inpatient hospital and extended care services. Section

1813(b)(2) of the Act requires the Secretary of the Department of Health and Human Services (the Secretary) to determine and publish each year the amount of the inpatient hospital deductible and the hospital and extended care services coinsurance amounts applicable for services furnished in the following calendar year (CY).

II. Computing the Inpatient Hospital Deductible for CY 2026

Section 1813(b) of the Act prescribes the method for computing the amount of the inpatient hospital deductible. The inpatient hospital deductible is an amount equal to the inpatient hospital deductible for the preceding CY, adjusted by the Secretary's best estimate of the payment-weighted average of the applicable percentage increases (as defined in section 1886(b)(3)(B) of the Act) used for updating the payment rates to hospitals for discharges in the fiscal year (FY) that begins on October 1 of the same preceding CY, and adjusted to reflect changes in real casemix. The adjustment to reflect real casemix is determined on the basis of the most recent case-mix data available. The amount determined under this formula is rounded to the nearest multiple of \$4 (or, if midway between two multiples of \$4, to the next higher multiple of \$4).

Under section 1886(b)(3)(B)(i)(XX) of the Act, the percentage increase used to update the payment rates for FY 2026 for hospitals paid under the inpatient prospective payment system (IPPS) is the IPPS operating market basket percentage increase, otherwise known as the IPPS market basket update, reduced by an adjustment based on changes in the economy-wide productivity (productivity adjustment) (see section 1886(b)(3)(B)(xi)(II) of the Act). Under section 1886(b)(3)(B)(viii) of the Act, for FY 2026, the applicable percentage increase for hospitals that do not submit quality data as specified by the Secretary is reduced by one quarter of the market basket update. We are estimating that after accounting for those hospitals receiving the lower market basket update in the payment-weighted average update, the calculated deductible will not be affected, since the majority of hospitals submit quality data and receive the full market basket update. Section 1886(b)(3)(B)(ix) of the Act requires that any hospital that is not a meaningful electronic health record (EHR) user (as defined in section 1886(n)(3) of the Act) will have three-quarters of the market basket update reduced by 100 percent for FY 2017 and each subsequent FY. We are estimating

that after accounting for these hospitals receiving the lower market basket update, the calculated deductible will not be affected, since the majority of hospitals are meaningful EHR users and are expected to receive the full market basket update.

Under section 1886 of the Act, the percentage increase used to update the payment rates (or target amounts, as applicable) for FY 2026 for hospitals excluded from the inpatient prospective payment system is as follows:

- The percentage increase for long term care hospitals (LTCH) is the LTCH market basket percentage increase reduced by the productivity adjustment (see section 1886(m)(3)(A) of the Act). In addition, these hospitals may also be impacted by the quality reporting adjustments and the site-neutral payment rates (see section 1886(m)(5) and (6) of the Act).

- The percentage increase for inpatient rehabilitation facilities (IRF) is the IRF market basket percentage increase reduced by the productivity adjustment in accordance with section 1886(j)(3)(C)(ii)(I) of the Act. In addition, these hospitals may also be impacted by the quality reporting adjustments (see section 1886(j)(7) of the Act).

- The percentage increase used to update the payment rate for inpatient psychiatric facilities (IPF) is the IPF market basket percentage increase reduced by the productivity adjustment (see section 1886(s)(2)(A)(i) of the Act). In addition, these hospitals may also be impacted by the quality reporting adjustments (see section 1886(s)(4) of the Act).

- The percentage increase used to update the target amounts for other types of hospitals that are excluded from the inpatient prospective payment system and that are paid on a reasonable cost basis, subject to a rate-of-increase ceiling, is the IPPS operating market basket percentage increase, which is described at section 1886(b)(3)(B)(ii)(VIII) of the Act and 42 CFR 413.40(c)(3). These other types of hospitals include cancer hospitals, children's hospitals, extended neoplastic disease care hospitals, and hospitals located outside the 50 States, the District of Columbia, and Puerto Rico.

The IPPS operating market basket percentage increase for FY 2026 is 3.3 percent and the productivity adjustment is 0.7 percentage point, as announced in the final rule that appeared in the **Federal Register** on August 04, 2025 entitled, "Medicare Program; Hospital Inpatient Prospective Payment Systems for Acute Care Hospitals (IPPS) and the

Long-Term Care Hospital Prospective Payment System and Policy Changes and Fiscal Year (FY) 2026 Rates; Changes to the FY 2025 IPPS Rates Due to Court Decision; Requirements for Quality Programs; and Other Policy Changes; Health Data, Technology, and Interoperability: Electronic Prescribing, Real-Time Prescription Benefit and Electronic Prior Authorization” (90 FR 36536). Therefore, the percentage increase for hospitals paid under the inpatient prospective payment system that submit quality data and are meaningful EHR users is 2.6 percent (that is, the FY 2026 IPPS operating market basket update of 3.3 percent less the productivity adjustment of 0.7 percentage point). The average payment percentage increase for hospitals excluded from the inpatient prospective payment system is 2.7 percent. This average includes long term care hospitals, inpatient rehabilitation facilities, inpatient psychiatric facilities and other hospitals excluded from the inpatient prospective payment system. Weighting these percentages in accordance with payment volume, our best estimate of the payment-weighted average of the increases in the payment rates for FY 2026 is 2.62 percent.

To develop the adjustment to reflect changes in real casemix, we first calculated an average casemix for each hospital that reflects the relative costliness of that hospital’s mix of cases compared to those of other hospitals. We then computed the change in average casemix for hospitals paid under the Medicare inpatient prospective payment system in FY 2025 compared to FY 2024. (We excluded

from this calculation hospitals whose payments are not based on the inpatient prospective payment system because their payments are based on alternate prospective payment systems or reasonable costs.) We used Medicare bills from prospective payment hospitals that we received as of July 2025. These bills represent a total of about 5.4 million Medicare discharges for FY 2025 and provide the most recent case-mix- data available at this time. Based on these bills, the change in average casemix in FY 2025 -is 0.9 percent. Based on these bills and past experience, we expect the overall FY 2025 casemix change to be 0.9 percent as the year progresses and more FY 2025 data become available.

Section 1813(b) of the Act requires that the inpatient hospital deductible be adjusted only by that portion of the case mix change that is determined to be real. Real casemix is that portion of casemix that is due to changes in the mix of cases and not due to coding optimization. We are assuming that this increase in casemix is real and not a result of coding optimization.

Thus, the estimate of the payment-weighted average of the applicable percentage increases used for updating the payment rates is 2.62 percent, and the real case-mix adjustment factor for the deductible is 0.9 percent. Therefore, using the statutory formula as stated in section 1813(b) of the Act, we calculate the inpatient hospital deductible for services furnished in CY 2025 to be \$1,736. This deductible amount is determined by multiplying \$1,676 (the inpatient hospital deductible for CY 2025 (89 FR 68986)) by the payment-

weighted average increase in the payment rates of 1.0262 multiplied by the increase in real casemix of 1.009, which equals \$1,735.39 and is rounded to \$1,736 (based on rounding to the nearest multiple of 4).

III. Computing the Inpatient Hospital and Extended Care Services Coinsurance Amounts for CY 2026

The coinsurance amounts provided for in section 1813 of the Act are defined as fixed percentages of the inpatient hospital deductible for services furnished in the same CY. The increase in the deductible generates increases in the coinsurance amounts. For inpatient hospital and extended care services furnished in CY 2026, in accordance with the fixed percentages defined in the law, the daily coinsurance for the 61st through 90th day of hospitalization in a benefit period will be \$434 (one-fourth of the inpatient hospital deductible as stated in section 1813(a)(1)(A) of the Act); the daily coinsurance for lifetime reserve days will be \$868 (one-half of the inpatient hospital deductible as stated in section 1813(a)(1)(B) of the Act); and the daily coinsurance for the 21st through 100th day of extended care services in a skilled nursing facility (SNF) in a benefit period will be \$217 (one-eighth of the inpatient hospital deductible as stated in section 1813(a)(3) of the Act).

IV. Cost to Medicare Beneficiaries

Table 1 summarizes the deductible and coinsurance amounts for CYs 2025 and 2026, as well as the number of each that is estimated to be paid.

TABLE 1—MEDICARE PART A DEDUCTIBLE AND COINSURANCE AMOUNTS FOR CYs 2025 AND 2026

Type of cost sharing	Value		Number paid (in millions)	
	2025	2026	2025	2026
Inpatient hospital deductible	\$1,676	\$1,736	5.55	5.63
Daily coinsurance for 61st–90th day	419	434	1.39	1.41
Daily coinsurance for lifetime reserve days	838	868	0.71	0.72
SNF coinsurance	209.50	217.00	28.33	28.88

The estimated total increase in costs to beneficiaries is about \$860 million (rounded to the nearest \$10 million) due to: (1) the increase in the deductible and coinsurance amounts; and (2) the change in the number of deductibles and daily coinsurance amounts paid. We determine the increase in cost to beneficiaries by calculating the difference between the 2025 and 2026 deductible and coinsurance amounts multiplied by the estimated change in

the number of deductible and coinsurance amounts paid.

V. Waiver of Proposed Rulemaking

We ordinarily publish a notice of proposed rulemaking in the **Federal Register** and invite public comment prior to a rule taking effect in accordance with section 1871 of the Act. Section 1871(a)(2) of the Act provides that no rule, requirement, or other statement of policy (other than a

national coverage determination) that establishes or changes a substantive legal standard governing the scope of benefits, the payment for services, or the eligibility of individuals, entities, or organizations to furnish or receive services or benefits under Medicare shall take effect unless it is promulgated through notice and comment rulemaking. Unless there is a statutory exception, section 1871(b)(1) of the Act generally requires the Secretary to

provide for notice of a proposed rule in the **Federal Register** and provide a period of not less than 60 days for public comment before establishing or changing a substantive legal standard regarding the matters enumerated by the statute. Section 1871(b)(2)(C) of the Act provides exceptions from the notice and 60-day comment period, under the good cause standard set forth in 5 U.S.C. 553(b)(B). Section 553(b)(B) authorizes an agency to dispense with notice and comment rulemaking for good cause if the agency makes a finding that notice and comment procedures are impracticable, unnecessary, or contrary to the public interest.

The annual inpatient hospital deductible and the hospital and extended care services coinsurance amounts announcement set forth in this notice does not establish or change a substantive legal standard regarding the matters enumerated by the statute or constitute a substantive rule which would be subject to the notice requirements in section 1871(b) of the Act. However, to the extent that an opportunity for public notice and comment could be construed as required for this notice, we find good cause to waive this requirement.

Section 1813(b)(2) of the Act requires publication of the inpatient hospital deductible and the hospital and extended care services coinsurance amounts between September 1 and September 15 of the year preceding the year to which they will apply. Further, the statute requires that the agency determine and publish the inpatient hospital deductible and hospital and extended care services coinsurance amounts for each CY in accordance with the statutory formulae, and we are simply notifying the public of the changes to the deductible and coinsurance amounts for CY 2026. We have calculated the inpatient hospital deductible and hospital and extended care services coinsurance amounts as directed by the statute; the statute establishes both when the deductible and coinsurance amounts must be published and the information that the Secretary must factor into the deductible and coinsurance amounts, so we do not have any discretion in that regard. We find notice and comment procedures to be unnecessary for this notice, and we find good cause to waive such procedures under section 553(b)(B) and section 1871(b)(2)(C) of the Act, if such procedures may be construed to be required at all. Through this notice, we are simply notifying the public of the updates to the inpatient hospital deductible and the hospital and extended care services coinsurance

amounts, in accordance with the statute, for CY 2026.

VI. Collection of Information Requirements

This document does not impose information collection requirements, that is, reporting, recordkeeping or third-party disclosure requirements. Consequently, there is no need for review by the Office of Management and Budget under the authority of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

VII. Regulatory Impact Analysis

We have prepared this Regulatory Impact Analysis (RIA) section in the interest of ensuring that the impacts of this notice are fully understood.

A. Statement of Need

This notice announces the Medicare Part A inpatient hospital deductible and associated coinsurance amounts for hospital and extended care services applicable for care provided in CY 2026, as required by section 1813 of the Act. It also responds to section 1813(b)(2) of the Act, which requires the Secretary to provide for publication of these amounts in the **Federal Register** between September 1 and September 15 of the year preceding the year to which they will apply. As this statutory provision prescribes a detailed methodology for calculating these amounts, we do not have the discretion to adopt an alternative approach to these issues.

B. Overall Impact

We have examined the impacts of this notice as required by Executive Order 12866, “Regulatory Planning and Review”; Executive Order 13132, “Federalism”; Executive Order 13563, “Improving Regulation and Regulatory Review”; Executive Order 14192, “Unleashing Prosperity Through Deregulation”; the Regulatory Flexibility Act (RFA) (Pub. L. 96–354); section 1102(b) of the Social Security Act; section 202 of the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4); and the Congressional Review Act (5 U.S.C. 804(2)).

Executive Orders 12866 and 13563 direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select those regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety, and other advantages; distributive impacts). Section 3(f) of Executive Order 12866 defines a “significant regulatory action” as any regulatory action that is

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 a serious inconsistency or otherwise interfere with an action taken or planned by another agency; (3) materially alter the budgetary impact 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, or the President’s priorities.

A regulatory impact analysis (RIA) must be prepared for a regulatory action that is significant under section 3(f)(1) of E.O. 12866. As stated in section IV. of this notice, we estimate that the total increase in costs to beneficiaries is about \$860 million due to: (1) the increase in the deductible and coinsurance amounts; and (2) the change in the number of deductibles and daily coinsurance amounts paid. Based on our estimates, OIRA has determined this notice is significant under section 3(f)(1). Accordingly, we have prepared an RIA that to the best of our ability presents the costs and benefits of this notice.

In accordance with subtitle E of the Small Business Regulatory Enforcement Fairness Act of 1996 (also known as the Congressional Review Act), OIRA has determined that this notice meets the criteria set forth in 5 U.S.C. 804(2). For the reasons given, however, we find for good cause that notice and public procedure are impracticable, unnecessary, and contrary to the public interest and have determined that this policy will take effect on January 1, 2026, pursuant to 5 U.S.C. 808(2).

C. Accounting Statement and Table

As required by OMB Circular A–4 (available at https://www.whitehouse.gov/wp-content/uploads/legacy_drupal_files/omb/circulars/A4/a-4.pdf), in Table 2, we have prepared an accounting statement showing the estimated total increase in costs to beneficiaries of about \$860 million. As stated in section IV. of this notice, we determined the increase in cost to beneficiaries by calculating the difference between the 2025 and 2026 deductible and coinsurance amounts multiplied by the estimated change in the number of deductible and coinsurance amounts paid.

TABLE 2—ESTIMATED TRANSFERS FOR CY 2026 DEDUCTIBLE AND COINSURANCE AMOUNTS

Category	Transfers	Period covered
Annualized Monetized Transfers. From Whom to Whom.	\$860 million Beneficiaries to Providers.	2026

D. Regulatory Flexibility Act

The RFA requires agencies to analyze options for regulatory relief of small entities, if a rule has a significant impact on a substantial number of small entities. For purposes of the RFA, small entities include small businesses, nonprofit organizations, and small governmental jurisdictions. Most hospitals and most other providers and suppliers are small entities, either by being nonprofit organizations or by meeting the Small Business Administration’s definition of a small business (having revenues of less than \$9.0 million to \$47.0 million in any 1 year). Individuals and States are not included in the definition of a small entity. This annual notice announces the Medicare Part A deductible and coinsurance amounts for CY 2026 and will have an impact on the Medicare beneficiaries. As a result, we are not preparing an analysis for the RFA because the Secretary has certified that this notice will not have a significant economic impact on a substantial number of small entities.

In addition, section 1102(b) of the Act requires us to prepare an RIA if a rule may have a significant impact on the operations of a substantial number of small rural hospitals. This analysis must conform to the provisions of section 604 of the RFA. For purposes of section 1102(b) of the Act, we define a small rural hospital as a hospital that is located outside of a metropolitan statistical area and has fewer than 100 beds. This annual notice announces the Medicare Part A deductible and coinsurance amounts for CY 2026 and will have an impact on the Medicare beneficiaries. As a result, we are not preparing an analysis for section 1102(b) of the Act because the Secretary has certified that this notice will not have a significant impact on the operations of a substantial number of small rural hospitals.

E. Unfunded Mandates Reform Act

Section 202 of the Unfunded Mandates Reform Act of 1995 also requires that agencies assess anticipated costs and benefits before issuing any

rule whose mandates require spending in any 1 year of \$100 million in 1995 dollars, updated annually for inflation. In 2025, that threshold is approximately \$187 million. This notice would not impose a mandate that will result in the expenditure by State, local, and Tribal Governments, in the aggregate, or by the private sector, of more than \$187 million in any 1 year.

F. Federalism

Executive Order 13132 establishes certain requirements that an agency must meet when it promulgates a proposed rule (and subsequent final rule) that imposes substantial direct requirement costs on State and local governments, preempts State law, or otherwise has Federalism implications. This notice will not have a substantial direct effect on State or local governments, preempt State law, or otherwise have Federalism implications.

G. Congressional Review

This notice is subject to the Congressional Review Act and has been transmitted to the Congress and the Government Accountability Office’s Comptroller General for review. Mehmet Oz, Administrator of the Centers for Medicare & Medicaid Services, approved this document on October 31, 2025.

Robert F. Kennedy, Jr.,
Secretary, Department of Health and Human Services.
[FR Doc. 2025–20249 Filed 11–14–25; 4:45 pm]
BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Agency Information Collection Activities: Submission to OMB for Review and Approval; Public Comment Request; HRSA Ryan White HIV/AIDS Program HIV Quality Measures Module, OMB No. 0906–0022—Revision

AGENCY: Health Resources and Services Administration (HRSA), Department of Health and Human Services (HHS).
ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, HRSA submitted an Information Collection Request (ICR) to the Office of Management and Budget (OMB) for review and approval. Comments submitted during the first public review of this ICR will be provided to OMB. OMB will accept further comments from

the public during the review and approval period. OMB may act on HRSA’s ICR only after the 30-day comment period for this notice has closed.

DATES: Comments on this ICR should be received no later than December 19, 2025.

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 information collection by selecting “Currently under Review—Open for Public Comments” or by using the search function.

FOR FURTHER INFORMATION CONTACT: To request a copy of the clearance requests submitted to OMB for review, email Samantha Miller, the HRSA Information Collection Clearance Officer, at paperwork@hrsa.gov or call (301) 443–3983.

SUPPLEMENTARY INFORMATION:
Information Collection Request Title: HRSA Ryan White HIV/AIDS Program HIV Quality Measures Module, OMB No. 0906–0022—Revision.

Abstract: HRSA’s Ryan White HIV/AIDS Program (RWHAP) funds and coordinates with cities, states, and local clinics/community-based organizations to deliver efficient and effective HIV care, treatment, and support to low-income people with HIV. Since 1990, RWHAP has developed a comprehensive system of safety net providers who deliver high-quality direct health care and support services to over half a million people with HIV—more than 50 percent of all people with diagnosed HIV in the United States.

RWHAP Parts A, B, C, and D recipients and subrecipients must follow statutory requirements for the establishment of clinical quality management programs to assess the extent to which their HIV services are consistent with the most recent HHS Clinical Treatment guidelines and to develop strategies to improve access to quality HIV services. In support of these requirements, HRSA created the HIV Quality Measures (HIVQM) Module as an online tool to assist recipients in meeting the clinical quality management program requirement by allowing recipients to input data for the HRSA performance measures. HRSA maintains over 40 performance measures across the following categories: (1) core, (2) all ages, (3) adolescent/adult, (4) pediatric HIV, (5) HIV-exposed children, (6) medical case management, (7) oral health, (8) AIDS Drug Assistance Program, and (9)

systems-level. The HIVQM Module also supports the requirement imposed by the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for HHS Awards that recipients relate financial data to performance accomplishments for their federal awards (2 CFR 200.301). The HIVQM Module helps recipients set goals and monitor performance measures and quality improvement projects. The use of the HIVQM Module is voluntary for RWHAP recipients. HRSA proposes the following modifications:

- “Gender” will be removed and replaced with “Sex at Birth.”
- The available response options are: “Male,” “Female,” “Unknown.”

A 60-day notice was published in the **Federal Register** on June 3, 2025, Volume 90, No. 105, pages 23532–33. There was one request for clarification about the nature of the revisions in the collection. Therefore, the 30-day FRN has language explaining the changes to the collection.

Need and Proposed Use of the Information: The HIVQM Module supports recipients and subrecipients in

their clinical quality management programs, performance measurement, service delivery, and monitoring of client health outcomes and quality of HIV services. The HIVQM Module is accessible via the RWHAP Services Report, an existing online portal that RWHAP recipients use for required data collection of their services. Recipients may enter performance measure data into the HIVQM Module four times a year and then generate reports to assess their performance. Recipients have the option to enter data for specific populations for a subset of performance measures. Recipients may also compare their performance to other recipients in their state, region, and in the nation. Additionally, recipients can choose the performance measures they want to monitor and enter data accordingly. For recipients and sub-recipients participating in the Centers for Medicare & Medicaid Incentive Programs, such as the Medicare Promoting Interoperability Program and the Merit-based Incentive Payment System, the HIVQM Module may be used to monitor the HRSA measures that qualify and comply with

the requirements to receive incentives from these programs.

Likely Respondents: RWHAP Part A, Part B, Part C, and Part D recipients and their sub-recipients.

Burden Statement: Burden in this context means the time expended by persons to generate, maintain, retain, disclose, or provide the information requested. This includes the time needed to review instructions; to develop, acquire, install, and use technology and systems for the purpose of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; to train personnel and to be able to respond to a collection of information; to search data sources; to complete and review the collection of information; and to transmit or otherwise disclose the information. The total annual burden hours estimated for this ICR are summarized in the table below.

The average burden per response declined from 1 hour to 0.2333 hours (approximately 14 minutes) based on pilot testing of the HIVQM Module.

TOTAL ESTIMATED ANNUALIZED BURDEN HOURS

Form name	Number of respondents	Number of responses per respondent	Total responses	Average burden per response (in hours)	Total burden hours
HIVQM Report	2,063	4	8,252	0.2333	1,925
Total	2,063	.....	8,252	.....	1,925

Maria G. Button,

Director, Executive Secretariat.

[FR Doc. 2025–20302 Filed 11–18–25; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

[Docket No. OS–0945–New–60D]

Agency Information Collection Request; Reopening of Comment Period

AGENCY: Office of the Secretary, HHS.

ACTION: Notice; reopening of comment period.

SUMMARY: The Department of Health and Human Services (the Department) is reopening the comment period for the Notice, “Agency Information Collection Request; 60-Day Public Comment Request”, published in the **Federal Register** on September 11, 2025. The Department is taking this action to allow

interested persons additional time to submit comments.

DATES: The comment period for the Notice published September 11, 2025, at 90 FR 44077, is reopened. Comments must be received by 5 p.m., eastern time, on January 5, 2026.

ADDRESSES: You may submit comments on this information collection request, identified by Docket No. OS–0945–New–60D, by emailing Conner O’Brien at OCRPrivacy@hhs.gov.

FOR FURTHER INFORMATION CONTACT: Conner O’Brien at OCRPrivacy@hhs.gov or (202) 240–3110.

SUPPLEMENTARY INFORMATION: On September 11, 2025, the Department published a Notice in the **Federal Register** to solicit public comments on a new agency information collection request for the form, “Confidentiality of Substance Use Disorder Patient Records Complaint.”

Because of a technical issue, the Department was unable to receive public comments on the information

collection request for part of the comment period, between September 27, 2025, and November 10, 2025.

Therefore, to fulfill the requirement under the Paperwork Reduction Act of 1995 to provide 60 days for public comment on an information collection request, the Department is reopening the comment period until January 5, 2026.

Catherine Howard,

Paperwork Reduction Act Reports Clearance Officer, Department of Health and Human Services, Office of the Secretary.

[FR Doc. 2025–20253 Filed 11–18–25; 8:45 am]

BILLING CODE 4153–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Aging; Notice of Meeting

Pursuant to section 1009 of the Federal Advisory Committee Act, as

amended, notice is hereby given of a meeting of the National Advisory Council on Aging.

The meeting will be open to the public as indicated below, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Advisory Council on Aging.

Date: September 15–16, 2026.

Closed: September 15, 2026, 12:30 p.m. to 2:30 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, Natcher Building, 45 Center Drive, Bethesda, MD 20892 (In Person and Virtual Meeting).

Open: September 16, 2026, 9:00 a.m. to 1:00 p.m.

Agenda: Director Status Report; Staff Introductions, Council Business.

Address: National Institutes of Health, Natcher Building, 45 Center Drive, Bethesda, MD 20892 (In Person and Virtual Meeting).

Contact Person: Kenneth Santora, Director, Office of Extramural Activities, National Institute on Aging, National Institutes of Health, Gateway Building, 7201 Wisconsin Avenue, Bethesda, MD 20814, (301) 496–9322, ksantora@nih.gov.

In the interest of security, NIH has procedures at <https://security.nih.gov/visitors/Pages/visitor-campus-access.aspx> for entrance into on-campus and off-campus facilities. All visitor vehicles, including taxicabs, hotel, and airport shuttles will be inspected before being allowed on campus. Visitors attending a meeting on campus or at an off-campus federal facility will be asked to show one form of identification (for example, a government-issued photo ID, driver's license, or passport) and to state the purpose of their visit.

Information is also available on the Institute's/Center's home page: www.nia.nih.gov/about/naca, where an agenda and any additional information for the meeting will be posted when available. (Catalogue of Federal Domestic Assistance Program Nos. 93.866, Aging Research, National Institutes of Health, HHS)

Dated: November 17, 2025.

Margaret Vardanian,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2025–20315 Filed 11–18–25; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Diabetes and Digestive and Kidney Diseases; Notice of Meeting

Pursuant to section 1009 of the Federal Advisory Committee Act, as amended, notice is hereby given of a meeting of the National Diabetes and Digestive and Kidney Diseases Advisory Council.

The meeting will be open to the public as indicated below, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Diabetes and Digestive and Kidney Diseases Advisory Council.

Date: May 13, 2026.

Open: May 13, 2026, 8:30 a.m. to 12:00 p.m.

Agenda: Council Business.

Open: May 13, 2026, 1:00 p.m. to 2:30 p.m.

Agenda: KUH Open session.

Open: May 13, 2026, 1:00 p.m. to 2:30 p.m.

Agenda: DEM Open session.

Open: May 13, 2026, 1:00 p.m. to 2:30 p.m.

Agenda: DDN Open session.

Closed: May 13, 2026, 2:30 p.m. to 3:30 p.m.

Agenda: To review and evaluate grant applications.

Closed: May 13, 2026, 2:30 p.m. to 3:30 p.m.

Agenda: To review and evaluate grant applications.

Closed: May 13, 2026, 2:30 p.m. to 3:30 p.m.

Agenda: To review and evaluate grant applications.

Closed: May 13, 2026, 3:45 p.m. to 4:00 p.m.

Agenda: Reports of Subcommittees and Consideration of Applications.

Address: National Institutes of Health, Building 31, C Wing 6th Floor Conf. Room F&G, 31 Center Drive, Bethesda, MD 20892 (In Person and Virtual Meeting).

Contact Person: Karl F. Malik, Ph.D., Director, Division of Extramural Activities, National Institutes of Diabetes and Digestive and Kidney Diseases, 6707 Democracy Blvd., Room 7329, MSC 5452, Bethesda, MD 20892, (301) 594–4757, malikk@niddk.nih.gov.

In the interest of security, NIH has procedures at <https://security.nih.gov/visitors/Pages/visitor-campus-access.aspx> for entrance into on-campus and off-campus facilities. All visitor vehicles, including taxicabs, hotel, and airport shuttles will be inspected before being allowed on campus. Visitors attending a meeting on campus or at an off-campus federal facility will be asked to show one form of identification (for example, a government-issued photo ID, driver's license, or passport) and to state the purpose of their visit.

Information is also available on the Institute's/Center's home page: <https://www.niddk.nih.gov/about-niddk/advisory-coordinating-committees/national-diabetes-digestive-kidney-diseases-advisory-council>, where an agenda and any additional information for the meeting will be posted when available.

(Catalogue of Federal Domestic Assistance Program Nos. 93.847, Diabetes, Endocrinology and Metabolic Research; 93.848, Digestive Diseases and Nutrition Research; 93.849, Kidney Diseases, Urology and Hematology Research, National Institutes of Health, HHS)

Dated: November 17, 2025.

Margaret Vardanian,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2025–20316 Filed 11–18–25; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Prospective Grant of an Exclusive Patent License: Methods for the Diagnosis and Prognosis of Cancer

AGENCY: National Institutes of Health, HHS.

ACTION: Notice.

SUMMARY: The National Cancer Institute and the National Institute of Arthritis and Musculoskeletal and Skin Diseases, institutes of the National Institutes of Health, Department of Health and Human Services, are contemplating the grant of an Exclusive Patent License to practice the inventions embodied in the patent applications listed in the **SUPPLEMENTARY INFORMATION** section of this notice to BioncoDx, LLC, a company organized in Delaware.

DATES: Only written comments and/or applications for a license which are received by the National Cancer Institute's Technology Transfer Center on or before December 4, 2025 will be considered.

ADDRESSES: Requests for copies of the patent application, inquiries, and comments relating to the contemplated an Exclusive Patent License should be directed to: Todd Testerman, Ph.D., Technology Transfer Manager, NCI Technology Transfer Center, Telephone: 240-620-0822; Email: todd.testerman@nih.gov.

SUPPLEMENTARY INFORMATION:

Intellectual Property

1. US Provisional Patent Application No. 61/845,055 filed July 11, 2013, and entitled "Method for the Diagnosis And Prognosis of Cancer" [HHS Reference No. E-121-2013-0-US-01];

2. International PCT Application No. PCT/US2014/046294 filed July 11, 2014, and entitled "Method for the Diagnosis And Prognosis of Cancer" [HHS Reference No. E-121-2013-0-PCT-02];

3. US Patent No. 10,393,745 issued 8/27/2019, and entitled "Method for the Diagnosis And Prognosis of Cancer" [HHS Reference No. E-121-2013-0-US-04];

4. US Patent No. 11,555,818 issued 1/17/2023, and entitled "Method for the Diagnosis And Prognosis of Cancer" [HHS Reference No. E-121-2013-0-US-05];

5. Europe Patent No. 3019871 issued 10/16/2019, and entitled Method for the Diagnosis And Prognosis of Cancer" [HHS Reference No. E-121-2013-0-EP-03];

6. German Patent No. 3019871 issued 10/16/2019, and entitled "Method for the Diagnosis And Prognosis of Cancer" [HHS Reference No. E-121-2013-0-DE-06];

7. French Patent No. 3019871 issued 10/16/2019, and entitled "Method for the Diagnosis And Prognosis of Cancer" [HHS Reference No. E-121-2013-0-FR-07]; and

8. United Kingdom Patent No. 3019871 issued 10/16/2019, and entitled "Method for the Diagnosis And Prognosis of Cancer" [HHS Reference No. E-121-2013-0-GB-08].

The patent rights in these inventions have been assigned to the Government of the United States of America.

The prospective exclusive license territory may be worldwide where patent rights exist and the field of use may be limited to the following: "Use of the Patent Rights to develop, manufacture and commercialize a Food and Drug Administration (FDA)

Premarket Approval (PMA)—creatine riboside, metabolite 561+, cortisol sulfate, and N-acetylneuraminic acid metabolite-based prognostic, diagnostic/companion diagnostic, and general screening tests for cancers of the lung/thoracic, breast, colorectal, kidney/bladder, prostate, liver, stomach, pancreatic, GYN (ovary, uterine, cervix) and brain from urine samples." After a negotiated period of time, the exclusive field of use will be reduced to a subset of three cancer indications with strict developmental benchmarks for each indication.

The subject technology is a unique, non-invasive screening tool and diagnostic that can detect cancers, including lung cancer, at an early stage utilizing liquid chromatography-mass spectrometry for the detection of four biomarkers—creatine riboside, metabolite 561+, cortisol sulfate, and N-acetylneuraminic acid—from human clinical samples, particularly urine samples. Urine samples minimize patient discomfort, unlike current early detection methods that are invasive, such as blood or tissue biopsy or bronchoscopy, and can be performed easily during a routine exam.

This Notice is made in accordance with 35 U.S.C. 209 and 37 CFR part 404. The prospective exclusive license will be royalty bearing, and the prospective exclusive license may be granted unless within fifteen (15) days from the date of this published notice, the National Cancer Institute receives written evidence and argument that establishes that the grant of the license would not be consistent with the requirements of 35 U.S.C. 209 and 37 CFR part 404.

Complete applications for a license that are timely filed in response to this notice will be treated as objections to the grant of the contemplated exclusive patent license. In response to this Notice, the public may file comments or objections. Comments and objections, other than those in the form of a license application, will not be treated confidentially, and may be made publicly available.

License applications submitted in response to this Notice will be presumed to contain business confidential information and any release of information in these license applications will be made only as required and upon a request under the Freedom of Information Act, 5 U.S.C. 552.

Dated: November 17, 2025.

Richard U. Rodriguez,

Associate Director, Technology Transfer Center, National Cancer Institute.

[FR Doc. 2025-20290 Filed 11-18-25; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Aging; Notice of Meeting

Pursuant to section 1009 of the Federal Advisory Committee Act, as amended, notice is hereby given of a meeting of the National Advisory Council on Aging.

The meeting will be open to the public as indicated below, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Advisory Council on Aging.

Date: January 28–29, 2026.

Closed: January 28, 2026, 3:00 p.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Address: Natcher Building, Building 45, 45 Center Drive, Bethesda, MD 20892 (In Person and Virtual Meeting).

Open: January 28, 2026, 10:00 a.m. to 2:00 p.m.

Agenda: Call to order and report from the Director; Discussion of future meeting dates; Consideration of minutes of last meeting; Reports from Task Force on Minority Aging Research, Working Group on Program; Council Speaker; Program Highlights.

Address: Natcher Building, Building 45, 45 Center Drive, Bethesda, MD 20892 (In Person and Virtual Meeting).

Closed: January 29, 2026, 2:00 p.m. to 2:30 p.m.

Agenda: To review and evaluate the Intramural Research Program.

Address: Natcher Building, Building 45, 45 Center Drive, Bethesda, MD 20892 (In Person and Virtual Meeting).

Contact Person: Kenneth Santora, Ph.D., Director, Office of Extramural Activities, National Institute on Aging, National Institutes of Health, Gateway Building, 7201 Wisconsin Avenue, Bethesda, MD 20814, (301) 496-9322, ksantora@nih.gov.

In the interest of security, NIH has procedures at <https://security.nih.gov/visitors/Pages/visitor-campus-access.aspx> for entrance into on-campus and off-campus facilities. All visitor vehicles, including taxicabs, hotel, and airport shuttles will be inspected before being allowed on campus. Visitors attending a meeting on campus or at an off-campus federal facility will be asked to show one form of identification (for example, a government-issued photo ID, driver's license, or passport) and to state the purpose of their visit.

Information is also available on the Institute's/Center's home page: www.nia.nih.gov/about/naca, where an agenda and any additional information for the meeting will be posted when available. (Catalogue of Federal Domestic Assistance Program Nos. 93.866, Aging Research, National Institutes of Health, HHS)

Margaret Vardanian,
Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2025-20318 Filed 11-18-25; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HOMELAND SECURITY

United States Coast Guard

[Docket No USCG-2025-0242]

Recertification of Cook Inlet Regional Citizens' Advisory Council

AGENCY: Coast Guard, DHS.

ACTION: Notice of recertification.

SUMMARY: The Coast Guard announces the recertification of the Cook Inlet Regional Citizens' Advisory Council (CIRCAC) as an alternative voluntary advisory group for Cook Inlet, Alaska. On June 13, 2025, CIRCAC requested an annual recertification in accordance with the 2002 revised recertification procedures. Based on the submitted recertification application, there have been no substantive changes to the information provided at the last triennial recertification.

DATES: This recertification is effective for the period from September 1, 2025, through August 31, 2026.

FOR FURTHER INFORMATION CONTACT: For information about this document, call or email LT Case Kuikhoven, United States Coast Guard Arctic District, by phone at (907) 463-2809 or email at case.a.kuikhoven@uscg.mil.

SUPPLEMENTARY INFORMATION:

Background and Purpose

On December 31, 1992, the Coast Guard published Guidelines for Recertification of Alternative Voluntary Groups In Lieu of a Council (57 FR 62600) to assist groups seeking recertification under the Oil Terminal and Oil Tanker Environmental Oversight and Monitoring Act of 1990 (33 U.S.C. 2732) (the OPA 90 Act). On July 7, 1993, the Coast Guard published a notice (58 FR 36504) identifying the factors that the Coast Guard would consider in making its determination as to whether advisory groups should be certified in accordance with the OPA 90 Act, and the procedures which the Coast Guard would follow in meeting its recertification responsibilities under the OPA 90 Act. On September 16, 2002, the Coast Guard published revised recertification procedure for alternative voluntary advisory groups established in lieu of councils (67 FR 58440). According to the revised procedures, an applicant alternative group requesting recertification is required to provide the Coast Guard with a comprehensive application once every 3 years (triennially). For each of the two years between the triennial application procedures, the applicant utilizes a streamlined process and submits a recertification application describing any substantive changes to the information provided at the previous triennial recertification. Public comment is only solicited during the triennial comprehensive review. 2025 is the year for the streamlined process.

Since the last triennial recertification application submitted by CIRCAC on June 20, 2023 (88 FR 39857), there have been no substantive changes to the CIRCAC's plans and activities and CIRCAC can be recertified based on the information previously presented to the Coast Guard. We published the last recertification announcement on August 31, 2023 (88 FR 60221).

Recertification

By letter to CIRCAC dated September 1, 2025, the Commander, Coast Guard Arctic District, recertified that the CIRCAC qualifies as an alternative voluntary advisory group under 33 U.S.C. 2732(o). This recertification terminates on August 31, 2026.

R.R. Little,

Rear Admiral, U.S. Coast Guard, Commander, United States Coast Guard Arctic District.

[FR Doc. 2025-20289 Filed 11-18-25; 8:45 am]

BILLING CODE 9110-04-P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[Docket No. USCG-2025-0300]

National Commercial Fishing Vessel Safety Advisory Committee; Vacancies

AGENCY: U.S. Coast Guard, Department of Homeland Security.

ACTION: Notice; request for applications.

SUMMARY: The U. S. Coast Guard is resoliciting applications from persons interested in membership on the National Commercial Fishing Safety Advisory Committee (Committee). On June 17, 2025, the Coast Guard published in the **Federal Register** (90 FR 25621, Docket No. USCG-2025-0148) an announcement that we were soliciting applications for membership on the Committee. We did not receive a sufficient number of applications overall, nor did we receive any applications for three (3) vacancies for representatives of the commercial fishing industry and one (1) vacancy for a representative of the manufacturers of equipment of vessels for which Chapter 45 of Title 46 of the United States Code applies. Therefore, we are resoliciting for applications for all eighteen (18) vacancies. We particularly encourage applications from representatives of the commercial fishing industry and equipment manufacturers.

DATES: Complete applications should reach the U.S. Coast Guard on or before January 5, 2026.

ADDRESSES: Applications must include: (a) a cover letter that expresses the applicant's interest in an appointment to the Committee and detailing the applicants qualifications to serve as a Special Government Employee representing the general public, and/or as a representative in one or more of the 18 other membership positions, (b) a resume detailing the applicant's relevant experience for the position applied for, and (c) a brief 2-3 paragraph biography written in third person. Applications should be submitted via email with subject line "NCFVAC Vacancy Application" to CGCVC3@uscg.mil.

FOR FURTHER INFORMATION CONTACT: Mr. Jonathan Wendland, Alternate Designated Federal Officer of the National Commercial Fishing Safety Advisory Committee; telephone 202-372-1245; or email at CGCVC3@uscg.mil.

SUPPLEMENTARY INFORMATION: The National Commercial Fishing Safety Advisory Committee is a Federal

advisory committee. The Committee was established on December 4, 2018, by section 601 of the *Frank LoBiondo Coast Guard Authorization Act of 2018* (Pub. L. Number 115–282, 132 Statute 4192) and amended by § 8335 of the National Defense Authorization Act of 2021 (Pub. L. Number 116–283, 134 Statute 4706) and codified in 46 U.S. Code § 15102. The Committee operates under the provisions of the *Federal Advisory Committee Act* and 46 U.S. Code 15109.

The Committee provides advice and recommendations in writing to the Secretary of Homeland Security on matters relating to the (1) safe operation of vessels to which chapter 45 of Title 46 United States Code applies, including the matters of—(A) navigation safety; (B) safety equipment and procedures; (C) marine insurance; (D) vessel design, construction, maintenance, and operation; and (E) personnel qualifications and training; (2) review regulations proposed under chapter 45 of this title (during preparation of the regulations); and (3) review marine casualties and investigations of vessels covered by chapter 45 of Title 46 United States Code and make recommendations to the Secretary of Homeland Security to improve safety and reduce vessel casualties.

The Committee is required to meet at least twice a year in accordance with 46 U.S. Code 15109(a)(2)(A). We expect the Committee to meet at least twice a year, but it may meet more frequently. The meetings are selected by the U.S. Coast Guard and are generally held across the country as close as possible to commercial fishing communities.

Under provisions in 46 U.S. Code 15109(f)(6), if you are appointed as a member of the Committee, your membership term will expire on December 31st of the third full year after the effective date of your appointment. The Secretary of Homeland Security may require an individual to have passed an appropriate security background examination before appointment to the Committee, per 46 U.S. Code 15109(f)(4).

All members will serve at their own expense and receive no salary or other compensation from the Federal Government, with the exception that members may be reimbursed for travel and per diem in accordance with Federal Travel Regulations.

In this resolicitation for Committee members, we will consider applications for all 18 positions:

(A) Ten members shall represent the commercial fishing industry and—

(i) as a group, shall together reflect a regional and representational balance; and (ii) as individuals shall each have experience—

(I) in the operation of vessels in which chapter 45 of Title 46 United States Code applies; or

(II) as a crew member or processing line worker on a fish processing vessel.

(B) One member shall represent naval architects and marine engineers.

(C) One member shall represent manufacturers of equipment for vessels to which Chapter 45 of Title 46 United States Code applies.

(D) One member shall represent education and training professionals related to fishing vessel, fish processing vessel, and fish tender vessel safety and personnel qualifications.

(E) One member shall represent underwriters that ensure vessels to which chapter 45 of Title 46 United States Code applies.

(F) One member shall represent owners of vessels to which chapter 45 of Title 46 United States Code .

(G) Three members shall represent the general public and, to the extent possible, shall include—

(i) an independent expert or consultant in maritime safety;

(ii) a marine surveyor who provides services to vessels to which chapter 45 of Title 46 United States Code applies; and

(iii) a person familiar with issues affecting fishing communities and the families of fishermen.

The members who will fill positions (A) through (F) as described above will be appointed to represent the interest of their respective groups and viewpoints and are not Special Government Employees as defined in 18 U.S. Code 202(a). As representatives, the members are expected to represent and speak on behalf of interests, views, or perspectives of a recognizable group of persons or class of stakeholders.

If you are selected to fill position (G) as described above, as a member drawn from the general public, you will be appointed and serve as a Special Government Employee as defined in 18 U.S. Code 202(a). Applicants for appointment as a Special Government Employee are required to complete a Confidential Financial Disclosure Report (Office of Government Ethics Form 450) for new entrants online and receive ethics training. The U.S. Coast Guard may not release the reports or the information in them to the public except under an order issued by a Federal Court or as otherwise provided under the *Privacy Act* (5 U.S. Code 552a). Only the Designated U.S. Coast Guard Ethics Official or his or her designee may

release a Confidential Financial Disclosure Report. Applicants must contact the individual listed above in the **FOR FURTHER INFORMATION CONTACT** section for more information.

Registered lobbyists are not eligible to serve on Federal Advisory Committees in an individual capacity. See “*Revised Guidance on Appointment of Lobbyists to Federal Advisory Committees, Boards and Commissions*” (79 **Federal Register** 47482, August 13, 2014). Registered lobbyists are “lobbyists,” as defined in 2 U.S. Code 1602, who are required by 2 U.S. Code 1603 to register with the Secretary of the Senate and the Clerk of the House of Representatives.

If you are appointed as a member of the Committee, you will be required to sign a Non-Disclosure Agreement and a Gratuitous Services Agreement.

In order for the Department to fully leverage a wide range of experience and education, the National Commercial Fishing Safety Advisory Committee must be varied, with regard to professional and technical expertise.

If you are interested in applying to become a member of the Committee, email your complete application to CGCVC3@uscg.mil as provided in the **ADDRESSES** section of this notice.

Once we receive your application we will send you an email confirming receipt.

The U.S. Coast Guard will not consider incomplete or late applications.

Privacy Act Statement

Purpose: To obtain qualified applicants to fill 18 vacancies on the National Commercial Fishing Safety Advisory Committee. When you apply for appointment to the National Commercial Fishing Safety Advisory Committee, the Department of Homeland Security collects your name, contact information, and any other personal information that you submit in conjunction with your application. The Department of Homeland Security will use this information to evaluate your candidacy for Committee membership. If you are chosen to serve as a Committee member, your name will appear in publicly available Committee documents, membership lists, and Committee reports.

Authorities: 5 U.S. Code chapter 10; 46 U.S. Code 15102 and 15109; and 18 U.S. Code 202(a), and Department of Homeland Security Delegation Number 00915.

Routine Uses: Authorized U.S. Coast Guard personnel will use this information to consider and obtain qualified candidates to serve on the Committee. Any external disclosures of

information within this record will be made in accordance with Department of Homeland Security/ALL-009, Department of Homeland Security Advisory Committee (73 **Federal Register** 57639, October 3, 2008).

Consequences of Failure to Provide Information: Furnishing this information is voluntary. However, failure to furnish the requested information may result in your application not being considered for the Committee.

Robert C. Compner,

Captain, U.S. Coast Guard, Director of Inspections and Compliance.

[FR Doc. 2025-20306 Filed 11-18-25; 8:45 am]

BILLING CODE 9110-04-P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

Request for Applicants for Appointment to the Commercial Customs Operations Advisory Committee

AGENCY: U.S. Customs and Border Protection, Department of Homeland Security.

ACTION: Request for applicants for appointment to the Commercial Customs Operations Advisory Committee (Committee).

SUMMARY: U.S. Customs and Border Protection is requesting that individuals who are interested in serving on the Commercial Customs Operations Advisory Committee (Committee) apply for membership. The Committee provides advice and makes recommendations to the Secretaries of the Department of the Treasury and the Department of Homeland Security on all matters involving the commercial operations of U.S. Customs and Border Protection and related functions.

DATES: Applications for membership should be submitted to U.S. Customs and Border Protection as indicated in the **ADDRESSES** section on or before December 19, 2025.

ADDRESSES: If you wish to apply for membership, your application should be submitted by one of the following means:

- *Email:* latoria.p.martin@cbp.dhs.gov.

- *Mail:* Ms. Latoria Martin, Office of Trade Relations, U.S. Customs and Border Protection, 1300 Pennsylvania Avenue NW, Room 3.5A, Washington, DC 20229.

FOR FURTHER INFORMATION CONTACT: Ms. Latoria Martin, U.S. Customs and Border Protection, 1300 Pennsylvania Avenue NW, Room 3.5A, Washington, DC 20229. Email: latoria.p.martin@cbp.dhs.gov; telephone 202-344-1440.

SUPPLEMENTARY INFORMATION: Section 109 of the Trade Facilitation and Trade Enforcement Act of 2015 (Pub. L. 114-125, 130 Stat. 122, February 24, 2016) established the Commercial Customs Operations Advisory Committee (Committee). The Committee is an advisory committee established in accordance with the provisions of the Federal Advisory Committee Act, 5 U.S.C. chapter 10, and Section 109 of the Trade Facilitation and Trade Enforcement Act of 2015. The Committee advises the Secretaries of the Department of the Treasury (Treasury) and Department of Homeland Security on the commercial operations of U.S. Customs and Border Protection and related Treasury and Department of Homeland Security functions. In accordance with Section 109 of Trade Facilitation and Trade Enforcement Act of 2015, the Committee shall:

- (1) advise the Secretaries of the Treasury and the Department of Homeland Security on all matters involving the commercial operations of U.S. Customs and Border Protection, including advising with respect to significant changes that are proposed with respect to regulations, policies, or practices of U.S. Customs and Border Protection;

- (2) provide recommendations to the Secretaries of the Treasury and the Department of Homeland Security on improvements to the commercial operations of U.S. Customs and Border Protection;

- (3) collaborate in developing the agenda for Committee meetings; and

- (4) perform such other functions relating to the commercial operations of U.S. Customs and Border Protection as prescribed by law or as the Secretaries of the Treasury and the Department of Homeland Security jointly direct.

Balanced Membership Plan

The Committee consists of 20 members who are selected from representatives of the trade or transportation communities served by U.S. Customs and Border Protection, or others who are directly affected by U.S. Customs and Border Protection commercial operations and related functions. The members shall represent the interests of individuals and firms affected by the commercial operations of U.S. Customs and Border Protection and be appointed without regard to political

affiliation. The members will be appointed by the Secretaries of the Treasury and the Department of Homeland Security from candidates recommended by the Commissioner of U.S. Customs and Border Protection. In addition, members will represent major regions of the country.

Committee Meetings

The Committee meets once each quarter, although additional meetings may be scheduled. The Committee meetings may be held in Washington, DC, or near a U.S. Customs and Border Protection port of entry. The members do not receive travel reimbursement or per diem.

Committee Membership

Membership on the Committee is specific to the appointee and a member may not send an alternate to represent him or her at a Committee meeting. The length of the member's term is determined by the Secretaries, not to exceed three years. Regular attendance is essential; a member who is absent for two public meetings within a calendar year, or does not participate in the Committee's work, may be removed from the Committee.

Members currently serving on the Committee are eligible to re-apply for membership if they are not in their second consecutive term and they have met the attendance requirements. A new application letter is required and may incorporate copies of previously filed application materials noted herein. Members will not be considered Special Government Employees and will not be paid compensation by the Federal Government for their representative services with respect to the Committee.

Application for Committee

Appointment: Any interested person wishing to serve on the Committee must provide the following, in the manner and by the deadline noted above:

- Statement of interest and reasons for application;
- Complete professional resume;
- Home address and telephone number;
- Work address, telephone number, and email address;
- Statement of the industry you represent; and
- Statement agreeing to submit to pre-appointment mandatory background and tax checks.

All documents must be in Microsoft Word format. A national security clearance is not required for the position.

Signing Authority

Rodney S. Scott, Commissioner, having reviewed and approved this document, has delegated the authority to electronically sign this document to the Director (or Acting Director, if applicable) of the Regulations and Disclosure Law Division of U.S. Customs and Border Protection, for purposes of publication in the **Federal Register**.

Robert F. Altneu,

Director, Regulations & Disclosure Law Division, Regulations & Rulings, Office of Trade, U.S. Customs and Border Protection.

[FR Doc. 2025–20270 Filed 11–18–25; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

Certain DHS Immigration Fees Required by HR–1: Fiscal Year 2026 Adjustments for Inflation

AGENCY: U.S. Customs and Border Protection, DHS.

ACTION: Notice of inflationary fee adjustment.

SUMMARY: The Department of Homeland Security (DHS) is announcing Fiscal Year (FY) 2026 inflationary adjustments to certain immigration-related fees required by the One Big Beautiful Bill Act (HR–1). HR–1 requires that DHS annually adjust certain immigration-related fees for inflation. This notice sets the inflation-adjusted FY 2026 fee amounts for the following immigration fees required by HR–1: the fee for enrollment in the Electronic Visa Update System (EVUS), the Electronic System for Travel Authorization (ESTA) fee, and the fee for an alien paroled into the United States. In accordance with HR–1, the existing fee for Form I–94 Arrival/Departure Record applications will not change for FY 2026.

DATES:

HR–1 Parole Fee: U.S. Customs and Border Protection (CBP), U.S. Citizenship and Immigration Services (USCIS), and U.S. Immigration and Customs Enforcement (ICE) will begin assessing the FY 2026 amount for the HR–1 parole fee described in this notice on January 1, 2026.

HR–1 I–94, ESTA, and EVUS Fees: CBP will begin assessing the FY 2026 amounts for the HR–1 I–94, ESTA, and EVUS fees described in this notice on January 1, 2026.

FOR FURTHER INFORMATION CONTACT:

For questions regarding the HR–1 parole fee, by component:

CBP: Office of Field Operations, U.S. Customs and Border Protection, Department of Homeland Security, 1300 Pennsylvania Avenue NW, Suite 1500N, Washington, DC 20229, email address: parolenotification@cbp.dhs.gov.

USCIS: Office of Chief Financial Officer, U.S. Citizenship and Immigration Services, Department of Homeland Security, 5900 Capital Gateway Drive, Camp Springs, MD 20746, telephone (240) 721–3000 (not a toll-free number).

ICE: Office of Regulatory Affairs and Policy, U.S. Immigration and Customs Enforcement, Department of Homeland Security, 500 12th Street SW, Washington, DC 20536; telephone (202) 732–6960 (not a toll-free number).

For questions regarding the HR–1 I–94, ESTA, and EVUS fees:

Melanie Mataxas, Director, Electronic Systems Travel Authorization, Office of Field Operations, U.S. Customs and Border Protection, at 202–325–1372 or at melanie.d.mataxas@cbp.dhs.gov.

SUPPLEMENTARY INFORMATION:

I. Background and Legal Authority

On July 4, 2025, the President signed into law the One Big Beautiful Bill Act, Public Law 119–21, 139 Stat. 72 (HR–1). HR–1 was a comprehensive legislative package that changed many laws and added new laws that touch many areas of the United States Government. Among those changes, the law established new immigration fees and increased existing fees for certain immigration-related actions. The statute established minimum fees for Fiscal Year (FY) 2025 and required annual adjustments to the fees in subsequent fiscal years based on the Consumer Price Index for All Urban Consumers (CPI–U).¹

Among other immigration fees specified in HR–1, the Secretary of Homeland Security must require the payment of a fee by any alien who is paroled into the United States, unless an exception in Public Law 119–21 section 100004(b) applies (the HR–1 parole fee). See Public Law 119–21 sec. 100004. Several Department of Homeland Security (DHS) components, including U.S. Immigration and Customs Enforcement (ICE), U.S. Citizenship and Immigration Services (USCIS), and U.S. Customs and Border Protection (CBP), have responsibilities for assessing and collecting the HR–1 parole fee. DHS published a joint notice in the **Federal Register** on October 16, 2025,

announcing the implementation of the HR–1 parole fee and the FY 2025 rate for the HR–1 parole fee.²

CBP also administers several other fees specified in HR–1,³ including requiring fees for submitting an application for a CBP Form I–94 Arrival/Departure Record, for using the Electronic System for Travel Authorization (ESTA) and receiving ESTA travel authorizations, and for enrolling in the Electronic Visa Update System (EVUS). See Public Law 119–21 secs. 100008, 100014, 100015. CBP announced the implementation of these fees, including the initial FY 2025 rates for these fees, through a notice published in the **Federal Register** on August 28, 2025, and began assessing and requiring those fees on September 30, 2025.⁴

II. FY 2026 Inflation Adjustments to Certain Immigration Fees Required by HR–1

In accordance with HR–1, most immigration-related fees required by HR–1 are subject to annual inflation adjustments. This notice states the FY 2026 rates for the HR–1 parole, I–94, ESTA, and EVUS fees (collectively, the HR–1 fees).

Generally, HR–1 requires the multiplication of an HR–1 fee or a portion of an HR–1 fee from the prior FY by the percentage, if any, by which the CPI–U for the month of July preceding the date on which the adjustment takes effect exceeds the CPI–U for the July of the preceding calendar year (the inflation adjustment). In July 2024, the CPI–U was 314.540, and in July 2025, the CPI–U was 323.048. Therefore, between July 2024 and July 2025, the CPI–U increased by 2.70 percent.⁵ To determine the total HR–1 fee for each FY, the inflation adjustment is then added to the HR–1 fee or portion of the HR–1 fee used in the calculation of the inflation adjustment, pursuant to the statutorily prescribed formula. The specifics of the statutory inflation adjustment formulas differ for each HR–1 fee. The following table provides a summary of the inflation-adjusted FY 2026 HR–1 fees described in this notice

² 90 FR 48317 (Oct. 16, 2025).

³ The Secretary of Homeland Security has delegated the authority to enforce and administer the immigration laws to the Commissioner of U.S. Customs and Border Protection. See DHS Delegation No. 07010.3, Delegation of Authority to the Commissioner of U.S. Customs and Border Protection, (Rev. No. 03.2, Incorporating Change 2) at II.B.1 (Dec. 11, 2024).

⁴ 90 FR 42025 (Aug. 28, 2025).

⁵ Bureau of Labor Statistics, Consumer Price Index—July 2025, August 12, 2025, https://www.bls.gov/news.release/archives/cpi_08122025.htm (last visited Oct. 21, 2025).

¹ See Public Law 119–21 secs. 100004(d), 100008(b)(2), 100014(3), 100015(b)(2), codified as 8 U.S.C. 1804(d), 8 U.S.C. 1807(b)(2), 8 U.S.C. 1187(h)(3)(B)(iv), and 8 U.S.C. 1813(b)(2).

and the following subsections further detail the HR–1 inflation adjustment requirements.

CERTAIN FY 2026 FEES, AS REQUIRED BY HR–1

HR–1, Public Law 119–21 (139 Stat. 72) section	Action	Total FY 2025 fee (existing fee)	FY 2026 inflation adjustment	Total FY 2026 fee (revised fee)
100004	Parole into the United States	\$1,000	+\$20	\$1,020
100008	Application for CBP Form I–94 at land border ports of entry	30	⁶ +0	⁷ 30
100014	ESTA authorization	40	+0.27	⁸ 40.27
100015	EVUS enrollment	30	+0.75	30.75

A. DHS HR–1 Parole Fee

Pursuant to HR–1, the Secretary of Homeland Security must require the payment of a fee by any alien who is paroled into the United States, unless an exception in Public Law 119–21 section 100004(b) applies. *See* Public Law 119–21 sec. 100004 (8 U.S.C. 1804). Specifically, this fee is required each time an alien is granted parole under sec. 212(d)(5)(A) of the Immigration and Nationality Act (INA), 8 U.S.C. 1182(d)(5)(A), including initial parole from outside the United States, parole in place, re-parole, or parole from DHS custody. *See* 90 FR 48317, 48318.

During FY 2026 and each subsequent FY, DHS is required to adjust the HR–1 parole fee for inflation. *See* Public Law 119–21 sec. 100004(d). This notice announces the FY 2026 inflation-adjusted HR–1 parole fee for all DHS components, including ICE, USCIS, and CBP.

Pursuant to HR–1, DHS is required to adjust the HR–1 parole fee by adding an inflation adjustment amount, rounded to the next lowest multiple of \$10, to the amount of the fee for the most recently concluded fiscal year. *Id.* For FY 2025, HR–1 set an initial minimum fee amount of \$1,000. *See* Public Law 119–21 sec. 100004(c). The FY 2026 inflation adjustment amount is \$27.05 rounded to the next lowest multiple of \$10, which is \$20.

Accordingly, the inflation-adjusted HR–1 parole fee for FY 2026 will be \$1,020 (\$1,000 + \$20). The HR–1 parole

fee will not be assessed if the alien establishes, to the satisfaction of DHS, on an individual, case-by-case basis, that the circumstances of the alien's parole align with at least 1 of the 10 exceptions found in HR–1. *See* Public Law 119–21 sec. 100004(b). The operative event that triggers the statutory obligation to pay the HR–1 parole fee is the actual grant and effectuation of parole at or into the United States—not the filing of an application or request. Thus, unless statutorily excepted, the FY 2026 inflation-adjusted HR–1 parole fee will be collected from any alien who is granted parole on or after January 1, 2026, regardless of when the underlying application or request was submitted.

The \$1,020 HR–1 parole fee is required in addition to any other fee authorized by law. *See* Public Law 119–21 sec. 100004(a).

B. CBP Form I–94 Arrival/Departure Record

CBP issues an electronic CBP Form I–94 Arrival/Departure Record to all arriving aliens who are legally required to submit that form (unless otherwise exempted). *See* parts 1.4 and 235.1(h) of title 8 of the Code of Federal Regulations (8 CFR 1.4, 235.1(h)). CBP Form I–94 serves as evidence of the terms of the alien's admission or parole and is generally issued at the time the alien is admitted or paroled at a U.S. port of entry. *See* 8 CFR 235.1(h). Aliens arriving at a land border port of entry who are legally required to submit a CBP Form I–94 must apply for that form.

Pursuant to HR–1, the Secretary of Homeland Security must require the payment of a fee for any alien who submits an application for a Form I–94 Arrival/Departure Record (the HR–1 I–94 fee). *See* Public Law 119–21 sec. 100008 (8 U.S.C. 1807). For FY 2025, the statute set an initial minimum fee amount of \$24. *See* Public Law 119–21 sec. 100008(b)(1).

During FY 2026 and each subsequent FY, CBP is required to adjust the HR–1 I–94 fee for inflation. *See* Public Law 119–21 sec. 100008(b)(2). The statutory formula requires adding an inflation adjustment amount, rounded down to the nearest dollar, to the amount of the fee required under Public Law 119–21 sec. 100008(b) for the most recently concluded fiscal year. *Id.* For FY 2026, the inflation adjustment required by Public Law 119–21 sec. 100008(b)(2)(B) is \$0.65 rounded down to the nearest dollar, which is \$0. Thus, the HR–1 I–94 fee for FY 2026 will remain at \$24 (\$24 + \$0).

The HR–1 I–94 fee is required in addition to any other fee authorized by law. *See* Public Law 119–21 sec. 100008(a). Currently, CBP imposes a \$6 fee for aliens who are legally required to be issued, or request to be issued, CBP Form I–94 and who intend to arrive at a land border port of entry. *See* 8 CFR 103.7(d)(4), 235.1(h)(1), and 286.9(b)(1). Accordingly, the total fee to apply for a CBP Form I–94 at a land border port of entry for FY 2026 will continue to be \$30, consisting of the \$6 land border fee and the \$24 HR–1 fee. CBP will not assess a fee for aliens arriving at an air or sea port of entry because such aliens are not required to submit an application for a CBP Form I–94.

C. Electronic System for Travel Authorization (ESTA)

ESTA is the online system through which aliens intending to enter the United States under the Visa Waiver Program (VWP) must obtain an electronic travel authorization in advance of travel to the United States.⁹ Each alien intending to travel by air, sea, or land to the United States under the VWP must receive a travel authorization via ESTA prior to travel. *See* INA sec. 217 (8 U.S.C. 1187) and 8 CFR part 217. Prior to the enactment of HR–1, CBP required a fee of \$21 for each

⁶ Section II.B. explains the inflation adjustment formula for the HR–1 I–94 fee and details why, upon applying the inflation adjustment formula and rounding down to the nearest dollar, the fee amount will not increase in FY 2026.

⁷ This \$30 total includes the \$6 land border fee. Payment of the \$6 land border fee is required pursuant to 8 CFR 103.7(d)(4), 235.1(h)(1), and 286.9(b)(1), and is not a fee that is required by HR–1.

⁸ Section II.C. explains the inflation adjustment formula found in Public Law 119–21 sec. 100014(3) (8 U.S.C. 1187(h)(3)(B)(iv)) and the resulting FY 2026 ESTA fee calculations for CBP processing of ESTA applications and travel authorizations.

⁹ For additional information on the Visa Waiver Program, *see* 8 U.S.C. 1187 and 8 CFR part 217.

ESTA authorization. Section 100014 of Public Law 119–21 amended section 217(h)(3)(B) of the INA (8 U.S.C. 1187(h)(3)(B)) to increase the fee for ESTA authorizations to \$40 in FY 2025.

The FY 2025 ESTA authorization fee of \$40, as required by HR–1, is the sum of three fees, including: \$17 per travel authorization as provided for in 8 U.S.C. 1187(h)(3)(B)(i)(I), \$10 as provided for in 8 U.S.C. 1187(h)(3)(B)(i)(II) to ensure recovery of the full costs of providing and administering the ESTA System, and \$13 per travel authorization as provided for in 8 U.S.C. 1187(h)(3)(B)(i)(III). The 8 U.S.C. 1187(h)(3)(B)(i)(II) cost recovery fee is required for all applications, regardless of authorization or denial; thus, in the event the ESTA application is denied, HR–1 set a \$10 fee for FY 2025. *See* 8 U.S.C. 1187(h)(3)(B).

During FY 2026 and each subsequent FY, CBP is required to adjust the 8 U.S.C. 1187(h)(3)(B)(i)(II) cost recovery fee for inflation. *See* 8 U.S.C. 1187(h)(3)(B)(iv). Under HR–1, the adjusted 8 U.S.C. 1187(h)(3)(B)(i)(II) cost recovery fee is calculated by adding the amount required under 8 U.S.C. 1187(h)(3)(B)(i)(II) for the previous FY to the inflation adjustment amount. *See* 8 U.S.C. 1187(h)(3)(B)(iv). For FY 2025, the amount required under 8 U.S.C. 1187(h)(3)(B)(i)(II) was \$10. The inflation adjustment for FY 2026 is \$0.27. HR–1 does not direct CBP to round the HR–1 ESTA inflation adjustment. Thus, for FY 2026, the 8 U.S.C. 1187(h)(3)(B)(i)(II) cost recovery fee will be \$10.27 (\$10 + \$0.27).

As noted previously, the 8 U.S.C. 1187(h)(3)(B)(i)(II) cost recovery fee is one of three fees that, when combined, comprise the total ESTA authorization fee for each FY. This notice does not alter the \$17 or \$13 fees required under 8 U.S.C. 1187(h)(3)(B)(i)(I) and 8 U.S.C. 1187(h)(3)(B)(i)(III), respectively. Thus, as required by HR–1, the inflation-adjusted FY 2026 ESTA fee will be \$40.27 (\$17 + \$10.27 + \$13) per travel authorization. In the event the ESTA application is denied, the FY 2026 fee is \$10.27 to ensure recovery of the costs of providing and administering the ESTA System.

D. Electronic Visa Update System (EVUS)

EVUS is an online system currently used by nationals of the People's Republic of China (PRC) holding a 10-year B–1, B–2, or B–1/B–2 (visitor) visa

to provide required information to DHS prior to travel to the United States. *See* 8 CFR part 215, subpart B.¹⁰ PRC nationals with an approved U.S.-issued visa of a designated category must enroll in EVUS and provide or update personal and travel information to receive a determination of travel eligibility. *See* 8 CFR 215.24.

Pursuant to HR–1, the Secretary of Homeland Security must require the payment of a fee by any alien enrolling in EVUS. Public Law 119–21 sec. 100015 (8 U.S.C. 1813). The alien must pay the fee at the time of enrollment. *Id.* For FY 2025, the statute set a minimum fee amount of \$30. *See* Public Law 119–21 sec. 100015(b)(1).

During FY 2026 and each subsequent FY, CBP is required to adjust the HR–1 EVUS fee for inflation. *See* Public Law 119–21 sec. 100015(b)(2). The statutory formula requires adding an inflation adjustment amount, rounded down to the next lowest multiple of \$0.25, to the amount of the fee required under Public Law 119–21 sec. 100015(b) for the most recently concluded fiscal year. *Id.* For FY 2026, the inflation adjustment under Public Law 119–21 sec. 100015(b)(2)(B) is \$0.81 rounded down to the next lowest multiple of \$0.25, which is \$0.75. Thus, the inflation-adjusted HR–1 EVUS fee for FY 2026 is \$30.75 (\$30 + \$0.75).

This \$30.75 HR–1 EVUS fee is required in addition to any other fee applicable by law. *See* Public Law 119–21 sec. 100015(a).

Kristi L. Noem,

Secretary of Homeland Security.

[FR Doc. 2025–20304 Filed 11–18–25; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

Accreditation and Approval of Camin Cargo Control, Inc. (Tampa, FL) as a Commercial Gauger and Laboratory

AGENCY: U.S. Customs and Border Protection, Department of Homeland Security.

¹⁰ In a *Federal Register* notice published on October 20, 2016 (81 FR 72600), DHS identified the PRC as an EVUS country and designated B–1, B–2, and B–1/B–2 visas issued without restriction for the maximum validity period and contained in a passport issued by the PRC as designated visa categories for purposes of EVUS.

ACTION: Notice of accreditation and approval of Camin Cargo Control, Inc. (Tampa, FL), as a commercial gauger and laboratory.

SUMMARY: Notice is hereby given, pursuant to CBP regulations, that Camin Cargo Control, Inc. (Tampa, FL), has been approved to gauge petroleum and certain petroleum products and accredited to test petroleum and certain petroleum products for customs purposes for the next three years as of August 22, 2024.

DATES: Camin Cargo Control, Inc. (Tampa, FL) was approved and accredited as a commercial gauger and laboratory as of August 22, 2024. The next triennial inspection date will be scheduled for August 2027.

FOR FURTHER INFORMATION CONTACT: Robert P. Munivez, Laboratories and Scientific Services, U.S. Customs and Border Protection, 4150 Interwood South Parkway, Houston, TX 77032, tel. 281–560–2900.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to 19 CFR 151.12 and 19 CFR 151.13, that Camin Cargo Control, Inc., 8402 Laurel Fair Circle, Suite 110, Tampa, FL 33610, has been approved to gauge petroleum and certain petroleum products and accredited to test petroleum and certain petroleum products for customs purposes, in accordance with the provisions of 19 CFR 151.12 and 19 CFR 151.13.

Camin Cargo Control, Inc. (Tampa, FL) is approved for the following gauging procedures for petroleum and certain petroleum products from the American Petroleum Institute (API):

API chapter	Title
3	Tank Gauging.
7	Temperature Determination.
8	Sampling.
12	Calculation of Petroleum Quantities.
17	Marine Measurement.

Camin Cargo Control, Inc. (Tampa, FL), is accredited for the following laboratory analysis procedures and methods for petroleum and certain petroleum products set forth by the U.S. Customs and Border Protection Laboratory Methods (CBPL) and American Society for Testing and Materials (ASTM):

CBPL No.	ASTM	Title
27-04	D95	Standard Test Method for Water in Petroleum Products and Bituminous Materials by Distillation.
27-08	D86	Standard Test Method for Distillation of Petroleum Products at Atmospheric Pressure.
27-14	D2622	Standard Test Method for Sulfur in Petroleum Products by Wavelength Dispersive X-Ray Fluorescence Spectrometry.
27-48	D4052	Standard Test Method for Density, Relative Density, and API Gravity of Liquids by Digital Density Meter.
27-58	D5191	Standard Test Method for Vapor Pressure of Petroleum Products and Liquid Fuels (Mini Method).

Anyone wishing to employ this entity to conduct laboratory analyses and gauger services should request and receive written assurances from the entity that it is accredited or approved by the U.S. Customs and Border Protection to conduct the specific test or gauger service requested. Alternatively, inquiries regarding the specific test or gauger service this entity is accredited or approved to perform may be directed to the U.S. Customs and Border Protection by calling (202) 344-1060. The inquiry may also be sent to CBPGaugersLabs@cbp.dhs.gov. Please reference the website listed below for a complete listing of CBP approved gaugers and accredited laboratories. <http://www.cbp.gov/about/labs-scientific/commercial-gaugers-and-laboratories>.

Aine M. Ramirez,

Laboratory Director, Houston Laboratory, Laboratories and Scientific Services.

[FR Doc. 2025-20273 Filed 11-18-25; 8:45 am]

BILLING CODE 9111-14-P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

Accreditation and Approval of Camin Cargo Control, Inc. (New Haven, CT) as a Commercial Gauger and Laboratory

AGENCY: U.S. Customs and Border Protection, Department of Homeland Security.

ACTION: Notice of accreditation and approval of Camin Cargo Control, Inc. (New Haven, CT), as a commercial gauger and laboratory.

SUMMARY: Notice is hereby given, pursuant to CBP regulations, that Camin Cargo Control, Inc. (New Haven, CT), has been approved to gauge petroleum and certain petroleum products and accredited to test petroleum and certain petroleum products for customs purposes for the next three years as of August 28, 2024.

DATES: Camin Cargo Control, Inc. (New Haven, CT) was approved and accredited as a commercial gauger and laboratory as of August 28, 2024. The next triennial inspection date will be scheduled for August 2027.

FOR FURTHER INFORMATION CONTACT: Robert P. Munivez, Laboratories and Scientific Services, U.S. Customs and Border Protection, 4150 Interwood South Parkway, Houston, TX 77032, tel. 281-560-2900.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to 19 CFR 151.12 and 19 CFR 151.13, that Camin Cargo Control, Inc., 31 Fulton Street, Unit A, New Haven, CT 06513, has been approved to gauge petroleum and certain petroleum products and accredited to test petroleum and certain petroleum products for customs purposes, in accordance with the provisions of 19 CFR 151.12 and 19 CFR 151.13.

Camin Cargo Control, Inc. (New Haven, CT) is approved for the following gauging procedures for petroleum and certain petroleum products from the American Petroleum Institute (API):

API chapter	Title
3	Tank Gauging.
7	Temperature Determination.
8	Sampling.
11	Physical Properties Data.
12	Calculation of Petroleum Quantities.
17	Marine Measurement.

Camin Cargo Control, Inc. (New Haven, CT), is accredited for the following laboratory analysis procedures and methods for petroleum and certain petroleum products set forth by the U.S. Customs and Border Protection Laboratory Methods (CBPL) and American Society for Testing and Materials (ASTM):

CBPL No.	ASTM	Title
27-01	D287	Standard Test Method for API Gravity of Crude Petroleum and Petroleum Products (Hydrometer Method).
27-08	D86	Standard Test Method for Distillation of Petroleum Products at Atmospheric Pressure.
27-11	D445	Standard Test Method for Kinematic Viscosity of Transparent and Opaque Liquids (and Calculation of Dynamic Viscosity).
27-13	D4294	Standard Test Method for Sulfur in Petroleum and Petroleum Products by Energy-Dispersive X-ray Fluorescence Spectrometry.
27-20	D4057	Standard Practice for Manual Sampling of Petroleum and Petroleum Products.
27-48	D4052	Standard Test Method for Density, Relative Density, and API Gravity of Liquids by Digital Density Meter.
27-50	D93	Standard Test Methods for Flash Point by Pensky-Martens Closed Cup Tester.
27-53	D2709	Standard Test Method for Water and Sediment in Middle Distillate Fuels by Centrifuge.
27-54	D1796	Standard Test Method for Water and Sediment in Fuel Oils by the Centrifuge Method (Laboratory Procedure).
27-58	D5191	Standard Test Method for Vapor Pressure of Petroleum Products and Liquid Fuels (Mini Method).
N/A	D97	Standard Test Method for Pour Point of Petroleum Products.
N/A	D130	Standard Test Method for Corrosiveness to Copper from Petroleum Products by Copper Strip Test.
N/A	D482	Standard Test Method for Ash from Petroleum Products.
N/A	D524	Standard Test Method for Ramsbottom Carbon Residue of Petroleum Products.
N/A	D1319	Standard Test Method for Hydrocarbon Types in Liquid Petroleum Products by Fluorescent Indicator Adsorption.
N/A	D2500	Standard Test Method for Cloud Point of Petroleum Products and Liquid Fuels.
N/A	D2624	Standard Test Methods for Electrical Conductivity of Aviation and Distillate Fuels.
N/A	D3606	Standard Test Method for Determination of Benzene and Toluene in Spark Ignition Fuels by Gas Chromatography.

CBPL No.	ASTM	Title
N/A	D4815	Standard Test Method for Determination of MTBE, ETBE, TAME, DIPE, tertiary-Amyl Alcohol and C1 to C4 Alcohols in Gasoline by Gas Chromatography.
N/A	D5453	Standard Test Method for Determination of Total Sulfur in Light Hydrocarbons, Spark Ignition Engine Fuel, Diesel Engine Fuel, and Engine Oil by Ultraviolet Fluorescence.
N/A	D5599	Standard Test Method for Determination of Oxygenates in Gasoline by Gas Chromatography and Oxygen Selective Flame Ionization Detection.
N/A	D5769	Standard Test Method for Determination of Benzene, Toluene, and Total Aromatics in Finished Gasolines by Gas Chromatography/Mass Spectrometry.

Anyone wishing to employ this entity to conduct laboratory analyses and gauger services should request and receive written assurances from the entity that it is accredited or approved by the U.S. Customs and Border Protection to conduct the specific test or gauger service requested. Alternatively, inquiries regarding the specific test or gauger service this entity is accredited or approved to perform may be directed to the U.S. Customs and Border Protection by calling (281) 560-2900. The inquiry may also be sent to CBPGaugersLabs@cbp.dhs.gov. Please reference the website listed below for a complete listing of CBP approved gaugers and accredited laboratories. <http://www.cbp.gov/about/labs-scientific/commercial-gaugers-and-laboratories>.

Aine M. Ramirez,

Laboratory Director, Houston Laboratory, Laboratories and Scientific Services.

[FR Doc. 2025-20274 Filed 11-18-25; 8:45 am]

BILLING CODE 9111-14-P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

Approval of Altol Petroleum Products Services, Inc. (Ponce, PR) as a Commercial Gauger

AGENCY: U.S. Customs and Border Protection, Department of Homeland Security.

ACTION: Notice of approval of Altol Petroleum Products Services Inc. (Ponce, PR), as a commercial gauger.

SUMMARY: Notice is hereby given, pursuant to CBP regulations, that Altol Petroleum Products Services Inc. (Ponce, PR), has been approved to gauge petroleum and certain petroleum products for customs purposes for the next three years as of September 5, 2024.

DATES: Altol Petroleum Products Services Inc. (Ponce, PR) was approved, as a commercial gauger as of September 5, 2024. The next triennial inspection

date will be scheduled for September 2027.

FOR FURTHER INFORMATION CONTACT:

Robert P. Munivez, Laboratories and Scientific Services Directorate, U.S. Customs and Border Protection, 4150 Interwood South Parkway, Houston, TX 77032, tel. 281-560-2937.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to 19 CFR 151.13, that Altol Petroleum Products Services Inc., 228 Sabanetas Industrial Park, Ponce, PR 00716 has been approved to gauge petroleum and certain petroleum products for customs purposes, in accordance with the provisions of 19 CFR 151.13.

Altol Petroleum Products Services Inc. (Ponce, PR) is approved for the following gauging procedures for petroleum and certain petroleum products from the American Petroleum Institute (API):

API chapters	Title
3	Tank Gauging.
7	Temperature Determination.
8	Sampling.
11	Physical Properties Data.
12	Calculation of Petroleum Quantities.
17	Marine Measurement.

Anyone wishing to employ this entity to conduct gauger services should request and receive written assurances from the entity that it is approved by the U.S. Customs and Border Protection to conduct the specific gauger service requested. Alternatively, inquiries regarding the specific gauger service this entity is approved to perform may be directed to the U.S. Customs and Border Protection by calling (202) 344-1060. The inquiry may also be sent to CBPGaugersLabs@cbp.dhs.gov. Please reference the website listed below for a complete listing of CBP approved gaugers and accredited laboratories. <http://www.cbp.gov/about/labs-scientific/commercial-gaugers-and-laboratories>.

scientific/commercial-gaugers-and-laboratories.

Aine M. Ramirez,

Laboratory Director, Houston Laboratory, Laboratories and Scientific Services.

[FR Doc. 2025-20275 Filed 11-18-25; 8:45 am]

BILLING CODE 9111-14-P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

Accreditation and Approval of Certispec Services USA, Inc. (Texas City, TX) as a Commercial Gauger and Laboratory

AGENCY: U.S. Customs and Border Protection, Department of Homeland Security.

ACTION: Notice of accreditation and approval of Certispec Services USA, Inc. (Texas City, TX), as a commercial gauger and laboratory.

SUMMARY: Notice is hereby given, pursuant to CBP regulations, that Certispec Services USA, Inc. (Texas City, TX), has been approved to gauge petroleum and certain petroleum products and accredited to test petroleum and certain petroleum products for customs purposes for the next three years as of September 5, 2024.

DATES: Certispec Services USA, Inc. (Texas City, TX) was approved and accredited as a commercial gauger and laboratory as of September 5, 2024. The next triennial inspection date will be scheduled for September 2027.

FOR FURTHER INFORMATION CONTACT: Robert P. Munivez, Laboratories and Scientific Services, U.S. Customs and Border Protection, 4150 Interwood South Parkway, Houston, TX 77032, tel. 281-560-2900.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to 19 CFR 151.12 and 19 CFR 151.13, that Certispec Services USA, Inc., 1448 Texas Avenue, Texas City, TX 77590, has been approved to gauge petroleum and certain petroleum products and accredited to test petroleum and certain

petroleum products for customs purposes, in accordance with the provisions of 19 CFR 151.12 and 19 CFR 151.13.

Certispec Services USA, Inc. (Texas City, TX) is approved for the following gauging procedures for petroleum and certain petroleum products from the American Petroleum Institute (API):

API chapters	Title
3	Tank Gauging.
8	Sampling.

Certispec Services USA, Inc. (Texas City, TX) is accredited for the following laboratory analysis procedures and methods for petroleum and certain

petroleum products set forth by the U.S. Customs and Border Protection Laboratory Methods (CBPL) and American Society for Testing and Materials (ASTM):

CBPL No.	ASTM	Title
27-01	D287	Standard Test Method for API Gravity of Crude Petroleum and Petroleum Products (Hydrometer Method).
27-03	D4006	Standard Test Method for Water in Crude Oil by Distillation.
27-04	D95	Standard Test Method for Water in Petroleum Products and Bituminous Materials by Distillation.
27-05	D4928	Standard Test Method for Water in Crude Oils by Coulometric Karl Fischer Titration.
27-06	D473	Standard Test Method for Sediment in Crude Oils and Fuel Oils by the Extraction Method.
27-08	D86	Standard Test Method for Distillation of Petroleum Products at Atmospheric Pressure.
27-11	D445	Standard Test Method for Kinematic Viscosity of Transparent and Opaque Liquids (and Calculation of Dynamic Viscosity).
27-13	D4294	Standard Test Method for Sulfur in Petroleum and Petroleum Products by Energy-Dispersive X-ray Fluorescence Spectrometry.
27-46	D5002	Standard Test Method for Density, Relative Density, and API Gravity of Crude Oils by Digital Density Analyzer.
27-48	D4052	Standard Test Method for Density, Relative Density, and API Gravity of Liquids by Digital Density Meter.
27-50	D93	Standard Test Methods for Flash-Point by Pensky-Martens Closed Cup Tester.
27-57	D7039	Standard Test Method for Sulfur in Gasoline and Diesel Fuel by Monochromatic Wavelength Dispersive X-Ray Fluorescence Spectrometry.

Anyone wishing to employ this entity to conduct laboratory analyses and gauger services should request and receive written assurances from the entity that it is accredited or approved by the U.S. Customs and Border Protection to conduct the specific test or gauger service requested. Alternatively, inquiries regarding the specific test or gauger service this entity is accredited or approved to perform may be directed to the U.S. Customs and Border Protection by calling (202) 344-1060. The inquiry may also be sent to CBPGaugersLabs@cbp.dhs.gov. Please reference the website listed below for a complete listing of CBP approved gaugers and accredited laboratories. <http://www.cbp.gov/about/labs-scientific/commercial-gaugers-and-laboratories>.

Aine M. Ramirez,
Laboratory Director, Houston Laboratory,
Laboratories and Scientific Services.
[FR Doc. 2025-20272 Filed 11-18-25; 8:45 am]
BILLING CODE 9111-14-P

DEPARTMENT OF HOMELAND SECURITY

Office of the Secretary

Determination Pursuant to Section 102 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, as Amended

AGENCY: Office of the Secretary, Department of Homeland Security.

ACTION: Notice of determination.

SUMMARY: The Secretary of Homeland Security has determined, pursuant to law, that it is necessary to waive certain laws, regulations, and other legal requirements in order to ensure the expeditious construction of barriers and roads in the vicinity of the international land border in the state of Arizona. **DATES:** This determination takes effect on November 19, 2025. **SUPPLEMENTARY INFORMATION:** Important mission requirements of the Department of Homeland Security (“DHS”) include border security and the detection and prevention of illegal entry into the United States. Border security is critical to the nation’s national security. Recognizing the critical importance of border security, Congress has mandated DHS to achieve and maintain operational control of the international land border. Secure Fence Act of 2006, Public Law 109–367, section 2, 120 Stat. 2638 (Oct. 26, 2006) (8 U.S.C. 1701 note). Congress defined “operational control” as the prevention of all unlawful entries into the United States, including entries by terrorists, other unlawful aliens, instruments of terrorism, narcotics, and other contraband. *Id.* Consistent with that mandate, the President’s Executive Order on Securing Our Borders directs that I take all appropriate action to deploy and construct physical barriers to ensure complete operational control of the southern border of the United States. Executive Order 14165, section 3 (Jan. 20, 2025).

Congress has provided to the Secretary of Homeland Security a number of authorities necessary to carry out DHS’s border security mission. One of those authorities is found at section 102 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, as amended (“IIRIRA”). Public Law 104–208, Div. C, 110 Stat. 3009–546, 3009–554 (Sept. 30, 1996) (8 U.S.C. 1103 note), as amended by the REAL ID Act of 2005, Public Law 109–13, Div. B, 119 Stat. 231, 302, 306 (May 11, 2005) (8 U.S.C. 1103 note), as amended by the Secure Fence Act of 2006, Public Law 109–367, section 3, 120 Stat. 2638 (Oct. 26, 2006) (8 U.S.C. 1103 note), as amended by the Department of Homeland Security Appropriations Act, 2008, Public Law 110–161, Div. E, Title V, section 564, 121 Stat. 2090 (Dec. 26, 2007). In section 102(a) of IIRIRA, Congress provided that the Secretary of Homeland Security shall take such actions as may be necessary to install additional physical barriers and roads (including the removal of obstacles to detection of illegal entrants) in the vicinity of the United States border to deter illegal crossings in areas of high illegal entry into the United States. In section 102(b) of IIRIRA, Congress mandated that in carrying out the authority of section 102(a), I provide for the installation of additional fencing, barriers, roads, lighting, cameras, and sensors to achieve and maintain operational control of the border. Finally, in section 102(c) of IIRIRA, Congress granted to the Secretary of Homeland Security the authority to

waive all legal requirements that I, in my sole discretion, determine necessary to ensure the expeditious construction of barriers and roads authorized by section 102 of IIRIRA.

Determination and Waiver

Section 1

The United States Border Patrol Tucson Sector is an area of high illegal entry. From fiscal year 2021 through June 2025, the United States Border Patrol (“Border Patrol”) apprehended over 1,318,640 illegal aliens attempting to enter the United States between border crossings in the Tucson Sector. In that same time period Border Patrol seized over 16,600 pounds of marijuana, over 473 pounds of cocaine, over 145 pounds of heroin, over 8,224 pounds of methamphetamine, and over 3,079 pounds of fentanyl.

Since the President took office, DHS has delivered the most secure border in history. More can and must be done, however. As the statistics cited above demonstrate, the Tucson Sector is an area of high illegal entry where illegal aliens regularly attempt to enter the United States and smuggle illicit drugs, and given my mandate to achieve and maintain operational control of the border, I must use my authority under section 102 of IIRIRA to install additional barriers and roads in the Tucson Sector. Therefore, DHS will take immediate action to construct additional barriers and roads in segments of the border in the Tucson Sector. The segments where such construction will occur are referred to herein as the “project area,” which is more specifically described in Section 2 below.

Section 2

I determine that the following area in the vicinity of the United States border, located in the State of Arizona within the United States Border Patrol Tucson Sector, is an area of high illegal entry (the “project area”):

- Starting at Border Monument 195 and extending east to Border Monument 163; and
- Starting approximately 1.15 miles west of Border Monument 141 and extending east to Border Monument 70.

There is presently an acute and immediate need to construct additional physical barriers and roads in the vicinity of the border of the United States in order to prevent unlawful entries into the United States in the project area pursuant to section 102(a) and 102(b) of IIRIRA. In order to ensure the expeditious construction of additional physical barriers and roads in

the project area, I have determined that it is necessary that I exercise the authority that is vested in me by section 102(c) of IIRIRA.

Accordingly, pursuant to section 102(c) of IIRIRA, I hereby waive in their entirety, with respect to the construction of physical barriers and roads (including, but not limited to, accessing the project areas, creating and using staging areas, the conduct of earthwork, excavation, fill, and site preparation, and installation and upkeep of physical barriers, roads, supporting elements, drainage, erosion controls, safety features, lighting, cameras, and sensors) in the project area, all of the following statutes, including all federal, state, or other laws, regulations, and legal requirements of, deriving from, or related to the subject of, the following statutes, as amended: The National Environmental Policy Act (Pub. L. 91–190, 83 Stat. 852 (Jan. 1, 1970) (42 U.S.C. 4321 *et seq.*)); the Endangered Species Act (Pub. L. 93–205, 87 Stat. 884 (Dec. 28, 1973) (16 U.S.C. 1531 *et seq.*)); the Federal Water Pollution Control Act (commonly referred to as the Clean Water Act (33 U.S.C. 1251 *et seq.*)); the National Historic Preservation Act (Pub. L. 89–665, 80 Stat. 915 (Oct. 15, 1966), as amended, repealed, or replaced by Pub. L. 113–287 (Dec. 19, 2014) (formerly codified at 16 U.S.C. 470 *et seq.*, now codified at 54 U.S.C. 100101 note and 54 U.S.C. 300101 *et seq.*)); the Migratory Bird Treaty Act (16 U.S.C. 703 *et seq.*); the Migratory Bird Conservation Act (16 U.S.C. 715 *et seq.*); the Clean Air Act (42 U.S.C. 7401 *et seq.*); the Archeological Resources Protection Act (Pub. L. 96–95 (16 U.S.C. 470aa *et seq.*)); the Paleontological Resources Preservation Act (16 U.S.C. 470aaa *et seq.*); the Federal Cave Resources Protection Act of 1988 (16 U.S.C. 4301 *et seq.*); the National Trails System Act (16 U.S.C. 1241 *et seq.*), the Safe Drinking Water Act (42 U.S.C. 300f *et seq.*); the Noise Control Act (42 U.S.C. 4901 *et seq.*); the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act (42 U.S.C. 6901 *et seq.*); the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9601 *et seq.*); the Archaeological and Historic Preservation Act (Pub. L. 86–523, as amended, repealed, or replaced by Pub. L. 113–287 (Dec. 19, 2014) (formerly codified at 16 U.S.C. 469 *et seq.*, now codified at 54 U.S.C. 312502 *et seq.*)); the Antiquities Act (formerly codified at 16 U.S.C. 431 *et seq.* and 16 U.S.C. 431a *et seq.*, now codified 54 U.S.C. 320301 *et seq.*); the

Historic Sites, Buildings, and Antiquities Act (formerly codified at 16 U.S.C. 461 *et seq.*, now codified at 54 U.S.C. 320301–320303 & 320101–320106); the Eagle Protection Act (16 U.S.C. 668 *et seq.*); the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001 *et seq.*); the Administrative Procedure Act (5 U.S.C. 551 *et seq.*); Section 438 of the Energy Independence and Security Act (42 U.S.C. 17094); the National Fish and Wildlife Act of 1956 (Pub. L. 84–1024 (16 U.S.C. 742a, *et seq.*)); the Fish and Wildlife Coordination Act (Pub. L. 73–121 (16 U.S.C. 661 *et seq.*)); the Wild and Scenic Rivers Act (Pub. L. 90–542 (16 U.S.C. 1281 *et seq.*)); the Farmland Protection Policy Act (7 U.S.C. 4201 *et seq.*); the Federal Land Policy and Management Act (Pub. L. 94–579 (43 U.S.C. 1701 *et seq.*)); the Wilderness Act (Pub. L. 88–577 (16 U.S.C. 1131 *et seq.*)); the National Wildlife Refuge System Administration Act (Pub. L. 89–669 (16 U.S.C. 668dd–668ee)); the National Wildlife Refuge System Improvement Act of 1997 (Pub. L. 105–57); the Wild Horse and Burro Act (16 U.S.C. 1331 *et seq.*); the National Park Service Organic Act and the National Park Service General Authorities Act (Pub. L. 64–235, 39 Stat. 535 (Aug. 25, 1916) and Pub. L. 91–383, 84 Stat. 825 (Aug. 18, 1970) as amended, repealed, or replaced by Pub. L. 113–287, 128 Stat. 3094 (Dec. 19, 2014) (formerly codified at 16 U.S.C. 1, 2–4 and 16 U.S.C. 1a–1 *et seq.*, now codified at 54 U.S.C. 100101–100102, 54 U.S.C. 100301–100303, 54 U.S.C. 100501–100507, 54 U.S.C. 100701–100707, 54 U.S.C. 100721–100725, 54 U.S.C. 100751–100755, 54 U.S.C. 100901–100906, 54 U.S.C. 102101–102102)); 16 U.S.C. 450y (Pub. L. 77–216, 55 Stat. 630 (Aug. 18, 1941), as amended by Pub. L. 82–478, 66 Stat. 510 (July 9, 1952)); 67 Stat. c18 (Nov. 5, 1952); Sections 401(7), 403, and 404 of the National Parks and Recreation Act of 1978 (Pub. L. 95–625, 92 Stat. 3467 (Nov. 10, 1978)); 50 Stat. 1827 (April 13, 1937); Arizona–Idaho Conservation Act of 1988 (Pub. L. 100–696, 102 Stat. 4571 (Nov. 18, 1988) (16 U.S.C. 460xx)); Sections 301(a)–(f) of the Arizona Desert Wilderness Act (Pub. L. 101–628); The National Forest Management Act of 1976 (16 U.S.C. 1600 *et seq.*); and The Multiple Use and Sustained Yield Act of 1960 (16 U.S.C. 528–531).

This waiver does not revoke or supersede any other waiver determination made pursuant to section 102(c) of IIRIRA. Such waivers shall remain in full force and effect in accordance with their terms. I reserve

the authority to execute further waivers from time to time as I may determine to be necessary under section 102 of IIRIRA.

Kristi Noem,

Secretary of Homeland Security.

[FR Doc. 2025–20292 Filed 11–18–25; 8:45 am]

BILLING CODE 4410–10–P

DEPARTMENT OF HOMELAND SECURITY

Office of the Secretary

Determination Pursuant to Section 102 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, as Amended

AGENCY: Office of the Secretary, Department of Homeland Security.

ACTION: Notice of determination.

SUMMARY: The Secretary of Homeland Security has determined, pursuant to law, that it is necessary to waive certain laws, regulations, and other legal requirements in order to ensure the expeditious construction of barriers and roads in the vicinity of the international land border in the state of Texas.

DATES: This determination takes effect on November 19, 2025.

SUPPLEMENTARY INFORMATION: Important mission requirements of the Department of Homeland Security (“DHS”) include border security and the detection and prevention of illegal entry into the United States. Border security is critical to the nation’s national security. Recognizing the critical importance of border security, Congress has mandated DHS to achieve and maintain operational control of the international land border. Secure Fence Act of 2006, Public Law 109–367, section 2, 120 Stat. 2638 (Oct. 26, 2006) (8 U.S.C. 1701 note). Congress defined “operational control” as the prevention of all unlawful entries into the United States, including entries by terrorists, other unlawful aliens, instruments of terrorism, narcotics, and other contraband. *Id.* Consistent with that mandate, the President’s Executive Order on Securing Our Borders directs that I take all appropriate action to deploy and construct physical barriers to ensure complete operational control of the southern border of the United States. Executive Order 14165, section 3 (Jan. 20, 2025).

Congress has provided to the Secretary of Homeland Security a number of authorities necessary to carry out DHS’s border security mission. One of those authorities is found at section 102 of the Illegal Immigration Reform

and Immigrant Responsibility Act of 1996, as amended (“IIRIRA”). Public Law 104–208, Div. C, 110 Stat. 3009–546, 3009–554 (Sept. 30, 1996) (8 U.S.C. 1103 note), as amended by the REAL ID Act of 2005, Public Law 109–13, Div. B, 119 Stat. 231, 302, 306 (May 11, 2005) (8 U.S.C. 1103 note), as amended by the Secure Fence Act of 2006, Public Law 109–367, section 3, 120 Stat. 2638 (Oct. 26, 2006) (8 U.S.C. 1103 note), as amended by the Department of Homeland Security Appropriations Act, 2008, Public Law 110–161, Div. E, Title V, section 564, 121 Stat. 2090 (Dec. 26, 2007). In section 102(a) of IIRIRA, Congress provided that the Secretary of Homeland Security shall take such actions as may be necessary to install additional physical barriers and roads (including the removal of obstacles to detection of illegal entrants) in the vicinity of the United States border to deter illegal crossings in areas of high illegal entry into the United States. In section 102(b) of IIRIRA, Congress mandated that in carrying out the authority of section 102(a), I provide for the installation of additional fencing, barriers, roads, lighting, cameras, and sensors to achieve and maintain operational control of the border. Finally, in section 102(c) of IIRIRA, Congress granted to the Secretary of Homeland Security the authority to waive all legal requirements that I, in my sole discretion, determine necessary to ensure the expeditious construction of barriers and roads authorized by section 102 of IIRIRA.

Determination and Waiver

Section 1

The United States Border Patrol Del Rio Sector is an area of high illegal entry. Between fiscal year 2021 and July 2025, Border Patrol apprehended over 1,408,600 illegal aliens attempting to enter the United States between border crossings in the Del Rio Sector. In that same time period Border Patrol seized over 275 pounds of marijuana, over 131 pounds of cocaine, over 18 pounds of heroin, over 353 pounds of methamphetamine, and over five pounds of fentanyl.

Since the President took office, DHS has delivered the most secure border in history. More can and must be done, however. As the statistics cited above demonstrate, the Del Rio Sector is an area of high illegal entry where illegal aliens regularly attempt to enter the United States and smuggle illicit drugs, and given my mandate to achieve and maintain operational control of the border, I must use my authority under section 102 of IIRIRA to install

additional barriers and roads in the Del Rio Sector. Therefore, DHS will take immediate action to construct additional barriers and roads in a segment of the border in the Del Rio Sector. The segment where such construction will occur is referred to herein as the “project area,” which is more specifically described in Section 2 below.

Section 2

I determine that the following area in the vicinity of the United States border, located in the State of Texas within the U. S. Border Patrol Del Rio Sector, is an area of high illegal entry (the “project area”): Within the Del Rio Sector, starting at approximately GPS point 29.085296, – 100.664131 and extending south and east to approximately GPS point 28.020252, – 100.005314.

There is presently an acute and immediate need to construct additional physical barriers and roads in the vicinity of the border of the United States in order to prevent unlawful entries into the United States in the project area pursuant to section 102(a) and 102(b) of IIRIRA. In order to ensure the expeditious construction of additional physical barriers and roads in the project area, I have determined that it is necessary that I exercise the authority that is vested in me by section 102(c) of IIRIRA.

Accordingly, pursuant to section 102(c) of IIRIRA, I hereby waive in their entirety, with respect to the construction of physical barriers and roads (including, but not limited to, accessing the project areas, creating and using staging areas, the conduct of earthwork, excavation, fill, and site preparation, and installation and upkeep of physical barriers, roads, supporting elements, drainage, erosion controls, safety features, lighting, cameras, and sensors) in the project area, all of the following statutes, including all federal, state, or other laws, regulations, and legal requirements of, deriving from, or related to the subject of, the following statutes, as amended: The National Environmental Policy Act (Pub. L. 91–190, 83 Stat. 852 (Jan. 1, 1970) (42 U.S.C. 4321 *et seq.*)); the Endangered Species Act (Pub. L. 93–205, 87 Stat. 884 (Dec. 28, 1973) (16 U.S.C. 1531 *et seq.*)); the Federal Water Pollution Control Act (commonly referred to as the Clean Water Act (33 U.S.C. 1251 *et seq.*)); the National Historic Preservation Act (Pub. L. 89–665, 80 Stat. 915 (Oct. 15, 1966), as amended, repealed, or replaced by Pub. L. 113–287 (Dec. 19, 2014) (formerly codified at 16 U.S.C. 470 *et seq.*, now codified at 54 U.S.C.

100101 note and 54 U.S.C. 300101 *et seq.*); the Migratory Bird Treaty Act (16 U.S.C. 703 *et seq.*); the Migratory Bird Conservation Act (16 U.S.C. 715 *et seq.*); the Clean Air Act (42 U.S.C. 7401 *et seq.*); the Archeological Resources Protection Act (Pub. L. 96–95 (16 U.S.C. 470aa *et seq.*)); the Paleontological Resources Preservation Act (16 U.S.C. 470aaa *et seq.*); the Federal Cave Resources Protection Act of 1988 (16 U.S.C. 4301 *et seq.*); the National Trails System Act (16 U.S.C. 1241 *et seq.*); the Safe Drinking Water Act (42 U.S.C. 300f *et seq.*); the Noise Control Act (42 U.S.C. 4901 *et seq.*); the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act (42 U.S.C. 6901 *et seq.*); the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9601 *et seq.*); the Archaeological and Historic Preservation Act (Pub. L. 86–523, as amended, repealed, or replaced by Pub. L. 113–287 (Dec. 19, 2014) (formerly codified at 16 U.S.C. 469 *et seq.*, now codified at 54 U.S.C. 312502 *et seq.*)); the Antiquities Act (formerly codified at 16 U.S.C. 431 *et seq.* and 16 U.S.C. 431a *et seq.*, now codified 54 U.S.C. 320301 *et seq.*); the Historic Sites, Buildings, and Antiquities Act (formerly codified at 16 U.S.C. 461 *et seq.*, now codified at 54 U.S.C. 320301–320303 & 320101–320106); the Eagle Protection Act (16 U.S.C. 668 *et seq.*); the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001 *et seq.*); the Administrative Procedure Act (5 U.S.C. 551 *et seq.*); Section 438 of the Energy Independence and Security Act (42 U.S.C. 17094); the National Fish and Wildlife Act of 1956 (Pub. L. 84–1024 (16 U.S.C. 742a, *et seq.*)); the Fish and Wildlife Coordination Act (Pub. L. 73–121 (16 U.S.C. 661 *et seq.*)); the Farmland Protection Policy Act (7 U.S.C. 4201 *et seq.*); the Federal Land Policy and Management Act (Pub. L. 94–579 (43 U.S.C. 1701 *et seq.*)); the Wild Horse and Burro Act (16 U.S.C. 1331 *et seq.*); 43 U.S.C. 387; and the Wild and Scenic Rivers Act (Pub. L. 90–542 (16 U.S.C. 1281 *et seq.*)).

This waiver does not revoke or supersede any other waiver determination made pursuant to section 102(c) of IIRIRA. Such waivers shall remain in full force and effect in accordance with their terms. I reserve the authority to execute further waivers from time to time as I may determine to

be necessary under section 102 of IIRIRA.

Kristi Noem,

Secretary of Homeland Security.

[FR Doc. 2025–20293 Filed 11–18–25; 8:45 am]

BILLING CODE 9111–14–P

INTERNATIONAL TRADE COMMISSION

Notice of Receipt of Complaint; Solicitation of Comments Relating to the Public Interest

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has received a complaint entitled *Certain Vaporizer Devices, Cartridges Used Therewith, and Components Thereof II, DN 3849*; the Commission is soliciting comments on any public interest issues raised by the complaint or complainant's filing pursuant to the Commission's Rules of Practice and Procedure.

FOR FURTHER INFORMATION CONTACT: Lisa R. Barton, Secretary to the Commission, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 205–2000. The public version of the complaint can be accessed on the Commission's Electronic Document Information System (EDIS) at <https://edis.usitc.gov>. For help accessing EDIS, please email EDIS3Help@usitc.gov.

General information concerning the Commission may also be obtained by accessing its internet server at United States International Trade Commission (USITC) at <https://www.usitc.gov>. The public record for this investigation may be viewed on the Commission's Electronic Document Information System (EDIS) at <https://edis.usitc.gov>. Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810.

SUPPLEMENTARY INFORMATION: The Commission has received a complaint and a submission pursuant to § 210.8(b) of the Commission's Rules of Practice and Procedure filed on behalf NJOY, LLC; Altria Group Distribution Company; and Altria Client Services LLC on September 22, 2025. The complaint alleges violations of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) in the importation into the United States, the sale for importation, and the sale within the United States after

importation of certain vaporizer devices, cartridges used therewith, and components thereof. The complaint names as respondent: JUUL Labs, Inc. of Washington, DC. The complainant requests that the Commission issue a limited exclusion order, cease and desist orders, and impose a bond upon respondent alleged infringing articles during the 60-day Presidential review period pursuant to 19 U.S.C. 1337(j).

Notice of Receipt of Complaint was published on September 25, 2025 (90 FR 46255 (2025)). Due to the lapse in appropriations, the Commission was unable to accept written submissions on the date specified in the notice. Given these circumstances, the notice is amended to permit public interest comments in this matter as indicated below.

Proposed respondent, other interested parties, members of the public, and interested government agencies are invited to file comments on any public interest issues raised by the complaint or § 210.8(b) filing. Comments should address whether issuance of the relief specifically requested by the complainant in this investigation would affect the public health and welfare in the United States, competitive conditions in the United States economy, the production of like or directly competitive articles in the United States, or United States consumers.

In particular, the Commission is interested in comments that:

(i) explain how the articles potentially subject to the requested remedial orders are used in the United States;

(ii) identify any public health, safety, or welfare concerns in the United States relating to the requested remedial orders;

(iii) identify like or directly competitive articles that complainant, its licensees, or third parties make in the United States which could replace the subject articles if they were to be excluded;

(iv) indicate whether complainant, complainant's licensees, and/or third party suppliers have the capacity to replace the volume of articles potentially subject to the requested exclusion order and/or a cease and desist order within a commercially reasonable time; and

(v) explain how the requested remedial orders would impact United States consumers.

Written submissions on the public interest must be filed no later than by close of business, eight calendar days after the date of publication of this notice in the **Federal Register**. There will be further opportunities for

comment on the public interest after the issuance of any final initial determination in this investigation. Any written submissions on other issues must also be filed by no later than the close of business, eight calendar days after publication of this notice in the **Federal Register**. Complainant may file replies to any written submissions no later than three calendar days after the date on which any initial submissions were due, notwithstanding § 201.14(a) of the Commission's Rules of Practice and Procedure. No other submissions will be accepted, unless requested by the Commission. Any submissions and replies filed in response to this Notice are limited to five (5) pages in length, inclusive of attachments.

Persons filing written submissions must file the original document electronically on or before the deadlines stated above. Submissions should refer to the docket number ("Docket No. 3849") in a prominent place on the cover page and/or the first page. (See Handbook for Electronic Filing Procedures, *Electronic Filing Procedures*¹). Please note the Secretary's Office will accept only electronic filings during this time. Filings must be made through the Commission's Electronic Document Information System (EDIS, <https://edis.usitc.gov>.) No in-person paper-based filings or paper copies of any electronic filings will be accepted until further notice. Persons with questions regarding filing should contact the Secretary at EDIS3Help@usitc.gov.

Any person desiring to submit a document to the Commission in confidence must request confidential treatment. All such requests should be directed to the Secretary to the Commission and must include a full statement of the reasons why the Commission should grant such treatment. See 19 CFR 201.6. Documents for which confidential treatment by the Commission is properly sought will be treated accordingly. All information, including confidential business information and documents for which confidential treatment is properly sought, submitted to the Commission for purposes of this Investigation may be disclosed to and used: (i) by the Commission, its employees and Offices, and contract personnel (a) for developing or maintaining the records of this or a related proceeding, or (b) in internal investigations, audits, reviews, and evaluations relating to the programs, personnel, and operations of

the Commission including under 5 U.S.C. Appendix 3; or (ii) by U.S. government employees and contract personnel,² solely for cybersecurity purposes. All nonconfidential written submissions will be available for public inspection at the Office of the Secretary and on EDIS.³

This action is taken under the authority of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and of §§ 201.10 and 210.8(c) of the Commission's Rules of Practice and Procedure (19 CFR 201.10, 210.8(c)).

By order of the Commission.

Issued: November 17, 2025.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2025-20333 Filed 11-18-25; 8:45 am]

BILLING CODE 7020-02-P

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 701-TA-778 and 731-TA-1764 (Preliminary)]

Fresh Mushrooms From Canada; Revised Schedule for the Subject Proceeding

AGENCY: United States International Trade Commission.

ACTION: Notice.

DATES: November 17, 2025.

FOR FURTHER INFORMATION CONTACT:

Jordan Harriman (202-205-2610), Office of Investigations, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202-205-1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202-205-2000. General information concerning the Commission may also be obtained by accessing its internet server (<https://www.usitc.gov>). The public record for these investigations may be viewed on the Commission's electronic docket (EDIS) at <https://edis.usitc.gov>.

SUPPLEMENTARY INFORMATION: Effective September 16, 2025, the Commission established a schedule for the conduct of the subject proceeding (90 FR 45245, September 19, 2025). Due to the lapse in appropriations and ensuing cessation of Commission operations, the

Commission is revising its schedule as follows: requests to appear at the conference should be provided by noon on November 19, 2025; parties shall file written testimony and supplementary material in connection with their presentation at the conference no later than 4:00 p.m. on November 20, 2025; the staff conference is on November 21, 2025 beginning at 9:30 a.m.; written briefs containing information and arguments pertinent to the subject matter of the proceeding are due on or before 5:15 p.m. on November 25, 2025. The Commission must reach preliminary determinations by December 17, 2025, and the Commission's views must be transmitted to Commerce within five business days thereafter, or by December 24, 2025.

For further information concerning this proceeding, see the Commission's notice cited above and the Commission's Rules of Practice and Procedure, part 201, subparts A and B (19 CFR part 201), and part 207, subparts A and B (19 CFR part 207).

Authority: This proceeding is being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to section 207.12 of the Commission's rules.

By order of the Commission.

Issued: November 17, 2025.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2025-20312 Filed 11-18-25; 8:45 am]

BILLING CODE 7020-02-P

INTERNATIONAL TRADE COMMISSION

Notice of Receipt of Complaint; Solicitation of Comments Relating to the Public Interest

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has received a complaint entitled *Certain Semiconductor Devices, Computing Products Containing the Same, and Components Thereof, DN 3855*; the Commission is soliciting comments on any public interest issues raised by the complaint or complainant's filing pursuant to the Commission's Rules of Practice and Procedure.

FOR FURTHER INFORMATION CONTACT: Lisa R. Barton, Secretary to the Commission, U.S. International Trade Commission, 500 E Street SW, Washington, DC

¹ Handbook for Electronic Filing Procedures: https://www.usitc.gov/documents/handbook_on_filing_procedures.pdf.

² All contract personnel will sign appropriate nondisclosure agreements.

³ Electronic Document Information System (EDIS): <https://edis.usitc.gov>.

20436, telephone (202) 205–2000. The public version of the complaint can be accessed on the Commission's Electronic Document Information System (EDIS) at <https://edis.usitc.gov>. For help accessing EDIS, please email EDIS3Help@usitc.gov.

General information concerning the Commission may also be obtained by accessing its internet server at United States International Trade Commission (USITC) at <https://www.usitc.gov>. The public record for this investigation may be viewed on the Commission's Electronic Document Information System (EDIS) at <https://edis.usitc.gov>. Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810.

SUPPLEMENTARY INFORMATION: The Commission has received a complaint and a submission pursuant to § 210.8(b) of the Commission's Rules of Practice and Procedure filed on behalf Adeia, Inc., Adeia Semiconductor Bonding Technologies, Inc., and Adeia Holdings Inc. on November 17, 2025. The complaint alleges violations of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain semiconductor devices, computing products containing the same, and components thereof. The complainant names as respondents: Advanced Micro Devices, Inc. of Santa Clara, CA; Lenovo (United States) Inc. of Morrisville, NC; Lenovo Group Limited of Hong Kong; Lenovo Information Products (Shenzhen) Co., Ltd. of China; and Super Micro Computer, Inc. of San Jose, CA. The complainant requests that the Commission issue a limited exclusion order, cease and desist orders, and impose a bond upon respondents' alleged infringing articles during the 60-day Presidential review period pursuant to 19 U.S.C. 1337(j).

Proposed respondents, other interested parties, members of the public, and interested government agencies are invited to file comments on any public interest issues raised by the complaint or § 210.8(b) filing. Comments should address whether issuance of the relief specifically requested by the complainant in this investigation would affect the public health and welfare in the United States, competitive conditions in the United States economy, the production of like or directly competitive articles in the

United States, or United States consumers.

In particular, the Commission is interested in comments that:

(i) explain how the articles potentially subject to the requested remedial orders are used in the United States;

(ii) identify any public health, safety, or welfare concerns in the United States relating to the requested remedial orders;

(iii) identify like or directly competitive articles that complainant, its licensees, or third parties make in the United States which could replace the subject articles if they were to be excluded;

(iv) indicate whether complainant, complainant's licensees, and/or third party suppliers have the capacity to replace the volume of articles potentially subject to the requested exclusion order and/or a cease and desist order within a commercially reasonable time; and

(v) explain how the requested remedial orders would impact United States consumers.

Written submissions on the public interest must be filed no later than by close of business, eight calendar days after the date of publication of this notice in the **Federal Register**. There will be further opportunities for comment on the public interest after the issuance of any final initial determination in this investigation. Any written submissions on other issues must also be filed by no later than the close of business, eight calendar days after publication of this notice in the **Federal Register**. Complainant may file replies to any written submissions no later than three calendar days after the date on which any initial submissions were due, notwithstanding § 201.14(a) of the Commission's Rules of Practice and Procedure. No other submissions will be accepted, unless requested by the Commission. Any submissions and replies filed in response to this Notice are limited to five (5) pages in length, inclusive of attachments.

Persons filing written submissions must file the original document electronically on or before the deadlines stated above. Submissions should refer to the docket number ("Docket No. 3855") in a prominent place on the cover page and/or the first page. (See Handbook for Electronic Filing Procedures, Electronic Filing

Procedures¹). Please note the Secretary's Office will accept only electronic filings during this time. Filings must be made through the Commission's Electronic Document Information System (EDIS, <https://edis.usitc.gov>.) No in-person paper-based filings or paper copies of any electronic filings will be accepted until further notice. Persons with questions regarding filing should contact the Secretary at EDIS3Help@usitc.gov.

Any person desiring to submit a document to the Commission in confidence must request confidential treatment. All such requests should be directed to the Secretary to the Commission and must include a full statement of the reasons why the Commission should grant such treatment. See 19 CFR 201.6. Documents for which confidential treatment by the Commission is properly sought will be treated accordingly. All information, including confidential business information and documents for which confidential treatment is properly sought, submitted to the Commission for purposes of this Investigation may be disclosed to and used: (i) by the Commission, its employees and Offices, and contract personnel (a) for developing or maintaining the records of this or a related proceeding, or (b) in internal investigations, audits, reviews, and evaluations relating to the programs, personnel, and operations of the Commission including under 5 U.S.C. Appendix 3; or (ii) by U.S. government employees and contract personnel,² solely for cybersecurity purposes. All nonconfidential written submissions will be available for public inspection at the Office of the Secretary and on EDIS.³

This action is taken under the authority of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and of §§ 201.10 and 210.8(c) of the Commission's Rules of Practice and Procedure (19 CFR 201.10, 210.8(c)).

By order of the Commission.

Issued: November 17, 2025.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2025–20335 Filed 11–18–25; 8:45 am]

BILLING CODE 7020–02–P

¹ Handbook for Electronic Filing Procedures: https://www.usitc.gov/documents/handbook_on_filing_procedures.pdf.

² All contract personnel will sign appropriate nondisclosure agreements.

³ Electronic Document Information System (EDIS): <https://edis.usitc.gov>.

**INTERNATIONAL TRADE
COMMISSION**

[Investigation Nos. 701–TA–779 and 731–
TA–1765–1766 (Preliminary)]

**Chromium Trioxide From India and
Turkey; Revised Schedule for the
Subject Proceeding**

AGENCY: United States International
Trade Commission.

ACTION: Notice.

DATES: November 14, 2025.

FOR FURTHER INFORMATION CONTACT:

Laurel Schwartz (202–205–2398), Office of Investigations, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000. General information concerning the Commission may also be obtained by accessing its internet server (<https://www.usitc.gov>). The public record for this proceeding may be viewed on the Commission's electronic docket (EDIS) at <https://edis.usitc.gov>.

SUPPLEMENTARY INFORMATION: Effective September 29, 2025, the Commission established a schedule for the conduct of the subject proceeding (90 FR 47820, October 2, 2025). Due to the lapse in appropriations and ensuing cessation of Commission operations, the Commission is revising its schedule as follows: requests to appear at the conference should be provided by noon on December 2, 2025; parties shall file written testimony and supplementary material in connection with their presentation at the conference no later than 4:00 p.m. on December 3, 2025; the staff conference is on December 4, 2025 beginning at 9:30 a.m.; written briefs containing information and arguments pertinent to the subject matter of the proceeding are due on or before 5:15 p.m. on December 9, 2025. The Commission must reach preliminary determinations by December 30, 2025, and the Commission's views must be transmitted to Commerce within five business days thereafter, or by January 6, 2026.

For further information concerning this proceeding, see the Commission's notice cited above and the Commission's Rules of Practice and Procedure, part 201, subparts A and B (19 CFR part 201), and part 207, subparts A and B (19 CFR part 207).

Authority: This proceeding is being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to section 207.12 of the Commission's rules.

By order of the Commission.

Issued: November 14, 2025.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2025–20258 Filed 11–18–25; 8:45 am]

BILLING CODE 7020–02–P

**INTERNATIONAL TRADE
COMMISSION****Notice of Receipt of Complaint;
Solicitation of Comments Relating to
the Public Interest**

AGENCY: U.S. International Trade
Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has received a complaint entitled *Certain Clear Aligners and Components Thereof, DN 3850*; the Commission is soliciting comments on any public interest issues raised by the complaint or complainant's filing pursuant to the Commission's Rules of Practice and Procedure.

FOR FURTHER INFORMATION CONTACT: Lisa R. Barton, Secretary to the Commission, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 205–2000. The public version of the complaint can be accessed on the Commission's Electronic Document Information System (EDIS) at <https://edis.usitc.gov>. For help accessing EDIS, please email EDIS3Help@usitc.gov.

General information concerning the Commission may also be obtained by accessing its internet server at United States International Trade Commission (USITC) at <https://www.usitc.gov>. The public record for this investigation may be viewed on the Commission's Electronic Document Information System (EDIS) at <https://edis.usitc.gov>. Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810.

SUPPLEMENTARY INFORMATION: The Commission has received a complaint and a submission pursuant to § 210.8(b) of the Commission's Rules of Practice and Procedure filed on behalf Align Technology, Inc. on September 23, 2025. The complaint alleges violations of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) in the importation into

the United States, the sale for importation, and the sale within the United States after importation of certain clear aligners and components thereof. The complaint names as respondents: Angelalign Technology Inc. of China; Wuxi EA Medical Instruments Technologies Co., Ltd. of China; Wuxi EA Bio-Tech Co., Ltd. of China; Shanghai EA Medical Instruments Co., Ltd. of China; and USA Angelalign Technology Corp. of Newark, DE. The complainant requests that the Commission issue a limited exclusion order, cease and desist orders, and impose a bond upon respondents' alleged infringing articles during the 60-day Presidential review period pursuant to 19 U.S.C. 1337(j).

Notice of Receipt of Complaint was published on September 25, 2025 (90 FR 46256 (2025)). Due to the lapse in appropriations, the Commission was unable to accept written submissions on the date specified in the notice. Given these circumstances, the notice is amended to permit public interest comments in this matter as indicated below.

Proposed respondents, other interested parties, members of the public, and interested government agencies are invited to file comments on any public interest issues raised by the complaint or § 210.8(b) filing. Comments should address whether issuance of the relief specifically requested by the complainant in this investigation would affect the public health and welfare in the United States, competitive conditions in the United States economy, the production of like or directly competitive articles in the United States, or United States consumers.

In particular, the Commission is interested in comments that:

(i) explain how the articles potentially subject to the requested remedial orders are used in the United States;

(ii) identify any public health, safety, or welfare concerns in the United States relating to the requested remedial orders;

(iii) identify like or directly competitive articles that complainant, its licensees, or third parties make in the United States which could replace the subject articles if they were to be excluded;

(iv) indicate whether complainant, complainant's licensees, and/or third party suppliers have the capacity to replace the volume of articles potentially subject to the requested exclusion order and/or a cease and desist order within a commercially reasonable time; and

(v) explain how the requested remedial orders would impact United States consumers.

Written submissions on the public interest must be filed no later than by close of business, eight calendar days after the date of publication of this notice in the **Federal Register**. There will be further opportunities for comment on the public interest after the issuance of any final initial determination in this investigation. Any written submissions on other issues must also be filed by no later than the close of business, eight calendar days after publication of this notice in the **Federal Register**. Complainant may file replies to any written submissions no later than three calendar days after the date on which any initial submissions were due, notwithstanding § 201.14(a) of the Commission's Rules of Practice and Procedure. No other submissions will be accepted, unless requested by the Commission. Any submissions and replies filed in response to this Notice are limited to five (5) pages in length, inclusive of attachments.

Persons filing written submissions must file the original document electronically on or before the deadlines stated above. Submissions should refer to the docket number ("Docket No. 3850") in a prominent place on the cover page and/or the first page. (See Handbook for Electronic Filing Procedures, *Electronic Filing Procedures*¹). Please note the Secretary's Office will accept only electronic filings during this time. Filings must be made through the Commission's Electronic Document Information System (EDIS, <https://edis.usitc.gov>.) No in-person paper-based filings or paper copies of any electronic filings will be accepted until further notice. Persons with questions regarding filing should contact the Secretary at EDIS3Help@usitc.gov.

Any person desiring to submit a document to the Commission in confidence must request confidential treatment. All such requests should be directed to the Secretary to the Commission and must include a full statement of the reasons why the Commission should grant such treatment. See 19 CFR 201.6. Documents for which confidential treatment by the Commission is properly sought will be treated accordingly. All information, including confidential business information and documents for which confidential treatment is properly sought, submitted to the Commission for

purposes of this Investigation may be disclosed to and used: (i) by the Commission, its employees and Offices, and contract personnel (a) for developing or maintaining the records of this or a related proceeding, or (b) in internal investigations, audits, reviews, and evaluations relating to the programs, personnel, and operations of the Commission including under 5 U.S.C. Appendix 3; or (ii) by U.S. government employees and contract personnel,² solely for cybersecurity purposes. All nonconfidential written submissions will be available for public inspection at the Office of the Secretary and on EDIS.³

This action is taken under the authority of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and of §§ 201.10 and 210.8(c) of the Commission's Rules of Practice and Procedure (19 CFR 201.10, 210.8(c)).

By order of the Commission.
Issued: November 17, 2025.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2025–20334 Filed 11–18–25; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

Antitrust Division

United States v. Hewlett Packard Enterprise Co. and Juniper Networks, Inc.; Response of the United States to Public Comments on the Proposed Final Judgments

Notice is hereby given pursuant to the Antitrust Procedures and Penalties Act, 15 U.S.C. 16(b)–(h), that the Response of the United States to Public Comments on the Proposed Final Judgment in *United States of America v. Hewlett Packard Enterprise Co. and Juniper Networks, Inc.*, Civil Case No. 5:25–CV–00951–PCP, has been filed in the United States District Court for the Northern District of California, together with copies of the public comments.

Copies of the Exhibits and the Public Comments and the United States' Response are available for inspection on

the Antitrust Division's website at <http://www.justice.gov/atr>.

Suzanne Morris,

Deputy Director, Civil Enforcement Operations, Antitrust Division.

United States District Court Northern District of California San Jose Division

United States of America, Plaintiff, v. Hewlett Packard Enterprise Co. and Juniper Networks, Inc., Defendants.

Case No. 5:25–cv–00951–PCP
RESPONSE OF UNITED STATES TO PUBLIC
COMMENTS ON THE PROPOSED FINAL
JUDGMENT

Judge: Hon. P. Casey Pitts

Pursuant to the Antitrust Procedures and Penalties Act (the "APPA" or "Tunney Act"), 15 U.S.C. 16(d), the United States submits this response to the public comments received regarding the proposed Final Judgment resolving this case. See Dkt. No. 217–1. The United States does not request any action by the Court at this time. Instead, the United States will provide notice of this response in the **Federal Register** and then submit a motion requesting that the Court enter the proposed Final Judgment, as amended. See *infra* section V.C.

I. Introduction

The United States respectfully submits this response to public comments and urges the Court to approve the amended proposed Final Judgment without an evidentiary hearing. The original proposed Final Judgment, submitted on June 27, 2025, achieved what the Tunney Act requires: it directly remedied competitive harms alleged in the Complaint through a targeted divestiture and licensing requirements that promote competition in the relevant market. Not a single consumer or competitor submitted a comment opposing it. The amended proposed Final Judgment, submitted today, includes several provisions added in response to public comments that improve the original proposal. The Court should approve it promptly and decline invitations to conduct an inquiry into the Department of Justice's internal deliberations—an inquiry that would undermine future merger enforcement.

On January 30, 2025, the United States brought this antitrust enforcement action against Hewlett Packard Enterprises Co. ("HPE") and Juniper Networks, Inc. ("Juniper"), alleging that HPE's proposed \$14 billion acquisition of Juniper threatened to substantially lessen competition in the market for enterprise-grade wireless

¹ Handbook for Electronic Filing Procedures: https://www.usitc.gov/documents/handbook_on_filing_procedures.pdf.

² All contract personnel will sign appropriate nondisclosure agreements.

³ Electronic Document Information System (EDIS): <https://edis.usitc.gov>.

local area network (“WLAN”) solutions. The Complaint alleged that the merger would eliminate head-to-head competition between two leading innovators in a critical technology sector, potentially leading to higher prices, reduced innovation, and diminished choices for businesses relying on advanced wireless networking infrastructure.

After months of intensive litigation—including extensive discovery, depositions, expert reports, and pre-trial motions—the parties reached a settlement on the eve of trial that directly addresses these competitive harms through two remedies: (1) HPE must divest its “Instant On” enterprise-grade WLAN business, which operates in the relevant market alleged in the Complaint and may create or strengthen an independent competitor; and (2) HPE must license the source code for Juniper’s Mist AI Ops technology—the innovative network management solution that the Complaint credits with enabling Juniper’s rapid growth and disruptive competitive impact in the market—allowing other firms to access this valuable technology and compete more effectively. This settlement seeks to protect competition in enterprise-grade WLAN solutions while avoiding the substantial risk, uncertainties, delays, and expenses of a trial where the outcome was not assured.

Pursuant to the Antitrust Procedures and Penalties Act (the “Tunney Act”), 15 U.S.C. 16(b), the United States filed the proposed Final Judgment and Competitive Impact Statement on June 27, 2025, and invited public comments over a 60-day period. *See* Dkt. Nos. 217–1 & 217–2. The United States received 12 comments, which are attached as exhibits and will be described in the **Federal Register** as ordered by this Court. *See* Dkt. No. 234. Not a single comment opposing the settlement came from those with the most direct interest in its competitive effects: consumers of enterprise-grade WLAN solutions, who would bear the brunt of any anticompetitive harm unaddressed by the settlement, and competitors in the relevant market, who would be best positioned to identify shortcomings in the remedies. This absence of concern from market participants speaks volumes about the settlement’s adequacy in protecting competition. Indeed, although the United States disagrees, one commenter argued that “the merger did not exhibit sufficient signs of anticompetitive concerns to warrant antitrust enforcement” in the first place. Exh. A–14 at 1.

The remaining comments were submitted largely by politicians and

advocacy groups. They primarily focus not on the settlement’s competitive impact but on speculative allegations about the Department of Justice’s internal decision-making process—matters that fall outside the Tunney Act’s purview.

The United States has carefully reviewed all comments and, where substantively warranted, negotiated amendments with HPE to strengthen the proposed Final Judgment. In direct response to concerns raised by former Antitrust Division professionals, the amended judgment now expressly requires that both the divestiture buyer and source code licensees possess “the intent and capability, including the necessary managerial, operational, technical, and financial capability, to compete effectively in the market for the provision of enterprise-grade WLAN solutions in the United States,” and further requires them to satisfy the United States that they will use these assets to compete in the relevant market. Exh. A–1 at 18–19. Additional enhancements include requiring HPE to use “best efforts” to complete the divestiture and licensing “as expeditiously as possible,” extending potential transition services from 12 to 18 months, strengthening trustee oversight provisions, and providing explicit authority for the United States to seek contempt sanctions for violations. *See* Exh. A–1 at 8, 11, 16–18, 22–23.

This Court should find that entry of the amended proposed Final Judgment is in the public interest and conclude that an evidentiary hearing is unnecessary. The reasons supporting this conclusion fall into three categories: (1) the settlement’s substantive terms readily satisfy the Tunney Act’s deferential “public interest” standard by providing effective relief directed to the alleged harms; (2) the public comments—dominated by process-oriented speculation rather than competitive analysis—do not warrant expanded proceedings; and (3) convening a hearing would negatively impact future antitrust enforcement while implicating deliberative process privilege and constitutional separation of powers principles. Moreover, the Court’s role under the Tunney Act is limited to a binary choice—approval or disapproval of the amended proposed Final Judgment.

First, the amended judgment satisfies the Tunney Act’s deferential public interest standard. Courts must accord deference to the government’s predictions about remedy efficacy and need only determine whether a settlement falls within the reaches of the

public interest—not whether it represents the perfect remedy or one the Court would craft itself if the case were successfully litigated to judgment. Settlements often reflect underlying weakness in the government’s case or compromises made to achieve a pre-trial resolution, and courts may not demand that remedies perfectly match the alleged violations.

Here, the amended proposed Final Judgment is designed to address the competitive harms alleged in the Complaint. The divestiture of Instant On—a fully operational enterprise-grade WLAN business, including hardware, software, customer relationships, and intellectual property—may create or strengthen an independent competitor in the market at issue. The mandatory licensing of Mist AI Ops source code will provide access to the technology that enabled Juniper to “spur both price and product innovation,” Dkt. No. 1 ¶¶ 6–11, 44–48, and could allow multiple firms to develop or strengthen competing solutions. These remedies address concerns about the loss of head-to-head competition alleged in the Complaint while preserving any procompetitive aspects of the merger. The amendments to the proposed Final Judgment further enhance the remedies by requiring acquirers and licensees to demonstrate competitive capability and intent, extending transition support, and incorporating robust enforcement tools including trustee monitoring and contempt authority. Exh. A–1 at 8, 11, 16–18, 22–23.

Critically, the settlement embodies a prudent compromise that accounts for litigation risk. While the United States was prepared to present a strong case, the Defendants advanced credible defenses that introduced meaningful uncertainty. *See* Dkt. Nos. 200–201; Dkt. No. 298 at 4–5. In such scenarios, settlements serve the public interest by securing tangible protections rather than gambling on an all-or-nothing trial that could leave consumers with no relief. Courts have repeatedly recognized that consent judgments need not eliminate every harm but may reflect reasonable compromises. Requiring the Department to reject reasonable settlements and litigate every case to conclusion—even those where success is uncertain—would waste scarce government and private resources, delay benefits to consumers, and create perverse incentives that discourage reasonable compromises.

Second, the public comments do not warrant further proceedings. The Tunney Act directs courts to assess “the competitive impact” of proposed judgments based on specific factors:

“termination of alleged violations, provisions for enforcement and modification, duration of relief sought, anticipated effects of alternative remedies actually considered, whether its terms are ambiguous, and any other *competitive* considerations bearing upon the adequacy of such judgment.” 15 U.S.C. 16(e)(1)(A) (emphasis added). The comments here fail to raise material competitive concerns that fall within the scope of this provision. Indeed, the commenters have no commercial stakes in the enterprise-grade WLAN market. They focus instead on alleged irregularities in the Department’s internal processes—speculating about involvement by senior officials, alleged internal disagreements based on press reports, signatory identities, and supposed undisclosed “side deals.” These process-oriented allegations do not bear upon whether the settlement’s substantive terms adequately protect competition, which is the *only* question the Tunney Act authorizes this Court to decide. Holding a hearing on such comments would risk turning an economic inquiry into a political circus. Courts have wisely declined hearings even in controversial, high-profile cases.

Third, an evidentiary hearing would cause substantial harm. The Tunney Act explicitly provides that hearings are discretionary, and courts routinely approve consent judgments on the papers alone. The existing record here—the Complaint, the Competitive Impact Statement, public comments, this response, and additional filings and declarations from the United States and HPE—provides ample basis for review. In contrast, a hearing probing the Department’s internal deliberation would constitute an improper intrusion into Executive Branch processes. Compelling testimony from senior Department officials or the production of privileged evidence from the Department would raise even graver concerns. Indeed, courts of appeals have issued writs of mandamus to prevent such actions absent clear necessity, recognizing it would have serious repercussions for the relationship between two coequal branches of government.

For all these reasons, the Court should find that the amended proposed Final Judgment is in the public interest under the Tunney Act and enter it without further proceedings.

II. Factual Background

A. The United States Brought This Action To Protect Competition in the Market for Enterprise-Grade Wireless Local Area Networks in the United States

On January 30, 2025, the United States filed a civil antitrust Complaint seeking to enjoin the proposed acquisition of Juniper by HPE. The Complaint alleges that the acquisition likely would substantially lessen competition in the United States for enterprise-grade WLAN solutions in violation of Section 7 of the Clayton Act, 15 U.S.C. 18. Dkt. No. 1. The Complaint defines enterprise-grade WLAN solutions to include wireless access points, the separate network-management hardware or software systems to monitor or manage them, and related logistical support. *Id.* ¶ 5.

HPE and Juniper were the second- and third-largest enterprise-grade WLAN solutions providers in the United States, with both trailing market leader Cisco. Dkt. No. 1 ¶ 5. The Complaint alleges that Juniper utilized its innovative network management software platform, Mist, to grow rapidly in the enterprise-grade WLAN market and spur both price and product innovation competition with HPE. *Id.* ¶¶ 6–11, 44–48. The Complaint further alleges that Mist’s artificial intelligence and machine learning tools (known as “AI Ops”) were a critical component of Mist’s appeal to customers, as these tools can proactively identify, diagnose, and resolve technical issues before they cause network outages, thereby increasing the productivity of network administrators. *Id.* ¶¶ 6–7. The Complaint alleges a single relevant market for enterprise-grade WLAN solutions, without submarkets for small-, medium-, or large-sized enterprises. *See id.* ¶¶ 34–38.

B. Shortly Before Trial, the United States and Defendants Reached Agreement To Resolve This Action in Return for Steps To Protect Competition in the Relevant Market

On June 27, 2025, the United States and both Defendants filed a Joint Stipulation and Order and proposed Final Judgment that helps remedy the Section 7 of the Clayton Act violation and allows the merger to proceed. Dkt. No. 217. The Court entered the Joint Stipulation on June 30, 2025. Dkt. No. 220.

After considering the public comments submitted, the United States and HPE have agreed to amend the proposed Final Judgment to include additional provisions to further ensure

that the process for the divestiture and license protects competition in the relevant market, and to provide enhanced enforcement provisions. Exh. A–1.

1. The Proposed Final Judgment Requires the Defendants To Divest “Instant On,” an Enterprise-Grade WLAN Business

The proposed Final Judgment requires that within 180 calendar days after the filing of the proposed Final Judgment, or five days after the entry of the Final Judgment, whichever is later, HPE must divest HPE’s worldwide Instant On campus and branch business. Exh. A–1 at 5; Dkt. No. 217–1 at 5. The Instant On business operates in the market for enterprise-grade WLAN solutions alleged in the Complaint. *See* Dkt. No. 1 ¶¶ 34–38; Dkt. 298 at 13. Its divestiture to a company that can compete in that market should create opportunities for business growth, product innovation, and increased competition in the market for enterprise-grade WLAN solutions—whether for small, medium, or large enterprises.

HPE’s Instant On divestiture will include all tangible and intangible assets related to or used in connection with this business, including all contracts, agreements, and customer relationships included in the business. Exh. A–1 at 5; Dkt. No. 217–1 at 5. To the extent any contract or agreement requires the consent of another party to assign or otherwise transfer, HPE must use best efforts to accomplish the assignment or transfer. Exh. A–1 at 5; Dkt. 217–1 at 5.

In the event that HPE does not divest Instant On within the required time frame, the proposed Final Judgment provides that the Court will appoint a Divestiture Trustee selected by the United States to sell the business. Exh. A–1 at 6; Dkt. No. 217–1 at 6. HPE would be required to pay all costs and expenses related to the Trustee, and it cannot object to a sale consummated by the Trustee except on grounds of malfeasance. Exh. A–1 at 6–7; Dkt. No. 217–1 at 6–7. Should the Trustee not sell Instant On within six months of his or her appointment, the Trustee must file with the Court a report documenting efforts to sell the business, the reasons for not accomplishing the sale of the business, and recommendations for future action. Exh. A–1 at 8; Dkt. No. 217–1 at 8.

Crucially, the United States has sole discretion on whether to accept any divestiture acquirer. Exh. A–1 at 5; Dkt. No. 217–1 at 5.

All of the terms described in this section are included in both the original

and the amended proposed Final Judgment.

2. The Proposed Final Judgment Requires the Defendants To License Relevant and Valuable Source Code

The proposed Final Judgment requires that within 180 calendar days after the filing of the proposed Final Judgment, or five days after the entry of the Final Judgment, whichever is later, HPE must hold an auction to issue one or more perpetual, worldwide, non-exclusive licenses for the AI Ops for Mist source code. Exh. A-1 at 10; Dkt. No. 217-1 at 10. As the Complaint alleges, Mist's AI Ops capabilities competitively differentiated Juniper's enterprise-grade WLAN solutions offerings and increased its market share. Dkt. No. 1 ¶¶ 6-7. Indeed, customers often associate Juniper's WLAN solutions with Mist's AI Ops capabilities. *Id.* ¶ 7. Since 2019, Juniper has succeeded in increasing its revenues and share in the market for enterprise-grade WLAN solutions, causing HPE to compete more aggressively, including by investing resources into further developing its own AI Ops offerings. *Id.* ¶¶ 8-11. Requiring HPE to license a key ingredient of Juniper's competitive success to one or possibly two companies that can compete in the market for enterprise-grade WLAN solutions should increase competition and innovation in that market.

Under the terms of the auction, HPE must issue two licenses if more than one bid exceeds \$8 million. Exh. A-1 at 12-13; Dkt. No. 217-1 at 12. This requirement ensures that a robust market response to this competitive opportunity is accommodated. Both licensees, one of whom would be deemed the primary licensee, would have the right to utilize and further develop the licensed source code for their networking products, and any further improvements developed after the license date would be owned by the licensee—a term that will encourage further innovation in the market. Exh. A-1 at 13; Dkt. No. 217-1 at 13. The primary licensee also has the right to contract with HPE for 12 months of support services, including the transfer of up to 30 engineers familiar with the source code and up to 25 sales personnel experienced in selling Mist. Exh. A-1 at 11; Dkt. No. 217-1 at 11. HPE must also facilitate introductions for the primary licensee to: (1) Juniper's original design manufacturer suppliers for WLAN hardware; (2) Juniper's distributors for WLAN in the United States; and (3) channel partners that worked with Juniper to sell WLAN in the United States. Exh. A-1 at 12; Dkt.

No. 217-1 at 11-12. These transition services will provide the primary licensee with the expertise and support needed to fully integrate the Mist source code into its product lines and develop new business opportunities.

The proposed Final Judgment also provides for the appointment of a Trustee should HPE not license the source code in a timely manner. Exh. A-1 at 13-17; Dkt. No. 217-1 at 13-16. In addition, the United States has sole discretion on whether to accept any proposed licensee. Exh. A-1 at 10; Dkt. No. 217-1 at 10.

All of the terms described in this section are included in both the original and the amended proposed Final Judgment.

3. The Proposed Final Judgment Includes Other Terms To Protect Competition in the Relevant Market

In addition to specifying detailed terms and procedures for carrying out the Instant On divestiture and source code licensing, the proposed Final Judgment requires HPE to submit affidavits to the United States every 30 days documenting the company's efforts to sell the divestiture assets and conduct the source code auction. Exh. A-1 at 20; Dkt. No. 217-1 at 18. HPE has been timely submitting these affidavits, and the United States is satisfied that the company is making adequate efforts to complete the divestiture and the licensing.

The proposed Final Judgment also provides a mechanism for the United States to inspect HPE's records and operations to ensure compliance with the terms of the judgment. Exh. A-1 at 20-22; Dkt. No. 217-1 at 19-20. Specifically, the United States could require HPE to: (1) produce copies of books, records, data, and documents related to any matters contained in the proposed Final Judgment; (2) make officers, employees, and agents of the company available for interview by the United States about matters contained in the proposed Final Judgment; and (3) submit written reports about matters contained in the proposed Final Judgment. *Id.*

All of the terms described in this section are included in both the original and the amended proposed Final Judgment.

4. The Amendments to the Proposed Final Judgment Further Protect Competition in the Relevant Market

After carefully reviewing and considering the comments to the proposed Final Judgment, the United States has proposed amendments to provide additional procedural

protections to support the divestiture and licensing agreed in the proposed Final Judgment, to which HPE has agreed. The amended proposed Final Judgment is attached to this response as Exhibit A-1.

First, the amended proposed Final Judgment requires HPE to use best efforts to divest Instant On and license the source code as expeditiously as possible. Exh. A-1 at 18. In addition, the Trustee(s) must sell Instant On and/or license the source code as quickly as possible. Exh. A-1 at 6, 14. The amended proposed Final Judgment also specifies that the Trustee(s) will serve until Instant On is divested and/or the source code is licensed (unless otherwise ordered by the Court), and that the United States may seek the replacement of the Trustee(s) if he or she is not acting diligently or in a reasonably cost-effective manner. Exh. A-1 at 8, 16-17.

Though the proposed Final Judgment grants the United States sole discretion on whether to accept any divestiture acquiree or licensee, the amendments make clear that the divestiture and license(s) must be accomplished in such a way as to satisfy the United States, in its sole judgment, that Instant On and the AI Ops for Mist source code can and will be used by the acquirer and licensee(s) to compete in the market for the provision of enterprise-grade WLAN solutions in the United States. Exh. A-1 at 18-19. In addition, the amendments add a provision by which the transition services for the source code may be extended by an additional 6 months at the request of the primary licensee and with the approval of the United States. Exh. A-1 at 11.

Finally, the amended proposed Final Judgment includes enhanced enforcement provisions beyond those in the original proposed Final Judgment. Specifically, it allows the United States to seek relief from the Court, including contempt sanctions, should HPE not comply with the terms of the final judgment. Exh. A-1 at 22-23.

C. The United States and Defendants Promptly Provided Notice and Took Additional Steps as Required by the Tunney Act

At the same time as the filing of the proposed Final Judgment with the Court, a Competitive Impact Statement was filed as required by 15 U.S.C. 16(b). Dkt. 217-2. The United States published the Complaint, the proposed Final Judgment, and the Competitive Impact Statement, together with directions for the submission of written comments relating to the proposed Final Judgment, in the **Federal Register** on July 10, 2025.

See 90 FR 30685 (July 10, 2025). The United States also caused notice of the settlement and comment procedures to be published in the *Washington Post* on July 9–15, 2025, and in the *Mercury News* on July 9, 10, 11, 12, 14, 15, and 16, 2025. 15 U.S.C. 16(c).

The Tunney Act provides for a 60-day period for the public to submit comments to the United States regarding the proposed Final Judgment. 15 U.S.C. 16(b). That 60-day comment period has ended.

III. Standard of Judicial Review Under the Tunney Act

The Tunney Act sets forth a specific form of judicial review for entry of antitrust consent judgments between the United States and another party. Specifically, the Tunney Act states:

(e) Public interest determination

(1) Before entering any consent judgment proposed by the United States under this section, the court shall determine that the entry of such judgment is in the public interest. For the purpose of such determination, the court shall consider—

(A) the competitive impact of such judgment, including termination of alleged violations, provisions for enforcement and modification, duration of relief sought, anticipated effects of alternative remedies actually considered, whether its terms are ambiguous, and any other competitive considerations bearing upon the adequacy of such judgment that the court deems necessary to a determination of whether the consent judgment is in the public interest; and

(B) the impact of entry of such judgment upon competition in the relevant market or markets, upon the public generally and individuals alleging specific injury from the violations set forth in the complaint including consideration of the public benefit, if any, to be derived from a determination of the issues at trial.

(2) Nothing in this section shall be construed to require the court to conduct an evidentiary hearing or to require the court to permit anyone to intervene.

15 U.S.C. 16(e).

As the text of the statute makes clear, Tunney Act review concerns an assessment of whether the entry of the proposed Final Judgment is in the “public interest” as that term is defined by the statute. In applying the statutory factors set forth in Sections 16(e)(1)(A) and (B), the court looks to the terms of the proposed judgment and considers, among other things, the relationship between the remedy secured and the specific allegations in the government’s complaint, whether the proposed judgment is sufficiently clear, whether its enforcement mechanisms are sufficient, and whether it may harm third parties. See *United States v. JDS Uniphase Corp.*, Civil Action No. 00–

2227 (TEH), 2000 WL 33115892, at *11 (N.D. Cal. Oct. 3, 2000) (citing *United States v. Microsoft Corp.*, 56 F.3d 1448, 1461–62 (D.C. Cir. 1995)). With respect to the adequacy of the relief secured by the proposed judgment, the Ninth Circuit has held that a court may not “engage in an unrestricted evaluation of what relief would best serve the public.” *United States v. BNS Inc.*, 858 F.2d 456, 462 (9th Cir. 1988) (quoting *United States v. Bechtel Corp.*, 648 F.2d 660, 666 (9th Cir. 1981)). Instead:

[t]he balancing of competing social and political interests affected by a proposed antitrust consent [judgment] must be left, in the first instance, to the discretion of the Attorney General. The court’s role in protecting the public interest is one of insuring that the government has not breached its duty to the public in consenting to the decree. The court is required to determine not whether a particular decree is the one that will best serve society, but whether the settlement is “within the reaches of the public interest.” More elaborate requirements might undermine the effectiveness of antitrust enforcement by consent [judgment].

Bechtel, 648 F.2d at 666 (emphasis added) (citations omitted). Further, the court’s “ultimate authority under the [Tunney] Act is limited to approving or disapproving the consent [judgment].” *BNS*, 858 F.2d at 464.

The current iteration of Section 16(e)(1)(A) and (B) reflects a 2004 amendment to the Tunney Act, Public Law 108–237, enacted in response to complaints that some courts were limiting their review solely to whether the proposed judgment would make a “mockery of the judicial function.”¹ The amended statute made consideration of specific public interest factors mandatory rather than discretionary. Compare 15 U.S.C. 16(e) (effective until June 21, 2004), with 15 U.S.C. 16(e)(1) (effective as of June 22, 2004). Congress also modified the list of factors, such as by adding a new factor (whether the terms of the judgment are ambiguous) that the D.C. Circuit had already made clear was appropriate to consider. See 15 U.S.C. 16(e)(1)(A); *Microsoft*, 56 F.3d at 1461–62. Thus, Senator Hatch, the chairman of the Senate Judiciary Committee at the time of the 2004 amendment, observed that the “amendment essentially codifie[d]

¹ See Antitrust Criminal Penalty Enhancement and Reform Act of 2004, Public Law 108–237, tit. II, § 221(a)(1)(B), 118 Stat. 661, 668 (2004) (explaining that “it would misconstrue the meaning and Congressional intent in enacting the Tunney Act to limit the discretion of district courts to review antitrust consent judgments solely to determining whether entry of those consent judgments would make a ‘mockery of the judicial function’”).

existing case law [.]” 150 Cong. Rec. S3613 (daily ed. Apr. 2, 2004) (statement of Sen. Hatch); see also *United States v. SBC Commc’ns, Inc.*, 489 F. Supp. 2d 1, 11 (D.D.C. 2007) (concluding that the 2004 amendment “effected minimal changes” to Tunney Act review).

Absent from the list of enumerated factors is any suggestion that courts should inquire into the internal processes or motivations of a co-equal branch of government. Such an inquiry is not warranted by the Tunney Act and would be barred by longstanding judicial precedent. See *infra* sections IV.B & V.D. The Court should therefore limit its review to the enumerated statutory factors and decline any invitations to conduct a more wide-ranging inquiry into the operation of the Executive Branch.

IV. Summary of Public Comments and Responses

The United States received 12 comments, which are attached to this response as Exhibits A–4 through A–14.² The comments included letters from members of Congress, 20 state or territorial Attorneys General (“State AGs Letter”), former employees of the U.S. Department of Justice’s Antitrust Division (“Former Division Professionals Letter”), the American Antitrust Institute, the American Economic Liberties Project, the Protect Democracy Project, the Dekleptocracy Project, the Mercatus Center at George Mason University, and members of the public.

Notably, the United States received no comments from consumers in the relevant product market or competitors to the merging companies. None of the comments expressed concerns that the remedies in the proposed Final Judgment would harm consumers or competing businesses. Instead, 11 of the 12 comments expressed varying concerns with the adequacy of the remedies or the alleged process.³ The United States has carefully reviewed these comments and, as explained below, addressed many of the concerns raised with new language in the amended proposed Final Judgment filed today. The remaining comments do not change the fact that entry of the proposed Final Judgment, as amended,

² Two public comments submitted to and noticed by the Court, see Dkt. No. 231, are combined in Exhibit A–6.

³ The comment from the Mercatus Center stands alone in arguing that the complaint should not have been filed in the first place and that no remedies are warranted. Exh. A–14. The comment does not discuss the specific remedies in the proposed Final Judgment.

satisfies the Tunney Act's public interest requirement.

A. The Substantive Terms of the Proposed Final Judgment Satisfy the Tunney Act's Public Interest Requirement

The Court's analysis pursuant to the Tunney Act should focus on evaluating whether the amended proposed Final Judgment satisfies the specific "public interest" factors provided in Sections 16(e)(1)(A) and (B). As this section explains in more detail, the substantive terms of the amended proposed Final Judgment satisfy these requirements.

1. The Stipulation and Amended Proposed Final Judgment Constitute the Entire Agreement Between the United States and Defendants

As an initial matter, the United States observes that some commenters, parroting public news reports, ask why neither the proposed Final Judgment nor the Competitive Impact Statement discloses or discusses the existence of an alleged agreement between the parties for HPE to make further investments in the United States. *See, e.g.*, Exh. A-11 at 8. Other commenters speculate that there are unspecified "side deals" beyond the materials filed with this Court, with one commenter asking, "Is the written agreement the full settlement agreement or, as is widely reported, were there side deals that the merging parties negotiated under the table with senior DOJ officials that related to the settlement agreement and that remain undisclosed?" Exh. A-10 at 16.

The proposed Final Judgment (as amended) embodies the entirety of the agreement between the parties to resolve this litigation. Indeed, HPE's President and Chief Executive Officer, Antonio Neri, submitted a sworn declaration as an exhibit to a recent HPE brief confirming that the proposed Final Judgment represents the entirety of the agreement between the parties to resolve this litigation. *See* Dkt. No. 298-1 ¶ 3. A separate declaration by HPE's Executive Vice President and Chief Operating & Legal Officer, John Schultz, attests to the same. *See* Dkt. No. 298-2 ¶ 12.

2. The Proposed Final Judgment Represents a Reasonable Compromise of Claims

Some commenters assert that the settlement is at odds with allegations in the Complaint about the nature of the enterprise-grade WLAN market and the inherent competitive concerns with allowing two companies to control roughly 70% of the market. *See, e.g.*, Exh. A-8 at 2; Exh. A-10 at 10-11. But

in determining whether a proposed settlement is in the public interest, a district "[c]ourt must accord deference to the government's predictions about the efficacy of its remedies, and may not require that the remedies perfectly match the alleged violations because this may only reflect underlying weakness in the government's case or concessions made during negotiation." *SBC Commc'ns*, 489 F. Supp. 2d at 17; *see also Microsoft*, 56 F.3d at 1461 (noting the need for a court to be "deferential to the government's predictions as to the effect of the proposed remedies"); *United States v. US Airways Group, Inc.*, 38 F. Supp. 3d 69, 75-76 (D.D.C. 2014) (noting that a court cannot reject the proposed remedies because it believes others are preferable and that "room must be made for the government to grant concessions in the negotiation process for settlements"); *United States v. Archer-Daniels-Midland Co.*, 272 F. Supp. 2d 1, 6 (D.D.C. 2003) (noting that a court must grant "due respect to the government's prediction as to the effect of proposed remedies, its perception of the market structure, and its view of the nature of the case"). The United States "need only provide a factual basis for concluding that the settlements are reasonably adequate remedies for the alleged harms." *SBC Commc'ns*, 489 F. Supp. 2d at 17; *accord United States v. Iron Mountain, Inc.*, 217 F. Supp. 3d 146, 152-53 (D.D.C. 2016) (also stating that the United States need only provide a factual basis for concluding that a settlement is reasonably adequate).

Here, the United States determined that the settlement is a reasonable compromise between the parties that addresses competitive concerns, given the risk inherent in successfully litigating the matter to a court judgment. The divestiture of Instant On and licensing of the Mist AI Ops source code should provide opportunities for other companies to grow, increase market share, and innovate in the enterprise-grade WLAN market. At the same time, the settlement avoids the possibility of the United States losing at trial and securing no remedies for the anticompetitive allegations outlined in the Complaint. The compromises embodied in the amended proposed Final Judgment are reasonable and "within the reaches of the public interest." *Bechtel*, 648 F.2d at 666.

3. Defendants' Divestiture of "Instant On" Is Designed To Protect Competition in the Enterprise-Grade WLAN Market

Numerous commenters assert that the divestiture of Instant On, an enterprise-grade WLAN solution that has been

aimed at small businesses, will not address the competitive concerns alleged in the Complaint, either because they mistakenly believe Instant On falls outside the United States' alleged market for enterprise-grade WLAN solutions or because they perceive that the Complaint focuses exclusively on competitive concerns surrounding enterprise-grade WLAN solutions for larger enterprises. *See, e.g.*, Exh. A-5 at 2-3; Exh. A-8 at 9-10; Exh. A-11 at 6-7.

Many of these criticisms are not supported by the record in this case. For example, the Complaint alleges a market for enterprise-grade WLAN solutions and does not distinguish customers by size of enterprise. *See* Dkt. No. 1 ¶¶ 34-38. The alleged product market only distinguishes between enterprise- and consumer-grade WLAN solutions; consumer-grade wireless access points are "typically smaller, capable of handling fewer users simultaneously, less reliable, and cover smaller geographic areas" than enterprise-grade WLAN solutions. *Id.* ¶ 38. Accordingly, requiring the divestiture of Instant On from HPE, the second-largest provider of enterprise-grade WLAN solutions, to a smaller participant or new entrant in the market should increase competition in the market for enterprise-grade WLAN solutions.⁴

The record also does not support commenters' contention that divesting Instant On will have no positive impact on the market for large-enterprise WLAN. First, while Instant On as marketed today lacks features common in large-enterprise WLAN offerings, the purchaser of Instant On will receive code for some additional features not currently available in HPE's offering (such as location services, automatic quality of service, and firewall capabilities). The purchaser could add those and other features to Instant On to make it more competitive for large enterprises, or integrate Instant On into their existing products for larger-enterprise customers. *See* Dkt. No. 298-3 ¶¶ 7-9.

Second, over the years, WLAN vendors that were more successful in specific segments of the U.S. market for enterprise-grade WLAN solutions have expanded their offerings to compete more effectively in other segments. For example, Ubiquiti Inc. historically focused on smaller or mid-market enterprises but has recently tried to

⁴ To the extent commenters want the Court to redefine the market, the Tunney Act "does not authorize a district court to base its public interest determination on antitrust concerns in markets other than those alleged in the government's complaint." *BNS*, 858 F.2d at 462-63.

expand its footprint in the large-enterprise segment of the market.⁵ Indeed, had this case gone to trial, the United States expected Defendants to present evidence about the ability of Ubiquiti and other competitors to serve larger-enterprise WLAN customers. A similar progression followed Cisco's acquisition in 2012 of Meraki, an enterprise-grade WLAN product initially popular with small and medium-sized businesses that Cisco later successfully marketed to larger enterprises. *See* Zeus Kerravala, *Cisco brings Meraki to the enterprise*, Network World (Jan. 27, 2015), <https://www.networkworld.com/article/934892/cisco-brings-meraki-to-the-enterprise.html>.

Finally, some large, distributed enterprises purchase solutions designed for smaller enterprises. For example, many hotels forgo installation of sophisticated, feature-rich WLAN solutions in individual hotel rooms and turn instead to products that support fewer devices across a smaller geographic area. Instant On may be a useful solution for those customers. *See* Dkt. No. 298–3 ¶ 6. Accordingly, even if Instant On's new owner initially continues to market the product as a small-business solution, that company's success with smaller or mid-market enterprises could provide a foundation for later success with large and sophisticated enterprises.

For these reasons, the commenters' critique of the Instant On divestiture does not change the United States' conclusion that the settlement is in the public interest.

Nonetheless, the United States has reviewed and considered the comments carefully and has reached agreement with HPE for certain amendments to the proposed Final Judgment to help ensure the acquirer will use the divestiture to restore competition lost by the merger. In response to a concern raised in the Former Division Professionals Letter, Exh. A–11 at 6, the amended proposed Final Judgment now includes language stating that the divestiture of Instant On must be made to an acquiring company that has “the intent and capability, including the necessary managerial, operational, technical, and financial capability, to compete effectively in the market for the provision of enterprise-grade WLAN solutions in the United States.” Exh. A–1 at 18–19. Further, the divestiture acquirer must satisfy the United States that it will use the Instant

On assets to compete in the enterprise-grade WLAN market. *Id.* These changes help ensure that the divestiture will restore competition lost by the merger and directly address those commenter concerns.

4. Defendants' Forced Licensing of the Valuable Mist Source Code Is Designed To Protect Competition in the Enterprise-Grade WLAN Market

Other comments focus on the licensing of the Mist AI Ops source code as a remedy. Some commenters suggest that the source code may no longer have much competitive significance because other companies' AI offerings have caught up to Juniper's. *See, e.g.*, Exh. A–8 at 10; Exh. A–11 at 7. But roughly a dozen potential licensees have already expressed interest in bidding for the source code. *See* Exh. A ¶ 21. This robust interest shows that the source code still has significant value.

The State AGs Letter also questions why the proposed Final Judgment requires the licensing of the source code rather than full divestiture. Exh. A–8 at 10. These commenters fail to recognize that this remedy arises from a pre-trial compromise of disputed claims, not a trial victory on the merits. The United States has determined that licensing the source code is a reasonable remedy to increase competition in the market and avoid the risks of further litigation.

For all these reasons, the commenters' concerns about the licensing remedy are not well grounded, and do not change the United States' conclusion that the settlement is in the public interest.

However, as discussed above, the United States considered the comments carefully and made certain amendments to the proposed Final Judgment. The amended proposed Final Judgment addresses two concerns raised by the Former Division Professionals Letter. Exh. A–11 at 6. First, the amended proposed Final Judgment includes more detailed information delineating the metes and bounds of the source code. Exh. A–1 at 3. Second, it includes language stating that the source code must be licensed to companies that have “the intent and capability, including the necessary managerial, operational, technical, and financial capability, to compete effectively in the market for the provision of enterprise-grade WLAN solutions in the United States.” Exh. A–1 at 18–19. Further, the licensees must satisfy the United States that they will use the source code to compete in the enterprise-grade WLAN market. *Id.* The amended proposed Final Judgment also addresses a concern raised in the State AGs Letter, Exh. A–8 at 10–11, by providing that the one year of transition

services provided to the primary licensee may be extended by an additional six months at the request of the primary licensee and with the approval of the United States. Exh. A–1 at 11.

5. The Other Purported Substantive Concerns Raised by Commenters Are Not Well Taken

Commenters raised a handful of other substantive concerns about the proposed Final Judgment. The American Economic Liberties Project questions why the parties did not arrange upfront a specific divestiture acquirer for Instant On or specific licensees for the Mist source code. Exh. A–10 at 11–12. While the United States prefers naming a divestiture acquirer at the time of settlement, it is not always possible, and some recent settlements have not provided for upfront divestiture buyers. *See, e.g., United States v. Stone Canyon Indus. Holdings LLC*, No. 1:21–cv–01067–TJK, 2021 WL 4304760 (D.D.C. Aug. 10, 2021) (approving consent judgment with required divestiture but no named purchaser); *United States v. United Techs. Corp.*, No. 1:20–cv–00824–DLF, 2020 WL 4810850 (D.D.C. July 22, 2020) (same). In this case, the settlement was agreed to less than two weeks before trial, and there was no time under the circumstances to identify and vet an adequate divestiture acquirer or licensee. But that should not present any cause for concern because the amended proposed Final Judgment clearly states the United States has sole discretion on whether to accept any divestiture acquirer or licensee. Exh. A–1 at 5.

Both the Former Division Professionals Letter and the State AGs Letter express concerns about the timeline for the divestiture of Instant On and the licensing of the source code. The Former Division Professionals Letter argues that the 180-day timeline is too long, while the State AGs Letter argues that the proposed Final Judgment lacks any mechanism to prevent HPE from endlessly delaying the divestiture or the licensing. Exh. A–8 at 11; Exh. A–11 at 8. With regard to the 180-day timeline, a longer timeline is necessary for the United States to conduct adequate due diligence on potential acquirers or licensees. As for potential further delays, these concerns are alleviated by Section VII, Paragraph A of the proposed Final Judgment (as amended), which requires HPE to submit affidavits to the United States every 30 days documenting the company's efforts to sell the divestiture assets and conduct the source code

⁵ Among other larger customers, Ubiquiti has WLAN contracts with a large arena, a college, and two school districts. UniFi Case Studies, <https://casestudies.ui.com> (last visited Nov. 7, 2025).

auction. Exh. A–1 at 20. HPE has been timely submitting these affidavits, and the United States is currently satisfied with HPE’s efforts to implement the divestiture and license the source code in a timely manner. Finally, in response to these comments, the amended proposed Final Judgment now requires HPE to use best efforts to divest Instant On and license the source code as expeditiously as possible. Exh. A–1 at 18. It also includes stronger enforcement provisions that will allow the United States to seek relief from the Court, including contempt sanctions, should HPE violate the judgment’s requirements to expeditiously complete the divestiture and the licensing. Exh. A–1 at 22–23.

Two commenters assert that allowing the HPE-Juniper merger to proceed will create a monopoly. Exh. A–6. The United States did not allege that the merger would create a monopoly and does not believe it will do so. As mentioned in the Competitive Impact Statement, HPE and Juniper have a combined market share below 30% in the enterprise-grade WLAN market, while market leader Cisco has an approximately 48% share. *See* Dkt. 217–2 at 6. Several other companies, including Arista Networks, Inc.; Fortinet, Inc.; Ubiquiti Inc.; Commscope Holding Company Inc.; Extreme Networks, Inc.; Nile Global, Inc.; and Meter, Inc., each have smaller shares of the market. *See id.*

Other commenters question why the Competitive Impact Statement does not discuss reported national security justifications for the merger. *See, e.g.,* Exh. A–9 at 6–7. The Tunney Act requires the Court to consider whether entry of the proposed Final Judgment is in the public interest based on its competitive impact, not national security or other justifications. Accordingly, the United States is asking the Court to approve the proposed Final Judgment based on its competitive impact under the factors set forth in Sections 16(e)(1)(A) and (B), and not on other considerations urged by commenters.

B. Speculation About the Department of Justice’s Internal Deliberative Process Is Outside the Scope of the Tunney Act

Several commenters expressed concern about the Department of Justice’s internal deliberative process in reaching and finalizing the settlement. For example, four United States Senators stated in a comment that “there have been reports regarding the abnormally close involvement in this settlement of . . . appointees in the senior leadership offices of the Justice

Department, who signed onto the settlement and reportedly overruled the Antitrust Division’s analysis.” Exh. A–5 at 3 (footnotes omitted).⁶ Citing public statements by a former Department official who reportedly opposed the settlement, the State AGs Letter asserts that there were differing views within the Department concerning the terms of the settlement. Exh. A–8 at 1–2. Several other commenters make similar assertions.

Any such alleged internal disagreements within the Department of Justice are beyond the scope of Tunney Act review. The Tunney Act’s public interest standard directs the Court to review the terms and the competitive impact of the proposed Final Judgment, not the internal decision-making process and motivations of the Department of Justice. The text of 15 U.S.C. 16(e)(1) requires the Court to determine whether the proposed Final Judgment is in the public interest. While the statute does not define the term “public interest,” the Supreme Court has “long held that the words ‘public interest’ in a regulatory statute do not encompass the general public welfare but rather take meaning from the purposes of the regulatory legislation.” *FCC v. Consumers’ Rsch.*, 606 U.S. 656, 690 (2025) (quoting *NAACP v. Fed. Power Comm’n*, 425 U.S. 662, 669 (1976) (internal quotation marks omitted)). To determine these purposes and inform its interpretation of the term, the Supreme Court has looked to the “broader statutory context[.]” *See id.* at 684; *see also New York Cent. Sec. Corp. v. United States*, 287 U.S. 12, 24 (1932) (noting “[i]t is a mistaken assumption that” the phrase “public interest” is “a mere general reference to public welfare without any standard to guide determinations,” and recognizing “[t]he purpose of the Act, the requirements it imposes, and the context of the provision in question show the contrary”). Indeed, the House committee report for the Tunney Act stated “that the content of the phrase, ‘public interest,’ is a product of judicial construction in the context of particular statutes” H.R. Rep. No. 93–1463, at 11 (1974). Also relevant is the well-established principle that a word or term “is given more precise content by

the neighboring words with which it is associated” in order to avoid ascribing to that word or term “a meaning so broad that it is inconsistent with the company it keeps.” *Fischer v. United States*, 603 U.S. 480, 487 (2024) (quoting *United States v. Williams*, 553 U.S. 285, 294 (2008) and *Gustafson v. Alloyd Co.*, 513 U.S. 561, 575 (1995) (internal quotation marks omitted)).

In the Tunney Act, the term “public interest” keeps company with the rest of 15 U.S.C. 16(e)(1), which states that the district court “shall consider” a number of factors as part of its public interest determination. *See* 15 U.S.C. 16(e)(1)(A) & (B); *supra* at 10. All of the factors enumerated in both Sections 16(e)(1)(A) and (B) share a common aim: they require the court to consider the *impact* of the proposed consent judgment on individuals, businesses, and the economy. None of the enumerated factors authorizes a court inquiry into the internal decision-making processes of the Department of Justice. To read the term “public interest” to allow a consideration of such issues would effectively rewrite the statute and stretch its meaning beyond what statutory context allows.

Legislative history also supports this reading of the Tunney Act’s public interest standard. Senator Tunney introduced the legislation in 1973 in response to concerns about the substantive adequacy of several consent judgments negotiated by the Department of Justice over a multi-decade period. *See* 119 Cong. Rec. 24,598 (1973) (questioning the substantive adequacy of six consent judgments negotiated between 1941 and 1971, including the ITT settlement mentioned by several public comments in this matter). While other provisions of the Tunney Act address public comments (15 U.S.C. 16(d)) and negotiation transparency (15 U.S.C. 16(g)), Senator Tunney specifically described the legislation’s public interest standard as “demand[ing] that the court consider both the narrow and the broad *impacts of the decree*” on alleged anticompetitive behavior, on private parties allegedly harmed by that behavior, and on the general public. *See* 119 Cong. Rec. 3452 (1973) (emphasis added). And in the 2004 amendment, Public Law 108–237, Congress modified the original public interest factors and added additional factors to further emphasize that courts should focus on the impact of the proposed consent judgment. Specifically, it added the requirements that courts examine both whether the *judgment’s* terms are ambiguous as well as the impact of the *judgment* upon competition in the

⁶ At the time the initial proposed Final Judgment in this matter was submitted to the Court, Chad Mizelle served as both the Attorney General’s Chief of Staff and as the Acting Associate Attorney General. The Assistant Attorney General for Antitrust reports to the Associate Attorney General, who in turn reports to the Deputy Attorney General and the Attorney General of the United States. *See Agencies: Grid/Map View*, U.S. Dep’t of Justice, <https://www.justice.gov/agencies/chart/map> (last visited Nov. 7, 2025).

relevant market or markets. *See* 15 U.S.C. 16(e)(1)(A)–(B). It also modified the catchall clause allowing court examination of “any other considerations bearing upon the adequacy of such judgment” by adding the adjective “competitive” before “considerations.” Compare 15 U.S.C. 16(e)(1) (effective until June 21, 2004), with 15 U.S.C. 16(e)(1)(A) (effective as of June 22, 2004) (emphasis added).

This last modification is particularly telling. It confirms that Congress wished to focus the Court on *competitive* considerations, not considerations unrelated to the competitive impact of the proposed judgment. As Senator Kohl, a primary sponsor of the 2004 Tunney Act amendment, explained, the changes “ensure that the Tunney Act review is properly focused on the likely competitive impact of the judgment, rather than extraneous factors irrelevant to the purposes of antitrust enforcement.” 150 Cong. Rec. S3618 (daily ed. Apr. 2, 2004) (statement of Sen. Kohl). Consistent with the legislative intent, the Court should therefore limit its Tunney Act review to the terms and competitive impact of the proposed Final Judgment, as amended.⁷

The American Antitrust Institute tries to shoehorn its process concerns into a different section of the Tunney Act, § 16(b)(3), which requires the Competitive Impact Statement to provide “an explanation of any unusual circumstances giving rise” to the proposed Final Judgment or any of its sections. Exh. A–9 at 3–9. But the legislative history shows that the intent of this language was ensuring the court was informed of unique substantive reasons that would justify terms of the settlement, such as weaknesses in the government’s case or changed economic or competitive circumstances since the filing of the complaint. *See Hearings on S. 782 and S. 1088 Before the Subcomm. on Antitrust and Monopoly of the S. Comm. on the Judiciary*, 93rd Cong. 22–23 (1973) (discussion between Senator Tunney, Harvey Goldschmid, and Gregory Gregorich). The United States has described any such circumstances in its filings with the Court.

⁷ For the same reason, the Court should not conduct an extra-statutory national security analysis of the merger, as suggested by the American Economic Liberties Project in its comment letter. *See* Exh. A–10 at 13–15. In addition, the American Economic Liberties Project’s suggestion that the Court “has broad discretion under the Tunney [Act] to take actions beyond blocking the merger or amending the Proposed Final Judgment,” Exh. A–10 at 9, is at odds with Ninth Circuit precedent stating that the Court’s “ultimate authority under the [Tunney] Act is limited to approving or disapproving the consent [judgment].” *BNS*, 858 F.2d at 464.

The concerns raised by commenters about the Department of Justice’s internal deliberations are not germane to the inquiry under the Court’s public interest review pursuant to 15 U.S.C. 16(e)(1).

C. The Identity of the Specific Signatories on the Documents Submitted With the Proposed Final Judgment Is Not Relevant to Whether the Proposed Final Judgment Is in the Public Interest

A number of the commenters expressed concerns about the identity of the specific signatories on documents submitted with the original proposed Final Judgment. For example, certain state attorneys general stated: “In a highly unusual move, none of the DOJ trial staff signed the Settlement documents submitted to the Court,” which were instead signed by “other higher-level officials at the DOJ.” Exh. A–8 at 7; *see also* Exh. A–9 at 7.

There is no dispute that the Department of Justice personnel who signed the settlement documents were authorized to approve a settlement for the United States. Indeed, the documents cited by commenters were signed by Abigail Slater, Assistant Attorney General of the Antitrust Division as well as more senior Department leaders. Dkt. No. 217 at 10; Dkt. No. 217–2 at 17.

At bottom, the identity of the specific Department of Justice signatories on documents submitted with the original proposed Final Judgment is not relevant to the Court’s public interest review under 15 U.S.C. 16(e)(1). All that matters is that the proposed Final Judgment reflects the considered judgment and decision of the United States, as represented by the Department of Justice.

D. Unsubstantiated Assertions About Defendants’ Disclosure Under 15 U.S.C. 16(g) Are Not Relevant to Whether the Proposed Final Judgment Is in the Public Interest

Multiple commenters raise questions about the adequacy of HPE’s required disclosure under 15 U.S.C. 16(g). This section, which is separate from the Tunney Act’s public interest analysis in § 16(e)(1), requires HPE to “file with the district court a description of any and all written or oral communications” by or on behalf of HPE by the company’s officers, directors, employees, or agents “with any officer or employee of the United States” regarding the proposed Final Judgment. Specifically exempted from this disclosure requirement are “any such communications made by counsel of record alone with the

Attorney General or the employees of the Department of Justice alone.” The commenters suggest that HPE failed to disclose certain individuals representing the company or did not provide adequate details of its meetings with the government. *See, e.g.*, Exh. A–5 at 3; Exh. A–11 at 2–3.

As a threshold matter, 15 U.S.C. 16(g) places the responsibility on HPE, not the United States, to file an adequate disclosure with the Court. The United States does note, however, that some commenters are incorrect as a matter of law about Section 16(g)’s requirements.

First, the Protect Democracy Center suggests that the Court ignore Section 16(g) by ordering the parties to disclose communications between party counsel of record and the Department of Justice. Exh. A–12 at 2. That action would directly contravene the statute, and the commenter provides no alternative statutory justification. It would also undermine the purpose of this specific Section 16(g) carveout, which, according to Senator Tunney, was aimed at ensuring “the free flow of opinion” between counsel for the United States and defendants about the “various ramifications of the settlement.” *Hearings on H.R. 9203, H.R. 9947, and S. 782 Before the Subcomm. on Monopolies and Commercial Law of the H. Comm. on the Judiciary*, 93rd Cong. 40 (1973) (statement of Sen. Tunney).

Second, one commenter argues that Section 16(g) requires defendants to disclose contacts with the Legislative and Judicial Branches in addition to those with the Executive Branch. Exh. A–4. This argument misconstrues Section 16(g), as the D.C. Circuit explained at length in *Massachusetts v. Microsoft Corp.*, 373 F.3d 1199, 1250 (D.C. Cir. 2004). The relevant passage from that opinion is quoted in full below:⁸

Reference is made to “United States” 18 times in the Tunney Act. *See* §§ 15 U.S.C. 16(b)–(h). In all 17 references other than the disputed one in § 16(g) the term plainly denotes only the Executive Branch. *See, e.g., id.* § 16(b) (“Any proposal for a consent judgment submitted by the United States for entry in any civil proceeding brought by or on behalf of the United States under the antitrust laws shall be filed with the district court . . . and published by the United States in the **Federal Register**”). It is a commonplace of statutory construction that “identical words used in different parts of the same act are intended to have the same meaning.” *See Comm’r of Internal Revenue v. Lundy*, 516 U.S. 235, 250, 116 S.Ct. 647, 655,

⁸ Although the D.C. Circuit’s analysis concerned the version of the Tunney Act in force before the 2004 amendment, its reasoning applies with equal force to the current version of the Tunney Act.

133 L.Ed.2d 611 (1996). [Commenters] offer no reason to believe the reference in § 16(g) to communications between Microsoft and “any officer or employee of the United States” uniquely extends the latter term beyond the Executive Branch. Moreover, because only the Executive Branch can settle an antitrust case, only contacts with the Executive Branch are relevant to the purpose of the Tunney Act—namely, to block settlements that are not in the public interest. We therefore conclude, as did the district court, the term “United States” as used in § 16(g) refers only to the Executive Branch.

Id.

E. The Remaining Comments Are Not Relevant to Whether the Proposed Final Judgment Is in the Public Interest

For the same reasons, additional comments relating to the process by which the settlement was reached are outside the scope of Tunney Act review. For example, some commenters include allegations of unspecified insider trading by unknown persons. *See, e.g.*, Exh. A–10 at 6; Exh. A–13 at 6. While these allegations are serious if true, they do not fall within the scope of Tunney Act review pursuant to Section 16(e)(1).

V. Finalizing the Proposed Settlement

A. The Proposed Settlement Is in the Public Interest and Should Be Approved

Under the Tunney Act’s enumerated factors and the relevant case law, entry of the amended proposed Final Judgment is in the public interest. The forced divestiture of Instant On and the licensing of the Mist AI source ops code are remedies intended to address the competitive harms in the U.S. market for enterprise-grade WLAN solutions that were alleged in the Complaint. The proposed Final Judgment also lays out detailed procedures for carrying out the divestiture and licensing. In response to public comments, the United States added additional provisions in the amended proposed Final Judgment to ensure that the divestiture and licensing are carried out in a timely manner and to ensure that the divestiture buyer and licensees will use the assets to compete in the enterprise-grade WLAN market. In addition, third parties are not harmed by the proposed judgment. Indeed, no third-party consumers or competitors filed a comment opposing the proposed Final Judgment.

The remedies are particularly reasonable in light of the risks associated with proceeding to trial. While the United States outlined a strong case-in-chief in its pre-trial briefing, *see* Dkt. No. 202, and believed the facts justified enjoining the merger, there was no guarantee that the Court would agree. Defendants also outlined a

substantial defense in their filings. *See* Dkt. No. 200–201. In such scenarios, settlements serve the public interest by securing tangible protections rather than gambling on an all-or-nothing trial that could leave consumers with no relief. Requiring the Department to reject reasonable settlements and litigate every case to conclusion—even those where success is uncertain—would waste scarce government and private resources, delay benefits to consumers, and create perverse incentives that discourage enforcement of mergers with less-than-certain violations. *See United States v. Armour & Co.*, 402 U.S. 673, 681 (1971) (noting the benefits of consent judgments in saving parties from “the time, expense, and inevitable risk of litigation,” and how such agreements are naturally compromises in which “the parties each give up something they might have won had they proceeded with the litigation”); H.R. Rep. No. 93–1463, at 11–12 (1974) (endorsing *Armour’s* reasoning in the Tunney Act context). Doing so would also contravene the Tunney Act’s purpose, expressed in its legislative history, of encouraging reasonable resolutions that promptly restore competition. *See, e.g.*, 119 Cong. Rec. 24,598 (daily ed. July 18, 1973) (statement of Sen. Tunney) (“[I]t is most important that the consent [judgment] be preserved as a viable settlement option. This is the Government’s philosophy and this remains the philosophy of our bill.”); S. Rep. No. 93–298, at 7 (1973) (“[T]he [Senate Judiciary] Committee wishes to retain the consent judgment as a substantial antitrust enforcement tool.”); H.R. Rep. No. 93–1463, at 6, 8 (1974) (expressing intent to preserve the policy of encouraging settlement of antitrust cases by consent judgment).

Accordingly, the United States and Defendants negotiated a reasonable compromise that is well “within the reaches of the public interest.” *Bechtel*, 648 F.2d at 666.

B. The Court’s Role Under the Tunney Act Is Limited to Approval or Disapproval

Should the Court disagree with the United States’ conclusion, however, the Tunney Act limits the Court in what it can do based on its review of the amended proposed Final Judgment. *See Microsoft*, 56 F.3d at 1462 (cautioning that while courts “can and should inquire . . . into the purpose, meaning, and efficacy of the decree” and insist ambiguities or implementation difficulties be addressed, they “must be careful not to exceed [their] constitutional role”). The

Court’s authority is essentially binary: it may approve a decree that falls within the “reaches of the public interest,” or it may reject one that does not. *Id.* at 1461–62; *see also BNS*, 858 F.2d at 464 (court’s authority under Tunney Act “limited to approving or disapproving the consent [judgment]”). “Short of that eventuality, the Tunney Act cannot be interpreted as an authorization for a district judge to assume the role of Attorney General.” *Microsoft*, 56 F.3d at 1462.

The United States has exercised its prosecutorial discretion to challenge this merger, litigate it for months, and determine that this settlement represents fair and adequate relief that better serves the public interest. This judgment embodies the Department’s considered assessment—informed by extensive investigation, litigation, and evaluation of trial risks—of the relief appropriate to remedy the alleged competitive harm. The Department brought this case because it believed the merger threatened substantial harm; having secured meaningful remedies, it has fulfilled its enforcement obligations.

The task before the Court is approval or disapproval of the amended proposed Final Judgment. If the Court concludes the settlement falls within the reaches of the public interest—as the United States respectfully submits it does—it should approve the decree. If the Court were to reject the settlement, the United States would face a choice about how to proceed in the exercise of its prosecutorial discretion. The Executive Branch possesses unreviewable discretion over whether to pursue enforcement actions, and that discretion extends to decisions about whether continued litigation serves the public interest when negotiated relief is unavailable. *See Heckler v. Chaney*, 470 U.S. 821, 831 (1985) (recognizing “that an agency’s decision not to prosecute or enforce, whether through civil or criminal process, is a decision generally committed to an agency’s absolute discretion.”). The Court cannot compel the United States to litigate this case, and a voluntary dismissal of the Complaint would not be subject to Tunney Act review. *See In re IBM Corp.*, 687 F.2d 591, 600–04 (2d Cir. 1982) (holding that voluntary dismissal stipulations are not subject to Tunney Act judicial review and issuing writ of mandamus directing dismissal of case); *United States v. Mercedes-Benz of North America, Inc.*, 547 F. Supp. 399, 400–01 (N.D. Cal. 1982) (holding that voluntary dismissal stipulations are not subject to Tunney Act judicial review). Accordingly, disapproval of the proposed settlement based on

speculative process concerns unrelated to competitive impact would serve no statutory purpose and would only return the matter to the Department's discretion about whether further proceedings advance the public interest.

C. The United States Intends To Submit a Motion To Enter the Amended Proposed Final Judgment

The United States does not request that this Court take any action at this time based on this response to public comments. Instead, the next step is for the United States to provide notice in the **Federal Register** as required by statute and ordered by this Court. *See* 15 U.S.C. 16(d); Dkt. No. 234. Once the United States confirms that the **Federal Register** notice has been completed and published, the United States will submit a motion to enter the amended proposed Final Judgment. Once this Court approves that motion, the proposed Final Judgment will take effect and govern the obligations of HPE and the United States with respect to the divestiture and licensing.

D. An Evidentiary Hearing, Live Testimony, Evidentiary Submissions, and Amici Participation Are Neither Necessary Nor Appropriate

Multiple comment letters call for the Court to hold an evidentiary hearing, take testimony from witnesses, request evidentiary submissions from the United States and HPE, or allow intervention by outside parties and amici.⁹ The Court should decline these invitations because it can and should find that the amended proposed Final Judgment meets the Tunney Act's requirements based on the existing submissions. Furthermore, such a judicial inquiry into the Department of Justice's decision-making process would be barred by longstanding judicial precedent.

In its 2004 amendment to the Tunney Act, Public Law 108–237, 221, Congress added the unambiguous instruction that “[n]othing in this section shall be construed to require the court to conduct an evidentiary hearing or to require the court to permit anyone to intervene.” 15 U.S.C. 16(e)(2); *see also US Airways*, 38 F. Supp. 3d at 76 (indicating that a court is not required to hold an evidentiary hearing or to permit intervenors as part of its review under the Tunney Act). This language explicitly wrote into the statute what Congress intended when it first enacted the Tunney Act in 1974. As Senator

Tunney explained: “The court is nowhere compelled to go to trial or to engage in extended proceedings which might have the effect of vitiating the benefits of prompt and less costly settlement through the consent [judgment] process.” 119 Cong. Rec. 24,598 (1973); *see also JDS Uniphase*, 2000 WL 33115892, at *11 (quoting this statement). “A ‘public interest’ determination can be made properly on the basis of the Competitive Impact Statement and Response to Comments filed pursuant to the [Tunney Act].” *JDS Uniphase*, 2000 WL 33115892, at *11 n.1; *see also United States v. Deutsche Telekom AG*, Civil Action No. 19–2232 (TJK), 2020 WL 1873555, at *3 (D.D.C. Apr. 14, 2020) (determining that a hearing was not necessary); *US Airways*, 38 F. Supp. 3d at 76 (“A court can make its public interest determination based on the competitive impact statement and response to public comments alone.”).

Accordingly, most proposed consent judgments are approved under the Tunney Act solely on the papers. It is rare for courts to hold a hearing and even rarer to hold an evidentiary hearing with live witnesses. Indeed, courts have forgone hearings for high-profile mergers involving much larger companies in more consumer-facing industries than here. For example, in the Tunney Act proceeding for the \$26 billion Sprint-T-Mobile merger, the United States received 32 comment letters, including several from industry participants, and yet the court saw no need for a hearing. *See Deutsche Telekom*, 2020 WL 1873555, at *3. Same for the American Airlines-US Airways merger that created the world's largest airline. Despite skeptical public comments from competing airlines, consumer organizations, and senior members of Congress, the court determined that no hearing was necessary. *See US Airways*, 38 F. Supp. 3d at 76.¹⁰

¹⁰ Some commenters point to the court's evidentiary hearing in *United States v. CVS Health Corp.*, Civil Case No. 18–2340 (RJL) (D.D.C.), as a model for this Court to follow. In that matter, unlike in this matter, the United States received many public comments opposing the proposed settlement from participants in the relevant market, such as the American Medical Association. *See United States v. CVS Health Corp.*, 407 F. Supp. 3d 45, 50–51 (D.D.C. 2019). Even with such public opposition, the CVS court's decision to hold an evidentiary hearing with live testimony stands as an outlier in the history of Tunney Act reviews. And despite holding such an unusual evidentiary hearing, the court ultimately approved the proposed final judgment with no modifications, finding that it was “well within the reaches of the public interest.” *Id.* at 59 (internal quotation marks omitted). Given the differences in context, this Court should not take the evidentiary hearing in *CVS* as a model.

To the extent that commenters ask the Court to conduct an intrusive examination into the Department of Justice's internal processes, motivations, or alleged non-competitive considerations for settling this case, such an inquiry would be unwarranted under the Tunney Act, as discussed in Section IV.B *supra*. The Supreme Court has also long recognized “that further judicial inquiry into ‘executive motivation’ represents ‘a substantial intrusion’ into the workings of another branch of Government and should normally be avoided.” *Dep't of Commerce v. New York*, 588 U.S. 752, 781 (2019) (quoting *Arlington Heights v. Metropolitan Housing Dev. Corp.*, 429 U.S. 252, 268 n.18 (1977)).

Much of the evidence sought by commenters would be shielded by the common law deliberative process privilege, which protects internal governmental communications that are “predecisional” and “deliberative in nature, containing opinions, recommendations, or advice about agency policies.” *FTC v. Warner Commc'ns Inc.*, 742 F.2d 1156, 1161 (9th Cir. 1984). The purpose of the privilege “is to allow agencies freely to explore possibilities, engage in internal debates, or play devil's advocate without fear of public scrutiny.” *Assembly of State of Cal. v. Dep't of Commerce*, 968 F.2d 916, 920 (9th Cir. 1992). While the privilege can be overcome “if [the] need for the materials and the need for accurate fact-finding override the government's interest in non-disclosure,” *Warner Commc'ns*, 742 F.2d at 1161, there is no such need here, because information about internal Department of Justice processes, motivations, or non-competitive considerations is not relevant to the Court's public interest determination. *See supra* at 19–22.

Further, to the extent commentators suggest taking testimony from high-ranking Department of Justice officials, courts have recognized the serious separation of powers concerns at play when a senior Executive Branch official is compelled to testify about their reasons for taking official actions. *See United States v. Morgan*, 313 U.S. 409, 421–22 (1941) (explaining that a court's inquiry into the Secretary of Agriculture's “mental processes” offended the independence of the Executive Branch); *Simplex Time Recorder Co. v. Sec'y of Labor*, 766 F.2d 575, 586–87 (D.C. Cir. 1985) (citing *Morgan*'s reasoning in upholding administrative law judge's decision to bar testimony from four sub-cabinet Department of Labor officials).

⁹ Several state attorneys general have already moved for intervention, which the United States has opposed. *See* Dkt. Nos. 236 & 299.

Indeed, courts of appeals have issued writs of mandamus when district courts, absent clear necessity and legal justification, sought to compel production of privileged evidence from Executive Branch agencies or force testimony from senior Executive Branch officials. *See, e.g., In re United States Dep't of Educ.*, 25 F.4th 692, 703–06 (9th Cir. 2022) (writ of mandamus to quash deposition subpoena to former Secretary of Education because of failure, among other factors, to show clear necessity of testimony); *Karnoski v. Trump*, 926 F.3d 1180, 1203–07 (9th Cir. 2019) (writ of mandamus to vacate discovery orders because district court did not adequately consider application of presidential communications privilege and deliberative process privilege); *In re United States (Jackson)*, 624 F.3d 1368 (11th Cir. 2010) (writ of mandamus to prevent compelled testimony of EPA Administrator); *In re Cheney*, 544 F.3d 311 (D.C. Cir. 2008) (writ of mandamus to prevent compelled testimony of Vice President's chief of staff); *In re United States (Holder)*, 197 F.3d 310 (8th Cir. 1999) (writ of mandamus to prevent compelled testimony of Attorney General and Deputy Attorney General); *In re FDIC*, 58 F.3d 1055 (5th Cir. 1995) (writ of mandamus to quash deposition subpoenas to three FDIC board members); *In re United States (Kessler)*, 985 F.2d 510 (11th Cir. 1993) (writ of mandamus to prevent compelled 30-minute telephone testimony of FDA Commissioner).

The principles highlighted above also counsel against the Court utilizing its inherent powers to conduct an inquiry into the process leading to the settlement, which some commenters have suggested. *See, e.g., Exh. A–10 at 9.* Furthermore, such an inquiry is not supported by dictum in the Supreme Court's decision in *Sam Fox Publ'g Co. v. United States*, 366 U.S. 683 (1961), which is cited in the American Antitrust Institute's comment letter. Exh. A–9 at 9. In that case, which predated passage of the Tunney Act and concerned whether a third party could intervene to challenge the adequacy of a consent judgment, the Court stated that “sound policy would strongly lead” it to not “assess the wisdom of the Government's judgment in negotiating and accepting [a] consent [judgment], at least in the absence of any claim of bad faith or malfeasance on the part of the Government in so acting.” *Id.* at 689. Applied to this case, the *Sam Fox* dictum is consistent with this Court's statutory duty to review the adequacy of the proposed Final Judgment under the

enumerated factors spelled out in 15 U.S.C. 16(e)(1)(A) and (B). It does not provide support for a wide-ranging judicial inquiry into the Department of Justice's internal processes, motivations, or alleged considerations other than the competitive impact of the judgment.

For these reasons, the Court should decline the invitations to hold an evidentiary hearing, take testimony, require additional evidentiary submissions, or allow participation by outside parties.

VI. Conclusion

After careful consideration of the public comments, the United States continues to believe that the proposed Final Judgment, as negotiated and amended, provides an effective and appropriate remedy for the antitrust violations alleged in the Complaint and is therefore in the public interest. The United States will move this Court to enter the proposed Final Judgment after this response is published in the **Federal Register** as required by 15 U.S.C. 16(d).

Dated: November, 14 2025.

ELIZABETH S. JENSEN (CA Bar #302355),
Assistant Civil Chief, San Francisco Office.

HENRY C. SU (CA Bar #211202),
Senior Litigation Counsel, U.S. Department of
Justice, Antitrust Division, 450 Fifth Street
NW, Suite 4000, Washington, DC 20530,
Telephone: (202) 615–2165, Email:
Henry.Su@usdoj.gov.

JEREMY M. GOLDSTEIN (CA Bar #324422),
MICHAEL G. LEPAGE (DC Bar #1618918),
Trial Attorneys, U.S. Department of Justice,
Antitrust Division, 450 Golden Gate Ave.,
Room 10–0101, San Francisco, CA 94102,
Telephone: (415) 229–2934, Email:
Jeremy.Goldstein@usdoj.gov.

Attorneys for Plaintiff United States of
America.

The United States received 12 public comments in response to this matter. 11 of the 12 comments expressed concern with or outright opposition to the proposed Final Judgment. The remaining comment argued that there were insufficient grounds to bring the underlying complaint and expressed no views on the remedies in the proposed Final Judgment.

Below are brief descriptions of each public comment received.

- Connor Lundrigan (received July 25, 2025)—This comment opposes the proposed final judgment because it does not adequately remedy allegations in the complaint and also has concerns about the process.

- U.S. Senators Elizabeth Warren, Amy Klobuchar, Cory Booker and Richard Blumenthal (received July 28, 2025)—This comment expresses concern that proposed final judgment

does not adequately remedy allegations in the complaint while also questioning the process. It calls on the Court to use Tunney Act procedures to scrutinize the settlement and circumstances surrounding it.

- Sarah Ovink (received by the Court on August 1, 2025, noticed by the Court on August 6, 2025)—This comment expresses support for the U.S. Senators' letter and alleges that the merger will create a monopoly. It calls on the Court to use Tunney Act procedures to scrutinize the settlement and circumstances surrounding it.

- Rachel Kohler (received by the Court on August 1, 2025, noticed by the Court on August 6, 2025)—This comment alleges that the merger will create a monopoly and questions circumstances surrounding the settlement.

- Dekleptocracy Project (received by the Court on August 4, 2025, noticed by Court on August 14, 2025)—This comment expresses concern that the proposed final judgment does not adequately remedy allegations in the complaint while also questioning the process. It calls on the Court to use Tunney Act procedures to scrutinize the settlement and circumstances surrounding it.

- Attorneys General of Colorado, Arizona, California, Connecticut, Delaware, Hawaii, Illinois, Maine, Massachusetts, Maryland, Michigan, Nevada, New Mexico, New York, North Carolina, Oregon, Rhode Island, Washington, Wisconsin, and the District of Columbia (received September 5, 2025)—This comment expresses concern that the proposed final judgment does not adequately remedy allegations in the complaint while also questioning the process. It calls on the Court to use Tunney Act procedures to scrutinize the settlement and circumstances surrounding it.

- Former Professional Employees of the Antitrust Division (received September 6, 2025)—This comment expresses concern that the proposed final judgment does not adequately remedy allegations in the complaint and deviates from standard DOJ consent agreements. It also questions the process. It calls on the Court to use Tunney Act procedures to scrutinize the settlement and circumstances surrounding it.

- American Antitrust Institute (received September 8, 2025)—This comment expresses concern that United States did not explain various “unusual circumstances” relating to the settlement. It also questions the adequacy of the settlement in addressing allegations in the complaint.

It calls on the Court to use Tunney Act procedures to scrutinize the settlement and circumstances surrounding it.

- Protect Democracy Project (received September 8, 2025)—This comment calls on the United States and defendants to make additional disclosures regarding the negotiation of the settlement.

- U.S. Representatives Jamie Raskin and Jerrold Nadler (received September 8, 2025)—This comment expresses concern that proposed final judgment does not adequately remedy allegations in the complaint while also questioning the process. It calls on the Court to use Tunney Act procedures to scrutinize the settlement and circumstances surrounding it.

- American Economic Liberties Project (received September 8, 2025)—This comment expresses concern that the proposed final judgment does not adequately remedy allegations in the complaint while also questioning the process. It also calls on the Court to conduct its own national security analysis of the merger, and to use Tunney Act procedures to scrutinize the settlement and circumstances surrounding it.

- Alden Abbott and Satya Marar of the Mercatus Center at George Mason University (received September 12, 2025)—This comment argues that the United States was not justified in filing the underlying complaint and that therefore no remedies are necessary. It takes no position on the remedies in the proposed Final Judgment.

[FR Doc. 2025–20260 Filed 11–18–25; 8:45 am]

BILLING CODE 4410–11–P

DEPARTMENT OF JUSTICE

Antitrust Division

United States, et al. v. UnitedHealth Group Incorporated, et al.; Response of Plaintiff United States to Public Comments on the Proposed Final Judgment

Notice is hereby given pursuant to the Antitrust Procedures and Penalties Act, 15 U.S.C. 16(b)–(h), that the Response of Plaintiff United States to Public Comments on the Proposed Final Judgment has been filed with the United States District Court for the District of Maryland in *United States of America, et al. v. UnitedHealth Group Incorporated, et al.*, Civil Action No. 1:24–cv–03267.

Copies of the Public Comments and the United States' Response are available for inspection on the Antitrust

Division's website at <http://www.justice.gov/atr>.

Suzanne Morris,

Deputy Director Civil, Enforcement Operations, Antitrust Division.

United States District Court for the District of Maryland

United States of America, et al., Plaintiffs, v. *UNITEDHEALTH GROUP INCORPORATED*, and *AMEDISYS, INC.*, Defendants.

Case No. 1:24–cv–03267–JKB
Judge James K. Breddar

Response of Plaintiff United States to Public Comments on the Proposed Final Judgment

Pursuant to the Antitrust Procedures and Penalties Act, 15 U.S.C. 16(b)–(h) (the “Tunney Act”), the United States submits this response to the public comments it received regarding the proposed Final Judgment in this case. The United States received 173 comments about the proposed remedy, which are summarized and addressed below. After careful consideration of the submitted comments, the United States continues to believe that the proposed remedy is in the public interest because it will provide an effective and appropriate remedy for the antitrust violations the Complaint alleged. The proposed Final Judgment remedies most of the lost competition that the Complaint alleged would otherwise have resulted from the acquisition of Amedisys, Inc. (“Amedisys”) by UnitedHealth Group Incorporated (“UnitedHealth”). The proposed Final Judgment will also remedy Amedisys's violation of the Hart-Scott-Rodino Antitrust Improvements Act of 1976 (“HSR Act”), 15 U.S.C. 18a.

Specifically, the proposed Final Judgment will protect competition by requiring Defendants to divest 152 home health locations, 11 hospice locations, and 1 palliative care location in local markets in 19 states throughout the country to BrightSpring Health Services, Inc. (“BrightSpring”), The Pennant Group, Inc. (“Pennant”), or another acquirer acceptable to the United States. Further, it will remedy Amedisys's violation of the HSR Act by requiring Amedisys to pay a civil penalty of \$1.1 million and to conduct antitrust compliance training for corporate leadership and their direct reports and certain Amedisys field leadership for all lines of business.

After this Response has been published in the **Federal Register**, pursuant to 15 U.S.C. 16(d), the United

States will move that the Court enter the proposed Final Judgment.¹

I. Procedural History

On November 12, 2024, the United States, along with the Attorneys General of Maryland, Illinois, New Jersey, and New York (collectively, the “Plaintiff States”), filed a civil antitrust Complaint (Dkt. 1) seeking to enjoin the proposed acquisition. The Complaint alleges that UnitedHealth's acquisition of Amedisys threatens to substantially lessen competition in local home health, hospice, and nurse labor markets throughout the country in violation of Section 7 of the Clayton Act, 15 U.S.C. 18. In the Complaint, the United States also alleges that Amedisys erroneously and inaccurately certified compliance with its obligations under the HSR Act, 15 U.S.C. 18a.

On August 7, 2025, Plaintiffs filed the proposed Final Judgment, as well as a stipulation signed by all parties that consent to entry of the proposed Final Judgment after compliance with the requirements of the Tunney Act.² (Dkt. 198–1, 198–2). On August 8, 2025, the United States filed a Competitive Impact Statement describing the proposed Final Judgment. (Dkt. 202).

The United States arranged for the publication of the Complaint, the proposed Final Judgment, and the Competitive Impact Statement in the **Federal Register** on August 14, 2025, and caused notice regarding the same, together with directions for the submission of written comments relating to the proposed Final Judgment, to be published in *The Washington Post* from August 17 to August 23, 2025, and in the *Baltimore Sun* from August 16 to August 22, 2025. The 173 public comments received in response are described below and attached as Exhibit A.³ The 60-day period for public comment has now ended.

II. Standard of Judicial Review

Under the Clayton Act and Tunney Act, proposed Final Judgments, or “consent judgments,” in antitrust cases

¹ On November 10, 2025, the United States moved the Court to permit the United States to publish the public comments on the Antitrust Division's website due to the expense of publishing the comments in the **Federal Register** and the accessibility to the public of the Division's website. (Dkt. 242). The Court granted that motion on November 12, 2025. (Dkt. 243). Those comments will be accessible at www.justice.gov/atr.

² The settlement arose out of mediation, which was ordered by the Court on February 25, 2025. (Dkt. 116).

³ Individual commenters' street addresses, personal phone numbers, the email domains of individuals' email addresses, as well as the name of one self-identified employee of UnitedHealth have been redacted from the comments.

brought by the United States are subject to a 60-day comment period, after which the Court shall determine whether entry of the proposed Final Judgment “is in the public interest.” 15 U.S.C. 16(e)(1). In making that determination, the Tunney Act, as amended in 2004, directs the Court to consider the following factors:

(A) the competitive impact of such judgment, including termination of alleged violations, provisions for enforcement and modification, duration of relief sought, anticipated effects of alternative remedies actually considered, whether its terms are ambiguous, and any other competitive considerations bearing upon the adequacy of such judgment that the court deems necessary to a determination of whether the consent judgment is in the public interest; and

(B) the impact of entry of such judgment upon competition in the relevant market or markets, upon the public generally and individuals alleging specific injury from the violations set forth in the complaint including consideration of the public benefit, if any, to be derived from a determination of the issues at trial. 15 U.S.C. 16(e)(1)(A) & (B).

In considering these statutory factors, the Court’s inquiry is necessarily a limited one, as the government is entitled to “broad discretion to settle with the defendant within the reaches of the public interest.” *United States v. Microsoft Corp.*, 56 F.3d 1448, 1461 (D.C. Cir. 1995); *United States v. U.S. Airways Grp., Inc.*, 38 F. Supp. 3d 69, 75 (D.D.C. 2014) (explaining that the “court’s inquiry is limited” in Tunney Act settlements); *United States v. InBev N.V./S.A.*, No. 08–1965 (JR), 2009 U.S. Dist. LEXIS 84787, at *3 (D.D.C. Aug. 11, 2009) (noting that a court’s review of a proposed final judgment is limited and only inquires “into whether the government’s determination that the proposed remedies will cure the antitrust violations alleged in the complaint [is] reasonable, and whether the mechanisms to enforce the final judgment are clear and manageable”); *United States v. Charleston Area Med. Ctr., Inc.*, No. 2:16–3664, 2016 U.S. Dist. LEXIS 145963 at *5 (S.D.W.V. Oct. 21, 2016) (“In evaluating whether the proposed final judgment is in the public interest, the inquiry is ‘a narrow one.’” (quoting *Massachusetts v. Microsoft Corp.*, 372 F.3d 1199, 1236 (D.C. Cir. 2004))).

As the U.S. Court of Appeals for the District of Columbia Circuit has held, under the Tunney Act, a court considers, among other things, the

relationship between the remedy secured and the specific allegations in the government’s complaint, whether the proposed final judgment is sufficiently clear, whether its enforcement mechanisms are sufficient, and whether it may positively harm third parties. *See Microsoft*, 56 F.3d at 1458–62. With respect to the adequacy of the relief secured by the proposed Final Judgment, a court may not “make de novo determination of facts and issues.” *United States v. W. Elec. Co.*, 993 F.2d 1572, 1577 (D.C. Cir. 1993) (quotation marks omitted); *see also Microsoft*, 56 F.3d at 1460–62; *United States v. Alcoa, Inc.*, 152 F. Supp. 2d 37, 40 (D.D.C. 2001); *United States v. Enova Corp.*, 107 F. Supp. 2d 10, 16 (D.D.C. 2000); *InBev*, 2009 U.S. Dist. LEXIS 84787, at *3. Instead, “[t]he balancing of competing social and political interests affected by a proposed antitrust [judgment] must be left, in the first instance, to the discretion of the Attorney General.” *W. Elec. Co.*, 993 F.2d at 1577 (quotation marks omitted). “The court should also bear in mind the flexibility of the public interest inquiry: the court’s function is not to determine whether the resulting array of rights and liabilities is the one that will best serve society, but only to confirm that the resulting settlement is within the reaches of the public interest.” *Microsoft*, 56 F.3d at 1460 (internal quotation marks omitted); *see also United States v. Deutsche Telekom AG*, No. 19–2232 (TJK), 2020 WL 1873555, at *7 (D.D.C. Apr. 14, 2020). More demanding requirements would “have enormous practical consequences for the government’s ability to negotiate future settlements,” contrary to congressional intent. *Microsoft*, 56 F.3d at 1456. “The Tunney Act was not intended to create a disincentive to the use of the consent [judgment].” *Id.*

The United States’ predictions about the efficacy of the remedy are to be afforded deference by the Court. *See, e.g., Microsoft*, 56 F.3d at 1461 (recognizing courts should give “due respect to the Justice Department’s . . . view of the nature of its case”); *United States v. Republic Servs., Inc.*, 723 F. Supp. 2d 157, 160 (D.D.C. 2010) (noting “the deferential review to which the government’s proposed remedy is accorded”); *United States v. Archer-Daniels-Midland Co.*, 272 F. Supp. 2d 1, 6 (D.D.C. 2003) (“A district court must accord due respect to the government’s prediction as to the effect of proposed remedies, its perception of the market structure, and its view of the nature of the case.”). The ultimate question is whether “the remedies [obtained by the

Final Judgment are] so inconsonant with the allegations charged as to fall outside of the ‘reaches of the public interest.’” *Microsoft*, 56 F.3d at 1461.

Moreover, the Court’s role under the Tunney Act is limited to reviewing the remedy in relationship to the violations that the United States has alleged in its Complaint and does not authorize the Court to “construct [its] own hypothetical case and then evaluate the decree against that case.” *Microsoft*, 56 F.3d at 1459; *see also U.S. Airways*, 38 F. Supp. 3d at 75 (noting that the court must simply determine whether there is a factual foundation for the government’s decisions such that its conclusions regarding the proposed settlements are reasonable); *InBev*, 2009 U.S. Dist. LEXIS 84787, at *20 (“[T]he ‘public interest’ is not to be measured by comparing the violations alleged in the complaint against those the court believes could have, or even should have, been alleged.”). Because the “court’s authority to review the decree depends entirely on the government’s exercising its prosecutorial discretion by bringing a case in the first place,” it follows that “the court is only authorized to review the decree itself,” and not to “effectively redraft the complaint” to inquire into other matters that the United States did not pursue. *Microsoft*, 56 F.3d at 1459–60. Further, “[i]n evaluating objections to settlement agreements under the Tunney Act, a court must be mindful that [t]he government need not prove that the settlements will perfectly remedy the alleged antitrust harms[;] it need only provide a factual basis for concluding that the settlements are reasonably adequate remedies for the alleged harms.” *United States v. Iron Mountain, Inc.*, 217 F. Supp. 3d 146, 152–53 (D.D.C. 2016) (internal citations omitted). The Court’s authority is essentially binary: it may approve a proposed final judgment that falls within the “reaches of the public interest,” or it may reject one that does not. *Microsoft*, 56 F.3d at 1461–62. “Short of that eventuality, the Tunney Act cannot be interpreted as an authorization for a district judge to assume the role of Attorney General.” *Id.* at 1462.⁴

In its 2004 amendments to the Tunney Act, Congress made clear its intent to preserve the practical benefits of using judgments proposed by the United States in antitrust enforcement

⁴ If the Court concludes that the proposed Final Judgment is not in the public interest, each party must then determine its next steps for the litigation, which may include continuing to litigate the case, attempting to settle the case on different terms, or Plaintiffs’ dismissing the case.

and added the unambiguous instruction that “[n]othing in this section shall be construed to require the court to conduct an evidentiary hearing or to require the court to permit anyone to intervene.” Public Law 108–237, 221, 118 Stat. 668–69 (codified as amended at 15 U.S.C. 16(e)(2)); *see also* U.S. Airways, 38 F. Supp. 3d at 76 (indicating that a court is not required to hold an evidentiary hearing or to permit intervenors as part of its review under the Tunney Act). This language explicitly wrote into the statute what Congress intended when it first enacted the Tunney Act in 1974. As Senator Tunney explained: “The court is nowhere compelled to go to trial or to engage in extended proceedings which might have the effect of vitiating the benefits of prompt and less costly settlement through the consent [judgment] process.” 119 Cong. Rec. 24,598 (1973) (statement of Sen. Tunney). “A court can make its public interest determination based on the competitive impact statement and response to public comments alone.” U.S. Airways, 38 F. Supp. 3d at 76 (citing *Enova Corp.*, 107 F. Supp. 2d at 17).

III. The Investigation, the Harm Alleged in the Complaint, and the Proposed Final Judgment

The proposed Final Judgment is the culmination of a thorough investigation conducted by the Antitrust Division of the U.S. Department of Justice regarding UnitedHealth’s proposed acquisition of Amedisys and Amedisys’s violation of the HSR Act, as well as eight months of intensive litigation regarding the transaction. Based on the evidence gathered during the investigation, the United States concluded that (a) the proposed acquisition was likely to substantially lessen competition in local home health, hospice, and nurse labor markets throughout the country, in violation of 15 U.S.C. 18; and (b) Amedisys’s erroneous and inaccurate certification related to its production of documents and information during the Antitrust Division’s investigation violated the HSR Act, 15 U.S.C. 18a.

UnitedHealth is the owner of LHC Group, Inc. (“LHC”), which is the nation’s largest home health provider and a large provider of hospice services. (Dkt. 202 at 3). UnitedHealth’s acquisition target, Amedisys, is the second-largest home health provider in the United States and third-largest provider of hospice services. (Dkt. 202 at 4). UnitedHealth’s acquisition of Amedisys would have eliminated the direct competition between UnitedHealth and Amedisys and

increased concentration enough to render the acquisition presumptively anticompetitive in hundreds of local home health markets, local hospice markets, and local home health and hospice nurse labor markets. (Dkt. 1 at ¶ 51).

The proposed Final Judgment provides an effective and appropriate remedy for the likely competitive harms arising from UnitedHealth’s acquisition of Amedisys. The proposed Final Judgment has several components, which the parties agreed to abide by during the pendency of the Tunney Act proceeding, and which the Court ordered in the Asset Preservation and Hold Separate Stipulation and Order, entered on August 11, 2025. (Dkt. 203).

First, Defendants must divest all offices and contracts for 152 home health, 11 hospice, and one palliative care branches and agencies across 19 states. These facilities, which are identified in the proposed Final Judgment, must be divested to BrightSpring, Pennant, or another acquirer acceptable to the United States in its sole discretion, after consultation with any affected Plaintiff State. In addition, six of the home health locations that Defendants must divest share licenses or certifications and federal Centers for Medicare and Medicaid Services (“CMS”) identification numbers with locations that Defendants are retaining. Defendants may be required to divest up to eight additional home health locations if these six divested locations are not able to obtain the necessary regulatory approvals to operate as they did on July 17, 2025, or to bill CMS for the treatment of Medicare or Medicaid patients.

Second, the proposed Final Judgment contains provisions intended to facilitate the acquirers’ efforts to hire certain employees. The divested assets must include employment contracts for more than 1,800 “Relevant Personnel,” who are full-time, part time, or contract employees of the Defendants whose work supports the operations of the divested home health, hospice, and palliative care agencies and branches.

Third, the proposed Final Judgment requires Defendants to provide certain services to maintain the viability and competitiveness of the divestiture assets during the transition to the acquirers. These transition services must be provided for a period of up to 365 calendar days on terms and conditions reasonably related to market conditions for the provision of transition services. The United States can approve one or more extensions of this period in its sole discretion, for up to an additional 180

calendar days. An acquirer may terminate the transition services agreement, or any portion of it, without cost or penalty at any time upon 30 days’ notice.

The proposed Final Judgment also includes robust mechanisms that will allow the United States and the Court to monitor the effectiveness of the relief and to enforce compliance. For example, the proposed Final Judgment provides for the appointment of a monitor who has the power and authority to investigate and report on Defendants’ compliance with the terms of the Final Judgment and the Asset Preservation and Hold Separate Stipulation and Order during the pendency of the divestitures and is required to file reports with the United States at least every 90 days. On November 4, 2025, the Court appointed William Berlin as the monitor. (Dkt. 241). He is actively working to ensure that all outstanding divestitures proceed appropriately.

In addition, the proposed Final Judgment provides the United States with the ability to investigate Defendants’ compliance with the Final Judgment and expressly retains and reserves all rights for the United States to enforce the provisions of the proposed Final Judgment, including its rights to seek an order of contempt from the Court.

Finally, the proposed Final Judgment resolves the United States’ claim relating to Amedisys’s violation of the HSR Act by requiring Amedisys to pay a civil penalty of \$1.1 million within 30 days of the Court’s entry of the Final Judgment. Amedisys must also conduct antitrust compliance training, the form and content of which must be approved by the United States, for its corporate leadership and their direct reports and certain field leadership for all lines of business.

Together, these requirements of the proposed Final Judgment will preserve competition in local home health, hospice, and nurse labor markets and provide an appropriate remedy for Amedisys’s violation of the HSR Act.

IV. Summary of Public Comments and the United States’ Response

The United States received 173 comments about the proposed Final Judgment. Of those, 169 (or 97%)—of which 164 were emails of a page or less—did not specifically address any local home health, hospice, and nurse labor markets or the proposed remedy, raised issues far broader than the merger such as general concerns about monopolization in healthcare, or otherwise made complaints outside the

scope of the Court's Tunney Act review such as criticizing the United States for settling the matter rather than continuing to litigate it.

However, in addition to these very general comments, the United States received more detailed comments from the American Economic Liberties Project; the owner of a home health company; the CEO of a healthcare consulting firm; and an individual comparing Pennant's employee benefits plans to those of LHC and Amedisys.

A. Comments Asserting General Harm to Home Health or Hospice Patients or to Nurses Without Analysis or Substantiation

Several comments assert that the acquisition will harm home health or hospice patients or nurses (or patients or workers generally), including by eliminating competition.⁵ For example, one commenter writes that the acquisition "will allow the conglomerate to get away with increased costs, reduced quality of services and poor working conditions for employees."⁶ Another commenter states that the acquisition would "drive up prices for consumers during their most stressful events due to lack of healthy competition" and there would be "[n]o incentive to lower prices whatsoever," noting that UnitedHealth "will not be threatened by a smaller competitor."⁷ Similarly, several commenters assert that the United States has "cav[ed] to Big Medicine at the expense of vulnerable hospice patients and the workers who care for them."⁸

These comments do not discuss any of the local home health, hospice, or labor markets that were alleged in the Complaint or how the proposed remedy is allegedly inadequate to resolve the competitive harm that would be created by the merger in those markets. The United States agrees that the proposed merger, unremedied, poses a substantial threat to competition. But the divestitures Defendants agreed to in the proposed Final Judgment address those concerns.

As described in the Competitive Impact Statement (Dkt. No. 202), the proposed Final Judgment requires significant divestitures to restore most of the lost competition that the

Complaint alleges would have otherwise resulted from UnitedHealth's acquisition of Amedisys and is therefore in the public interest. In settling a contested litigation, the United States was not required to secure a remedy that addresses the harm in every market alleged in the Complaint or to obtain the same relief that would have resulted from a successful challenge in litigation. *See United States v. SBC Commc'ns, Inc.*, 489 F. Supp. 2d 1, 17 (D.D.C. 2007) (in determining whether a proposed settlement is in the public interest, a district court "must accord deference to the government's predictions about the efficacy of its remedies, and may not require that the remedies perfectly match the alleged violations because this may only reflect underlying weakness in the government's case or concessions made during negotiation"); *U.S. Airways*, 38 F. Supp. 3d at 75–76 (noting that a court should not reject the proposed remedies because it believes others are preferable and that room must be made for the government to grant concessions in the negotiation process for settlements).

B. Comments Addressing "Big Medicine," UnitedHealth, Pharmaceutical Issues, or the U.S. Healthcare System

Some comments criticize consolidation or monopolization in healthcare generally, "Big Medicine," or the business practices of UnitedHealth or Amedisys.⁹ Several comments focus on defects in the U.S. healthcare system, sometimes accompanied by stories of negative experiences with healthcare providers or insurers.¹⁰ Some comments discuss or criticize health insurers generally or UnitedHealth's health insurance practices.¹¹ Other comments raise concerns about the practices of

pharmaceutical companies, the cost of prescription drugs, and data privacy.¹²

These comments do not discuss the local home health, hospice, and labor markets alleged in the Complaint or how the proposed remedy is allegedly inadequate to resolve the competitive harm that would be created by the merger in those markets. Because these comments do not relate to whether the proposed Final Judgment reasonably addresses the harms alleged in the Complaint, they are beyond the scope of this Tunney Act proceeding and do not provide a basis for rejecting the proposed Final Judgment. *See U.S. Airways*, 38 F. Supp. 3d at 76 ("[T]he Court's role under the [Tunney Act] is limited to reviewing the remedy in relationship to the violations that the United States has alleged in its Complaint.") (internal citation omitted).

C. Comments That Criticize the United States for Settling the Case After Filing the Complaint

Several comments suggest that the proposed Final Judgment is not in the public interest because the United States settled the case after previously filing a lawsuit challenging the merger.¹³ These comments generally do not engage with the proposed Final Judgment or provide any reasons why it is inadequate to remedy the competitive harms alleged in the Complaint.

The Tunney Act is designed to provide the United States with the flexibility to settle antitrust cases when the settlement is in the public interest. *See United States v. Bechtel Corp.*, 648 F.2d 660, 666 (9th Cir. 1981) ("The court is required to determine not whether a particular [judgment] is the one that will best serve society, but whether the settlement is 'within the reaches of the public interest.' More elaborate requirements might undermine the effectiveness of antitrust enforcement by consent [judgment].") (internal citation omitted); *Microsoft*, 56 F.3d at 1456 ("The Tunney Act was not intended to create a disincentive to the use of the consent [judgment]."). In addition, finding a settlement not to be in the public interest because it occurred after the initiation of litigation would discourage settlements. *United States v. Waste Mgmt. Inc.*, No. 84–2832, 1985 WL 25733, at *6 (D.D.C. June 6, 1985) (declining to inquire into

⁵ TC–007; TC–009; TC–020; TC–031; TC–041; TC–043; TC–045; TC–046; TC–047; TC–048; TC–049; TC–050; TC–051; TC–056; TC–064; TC–087; TC–093; TC–096; TC–100; TC–111; TC–112; TC–115; TC–121; TC–122; TC–123; TC–124; TC–126; TC–140; TC–141; TC–149; TC–156; TC–158; TC–161.

⁶ TC–045.

⁷ TC–066.

⁸ *See, e.g.*, TC–007; TC–050; TC–054; TC–060; TC–064.

⁹ *See, e.g.*, TC–002; TC–005; TC–011; TC–016; TC–018; TC–019; TC–021; TC–024; TC–035; TC–036; TC–037; TC–038; TC–040; TC–044; TC–046; TC–047; TC–049; TC–052; TC–053; TC–055; TC–058; TC–059; TC–061; TC–062; TC–063; TC–068; TC–069; TC–071; TC–072; TC–074; TC–077; TC–079; TC–083; TC–084; TC–085; TC–086; TC–088; TC–089; TC–091; TC–094; TC–095; TC–097; TC–099; TC–101; TC–102; TC–104; TC–109; TC–113; TC–114; TC–116; TC–117; TC–118; TC–120; TC–125; TC–128; TC–133; TC–134; TC–137; TC–139; TC–142; TC–145; TC–146; TC–147; TC–150; TC–153; TC–154; TC–155; TC–160; TC–161; TC–162; TC–163; TC–164; TC–166; TC–167; TC–169; TC–170; TC–171; TC–173.

¹⁰ *See, e.g.*, TC–012; TC–025; TC–027; TC–028; TC–034; TC–039; TC–057; TC–067; TC–070; TC–080; TC–082; TC–099; TC–105; TC–131; TC–136; TC–148; TC–151; TC–155; TC–157.

¹¹ TC–004; TC–010; TC–013; TC–017; TC–033; TC–035; TC–064; TC–070; TC–090; TC–105; TC–119; TC–135; TC–136.

¹² *See* TC–002; TC–006; TC–008; TC–012; TC–015; TC–022; TC–023; TC–026; TC–080; TC–082; TC–103; TC–129; TC–135; TC–144; TC–162.

¹³ *See, e.g.*, TC–007; TC–010; TC–014; TC–027; TC–029; TC–031; TC–032; TC–050; TC–054; TC–060; TC–064; TC–073; TC–078; TC–081; TC–093; TC–096; TC–107; TC–108; TC–112; TC–130; TC–132; TC–138; TC–143; TC–165; TC–168.

environmental record of acquiring firm because it “would discourage antitrust settlements, which are designed to preserve the competitive structure of an entire industry without the necessity of time-consuming trials”).¹⁴

D. Comment From the American Economic Liberties Project

The American Economic Liberties Project (“AELP”) submitted a comment on behalf of themselves and other organizations asking the Court to reject the proposed Final Judgment under the Tunney Act.¹⁵ The AELP contends that UnitedHealth “has a well documented history of prioritizing its own financial interests over patient welfare,”¹⁶ citing (a) other Department of Justice investigations of UnitedHealth related to Medicare billing fraud and legal challenges of UnitedHealth’s prior acquisitions not related to home health or hospice, (b) a Federal Trade Commission lawsuit against OptumRx, a subsidiary of UnitedHealth, and (c) an article in *The Guardian* relating to allegations that UnitedHealth secretly paid nursing homes to prevent or delay transfers of older patients to hospitals. These alleged violations by UnitedHealth, however, are outside the scope of the Complaint and not relevant to the likely competitive effects of the proposed Final Judgment here. They are thus outside the scope of the Court’s Tunney Act review. See *U.S. Airways*, 38 F. Supp. 3d at 76.

The AELP further asserts that the divestitures do not address all the markets that were alleged in the Complaint and that the merger would further consolidate UnitedHealth’s “standing as the dominant force in nearly every corner of the American healthcare system.”¹⁷ For this reason, the AELP contends that the divestitures are likely to fail to remedy the loss of competition from the merger.

The proposed Final Judgment reflects a compromise of claims. The fact that the proposed Final Judgment does not address all markets alleged in the

Complaint is not a basis for finding that the proposed Final Judgment is “so inconsonant with the allegations charged as to fall outside of the ‘reaches of the public interest.’” *Microsoft*, 56 F.3d at 1461. This is true particularly where, as here, a case is settled by negotiations during contested litigation. See *SBC Commc’ns, Inc.*, 489 F. Supp. 2d at 17 (in determining whether a proposed settlement is in the public interest, a district court “must accord deference to the government’s predictions about the efficacy of its remedies, and may not require that the remedies perfectly match the alleged violations because this may only reflect underlying weakness in the government’s case or concessions made during negotiation”); *U.S. Airways*, 38 F. Supp. 3d at 75–76 (noting that a court should not reject the proposed remedies because it believes others are preferable and that room must be made for the government to grant concessions in the negotiation process for settlements). Requiring the United States to reject reasonable settlements and litigate every case to conclusion would waste scarce government and private resources, delay benefits to consumers, and create perverse incentives that discourage reasonable compromises.

The AELP also raises concerns with proposed divestiture buyers BrightSpring and Pennant. The AELP argues that BrightSpring is “owned by the highly-leveraged private-equity firm KKR,” noting that KKR is a defendant in a Department of Justice lawsuit alleging violations of the HSR Act.¹⁸ The AELP further asserts that an investigation of BrightSpring’s group homes for individuals with intellectual and developmental disabilities revealed “serious regulatory violations related to resident care, abuse, neglect, and poorly trained and understaffed caregivers.”¹⁹ The AELP also notes that Pennant is a for-profit company. The United States, however, evaluated the proposed divestiture buyers extensively through discovery in litigation and during a lengthy process leading to the proposed Final Judgment. The United States concluded that BrightSpring and Pennant are both currently strong competitors in the areas in which they offer home health and hospice services and are likely to continue to compete vigorously with the home health and hospice assets that they would obtain through the divestitures. The United States further concluded that KKR’s partial ownership of BrightSpring and

Pennant’s for-profit status were unlikely to affect the ability and incentives for the divestiture buyers to compete in the local home health, hospice, and labor markets in which they are acquiring divestiture assets.

Finally, the AELP claims that the \$1.1 million civil penalty that Amedisys must pay is incommensurate with the merger’s \$3.3 billion purchase price and would fail to deter corporate misconduct. The AELP, however, compares the civil penalty to the purchase price of the merger, rather than the maximum potential fine available under the HSR Act, 15 U.S.C. 18a. The maximum civil penalty during the period of the violation was \$51,744 a day for a violation that the United States alleged to have occurred from December 18, 2023, to August 26, 2024. The maximum total potential civil penalty is thus \$13,091,232. The \$1.1 million civil penalty imposed by the proposed Final Judgment, which is approximately 8.4% of the total penalty, along with the additional injunctive relief, will appropriately penalize Amedisys and deter it and others from future violations of the HSR Act. The penalty is also appropriate here because Amedisys agreed to take corrective action internally before submitting a second certificate of compliance on August 26, 2024, and because it is willing to resolve the matter through the proposed Final Judgment, thereby avoiding the risks and costs associated with litigation.²⁰

E. Comments From the CEOs of a Home Health Provider and a Healthcare Consulting Firm

The CEO of a home health company submitted a comment asking the Court to reject the proposed Final Judgment. The commenter contends that the divestitures “fail to address the profound vertical harms of this merger.”²¹ The commenter claims that vertical integration allows insurers to “rig the system” against independent home health providers by paying them lower reimbursements, engaging in

¹⁴ Some comments are so brief, vague, or off-topic as to preclude a meaningful response. See TC–065; TC–075; TC–076; TC–092; TC–106; TC–127; TC–152. In addition, a few comments request that the settlement be scrutinized under the Tunney Act without taking a position on the likely competitive effects of the acquisition or the divestiture. See TC–030; TC–042; TC–098; TC–110.

¹⁵ TC–172 at 5. The letter was also signed by the Association for Independent Medicine; the Center for Health and Democracy; Demand Progress Education Fund; Free2Care; Healthcare Rebel Alliance; Midwest Anesthesia Partners; Association for Independent Medicine; National Nurses United; People’s Action Institute; Resilient Healthcare Consulting; and the Rural Urban Bridge Initiative.

¹⁶ TC–172 at 3.

¹⁷ TC–172 at 4.

¹⁸ TC–172 at 4.

¹⁹ TC–172 at 4–5 (internal quotation marks omitted).

²⁰ The only other comment to address the HSR Act aspect of the remedy asserted that Amedisys’s failure to fully comply with the HSR Act during the review process “raises additional concerns about the transparency and integrity of the process that led to the proposed settlement.” TC–126. The United States, however, thoroughly investigated Amedisys’s compliance with the HSR Act. The Complaint did not allege that Amedisys was in violation of the HSR Act after its August 26, 2024 certification, and the Competitive Impact Statement acknowledged that Amedisys agreed to take corrective action internally, which ameliorates any potential for concern about the process that led to a settlement more than eleven months after Amedisys cured its HSR Act violation.

²¹ TC–001 at 1.

“retaliation and bogus practices” (such as frivolous lawsuits, “endless medical records requests,” “refund demands,” and “denials”), steering patients to agencies that they own, and ultimately eliminating independent providers from the market.

Another commenter, the CEO of a healthcare consulting firm, similarly alleges that the merger will “deepen [UnitedHealth’s] chokehold” on U.S. healthcare, allowing it to steer patients to its own agencies, deny or delay approvals to competing home health providers, and pay independent home health providers far below cost while overpaying its subsidiaries.²² This commenter asserts that after UnitedHealth acquired LHC, “independent agencies were driven out by reimbursement discrimination and arbitrary denials” and that patients suffered as a result. The commenter also notes that UnitedHealth is under investigation for alleged overpayments to its Medicare Advantage business.

The United States did not allege any harm related to vertical theories—that is, harm to home health or hospice competition by virtue of Amedisys being acquired by an insurer—in its Complaint. Vertical concerns therefore are outside the scope of the Tunney Act proceeding. *See U.S. Airways*, 38 F. Supp. 3d at 76 (“[T]he Court’s role under the [Tunney Act] is limited to reviewing the remedy in relationship to the violations that the United States has alleged in its Complaint.”) (internal citation omitted).²³

F. Comment Relating to Pennant’s Benefit Structure

One commenter raises concerns about the transfer of employees from Amedisys and LHC to Pennant.²⁴ While acknowledging that the divestiture has the potential to be successful, the commenter notes several aspects of Pennant’s benefits packages that are allegedly uncompetitive and asserts that, without “meaningful long-term improvements, Pennant will face a mass exodus of skilled staff.”²⁵

The divestiture to Pennant is intended to preserve competition, including

competition for labor, in the local markets in which Pennant is acquiring assets. After a thorough vetting of the divestiture buyers, the United States concluded that Pennant would likely have the incentive to compete in the areas in which it is acquiring divestiture assets. As the commenter acknowledges, Pennant will harm its own business if it fails to offer competitive wages, benefits, and working conditions. By establishing Pennant as an independent competitor in the local labor markets in which it acquired home health or hospice agencies, the remedy in the proposed Final Judgment gives Pennant the incentive to compete for home health and hospice nurses.

V. Conclusion

After careful consideration of the public comments, the United States continues to believe the proposed Final Judgment provides an effective and appropriate remedy for the antitrust violations alleged in the Complaint and is therefore in the public interest. The United States will move this Court to enter the proposed Final Judgment after this response is published in the **Federal Register** and the public comments are published in the manner approved by the Court (see Dkt. 243), as required by 15 U.S.C. 16(d).

Dated: November 14, 2025

Respectfully submitted,

/s/ David M. Stoltzfus

David M. Stoltzfus,

United States Department of Justice Antitrust Division, 450 Fifth Street NW, Suite 4100, Washington, DC 20530, Telephone: (202) 598-2978, Email: david.stoltzfus@usdoj.gov, Counsel for Plaintiff United States of America.

[FR Doc. 2025-20311 Filed 11-18-25; 8:45 am]

BILLING CODE 4410-11-P

DEPARTMENT OF LABOR

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Weekly Claims and Extended Benefits Data and Weekly Initial and Continued Weeks Claimed

ACTION: Notice of availability; request for comments.

SUMMARY: The Department of Labor (DOL) is submitting this Employment and Training Administration (ETA)-sponsored information collection request (ICR) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995

(PRA). Public comments on the ICR are invited.

DATES: The OMB will consider all written comments that the agency receives on or before December 19, 2025.

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: Michael Howell by telephone at 202-693-6782, or by email at DOL_PRA_PUBLIC@dol.gov.

SUPPLEMENTARY INFORMATION: This data collection is necessary for the determination of the beginning, continuance, or termination of an Extended Benefit (EB) period in any State, which determine the EB trigger rate. Also, data on initial and continued claims are used to help determine economic indicators. This information collection request is associated with the Final Rule amending 20 CFR 615, Extended Benefits, by implementing the Total Unemployment Rate (TUR) indicator, an optional calculation methodology for triggering on Extended Benefits, in regulations. The Final Rule deletes paragraphs (c) and (d) under the regulatory requirements at § 615.15, pertaining to records and reports State agencies must submit. The reporting instructions for the proper and timely submission of data are provided in ET Handbook No. 401, which governs Unemployment Compensation required reporting. For additional substantive information about this ICR, see the related notice published in the **Federal Register** on March 11, 2025 (90 FR 11751).

Comments are invited on: (1) whether the collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; (2) the accuracy of the agency’s estimates of the burden and cost of the collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility and clarity of the information collection; and (4) ways to minimize the burden of the collection of information on those who are to respond, including the use of automated collection techniques or other forms of information technology.

This information collection is subject to the PRA. A Federal agency generally

²² TC-003 at 1.

²³ The CEO of the competing home health provider also asserts that “[b]ased on antitrust expert John Mark Newman’s analysis, the probability of all 164 divestitures succeeding perfectly is a mere 0.0027%.” TC-001 at 1. The CEO of the healthcare consulting firm similarly claims that the odds of all 164 divestitures succeeding without harm is 0.0027%. TC-003 at 1. Neither commenter, however, supplies any information that would allow the United States to assess or respond to this assertion.

²⁴ TC-159.

²⁵ TC-159 at 1–2.

cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless the OMB approves it and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not display a valid OMB Control Number. See 5 CFR 1320.5(a) and 1320.6.

DOL seeks PRA authorization for this information collection for three (3) years. OMB authorization for an ICR cannot be for more than three (3) years without renewal. The DOL notes that information collection requirements submitted to the OMB for existing ICRs receive a month-to-month extension while they undergo review.

Agency: DOL-ETA.

Title of Collection: Weekly Claims and Extended Benefits Data and Weekly Initial and Continued Weeks Claimed.

OMB Control Number: 1205-0028.

Affected Public: State, Local and Tribal Government.

Total Estimated Number of Respondents: 53.

Total Estimated Number of Responses: 5,512.

Total Estimated Annual Time Burden: 3,675 hours.

Total Estimated Annual Other Costs Burden: \$0.

(Authority: 44 U.S.C. 3507(a)(1)(D))

Michael Howell,

Senior Paperwork Reduction Act Analyst.

[FR Doc. 2025-20248 Filed 11-18-25; 8:45 am]

BILLING CODE 4510-FN-P

LEGAL SERVICES CORPORATION

Pro Bono Innovation Fund; Process for Submitting Pre-Applications for 2025 Grants

AGENCY: Legal Services Corporation.

ACTION: Notice.

SUMMARY: The Legal Services Corporation (LSC) issues this Notice describing the conditions for submitting a Pre-Application for 2025 Pro Bono Innovation Fund grants.

DATES: Pre-applications must be submitted by 11:59 p.m. EST on Friday, January 10, 2025.

ADDRESSES: Letters of Intent must be submitted electronically at <http://lscgrants.lsc.gov>.

FOR FURTHER INFORMATION CONTACT: Katherine Harris, Special Grant Program Coordinator, Office of Program Performance, Legal Services

Corporation, 1825 I Street NW, Suite 800, Washington, DC 20006; (202) 295-1572 or harrisk@lsc.gov.

SUPPLEMENTARY INFORMATION:

I. Introduction

Since 2014, Congress has provided an annual appropriation to LSC “for a Pro Bono Innovation Fund.” See, e.g., Consolidated Appropriations Act, 2017, Public Law 115-31, 131 Stat. 135 (2017). LSC requested these funds for grants to “develop, test, and replicate innovative pro bono efforts that can enable LSC grantees to expand clients’ access to high-quality legal assistance.” LSC Budget Request, Fiscal Year 2014 at 26 (2013). The grants must involve innovations that are either “new ideas” or “new applications of existing best practices.” *Id.* Each grant would “either serve as a model for other legal services providers to follow or effectively replicate a prior innovation.” *Id.* The Senate Appropriations Committee explained that these funds “will support innovative projects that promote and enhance pro bono initiatives throughout the Nation,” and the House Appropriations Committee directed LSC “to increase the involvement of private attorneys in the delivery of legal services to [LSC-eligible] clients.” Senate Report 114-239 at 123 (2016), House Report 113-448 at 85 (2014).

Since its inception, the Pro Bono Innovation Fund (PBIF) has advanced LSC’s goal of increasing the quantity and quality of legal services by funding efforts that more efficiently and effectively involve pro bono volunteers in serving the critical unmet legal needs of LSC-eligible clients. PBIF has three funding categories that are described in further detail below: Project, Sustainability, and Project Incubation Grants. In addition, PBIF is offering Grantee Engagement Scholarships to select FY26 Applicants.

II. Funding Opportunities Information

A. Eligible Applicants

To be eligible for PBIF grants, Applicants must be current grantees of LSC Basic Field-General, Basic Field-Migrant, or Basic Field-Native American Grants. To be eligible for a Sustainability Grant, Applicants must also have a 2024 PBIF Project Grant. To be eligible for a Project Incubation Grant, an organization must have never received PBIF funding, have not received a PBIF Grant since 2019, or have applied unsuccessfully for a PBIF Grant in 2025. Organizations eligible to apply for a Project Incubation Grant will receive a direct email from LSC confirming their eligibility.

B. PBIF Purpose and Key Goals

PBIF Grants develop, test, and replicate innovative pro bono efforts that can enable LSC grantees to use pro bono volunteers to serve more significant numbers of low-income clients and improve the quality and effectiveness of the services provided. The key goals of the PBIF are to:

1. Address gaps in the delivery of legal services to low-income people;
2. Engage more lawyers and other volunteers in pro bono service;
3. Develop, test, and replicate innovative pro bono efforts.

C. Funding Categories

1. Project Grants

Project Grants aim to leverage volunteers to provide client-centered legal assistance in areas of critical need. Consistent with the key goals of PBIF, Applicants are encouraged to focus on engaging volunteers to increase free civil legal aid for Americans with low incomes by proposing new, replicable ideas.

Applicants are strongly encouraged to research previous PBIF projects to replicate and improve them. LSC is particularly interested in applications that replicate projects previously funded with “Sustainability” Grants.

Project Grants can have either an 18 or 24-month term.

2. Sustainability Grants

Sustainability Grants are available to current PBIF grantees who received a 2024 Project Grant. Sustainability Grants provide the most promising and replicable PBIF projects with an additional 24 months of funding, enabling grantees to leverage new sources of revenue for the project and collect meaningful data to demonstrate its results and outcomes to clients and volunteers. Applicants for Sustainability Grants are asked to propose an ambitious strategy to reduce reliance on PBIF funding during the Sustainability Grant term.

Sustainability Grants have a 24-month term.

3. Project Incubation Grants

Project Incubation Grants provide funds for organizations to improve an existing pro bono opportunity using pro bono best practices and PBIF guidance provided through a structured program and other resources. Project Incubation Grants have a 24-month term.

Applicants who apply for, but do not receive, a Project Incubation Grant in FY26 can receive a PBIF Grantee Engagement Scholarship. Grantee Engagement Scholarships provide

organizations with opportunities to continue their professional and programmatic growth through peer learning and knowledge sharing with the PBIF Team and the community.

D. Available Funds for 2026 Grants

The availability of funds for FY26 PBIF Grants depends on LSC's appropriation. LSC's FY26 funding level remains unknown. Decisions on FY26 PBIF Grants will be made in summer 2026, with LSC providing updated

funding details as they become available.

E. Grant Terms

PBIF awards have grant terms of 18 or 24 months, depending on the grant category.

	18 Months	24 Months
Project Grants	✓	✓
Sustainability Grants	X	✓
Project Incubation Grants	X	✓

Applicants for Project Grants may apply for either an 18- or a 24-month grant. Applicants for Sustainability and Project Incubation Grants will apply for a 24-month grant. The grant activities described in the application must cover the full proposed grant term, which commences on October 1, 2026.

III. Grant Application Process

A. PBIF Grant Application Process

The PBIF Application process is managed in LSC's grants management system, GrantEase. Applicants must first submit a Pre-Application to LSC in GrantEase by January 15, 2026, to be considered for funding. After review by LSC staff, LSC's President decides which Applicants will be invited to submit a Full Application. Applicants will be notified of invitations by early March 2026. Full Applications are due to LSC in the GrantEase system on May 8, 2026. Once received, Full Applications will undergo a rigorous review by LSC staff and other subject matter experts. LSC's President makes the final decision on funding for all PBIF grants.

B. Late or Incomplete Applications

LSC may consider a request to submit a Pre-Application after the deadline, but only if the Applicant has submitted an email to probonoinnovation@lsc.gov by January 13, 2026, explaining the circumstances that caused the delay. Communication with LSC staff, including assigned LSC Staff Contact, is not a substitute for sending a formal request and explanation to probonoinnovation@lsc.gov. At its discretion, LSC may consider incomplete Applications. LSC will determine the admissibility of late or incomplete Applications on a case-by-case basis.

C. Multiple Pre-Applications

Applicants may submit multiple Pre-Applications under the same or different funding categories. If applying for multiple grants, Applicants should

submit separate Pre-Applications for each funding request.

D. Additional Information and Guidelines

Additional guidance and instructions on the PBIF Pre-Application and Full Application processes will be available and regularly updated at <https://www.lsc.gov/grants/pro-bono-innovation-fund>.

(Authority: 42 U.S.C. 2996g(e).)

Dated: November 17, 2025.

Stefanie Davis,

Deputy General Counsel, Legal Services Corporation.

[FR Doc. 2025-20319 Filed 11-18-25; 8:45 am]

BILLING CODE 7050-01-P

LEGAL SERVICES CORPORATION

Sunshine Act Meetings

TIME AND DATE: The Legal Services Corporation (LSC) Board of Directors will meet virtually on November 20, 2025. The meeting will begin at 10:30 a.m. Eastern Time and continue until the Board concludes its agenda.

LOCATION: Public Notice of Virtual Meeting.

LSC will conduct the November 20, 2025, meeting via videoconference. Unless otherwise noted herein, the meeting will be open to public observation via LSC's YouTube channel: <https://www.youtube.com/@LegalServicesCorp/streams>.

STATUS: Parts of this meeting will be open to the public. The rest of the meeting will be closed to the public.

MATTERS TO BE CONSIDERED:

PORTIONS OPEN TO THE PUBLIC: Matters to be discussed include a presentation by the LSC Inspector General of its Semiannual Report to Congress; a vote on the Board of Directors' transmittal letter to accompany the Inspector General's Semiannual Report to Congress for the period of April 1 through September 30, 2025; and consideration of and action on a

resolution in recognition and appreciation of distinguished service to the members of LSC's Rural Justice Task Force.

PORTIONS CLOSED TO THE PUBLIC: Matters to be discussed include future board meetings.

CONTACT PERSON FOR MORE INFORMATION: Jessica Wechter, Special Assistant to the President, at (202) 295-1500. Questions may also be sent by electronic mail to the Office of the Corporate Secretary at updates@lsc.gov.

Non-Confidential Meeting Materials: Non-confidential meeting materials will be made available in electronic format at least 24 hours in advance of the meeting on the LSC website, at <https://www.lsc.gov/about-lsc/board-meeting-materials>.

(Authority: 5 U.S.C. 552b.)

Dated: November 17, 2025.

Stefanie Davis,

Deputy General Counsel, Legal Services Corporation.

[FR Doc. 2025-20310 Filed 11-17-25; 4:15 pm]

BILLING CODE 7050-01-P

OFFICE OF MANAGEMENT AND BUDGET

Notice; Senior Executive Service Performance Review Board Membership

AGENCY: Office of Management and Budget (OMB).

ACTION: Notice.

SUMMARY: The Office of Management and Budget (OMB) publishes the names of the members selected to serve on its Senior Executive Service Performance Review Board (PRB). This notice supersedes all previous notices of the PRB membership.

FOR FURTHER INFORMATION CONTACT: Sarah Whittle Spooner. 202-395-4665.

SUPPLEMENTARY INFORMATION: Section 4314(c) of Title 5, U.S.C., requires each agency to establish, in accordance with

regulations prescribed by the Office of Personnel Management, one or more PRBs. The PRB shall review and evaluate the initial appraisal of a senior executive's performance by the supervisor, along with any response by the senior executive, and make recommendations to the final rating authority relative to the performance of the senior executive.

The persons named below have been selected to serve on OMB's PRB.
 Stephen M. Billy, Senior Advisor
 Adrienne E. Lucas, Deputy Associate
 Director for Natural Resources
 Dominic J. Mancini, Deputy
 Administrator, Office of Information
 and Regulatory Affairs
 Mark R. Paoletta, General Counsel
 Sarah W. Spooner, Assistant Director for
 Management and Operations
 (Authority: 5 U.S.C. 4314(c); 5 CFR 430.311.)

Sarah W. Spooner,
*Assistant Director for Management and
 Operations.*
 [FR Doc. 2025–20336 Filed 11–18–25; 8:45 am]
BILLING CODE 3110–01–P

NATIONAL SCIENCE FOUNDATION

Astronomy and Astrophysics Advisory Committee; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation (NSF) announces the following meeting:

Name and Committee Code:
 Astronomy and Astrophysics Advisory
 Committee (13883) (Virtual).

Date and Time: December 11–12,
 2025; 9 a.m.–5:30 p.m. eastern time.

Place: 2415 Eisenhower Avenue,
 Alexandria, VA 22314.

This is a virtual meeting. Members
 and the public may attend this meeting
 virtually via Zoom.

Registration and attendance
 information for the meeting will be
 forthcoming on the advisory committee
 website: <https://www.nsf.gov/mps/ast/aaac.jsp>.

Type of Meeting: Open.

Contact Person: Dr. Louise Edwards,
 Program Director, Division of
 Astronomical Sciences, Suite W 9147,
 National Science Foundation, 2415
 Eisenhower Avenue, Alexandria, VA
 22314; Telephone: 703–292–5135.

Purpose of Meeting: To hear
 presentations of current programming
 by representatives from NSF, NASA,
 DOE and other agencies relevant to
 astronomy and astrophysics; to discuss
 current and potential areas of
 cooperation between the agencies; to

formulate recommendations for
 continued and new areas of cooperation
 and mechanisms for achieving them.

Agenda: To provide updates on
 Agency activities and to discuss the
 Committees draft annual report due 15
 March 2026.

Dated: November 14, 2025.

Crystal Robinson,

Committee Management Officer.

[FR Doc. 2025–20332 Filed 11–18–25; 8:45 am]

BILLING CODE 7555–01–P

NATIONAL SCIENCE FOUNDATION

Notice of Permit Applications Received Under the Antarctic Conservation Act of 1978

AGENCY: National Science Foundation.

ACTION: Notice of permit applications
 received.

SUMMARY: The National Science
 Foundation (NSF) is required to publish
 a notice of permit applications received
 to conduct activities regulated under the
 Antarctic Conservation Act of 1978.
 NSF has published regulations under
 the Antarctic Conservation Act in the
 Code of Federal Regulations. This is the
 required notice of permit applications
 received.

DATES: Interested parties are invited to
 submit written data, comments, or
 views with respect to this permit
 application by December 19, 2025. This
 application may be inspected by
 interested parties at the Permit Office,
 address below.

ADDRESSES: Comments should be
 addressed to Permit Office, Office of
 Polar Programs, National Science
 Foundation, 2415 Eisenhower Avenue,
 Alexandria, Virginia 22314 or
ACApermits@nsf.gov.

FOR FURTHER INFORMATION CONTACT:
 Andrew Titmus, ACA Permit Officer, at
 the above address, 703–292–4479.

SUPPLEMENTARY INFORMATION: The
 National Science Foundation, as
 directed by the Antarctic Conservation
 Act of 1978 (Pub. L. 95–541, 16 U.S.C.
 2401 *et seq.*), as amended by the
 Antarctic Science, Tourism and
 Conservation Act of 1996 (Pub. L. 104–
 227), has developed regulations (45 CFR
 parts 670 to 674) for the establishment
 of a permit system for various activities
 in Antarctica related to the designation
 of certain animals and certain
 geographic areas as requiring special
 protection, among other purposes.

Application Details

Permit Application: 2026–010

1. *Applicant:* Steve Emslie, University
 of North Carolina, Department of
 Biology and Marine Biology,
 Wilmington, NC 28403

Activity for Which Permit is

Requested: Take, Harmful Interference,
 Enter Antarctic Specially Protected Area
 (ASP), Import into USA, Export from
 USA (45 CFR 670). The applicant seeks
 an Antarctic Conservation Act permit
 authorizing take and harmful
 interference associated with research
 primarily examining ecological
 responses in diet and foraging behavior
 of the Adelie penguin (*Pygoscelis
 adeliae*) in Antarctica. The applicant
 proposes to collect up to 150 ancient
 and modern penguin tissues per year at
 active and abandoned penguin colonies
 in the Ross Sea region. Ice-free areas
 would be surveyed and sampled
 through excavations 1 m x 1 m in size,
 of sediment and rock in penguin
 colonies. Excavations would occur in 5–
 10 cm levels until bedrock or non-
 orthogenic sediments are encountered,
 and bones, feathers, eggshell, and whole
 carcasses would be salvaged.
 Excavations would be placed in areas
 with little or no vegetation when
 possible and upon completion,
 excavations will be refilled, and
 disturbed vegetation replaced. Up to 200
 small samples of lichens would also be
 collected per year in ice-free areas near
 penguin colonies. The applicant
 additionally proposes to collect
 salvaged whole or partial seabird
 carcasses, up to 10 of each species per
 year, of native Antarctic birds found
 dead on beaches, at seabird colonies, at
 McMurdo and Palmer stations. The
 applicant also proposes collection of
 small tissue samples from up to 10
 mummified carcasses of southern
 elephant (*Mirounga leonina*), crabeater
 (*Lobodon carcinophaga*), leopard
 (*Hydrurga leptonyx*), and Weddell seals
 (*Leptonychotes weddellii*) if they are
 encountered. The applicant holds a
 valid National Marine Fisheries Service
 (NMFS) permit for seal tissue collection.
 The applicant plans to enter a number
 of ASPAs detailed below, in addition to
 other sites in the Ross Sea region.

Location: Ross Sea region. ASPA
 104—Sabrina Island, Balleny Islands;
 ASPA 105—Beaufort Island, McMurdo
 Sound, Ross Sea; ASPA 106—Cape
 Hallett, Northern Victoria Land, Ross
 Sea; ASPA 121—Cape Royds, Ross
 Island; ASPA 124—Cape Crozier, Ross
 Island; ASPA 159—Cape Adare,
 Borchgrevink Coast; ASPA 161—Terra
 Nova Bay, Ross Sea; ASPA 165—

Edmonson Point, Wood Point, Ross Sea; ASPA 178—Inexpressible Island and Seaview Bay, Ross Sea. McMurdo Station, Palmer Station, U.S. Antarctic Program vessels.

Dates of Permitted Activities: 1 January 2026–31 December 2029.

Permit Application: 2026–016

2. *Applicant:* Gabriel Matthias, University of Alaska, Fairbanks, 201 Railway Ave., Seward, AK 99664

Activity for Which Permit is Requested: Waste Management (45 CFR 671). The applicant seeks an Antarctic Conservation Act permit authorizing waste management activities in association with the operation of research cruises in the Antarctic Peninsula region. The applicant plans to support multidisciplinary research including sea ice, water, and sediment sampling, invertebrate collections using SCUBA, and the use of Remotely Piloted Aircraft Systems (RPAS) for diver safety and site scouting. RPAS would only be flown within visual line of sight and not in proximity to wildlife. Mitigation measures will be used to reduce the risk of RPAS loss, including flotation devices and reflective markings. A small, battery-powered Remotely Operated Vehicle (ROV) would also be used to assess site suitability and to aid in invertebrate collections. The ROV would be tethered, and in the event of malfunction could be retrieved manually using the tether. Additionally, the research cruises will support the deployment of field camps on Seymour Island to conduct geologic rock-coring research. Waste management activities associated with the field camp will be conducted under a separate ACA permit held by Leidos Inc. (ACA 2025–008).

Location: Antarctic Peninsula region.

Dates of Permitted Activities: January 12, 2026–March 25, 2026.

Permit Application: 2026–017

3. *Applicant:* Lee Ellett, University of California San Diego, Scripps Institution of Oceanography, Nimitz Marine Facility, 297 Rosecrans St., San Diego, CA 92107

Activity for Which Permit is Requested: Waste Management (45 CFR 671). The applicant seeks an Antarctic Conservation Act permit authorizing waste management activities in association with the operation of research cruises in the Antarctic Peninsula region. The applicant plans to support the ongoing Palmer Long-Term Ecological Research (LTER) study. Research activities include a regional scale sampling grid of hydrographic stations, sediment sampling, and

deploying physical oceanographic moorings. Releases to the environment of scientific sampling equipment would include three steel mooring anchors, two Argo floats, one Slocum glider, and up to 80 XBT probes. Additionally, avian researchers will be deployed on several islands to conduct seabird censuses. Avian census work will be conducted under a separate, existing ACA permit.

Location: Antarctic Peninsula region.

Dates of Permitted Activities: January 1, 2026–February 27, 2026.

Jean C. Allen,

Office Director, Office of Polar Programs.

[FR Doc. 2025–20322 Filed 11–18–25; 8:45 am]

BILLING CODE 7555–01–P

NATIONAL SCIENCE FOUNDATION

Notice of Permits Issued Under the Antarctic Conservation Act of 1978

AGENCY: National Science Foundation.

ACTION: Notice of permits issued.

SUMMARY: The National Science Foundation (NSF) is required to publish notice of permits issued under the Antarctic Conservation Act of 1978. This is the required notice.

FOR FURTHER INFORMATION CONTACT:

Andrew Titmus, ACA Permit Officer, Office of Polar Programs, National Science Foundation, 2415 Eisenhower Avenue, Alexandria, VA 22314; 603–292–4479; email: ACApermits@nsf.gov.

SUPPLEMENTARY INFORMATION: On September 11, 2025, the National Science Foundation published a notice in the **Federal Register** of a permit application received. The permit was issued on the following date

1. Lynne Talley, Permit No. 2026–001, October 30, 2025.

On September 26, 2025, the National Science Foundation published a notice in the **Federal Register** of permit applications received. The permits were issued on the following dates

1. Allyson Hindle, Permit No. 2026–007, October 27, 2025.
2. Lee Welhouse, Permit No. 2026–008, October 27, 2025.

Jean C. Allen,

Office Director, Office of Polar Programs.

[FR Doc. 2025–20320 Filed 11–18–25; 8:45 am]

BILLING CODE 7555–01–P

NATIONAL SCIENCE FOUNDATION

Notice of Permit Modification Received Under the Antarctic Conservation Act of 1978

AGENCY: National Science Foundation.

ACTION: Notice of permit modification request received and permit issued.

SUMMARY: The National Science Foundation (NSF) is required to publish a notice of requests to modify permits issued to conduct activities regulated under the Antarctic Conservation Act of 1978. NSF has published regulations under the Antarctic Conservation Act in the Code of Federal Regulations. This is the required notice of a requested permit modification issued.

DATES: November 6, 2025 to February 28, 2026.

FOR FURTHER INFORMATION CONTACT:

Andrew Titmus, ACA Permit Officer, Office of Polar Programs, National Science Foundation, 2415 Eisenhower Avenue, Alexandria, VA 22314; 703–292–4479; email: ACApermits@nsf.gov.

SUPPLEMENTARY INFORMATION: The National Science Foundation, as directed by the Antarctic Conservation Act of 1978 (Pub. L. 95–541, 16 U.S.C. 2401 *et seq.*), as amended by the Antarctic Science, Tourism and Conservation Act of 1996 (Pub. L. 104–227), has developed regulations (45 CFR parts 670 to 674) for the establishment of a permit system for various activities in Antarctica related to the designation of certain animals and certain geographic areas as requiring special protection, among other purposes.

Description of Permit Modification

Requested: The Foundation issued a permit (ACA 2021–008) to Michael Gooseff on March 22, 2021. The issued permit allows the applicant to enter Antarctic Specially Protected Areas (ASPA) 131 and 172 (45 CFR 670) in association with ongoing stream flow and water quality research as a part of the McMurdo Dry Valleys Long Term Ecological Research (LTER) site. The permit allows for access to ASPA 172 to continue measurements of the Santa Fe stream including stream-flow using velocity meters, pH, temperature, and conductivity via meters, and collection of water quality samples.

The applicant proposes a modification to the permit to study subsurface water movement under the Lower Taylor Glacier by accessing the sub-aerial component of ASPA 172 to deploy up to eight SmartSolo IGU–16HR 3C geophones on the glacier's surface. Each instrument has a footprint of approximately 4 inches x 4 inches and would be attached to the glacier's

surface by hand-auguring one 8-inch deep and 6-inch wide hole per instrument and affixing with spikes within the hole. The instruments contain an internal lithium-ion battery for power. The instruments would be deployed in November 2025 and retrieved in December 2025. All required biosecurity protocols for entering the sub-aerial component of the ASPA would be followed, including sterilizing footwear and equipment prior to entry and the use of sterile, protective over-clothing.

The ACA Permit Officer has reviewed the modification request and has determined that the amendment is not a material change to the permit, and that the permitted work will have a less than a minor or transitory impact.

The permit modification was issued on November 6, 2025

Jean C. Allen,

Office Director, Office of Polar Programs.

[FR Doc. 2025-20321 Filed 11-18-25; 8:45 am]

BILLING CODE 7555-01-P

POSTAL REGULATORY COMMISSION

[Docket Nos. MC2026–92 and K2026–93; MC2026–93 and K2026–94; MC2026–94 and K2026–95; MC2026–95 and K2026–96; MC2026–96 and K2026–97; MC2026–97 and K2026–98; MC2026–98 and K2026–99]

New Postal Products

AGENCY: Postal Regulatory Commission.

ACTION: Notice.

SUMMARY: The Commission is noticing a recent Postal Service filing for the Commission's consideration concerning a negotiated service agreement. This notice informs the public of the filing, invites public comment, and takes other administrative steps.

DATES: *Comments are due:* November 21, 2025.

ADDRESSES: Submit comments electronically via the Commission's Filing Online system at <https://www.prc.gov>. Those who cannot submit comments electronically should contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section by telephone for advice on filing alternatives.

FOR FURTHER INFORMATION CONTACT: David A. Trissell, General Counsel, at 202-789-6820.

SUPPLEMENTARY INFORMATION:

Table of Contents

- I. Introduction
- II. Public Proceeding(s)
- III. Summary Proceeding(s)

I. Introduction

Pursuant to 39 CFR 3041.405, the Commission gives notice that the Postal Service filed request(s) for the Commission to consider matters related to Competitive negotiated service agreement(s). The request(s) may propose the addition of a negotiated service agreement from the Competitive product list or the modification of an existing product currently appearing on the Competitive product list.

The public portions of the Postal Service's request(s) can be accessed via the Commission's website (<http://www.prc.gov>). Non-public portions of the Postal Service's request(s), if any, can be accessed through compliance with the requirements of 39 CFR 3011.301.¹

Section II identifies the docket number(s) associated with each Postal Service request, if any, that will be reviewed in a public proceeding as defined by 39 CFR 3010.101(p), the title of each such request, the request's acceptance date, and the authority cited by the Postal Service for each request. For each such request, the Commission appoints an officer of the Commission to represent the interests of the general public in the proceeding, pursuant to 39 U.S.C. 505 and 39 CFR 3000.114 (Public Representative). The Public Representative does not represent any individual person, entity or particular point of view, and, when Commission attorneys are appointed, no attorney-client relationship is established. Section II also establishes comment deadline(s) pertaining to each such request.

The Commission invites comments on whether the Postal Service's request(s) identified in Section II, if any, are consistent with the policies of title 39. Applicable statutory and regulatory requirements include 39 U.S.C. 3632, 39 U.S.C. 3633, 39 U.S.C. 3642, 39 CFR part 3035, and 39 CFR part 3041. Comment deadline(s) for each such request, if any, appear in Section II.

Section III identifies the docket number(s) associated with each Postal Service request, if any, to add a standardized distinct product to the Competitive product list or to amend a standardized distinct product, the title of each such request, the request's acceptance date, and the authority cited by the Postal Service for each request. Standardized distinct products are negotiated service agreements that are variations of one or more Competitive

products, and for which financial models, minimum rates, and classification criteria have undergone advance Commission review. See 39 CFR 3041.110(n); 39 CFR 3041.205(a). Such requests are reviewed in summary proceedings pursuant to 39 CFR 3041.325(c)(2) and 39 CFR 3041.505(f)(1). Pursuant to 39 CFR 3041.405(c)–(d), the Commission does not appoint a Public Representative or request public comment in proceedings to review such requests. The comment due date discussed below does not apply to Section III proceedings (Docket Nos. MC2026–93 and K2026–94; MC2026–94 and K2026–95; MC2026–96 and K2026–97; MC2026–98 and K2026–99).

II. Public Proceeding(s)

1. *Docket No(s).*: MC2026–92 and K2026–93; *Filing Title*: USPS Request to Add Priority Mail Express International, Priority Mail International & First-Class Package International Service Contract 101 to Competitive Product List and Notice Of Filing Materials Under Seal; *Filing Acceptance Date*: November 13, 2025; *Filing Authority*: 39 U.S.C. 3642, 39 CFR 3035.105, and 39 CFR 3041.310; *Public Representative*: Samuel Robinson; *Comments Due*: November 21, 2025.

2. *Docket No(s).*: MC2026–95 and K2026–96; *Filing Title*: USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage Contract 1458 to the Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date*: November 13, 2025; *Filing Authority*: 39 U.S.C. 3642, 39 CFR 3035.105, and 39 CFR 3041.310; *Public Representative*: Kenneth Moeller; *Comments Due*: November 21, 2025.

3. *Docket No(s).*: MC2026–97 and K2026–98; *Filing Title*: USPS Request to Add Priority Mail Contract 944 to the Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date*: November 13, 2025; *Filing Authority*: 39 U.S.C. 3642, 39 CFR 3035.105, and 39 CFR 3041.310; *Public Representative*: Christopher Mohr; *Comments Due*: November 21, 2025.

III. Summary Proceeding(s)

1. *Docket No(s).*: MC2026–93 and K2026–94; *Filing Title*: USPS Request to Add New Fulfillment Standardized Distinct Product, PM–GA Contract 916, and Notice of Filing Materials Under Seal; *Filing Acceptance Date*: November 13, 2025; *Filing Authority*: 39 U.S.C. 3642 and 3633, 39 CFR 3035.105, and 39 CFR 3041.325.

2. *Docket No(s).*: MC2026–94 and K2026–95; *Filing Title*: USPS Request to

¹ See Docket No. RM2018–3, Order Adopting Final Rules Relating to Non-Public Information, June 27, 2018, Attachment A at 19–22 (Order No. 4679).

Add New Fulfillment Standardized Distinct Product, PM-GA Contract 917, and Notice of Filing Materials Under Seal; *Filing Acceptance Date*: November 13, 2025; *Filing Authority*: 39 U.S.C. 3642 and 3633, 39 CFR 3035.105, and 39 CFR 3041.325.

3. *Docket No(s)*: MC2026-96 and K2026-97; *Filing Title*: USPS Request to Add New Fulfillment Standardized Distinct Product, PM-GA Contract 918, and Notice of Filing Materials Under Seal; *Filing Acceptance Date*: November 13, 2025; *Filing Authority*: 39 U.S.C. 3642 and 3633, 39 CFR 3035.105, and 39 CFR 3041.325.

4. *Docket No(s)*: MC2026-98 and K2026-99; *Filing Title*: USPS Request to Add New Fulfillment Standardized Distinct Product, PM-GA Contract 919, and Notice of Filing Materials Under Seal; *Filing Acceptance Date*: November 13, 2025; *Filing Authority*: 39 U.S.C. 3642 and 3633, 39 CFR 3035.105, and 39 CFR 3041.325.

This Notice will be published in the **Federal Register**.

Erica A. Barker,

Secretary.

[FR Doc. 2025-20239 Filed 11-18-25; 8:45 am]

BILLING CODE 7710-FW-P

POSTAL SERVICE

Change in Rates and Classifications of General Applicability for Competitive Products

AGENCY: Postal Service.

ACTION: Notice of a change in rates and classifications of general applicability for competitive products.

SUMMARY: This notice sets forth changes in rates and classifications of general applicability for competitive products.

DATES: Applicability date: January 18, 2026.

FOR FURTHER INFORMATION CONTACT: Elizabeth Reed, 202-268-3179.

SUPPLEMENTARY INFORMATION: On November 13, 2025, pursuant to their authority under 39 U.S.C. 3632, the Governors of the Postal Service established price and classification changes for competitive products. The Governors' Decision and the record of proceedings in connection with such decision are reprinted below in accordance with section 3632(b)(2). Mail Classification Schedule language

containing the new prices can be found at www.prc.gov.

Kevin Rayburn,

Attorney, Ethics and Legal Compliance.

Decision of the Governors of the United States Postal Service on Changes in Rates and Classifications of General Applicability for Competitive Products (Governors' Decision No. 25-6)

November 13, 2025

Statement of Explanation and Justification

Pursuant to our authority under section 3632 of title 39, as amended by the Postal Accountability and Enhancement Act of 2006 ("PAEA"), we establish prices and classifications of general applicability for the Postal Service's competitive products. The changes are described generally below, with a detailed description of the changes in the Postal Service's associated draft Mail Classification Schedule change document. That document contains the draft Mail Classification Schedule sections with classification changes in legislative format, and new prices displayed in the price charts.

As shown in the nonpublic annex being filed under seal herewith, the changes we establish should enable each competitive product to cover its attributable costs (39 U.S.C. 3633(a)(2)) and should result in competitive products as a whole complying with 39 U.S.C. 3633(a)(3), which, as implemented by 39 CFR 3035.107(c), requires competitive products collectively to contribute a minimum of 8.0 percent to the Postal Service's institutional costs. Accordingly, no issue of subsidization of competitive products by market dominant products should arise (39 U.S.C. 3633(a)(1)). We therefore find that the new prices and classification changes are in accordance with 39 U.S.C. 3632-3633 and 39 CFR 3035.102 and 104.

I. Domestic Products

A. Priority Mail Express

Overall, the Priority Mail Express price change represents a 5.1 percent increase on average. The existing structure of zoned Retail and Commercial price categories is maintained. Retail prices will increase 5.0 percent on average, while the Commercial price category will increase 5.9 percent on average. The Dimension Noncompliance fee, introduced in 2022 for packages that cause the Postal Service to incur manual handling costs when the dimensions of the package

exceed sortation requirements, will increase to \$3.00.

B. Priority Mail

On average, Priority Mail prices will be increased by 6.6 percent, and the existing price structure will be maintained.

Retail prices will increase by an average of 6.3 percent. Retail Flat Rate Box prices will be: Small, \$12.65; Medium, \$22.95; Large, \$31.50 and Large APO/FPO/DPO, \$30.15. Thus, the Large APO/FPO/DPO Flat Rate Box will be \$1.35 less than the Large Flat Rate Box. The regular Flat Rate Envelope will be priced at \$11.95, with the Legal Size and Padded Flat Rate Envelopes priced at \$12.25 and \$12.95, respectively. The Commercial price category will increase by 6.9 percent on average. The Dimension Noncompliance fee for Priority Mail packages will also increase to \$3.00.

C. Parcel Select

On average, Parcel Select prices as a whole will increase 6.0 percent. For destination delivery unit (DDU) entered parcels, the average price increase is 5.9 percent. For destination sectional center facility (DSCF) destination entered parcels, the average price increase is 5.9 percent. For Connect Local, introduced in 2022, the average price increase is 4.9 percent. The Dimension Noncompliance fee for Parcel Select packages will also increase to \$3.00.

D. USPS Ground Advantage

USPS Ground Advantage, introduced in July 2023, is the Postal Service's flagship ground package product. Overall, USPS Ground Advantage prices will increase 7.8 percent on average, and the existing structure will be maintained. Retail prices will increase 5.9 percent on average, while Commercial prices will increase 9.6 percent on average. The Alaska Limited Overland Routes (LOR) price category will see a 9.9 percent average increase for January 2026. The Dimension Noncompliance fee for USPS Ground Advantage packages will also increase to \$3.00.

F. Domestic Extra Services

Premium Forwarding Service (PFS) prices will increase between 6.8 and 6.9 percent in 2026. The retail counter enrollment fee will increase to \$28.70. The online enrollment option, introduced in 2014, will increase to \$26.40. The weekly reshipment fee will increase to \$29.70. The reshipment fee for PFS Local, which was introduced in 2019 for P.O. Box customers, will increase to \$29.70. Package Intercept

Service will increase to \$19.45 in 2026. Adult Signature Service will increase to \$9.70, while the in-person option will increase to \$10.00. Competitive Post Office Box prices will be increasing 5.7 percent on average, within the existing price ranges. Package Intercept Service will increase to \$18.35. The Pickup On Demand fee will remain unchanged for 2026, at \$26.50. Premium Data Retention and Retrieval Service (USPS Tracking Plus), which was introduced in 2020, will have its prices remain unchanged for 2026. The fee for Label Delivery Service, introduced in 2023 under the Competitive Ancillary Services product, will increase to \$1.65 for 2026. The fee for Forwarding and Returns for Parcel Select will increase to \$3.80, and the additional fee for customers using Address Correction Service with Shipper Paid Forwarding/Return, and also using an IMpb, will be \$3.20.

Finally, in 2026, the Postal Service is introducing a fee for a new solution, called USPS Delivered Duty Paid (DDP), under the Competitive Ancillary Services product. For this solution, the Postal Service facilitates the sender prepaying any applicable customs duties, taxes, and fees before the item is mailed, as opposed to such charges being due upon delivery. The fee that the Postal Service will charge for facilitating payment does not include any applicable taxes, duties, and non-USPS fees, which are collected separately and passed through to a third party.

II. International Products

A. Expedited Services

Priority Mail Express International (PMEI) will be subject to an overall 5.9 percent increase. Commercial Plus prices will be equivalent to Commercial Base.

B. Priority Mail International

The overall increase for Priority Mail International (PMI) will be 5.9 percent. Commercial Plus prices will be equivalent to Commercial Base.

C. International Priority Airmail

Published prices for International Priority Airmail (IPA) will increase by 5.9 percent.

D. Airmail M-Bags

The published prices for Airmail M-Bags will increase by 44.0 percent. New for 2026, some changes to the product description for Airmail M-Bags will be made to reflect that as of January 1, 2025, at the Universal Postal Union (UPU), M-bags (special bags for printed matter and certain other articles that relate exclusively to the printed matter sent to a single foreign addressee at a single address) became an optional supplementary service for UPU-designated postal operators, and that the United States has provided to the UPU written notification that it will continue to offer M-bag service but opted to restrict the service solely to printed matter.

E. First-Class Package International Service

The overall increase for First-Class Package International Service (FCPIS) prices will be 5.9 percent. Commercial Plus prices will be equivalent to Commercial Base.

F. International Ancillary Services and Special Services

Prices for International Certificate of Mailing will increase by 14.3 percent. Prices for International Insurance will increase by 17.1 percent. Prices for the Customs Clearance and Delivery Fee will increase by 5.6 percent.

Order

The changes in prices and classes set forth herein shall be effective at 12:01 a.m. on January 18, 2026. We direct the Secretary of the Board of Governors Office to have this decision published in the **Federal Register** in accordance with 39 U.S.C. 3632(b)(2) and direct management to file with the Postal Regulatory Commission appropriate notice of these changes.

By The Governors:

/s/

Amber F. McReynolds
Chairman, Board of Governors.

United States Postal Service Office of the Board of Governors

Certification of Governors' Vote on Governors' Decision No. 25–1

Consistent with 39 U.S.C. 3632(a), I hereby certify that, on November 13, 2025, the Governors voted on adopting Governors' Decision No. 25–6, and that a majority of the Governors then holding office voted in favor of that Decision.

Date: November 13, 2025.

/s/

Lucy C. Trout
Secretary of the Board of Governors.

[FR Doc. 2025–20281 Filed 11–18–25; 8:45 am]

BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail Express, Priority Mail, and USPS Ground Advantage Negotiated Service Agreements; Priority Mail and USPS Ground Advantage Negotiated Service Agreements; Priority Mail Negotiated Service Agreements

AGENCY: Postal Service.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* November 19, 2025.

FOR FURTHER INFORMATION CONTACT: Sean C. Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), it filed with the Postal Regulatory Commission the following requests:

Date filed with postal regulatory commission	Negotiated service agreement product category and number	MC Docket No.	K Docket No.
11/10/25	PM 943	MC2026–88	K2026–88
11/10/25	PM–GA 913	MC2026–89	K2026–89
11/10/25	PM–GA 914	MC2026–90	K2026–90
11/12/25	PM–GA 915	MC2026–91	K2026–92
11/13/25	PM–GA 916	MC2026–93	K2026–94
11/13/25	PM–GA 917	MC2026–94	K2026–95
11/13/25	PME–PM–GA 1458	MC2026–95	K2026–96
11/13/25	PM–GA 918	MC2026–96	K2026–97
11/13/25	PM 944	MC2026–97	K2026–98
11/13/25	PM–GA 919	MC2026–98	K2026–99

Documents are available at www.prc.gov.

Sean C. Robinson,
Attorney, Corporate and Postal Business Law.
[FR Doc. 2025–20245 Filed 11–18–25; 8:45 am]
BILLING CODE 7710–12–P

POSTAL SERVICE

International Product Change—Priority Mail Express International, Priority Mail International & First-Class Package International Service Agreement

AGENCY: Postal Service.
ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a Priority Mail Express International, Priority Mail International & First-Class Package International Service contract to the list of Negotiated Service Agreements in the Competitive Product List in the Mail Classification Schedule.

DATES: *Date of notice:* November 19, 2025.

FOR FURTHER INFORMATION CONTACT: Christopher C. Meyerson, (202) 268–7820.

SUPPLEMENTARY INFORMATION: The United States Postal Service hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on November 13, 2025, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Express International, Priority Mail International & First-Class Package International Service Contract 101 to Competitive Product List*. Documents are available at www.prc.gov, Docket Nos. MC2026–92 and K2026–93.

Daria Valan,
Attorney, Ethics and Legal Compliance.
[FR Doc. 2025–20238 Filed 11–18–25; 8:45 am]
BILLING CODE 7710–12–P

RAILROAD RETIREMENT BOARD

Agency Forms Submitted for OMB Review, Request for Comments

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C.

Chapter 35), the Railroad Retirement Board (RRB) is forwarding an Information Collection Request (ICR) to the Office of Information and Regulatory Affairs (OIRA), Office of Management and Budget (OMB). Our ICR describes the information we seek to collect from the public. Review and approval by OIRA ensures that we impose appropriate paperwork burdens.

The RRB invites comments on the proposed collections of information to determine (1) the practical utility of the collections; (2) the accuracy of the estimated burden of the collections; (3) ways to enhance the quality, utility, and clarity of the information that is the subject of collection; and (4) ways to minimize the burden of collections on respondents, including the use of automated collection techniques or other forms of information technology. Comments to the RRB or OIRA must contain the OMB control number of the ICR. For proper consideration of your comments, it is best if the RRB and OIRA receive them within 30 days of the publication date.

Title and purpose of information collection: Employer Reporting; 3220–0031.

Under Section 6 of the Railroad Retirement Act (RRA) (45 U.S.C. 231e), lump-sum death benefits are payable to surviving widow(er)s, children, and certain other dependents. Lump-sum death benefits are payable after the death of a railroad employee only if there are no qualified survivors of the employee immediately eligible for annuities. With the exception of the residual death benefit, eligibility for survivor benefits depends on whether the deceased employee was “insured” under the RRA at the time of death. If the deceased employee was not insured, jurisdiction of any survivor benefits payable is transferred to the Social Security Administration and survivor benefits are paid by that agency instead of the RRB. The requirements for applying for benefits are prescribed in 20 CFR 217, 219, and 234.

The collection obtains the information required by the RRB to determine entitlement to and amount of the survivor death benefits applied for. To collect the information, the RRB uses Forms AA–21, *Application for Lump-*

Sum Death Payment and Annuities Unpaid at Death; AA–21cert, *Application Summary and Certification*; G–131, *Authorization of Payment and Release of All Claims to a Death Benefit or Accrued Annuity Payment*; and G–273a, *Funeral Director’s Statement of Burial Charges*. One response is requested of each respondent. Completion is required to obtain benefits.

Previous Requests for Comments: The RRB has already published the initial 60-day notice (90 FR 44850 on September 17, 2025) required by 44 U.S.C. 3506(c)(2). That request elicited no comments.

Information Collection Request (ICR)

Title: Employer Reporting.
OMB Control Number: 3220–0031.
Form(s) submitted: AA–21, AA–21cert, G–131 and G–273a.
Type of request: Revision of a currently approved collection.
Affected public: Individuals, Households or Private sector.
Abstract: The collection obtains the information needed to pay death benefits and annuities due but unpaid at death under the Railroad Retirement Act. Benefits are paid to designated beneficiaries or to survivors in a priority designated by law.

Changes proposed: The RRB proposes no changes to Forms AA–21, AA–21cert and G–131.

The RRB proposes the following changes to Form G–273a:

- In field 3, changed 3rd sentence and added 4th sentence to “If paid by prearrangement, please show the name of the person who made the prearrangement and any beneficiary, not the insurance company or financial institution making the final payment. If there was a pre-need agreement, please attach a copy of the contract.”
- In the Paperwork Reduction Act and Privacy Act Notices section, propose minor change to address.

The burden estimate for the ICR is as follows:

Form No.	Annual responses	Time (minutes)	Burden (hours)
AA–21cert with assistance	3,500	20	1,167
AA–21 without assistance	200	40	133
G–131	20	5	2
G–273a	2,000	10	333
Total	5,720	.....	1,635

Additional Information or Comments: Copies of the forms and supporting documents or comments regarding the information collection should be addressed to Brian Foster, Railroad Retirement Board, 844 North Rush Street, Chicago, Illinois 60611-1275 or emailed to Brian.Foster@rrb.gov.

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.

Brian Foster,
Clearance Officer.

[FR Doc. 2025-20233 Filed 11-18-25; 8:45 am]

BILLING CODE 7905-01-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-104181; File No. SR-NASDAQ-2025-088]

Self-Regulatory Organizations; The Nasdaq Stock Market LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend the Additional Incentive Provided to Qualified Market Makers in Equity 7, Section 114(e) and To Introduce a New Credit for Non-Displayed Midpoint Quotes/Orders Under Equity 7, Section 118(a)(1)

November 14, 2025.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),¹ and Rule 19b-4 thereunder,² notice is hereby given that on September 30, 2025, The Nasdaq Stock Market LLC ("Nasdaq" or "Exchange") filed with the Securities and Exchange Commission ("SEC" or "Commission") the proposed rule change as described in Items I, II, and III, below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend the additional incentive provided to Qualified Market Makers in Equity 7, Section 114(e) (Market Quality Incentive Programs) and to introduce a new credit

for non-displayed midpoint quotes/orders under Equity 7, Section 118(a)(1) (Fees for Execution and Routing of Orders).

These amendments are effective upon filing. However, the Exchange has designated the amendments to become operative on October 1, 2025.

The text of the proposed rule change is available on the Exchange's website at <https://listingcenter.nasdaq.com/rulebook/nasdaq/rulefilings>, and at the principal office of the Exchange.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of the proposed rule change is to amend the Exchange's schedule of rebates, at Equity 7, Section 114(e) (Qualified Market Maker Program) to adjust the additional incentive provided to Qualified Market Makers ("QMMs") and to amend Equity 7, Section 118(a)(1) (Fees for Execution and Routing of Orders) to introduce a new credit for non-displayed midpoint quotes/orders.

Currently, the Exchange provides a member designated as a QMM with an additional rebate of \$0.000075 per share executed in Tapes A and C and \$0.00005 per share executed in Tape B for a QMM's market participant identification ("MPID") if the MPID (i) executes shares of liquidity provided that represents above 1.25% of Consolidated Volume³ during the month; (ii) quotes at the NBBO at least 50% of the time during the month during regular market hours in an average of at least 2,700 symbols per day; (iii) quotes at the national best bid

or national best offer ("NBBO") at least 50% of the time during the month during regular market hours in an average of at least 1,200 symbols in securities in Tape A per day; and (iv) executes shares of liquidity provided that represents an increase of at least 0.50% of Consolidated Volume relative to May 2020. For purposes of this rebate, an MPID is considered to be quoting at the NBBO if the MPID has a displayed order (other than a Designated Retail Order) at either the national best bid or the national best offer or both the national best bid and offer. On a daily basis, Nasdaq determines the number of securities that satisfy the 50% NBBO requirements for the MPID.

The Exchange proposes to modify this additional rebate in various ways. First, the revised rebate would only be available to QMMs that qualify for the QMM Tier 2 rebate. Second, the amount of the rebate would increase to \$0.0001 per share executed, and this rebate would be the same amount regardless of whether the execution is in Tape A, B, or C. Third, the Exchange also proposes to modify the criteria to qualify for this new rebate. The new criteria are that the MPID adds liquidity that represents above 0.325% of Consolidated Volume during the month and that the MPID achieves at least a 95% ratio of its liquidity adding activity to its total activity on the Exchange during the month. The Exchange hopes that this new additional rebate will incentivize QMMs to qualify for the Tier 2 rebate and to add more displayed liquidity to the Exchange, which will improve overall market quality.

Additionally, the Exchange currently provides credits to members for non-displayed orders (other than Supplemental Orders) that provide liquidity. The Exchange is proposing to add a credit of \$0.0027 per share executed to Tapes A, B and C in midpoint orders (excluding buy (sell) orders with Midpoint pegging that receive an execution price that is lower (higher) than the midpoint of the NBBO). The credit will be available to a member who adds during the month an average daily volume ("ADV") of 20 million or more shares of midpoint liquidity. The Exchange hopes that by proposing the new credit it will incentivize members to increase their liquidity providing activity at the midpoint on the Exchange, which will improve overall market quality.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b)

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

³ "Consolidated Volume" shall mean the total consolidated volume reported to all consolidated transaction reporting plans by all exchanges and trade reporting facilities during a month in equity securities, excluding executed orders with a size of less than one round lot.

of the Act,⁴ in general, and furthers the objectives of Sections 6(b)(4) and 6(b)(5) of the Act,⁵ in particular, in that it provides for the equitable allocation of reasonable dues, fees and other charges among members and issuers and other persons using any facility, and is not designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

The Exchange's proposed change to its schedule of credits is reasonable in several respects. As a threshold matter, the Exchange is subject to significant competitive forces in the market for equity securities transaction services that constrain its pricing determinations in that market. The fact that this market is competitive has long been recognized by the courts. In *NetCoalition v. Securities and Exchange Commission*, the D.C. Circuit stated as follows: "[n]o one disputes that competition for order flow is 'fierce.' . . . As the SEC explained, '[i]n the U.S. national market system, buyers and sellers of securities, and the broker-dealers that act as their order-routing agents, have a wide range of choices of where to route orders for execution'; [and] 'no exchange can afford to take its market share percentages for granted' because 'no exchange possesses a monopoly, regulatory or otherwise, in the execution of order flow from broker dealers'"⁶

The Commission and the courts have repeatedly expressed their preference for competition over regulatory intervention in determining prices, products, and services in the securities markets. In Regulation NMS, while adopting a series of steps to improve the current market model, the Commission highlighted the importance of market forces in determining prices and SRO revenues and, also, recognized that current regulation of the market system "has been remarkably successful in promoting market competition in its broader forms that are most important to investors and listed companies."⁷

Numerous indicia demonstrate the competitive nature of this market. For example, clear substitutes to the Exchange exist in the market for equity security transaction services. The Exchange is only one of several equity venues to which market participants may direct their order flow. Competing

equity exchanges offer similar tiered pricing structures to that of the Exchange, including schedules of rebates and fees that apply based upon members achieving certain volume thresholds.

Within this environment, market participants can freely and often do shift their order flow among the Exchange and competing venues in response to changes in their respective pricing schedules. As such, the proposal represents a reasonable attempt by the Exchange to increase its liquidity and market share relative to its competitors.

The Exchange believes that it is reasonable, equitable, and not unfairly discriminatory to modify the additional rebate for QMMs in Section 114(e) to only make it available to QMMs that qualify for the Tier 2 rebate; to increase the amount of this additional rebate to \$0.0001 per share executed, and make this amount the same regardless of whether the execution is in Tape A, B, or C; and to modify the criteria to qualify for this new rebate so that an MPID has to add liquidity that represents above 0.325% of Consolidated Volume during the month and has to achieve at least a 95% ratio of its liquidity adding activity to its total activity on the Exchange during the month. The Exchange believes that the modified QMM additional rebate will encourage QMMs to provide increased displayed liquidity on the Exchange, which will improve the market quality overall, to the benefit of all market participants.

Likewise, the Exchange believes that it is reasonable, equitable, and not unfairly discriminatory to establish a new credit under Section 118(a)(1) for non-displayed orders (other than Supplemental Orders) by offering members a credit in the amount of \$0.0027 per share executed, regardless of Tape, for midpoint orders (excluding buy (sell) orders with Midpoint pegging that receive an execution price that is lower (higher) than the midpoint of the NBBO) if the member provides an ADV of 20 million or more shares of midpoint liquidity on the Exchange during the month. The Exchange believes that this new credit will encourage members to provide even more midpoint liquidity on the Exchange.

To the extent that these proposed changes succeed in increasing the levels of liquidity and activity on the Exchange, then the Exchange will experience improvements in its market quality, which stands to benefit all market participants. The Exchange notes that the proposed rebate and credit are voluntary. The Exchange further believes that the rebate and credit are

not unfairly discriminatory because they will be applied uniformly to all members that meet the specified criteria.

The Exchange notes that if there are market participants who are dissatisfied with these proposals, they are free to shift their order flow to competing venues that may offer more generous pricing or less stringent qualifying criteria.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act.

Intramarket Competition

The Exchange does not believe that its proposals will place any category of Exchange participant at a competitive disadvantage. The Exchange intends for its proposals to incentivize liquidity adding activity. The Exchange notes that its members are free to trade on other venues to the extent they believe that the proposals are not attractive. As one can observe by looking at any market share chart, price competition between exchanges is fierce, with liquidity and market share moving freely between exchanges in reaction to fee and credit changes.

Inter-Market Competition

In terms of inter-market competition, the Exchange notes that it operates in a highly competitive market in which market participants can readily favor competing venues if they deem fee levels at a particular venue to be excessive, or rebate opportunities available at other venues to be more favorable. In such an environment, the Exchange must continually adjust its rebates and credits to remain competitive with other exchanges and with alternative trading systems that have been exempted from compliance with the statutory standards applicable to exchanges. Because competitors are free to modify their own credits in response, and because market participants may readily adjust their order routing practices, the Exchange believes that the degree to which adding a supplemental rebate or a credit in this market may impose any burden on competition is extremely limited.

In this instance, the modification of the additional QMM rebate under Section 114(e) and the introduction of a new credit under Section 118(a)(1) are intended to incentivize liquidity adding activity on the Exchange and do not impose a burden on competition. By

⁴ 15 U.S.C. 78f(b).

⁵ 15 U.S.C. 78f(b)(4) and (5).

⁶ *NetCoalition v. SEC*, 615 F.3d 525, 539 (D.C. Cir. 2010) (quoting Securities Exchange Act Release No. 59039 (Dec. 2, 2008), 73 FR 74770, 74782–83 (Dec. 9, 2008) (SR–NYSEArca–2006–21)).

⁷ Securities Exchange Act Release No. 51808 (June 9, 2005), 70 FR 37496, 37499 (June 29, 2005) ("Regulation NMS Adopting Release").

offering a modified rebate and a new credit to market participants that meet certain criteria the Exchange is enhancing its appeal as a trading venue and encouraging increased participation in its order execution and routing processes while maintaining a competitive pricing structure. As discussed above, the proposed modified rebate and new credit do not disadvantage any specific group or market participants. Instead, they provide equitable incentives that are available to all members that meet the applicable criteria.

In sum, if the changes proposed herein are unattractive to market participants, it is likely that the Exchange will lose market share as a result. Accordingly, the Exchange does not believe that the proposed changes will impair the ability of members or competing order execution venues to maintain their competitive standing in the financial markets.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(ii) of the Act.⁸

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is: (i) necessary or appropriate in the public interest; (ii) for the protection of investors; or (iii) otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (<https://www.sec.gov/rules/sro.shtml>); or

- Send an email to rule-comments@sec.gov. Please include file number SR-NASDAQ-2025-088 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549-1090.

All submissions should refer to file number SR-NASDAQ-2025-088. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (<https://www.sec.gov/rules/sro.shtml>). Copies of the filing will be available for inspection and copying at the principal office of the Exchange. Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection. All submissions should refer to file number SR-NASDAQ-2025-088 and should be submitted on or before December 10, 2025.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.⁹

Sherry R. Haywood,
Assistant Secretary.

[FR Doc. 2025-20255 Filed 11-18-25; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-104182; File Nos. SR-NYSE-2025-28, SR-NYSEAMER-2025-47, SR-NYSETEX-2025-24, SR-NYSEARCA-2025-60]

Self-Regulatory Organizations; New York Stock Exchange LLC, NYSE American LLC, NYSE Texas, Inc., NYSE Arca, Inc.; Order Instituting Proceedings To Determine Whether To Approve or Disapprove Proposed Rule Changes To Amend NYSE Rules 7.35A and 7.35C, NYSE American Rule 7.35E, NYSE Texas Rule 7.35, and NYSE Arca Rule 7.35-E

November 14, 2025.

On August 5, 2025, New York Stock Exchange LLC, NYSE American LLC, NYSE Texas, Inc., and on August 15, 2025, NYSE Arca, Inc., (collectively, the "Exchanges") filed with the Securities and Exchange Commission ("Commission" or "SEC"), pursuant to

Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act")¹ and Rule 19b-4 thereunder,² proposed rule changes to amend their rules pertaining to the calculation of the Auction Reference Price. The proposed rule changes were published for comment in the **Federal Register** on August 21, 2025³ and August 22, 2025 (collectively, the "Notices").⁴

On September 25, 2025, pursuant to Section 19(b)(2) of the Act,⁵ the Commission designated a longer period within which to approve the proposed rule changes, disapprove the proposed rule changes, or institute proceedings to determine whether to disapprove the proposed rule changes.⁶ The Commission is instituting proceedings pursuant to Section 19(b)(2)(B) of the Act⁷ to determine whether to approve or disapprove the proposed rule changes.

I. Summary of the Exchanges' Proposals

As described in more detail in the Notices,⁸ the Exchanges propose to amend NYSE Rules 7.35A and 7.35C, NYSE American Rule 7.35E, NYSE Texas Rule 7.35, and NYSE Arca Rule 7.35-E (collectively, the "Rules") regarding the calculation of the Auction Reference Price, as defined in the Rules. More specifically, the Exchanges propose to amend the Rules regarding the calculation of the Auction Reference Price for the Core Open Auction to reflect a cascading calculation that

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

³ See Securities Exchange Act Release No. 103739 (Aug. 18, 2025), 90 FR 40870 (NYSETEX-2025-24) ("NYSETEX Notice").

⁴ See Securities Exchange Act Release Nos. 103740 (Aug. 19, 2025), 90 FR 41143 (NYSEARCA-2025-60); 103741 (Aug. 19, 2025), 90 FR 41153 (NYSEAMER-2025-47); 103742 (Aug. 19, 2025), 90 FR 41149 (NYSE-2025-28).

⁵ 15 U.S.C. 78s(b)(2).

⁶ See Securities Exchange Act Release No. 104042, 90 FR 47044 (Sept. 30, 2025). The Commission designated November 19, 2025 as the date by which the Commission shall approve or disapprove, or institute proceedings to determine whether to disapprove, one of the proposed rule changes (File No. SR-NYSETEX-2025-24) and November 20, 2025 as the date by which the Commission shall approve or disapprove, or institute proceedings to determine whether to disapprove, the remaining proposed rule changes (File Nos. SR-NYSE-2025-28, SR-NYSEAMER-2025-47, and SR-NYSEARCA-2025-60). While the SEC is currently "accepting" comments, in that we will not prevent the submission of letters via the usual methods (webform, email, or mail), the SEC will not be posting them until after the resumption of duties. Please note that there may be a delay in the public availability of comments after the resumption of duties; comments will be treated as if received on the original submission date.

⁷ 15 U.S.C. 78s(b)(2)(B).

⁸ See Notices, *supra* notes 3 and 4. Capitalized terms not defined in this order are defined in the Exchanges' rules.

⁸ 15 U.S.C. 78s(b)(3)(A)(ii).

⁹ 17 CFR 200.30-3(a)(12).

would consider, in addition to the benchmarks currently reflected in the Rules, the price of the last consolidated trade of at least one round lot of that trading day. The Exchanges state that the proposed changes would promote consistency with the Auction Reference Price calculations for the Closing Auctions and Trading Halt Auctions.⁹ As proposed, the Auction Reference Price for the Core Open Auctions would be defined as:

- The price of the last consolidated trade of at least one round lot of that trading day, or
- If there were no such trades, the midpoint of the Auction NBBO, or
- If the Auction NBBO is locked, the locked price, or
- If there is no Auction NBBO, the prior trading day's Official Closing Price for the initial calculation of the Auction Reference Price, and for each subsequent calculation of the Auction Reference Price, the most recently calculated Auction Reference Price.¹⁰

With the addition of the price of the last consolidated trade of at least one round lot of that trading day as a benchmark for calculating the Auction Reference Price for the Core Open Auction, the Exchanges propose to distinguish between the initial calculation of the Auction Reference Price for the Core Open Auction and subsequent calculations pursuant to the cascading calculation, in the event that there is no Auction NBBO. For the initial calculation, the Exchanges propose that, if there is no Auction NBBO, the Auction Reference Price would, as currently, be the prior trading day's Official Closing Price. However, for subsequent calculations of the Auction Reference Price when there is no Auction NBBO, the Exchanges propose that the Auction Reference Price would instead be the most recent Auction Reference Price, which the Exchanges believe would provide a

more recent reference price for the auction.¹¹ In addition, the Exchanges propose to specify that each Auction Reference Price calculation would be based on an evaluation of the period since the last calculation of the Auction Reference Price. The Exchanges state that this proposed change is intended to ensure that, in cases where there was no consolidated trade of at least one round lot in the period since the last calculation of the Auction Reference Price, the Auction Reference Price would instead be the midpoint of the Auction NBBO (or other price as provided for in the Rules) to reflect a more recent reference price for the auction.¹² The Exchanges also propose that Auction Reference Price calculations for the Core Open Auction, Closing Auction, and Trading Halt Auction would exclude trades on Trade Reporting Facilities ("TRF") during the Early Trading Session or Late Trading Session, because the Exchanges state that TRF trades may not reflect the actual market in a security, and thus the Exchanges state that excluding TRF trades would provide for a more accurate snapshot of the current market.¹³ The Exchanges believe the proposed changes to the calculations of the Auction Reference Price for auctions on the Exchanges would better reflect more recent trading activity, and such price may reflect a more recent valuation for a security, to the benefit of investors. The Exchanges state that the proposed rule changes would therefore promote the fair and orderly operation of auctions on the Exchanges by using reference prices that are consistent with the most recent market activity in a given security, which would also allow more buy and sell interest to participate in such auctions.¹⁴ Because of the technology changes associated with the proposed changes, the Exchanges propose to announce the implementation date of these changes by Trader Update and anticipate that such changes will be implemented before the end of the fourth quarter of 2025.¹⁵

II. Proceedings To Determine Whether To Approve or Disapprove SR-NYSE-2025-28, SR-NYSEAMER-2025-47, SR-NYSETEX-2025-24, SR-NYSEARCA-2025-60 and Grounds for Disapproval Under Consideration

The Commission is instituting proceedings pursuant to Section

19(b)(2)(B) of the Act¹⁶ to determine whether the proposed rule changes should be approved or disapproved. Institution of such proceedings is appropriate at this time in view of the legal and policy issues raised by the proposals. Institution of proceedings does not indicate that the Commission has reached any conclusions with respect to any of the issues involved. Rather, as described below, the Commission seeks and encourages interested persons to provide comments on the proposed rule changes.

Pursuant to Section 19(b)(2)(B) of the Act,¹⁷ the Commission is providing notice of the grounds for disapproval under consideration. The Commission is instituting proceedings to allow for additional analysis of the proposals' consistency with Section 6(b)(5) of the Act, which requires, among other things, that the rules of a national securities exchange be "designed to prevent fraudulent and manipulative acts and practices" and "to protect investors and the public interest."¹⁸

The Commission asks that commenters address the sufficiency of the Exchanges' statements in support of the proposals, which are set forth in the Notices,¹⁹ in addition to any other comments they may wish to submit about the proposed rule changes. In particular, the Commission seeks comment on the proposals' exclusion of TRF data in the calculation of the Auction Reference Price as well as whether the proposals are consistent with Section 6(b)(5) of the Act,²⁰ and specifically, whether the proposed rule changes are designed to prevent fraudulent and manipulative acts and practices.

III. Procedure: Request for Written Comments

The Commission requests that interested persons provide written submissions of their views, data, and arguments with respect to the issues identified above, as well as any other concerns they may have with the proposals. In particular, the Commission invites the written views of interested persons concerning whether the proposed rule changes are consistent with Section 6(b)(5) or any other provision of the Act, and the rules and regulations thereunder. Although there do not appear to be any issues relevant to approval or disapproval that would be facilitated by an oral presentation of

⁹ The Exchanges propose conforming changes to the definition of Auction Reference Price for the Closing Auction and Trading Halt Auction to use the same language as is proposed for the Auction Reference Price for the Core Open Auction.

Specifically, the Exchanges propose to use the "price of the last consolidated trade of at least one round lot of that trading day" formulation in place of the existing "last consolidated round-lot price of that trading day." The Exchanges state that these proposed changes are not intended to change how the Exchanges determines the Auction Reference Price for the Closing Auction or Trading Halt Auction, but would add clarity and consistency in the Rules with respect to the determination of the Auction Reference Price. The Exchanges also propose non-substantive grammatical changes to the Auction Reference Price definitions for the Early Open Auction, Closing Auction, and IPO Auction to further improve clarity in the Rules. *See, e.g., NYSETEX Notice, supra* note 3, at 40871.

¹⁰ *See id.*

¹¹ *See id.*

¹² *See id.*

¹³ *See id.*

¹⁴ *See id.*

¹⁵ *See id.*

¹⁶ 15 U.S.C. 78s(b)(2)(B).

¹⁷ *Id.*

¹⁸ 15 U.S.C. 78f(b)(5).

¹⁹ *See Notice, supra* notes 3 and 4.

²⁰ 15 U.S.C. 78f(b)(5).

views, data, and arguments, the Commission will consider, pursuant to Rule 19b-4, any request for an opportunity to make an oral presentation.²¹

Interested persons are invited to submit written data, views, and arguments regarding whether the proposed rule changes should be approved or disapproved by December 10, 2025. Any person who wishes to file a rebuttal to any other person's submission must file that rebuttal by December 24, 2025.

Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (<https://www.sec.gov/rules/sro.shtml>); or
- Send an email to rule-comments@sec.gov. Please include file number SR-NYSE-2025-28, SR-NYSEAMER-2025-47, SR-NYSETEX-2025-24, or SR-NYSEARCA-2025-60 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549-1090.
- All submissions should refer to file number SR-NYSE-2025-28, SR-NYSEAMER-2025-47, SR-NYSETEX-2025-24, or SR-NYSEARCA-2025-60. The file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (<https://www.sec.gov/rules/sro.shtml>). Copies of the filings will be available for inspection and copying at the principal offices of the Exchanges. Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection. All submissions should refer to file number SR-NYSE-2025-28, SR-NYSEAMER-2025-47, SR-NYSETEX-2025-24, or SR-NYSEARCA-2025-60

²¹ Section 19(b)(2) of the Act, as amended by the Securities Acts Amendments of 1975, Public Law 94-29 (June 4, 1975), grants the Commission flexibility to determine what type of proceeding—either oral or notice and opportunity for written comments—is appropriate for consideration of a particular proposal by a self-regulatory organization. See Securities Acts Amendments of 1975, Senate Comm. on Banking, Housing & Urban Affairs, S. Rep. No. 75, 94th Cong., 1st Sess. 30 (1975).

and should be submitted on or before December 10, 2025. Rebuttal comments should be submitted by December 24, 2025.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.²²

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2025-20256 Filed 11-18-25; 8:45 am]

BILLING CODE 8011-01-P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #21345 and #21346; ARIZONA Disaster Number AZ-20014]

Administrative Declaration of a Disaster for the State of Arizona

AGENCY: U.S. Small Business Administration.

ACTION: Notice.

SUMMARY: This is a notice of an Administrative declaration of a disaster for the State of Arizona dated November 14, 2025.

Incident: Remnants of Hurricane Priscilla and Tropical Storm Raymond.

DATES: Issued on November 14, 2025.

Incident Period: October 10, 2025 through October 13, 2025.

Physical Loan Application Deadline Date: January 13, 2026.

Economic Injury (EIDL) Loan Application Deadline Date: August 14, 2026.

ADDRESSES: Visit the MySBA Loan Portal at <https://lending.sba.gov> to apply for a disaster assistance loan.

FOR FURTHER INFORMATION CONTACT: Jennifer Talarico, Office of Disaster Recovery & Resilience, U.S. Small Business Administration, 409 3rd Street SW, Suite 6050, Washington, DC 20416, (202) 205-6734.

SUPPLEMENTARY INFORMATION: Notice is hereby given that as a result of the Administrator's disaster declaration, applications for disaster loans may be submitted online using the MySBA Loan Portal <https://lending.sba.gov> or other locally announced locations. Please contact the SBA disaster assistance customer service center by email at disastercustomerservice@sba.gov or by phone at 1-800-659-2955 for further assistance.

The following areas have been determined to be adversely affected by the disaster:

Primary Counties: Maricopa.

Contiguous Counties:

Arizona: Gila, La Paz, Pima, Pinal,

Yavapai, Yuma.

The Interest Rates are:

	Percent
<i>For Physical Damage:</i>	
Homeowners with Credit Available Elsewhere	6.000
Homeowners without Credit Available Elsewhere	3.000
Businesses with Credit Available Elsewhere	8.000
Businesses without Credit Available Elsewhere	4.000
Non-Profit Organizations with Credit Available Elsewhere ...	3.625
Non-Profit Organizations without Credit Available Elsewhere	3.625
<i>For Economic Injury:</i>	
Business and Small Agricultural Cooperatives without Credit Available Elsewhere	4.000
Non-Profit Organizations without Credit Available Elsewhere	3.625

The number assigned to this disaster for physical damage is 213458 and for economic injury is 213460.

The State which received an EIDL Declaration is Arizona.

(Catalog of Federal Domestic Assistance Number 59008)

(Authority: 13 CFR 1234.3(b).)

James Stallings,

Associate Administrator, Office of Disaster Recovery & Resilience.

[FR Doc. 2025-20259 Filed 11-18-25; 8:45 am]

BILLING CODE 8026-09-P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #21347 and #21348; NEW YORK Disaster Number NY-20028]

Administrative Declaration of a Disaster for the State of New York

AGENCY: U.S. Small Business Administration.

ACTION: Notice.

SUMMARY: This is a notice of an Administrative declaration of a disaster for the State of New York dated November 14, 2025.

Incident: Red Hook Five-Alarm Fire.

DATES: Issued on November 14, 2025.

Incident Period: September 17, 2025.

Physical Loan Application Deadline Date: January 13, 2026.

Economic Injury (EIDL) Loan

Application Deadline Date: August 14, 2026.

ADDRESSES: Visit the MySBA Loan Portal at <https://lending.sba.gov> to apply for a disaster assistance loan.

FOR FURTHER INFORMATION CONTACT: Jennifer Talarico, Office of Disaster

²² 17 CFR 200.30-3(a)(57).

Recovery & Resilience, U.S. Small Business Administration, 409 3rd Street SW, Suite 6050, Washington, DC 20416, (202) 205–6734.

SUPPLEMENTARY INFORMATION: Notice is hereby given that as a result of the Administrator’s disaster declaration, applications for disaster loans may be submitted online using the MySBA Loan Portal <https://lending.sba.gov> or other locally announced locations. Please contact the SBA disaster assistance customer service center by email at disastercustomerservice@sba.gov or by phone at 1–800–659–2955 for further assistance.

The following areas have been determined to be adversely affected by the disaster:

Primary County: Kings.

Contiguous Counties:

New York: New York, Queens, Richmond.

New Jersey: Hudson.

The Interest Rates are:

	Percent
<i>For Physical Damage:</i>	
Homeowners with Credit Available Elsewhere	6.000
Homeowners without Credit Available Elsewhere	3.000
Businesses with Credit Available Elsewhere	8.000
Businesses without Credit Available Elsewhere	4.000
Non-Profit Organizations with Credit Available Elsewhere ...	3.625
Non-Profit Organizations without Credit Available Elsewhere	3.625
<i>For Economic Injury:</i>	
Business and Small Agricultural Cooperatives without Credit Available Elsewhere	4.000
Non-Profit Organizations without Credit Available Elsewhere	3.625

The number assigned to this disaster for physical damage is 213475 and for economic injury is 213480.

The States which received an EIDL Declaration are New York, New Jersey.

(Catalog of Federal Domestic Assistance Number 59008)

(Authority: 13 CFR 1234.3(b).)

James Stallings,

Associate Administrator, Office of Disaster Recovery & Resilience.

[FR Doc. 2025–20277 Filed 11–18–25; 8:45 am]

BILLING CODE 8026–09–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #21349; KENTUCKY Disaster Number KY–20024 Declaration of Economic Injury]

Administrative Declaration of an Economic Injury Disaster for the Commonwealth of Kentucky

AGENCY: U.S. Small Business Administration.

ACTION: Notice.

SUMMARY: This is a notice of an Economic Injury Disaster Loan (EIDL) declaration for the Commonwealth of Kentucky dated November 15, 2025. *Incident:* Louisville Airplane Crash.

DATES: Issued on November 15, 2025.

Incident Period: November 4, 2025.

Economic Injury (EIDL) Loan Application Deadline Date: August 17, 2026.

ADDRESSES: Visit the MySBA Loan Portal at <https://lending.sba.gov> to apply for a disaster assistance loan.

FOR FURTHER INFORMATION CONTACT: Jennifer Talarico, Office of Disaster Recovery & Resilience, U.S. Small Business Administration, 409 3rd Street SW, Suite 6050, Washington, DC 20416, (202) 205–6734.

SUPPLEMENTARY INFORMATION: Notice is hereby given that as a result of the Administrator’s EIDL declaration, applications for disaster loans may be submitted online using the MySBA Loan Portal <https://lending.sba.gov> or other locally announced locations. Please contact the SBA disaster assistance customer service center by email at disastercustomerservice@sba.gov or by phone at 1–800–659–2955 for further assistance.

The following areas have been determined to be adversely affected by the disaster:

Primary Counties: Jefferson.

Contiguous Counties:

Kentucky: Bullitt, Hardin, Oldham,

Shelby, Spencer

Indiana: Clark, Floyd, Harrison

The Interest Rates are:

	Percent
Business and Small Agricultural Cooperatives without Credit Available Elsewhere	4.000
Non-Profit Organizations without Credit Available Elsewhere	3.625

The number assigned to this disaster for economic injury is 213490.

The Commonwealth and State which received an EIDL Declaration are Indiana, Kentucky.

(Catalog of Federal Domestic Assistance Number 59008)

(Authority: 13 CFR 1234.3(b).)

James Stallings,

Associate Administrator, Office of Disaster Recovery and Resilience.

[FR Doc. 2025–20283 Filed 11–18–25; 8:45 am]

BILLING CODE 8026–09–P

DEPARTMENT OF STATE

[Public Notice: 12822]

60-Day Notice of Proposed Information Collection: Application To Determine Returning Resident Status

ACTION: Notice of request for public comment.

SUMMARY: The Department of State is seeking Office of Management and Budget (OMB) approval for the information collection described below. In accordance with the Paperwork Reduction Act of 1995, we are requesting comments on this collection from all interested individuals and organizations. The purpose of this notice is to allow 60 days for public comment preceding submission of the collection to OMB.

DATES: The Department will accept comments from the public up to January 20, 2026.

ADDRESSES: You may submit comments by any of the following methods:

- *Web:* Persons with access to the internet may comment on this notice by going to www.Regulations.gov. You can search for the document by entering “Docket Number: DOS–2025–0335” in the Search field. Then click the “Comment Now” button and complete the comment form.

- *Email:* PRA_BurdenComments@state.gov.

- *Regular Mail:* Send written comments to: Senior Regulatory Coordinator, Visa Services, Department of State, 600 19th St. NW, Washington, DC 20006.

You must include the DS form number (if applicable), information collection title, and the OMB control number in any correspondence.

SUPPLEMENTARY INFORMATION:

- *Title of Information Collection:* Application to Determine Returning Resident Status.

- *OMB Control Number:* 1405–0091.

- *Type of Request:* Extension of a Currently Approved Collection.

- *Originating Office:* Consular Affairs Visa Office.

- *Form Number:* DS–117.

- *Respondents:* Aliens who temporarily departed the United States as lawful permanent residents or

conditional residents and, due to circumstances beyond their control, were unable to return within the validity period of their reentry document.

- *Estimated Number of Respondents:* 4,200.
- *Estimated Number of Responses:* 4,200.
- *Average Time per Response:* 30 minutes.
- *Total Estimated Burden Time:* 2,100 Hours.

- *Frequency:* Once Per Application.
- *Obligation to Respond:* Required to Obtain or Retain a Benefit.

We are soliciting public comments to permit the Department to:

- Evaluate whether the proposed information collection is necessary for the proper functions of the Department.
- Evaluate the accuracy of our estimate of the time and cost burden for this proposed collection, including the validity of the methodology and assumptions used.
- Enhance the quality, utility, and clarity of the information to be collected.

- Minimize the reporting burden on those who are to respond, including the use of automated collection techniques or other forms of information technology.

Please note that comments submitted in response to this Notice are public record. Before including any detailed personal information, you should be aware that your comments as submitted, including your personal information, will be available for public review.

Abstract of Proposed Collection

Under Section 101(a)(27)(A) of the Immigration and Nationality Act (INA), 8 U.S.C. 1101, and INA section 203(b)(4), an alien may be issued a special immigrant visa as a returning resident if he or she is an immigrant, previously admitted as a lawful permanent resident or conditional resident, who is returning from a temporary visit abroad of more than one year due to circumstances beyond his or her control. The DS-117 is used to collect the information necessary to determine a returning resident's eligibility for such a visa.

Methodology

Aliens will submit the DS-117 electronically via email, or they will print the form and submit it in person to a U.S. embassy or consulate abroad.

Stuart R. Wilson,

Deputy Assistant Secretary, Bureau of Consular Affairs, Department of State.

[FR Doc. 2025-20262 Filed 11-18-25; 8:45 am]

BILLING CODE 4710-06-P

DEPARTMENT OF STATE

[Public Notice 12851]

30-Day Notice of Proposed Information Collection: Application for Immigrant Visa and Alien Registration

ACTION: Notice of request for public comment and submission to OMB of proposed collection of information.

SUMMARY: The Department of State has submitted the information collection described below to the Office of Management and Budget (OMB) for approval. In accordance with the Paperwork Reduction Act of 1995, we are requesting comments on this collection from all interested individuals and organizations. The purpose of this Notice is to allow 30 days for public comment.

DATES: Submit comments up to December 19, 2025.

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 information collection by selecting "Currently under 30-day Review—Open for Public Comments" or by using the search function.

SUPPLEMENTARY INFORMATION:

- *Title of Information Collection:* Application for Immigrant Visa and Alien Registration.
- *OMB Control Number:* 1405-0185.
- *Type of Request:* Revision of a currently approved collection.
- *Originating Office:* CA/VO.
- *Form Number:* DS-260.
- *Respondents:* Immigrant Visa Applicants.
- *Estimated Number of Respondents:* 460,000.
- *Estimated Number of Responses:* 460,000.
- *Average Time per Response:* 155 minutes.
- *Total Estimated Burden Time:* 1,188,333 hours.
- *Frequency:* Once Per Application.
- *Obligation to Respond:* Required to Obtain or Retain a Benefit.

We are soliciting public comments to permit the Department to:

- Evaluate whether the proposed information collection is necessary for the proper functions of the Department.
- Evaluate the accuracy of our estimate of the time and cost burden for this proposed collection, including the validity of the methodology and assumptions used.
- Enhance the quality, utility, and clarity of the information to be collected.

- Minimize the reporting burden on those who are to respond, including the use of automated collection techniques or other forms of information technology.

Please note that comments submitted in response to this Notice are public record. Before including any detailed personal information, you should be aware that your comments as submitted, including your personal information, will be available for public review.

Abstract of Proposed Collection

The Department uses the Electronic Application for Immigrant Visa and Alien Registration (DS-260) to obtain the information needed to fulfill the legal requirements for the issuance of an immigrant visa (IV). The information required on the form is limited to what is necessary for consular officers to determine the eligibility and classification of an individual seeking an IV to the United States. Please note this information collection will no longer seek to renew the paper version of the form (DS-230), which will be discontinued effective November 1, 2025.

Methodology

The DS-260 is submitted electronically over an encrypted connection to the Department via the internet. The applicant will be instructed to print a confirmation page containing a barcoded record locator, which will be physically scanned at the time of processing.

60-Day Comment Period Analysis

The Department published a notice in the **Federal Register** soliciting public comments for a period of 60 days on July 9, 2025 (90 FR 30543). The Department received four comments before the comment period ended on September 8, 2025, with two being nonresponsive to the collection. Comments are publicly viewable on regulations.gov, and the Department addresses the two responsive comments here:

Comment 1

The American Immigration Lawyers Association (AILA) submitted a comment on behalf of the over 15,000 member attorneys who practice immigration law in the United States. The Department appreciates AILA's thoughtful feedback and has reviewed and addressed recommendations in the space below.

Countries the Applicant Has Visited

AILA recommended rephrasing the question, "Have you traveled to any

countries/regions within the last five years?” to clarify that the applicant should not include U.S. travel in that section.

In addressing this suggestion, the Department is first clarifying that the proposed version of the form, which was available for public comment through *regulations.gov*, included modified language requesting 15 years of address history rather than five. The United States is not an available region or country in this section, and U.S. travel is requested in the form prior to reaching this section. However, since additional clarity may reduce applicant burden, the Department will incorporate this suggestion to the proposed DS-260. The question now reads: “Have you traveled to any countries/regions, other than the United States, within the last fifteen years?”

Security and Fraud Questions

AILA suggested simplifying the language of complex questions to ensure applicants understand their intent and scope.

The Department acknowledges and agrees with the importance of clarity in these questions and is actively engaging in a large-scale modernization project that will address these concerns. The modernization will include technical improvements and plain language rephrasing of these and other questions throughout the form. The Department appreciates AILA’s continued patience while it works to improve its systems, as the modernization project cannot be completed in the limited time left in this PRA renewal cycle.

Present and Previous Address Information

AILA proposed requiring only city, state/province, country, and dates for address history, with an option to mark street addresses as “unknown.” While the Department recognizes the challenges applicants may face in recalling detailed address information, particularly for elderly applicants, past addresses are used for multiple purposes beyond police certificate requirements, including fraud prevention and enhanced vetting. At this time, the Department will not implement this suggestion, but it will re-open discussions with vetting partners to determine whether adding an “unknown” checkbox to the address field is possible without significantly impacting U.S. national security interests in the future.

Family Information

AILA recommended rephrasing questions about family members’ immigration intentions.

The Department agrees to rephrase these questions and will replace the word “immigrating” with the more specific phrase “applying for a U.S. immigrant visa.”

Additional Work/Education/Training/Travel Information Page

AILA suggested providing additional context to the question, “Have you belonged to, contributed to, or worked for any professional, social, or charitable organization?”

The Department understands AILA’s suggestion to be motivated by applicants’ possible misunderstanding of the scope of information sought. Due to resource and time constraints, the Department will need to further consider this recommendation as part of the ongoing modernization project.

Security and Background Information

AILA recommended rephrasing the question, “Has the Secretary of Homeland Security of the United States ever determined that you knowingly made a frivolous application for asylum?”

The Department agrees with this recommendation and will revise the form to reference “an immigration judge or Board of Immigration Appeals” instead of “the Secretary of Homeland Security of the United States.”

Signature and Submission

AILA proposed retitling the page, making grammatical adjustments, and including language clarifying that the visa application is not formally made until the consular interview. While the Department is open to considering these changes, these issues will be addressed as part of the aforementioned modernization project.

E-Signature Section

AILA questioned a reference to the Australian Department of Home Affairs (ADHA) and raised privacy and security concerns regarding language about medical examinations and data storage in the eMedical system.

In response to this comment, the Department is revising language to better explain the role that ADHA plays in the eMedical system and clarify its relevance to all applicants subject to medical examination. For greater transparency, the Department also is adding language to better explain how applicants’ medical information may be temporarily stored in the eMedical system and providing additional data

privacy assurances, as records access by the ADHA is strictly limited to providing technical support to the U.S. government and its designated panel physicians. This language is now included in a new “Medical Examination Disclosure and Consent” subsection, which is separate from the e-signature section where the information currently displays.

Accessibility

AILA highlighted certain technical issues, including timeouts, login errors, and the inability to amend the form post-submission.

The Department’s modernization project also aims to address many of these technical challenges, and attempts to resolve these issues are underway.

General Data Collection

AILA advocated for the option to provide explanatory information, either through a tick box next to each question or a stand-alone final page, similar to the overflow sheet option in the old paper DS-230 form.

The Department has determined that these changes are neither necessary nor feasible and will not implement them at this time.

The DS-230 previously contained the following instruction that allowed for an “overflow” sheet: “If there is insufficient room on the form, answer on a separate sheet using the same numbers that appear on the form. Attach any additional sheets to this form.” The intention behind this instruction was to allow applicants to provide required information that did not fit in the limited space provided on the paper form. This included information about additional family members, additional social media, etc. The instruction was not designed to allow applicants to provide explanatory information beyond the explicit information the Department requested. Furthermore, space is not limited in the DS-260, as the e-form allows applicants to select “add another” for questions that might have required an additional sheet when completing the paper form. Applicants wishing to provide explanatory information for responses have the opportunity to do so during the required in-person interview.

Comment 2

The comment expresses “concern for the volume of applications for the registration of individuals applying and the extreme annual cost of \$156B” and recommends the Department review the “authenticity and the number of applications” for this collection.

The Department assures the public that every application undergoes adequate vetting. Furthermore, the Department clarifies that the cost to process the DS-260 is not \$156 billion, as the comment states, but rather \$94,022,024 in federal government expenditures. Consular fees are generally set based on the policy of full cost recovery, which means the full cost is offset by the DS-260 application fee. The net cost to the American taxpayer is \$0.

Stuart R Wilson,

*Deputy Assistant Secretary for Visa Services,
Bureau of Consular Affairs, Department of
State.*

[FR Doc. 2025–20231 Filed 11–18–25; 8:45 am]

BILLING CODE 4710–05-P

TENNESSEE VALLEY AUTHORITY

Sunshine Act Meetings

TIME AND DATE: 9:00 a.m. CT on
November 6, 2025.

PLACE: Oxford Conference Center,
Oxford, Mississippi.

STATUS: Open.

MATTERS TO BE CONSIDERED:

Meeting No. 25–04

The TVA Board of Directors will hold a public meeting on November 6 at the Oxford Conference Center, 102 Ed Perry Boulevard, in Oxford, Mississippi. The meeting will be called to order at 9:00 a.m. CT to consider the agenda items listed below. While the Board currently lacks a quorum, it is anticipated that the Board will take an action in accordance with Section 1.6 of its Bylaws.

On November 5, at the Oxford Conference Center, the public may comment on any agenda item or subject at a Board-hosted public listening session which begins at 2:00 p.m. CT and will last until 4:00 p.m. Preregistration is required to address the Board.

Agenda

1. Approval of Minutes of the August 21, 2025 Board Meeting
2. Report of the People and Governance Committee
 - A. Performance and Compensation
3. Report of the Audit, Risk, and Cybersecurity Committee
4. Report of the Operations and Nuclear Oversight Committee
5. Report of the External Stakeholders and Regulation Committee
6. Report of the Finance, Rates, and Portfolio Committee
 - A. Battery Options to Support TVA Capacity Needs

7. Report from President and CEO

CONTACT PERSON FOR MORE INFORMATION:

For more information: Please contact Melissa Greene, TVA Media Relations at (865) 632–6000, Knoxville, Tennessee. Anyone who wishes to comment on any of the agenda in writing may send their comments to: TVA Board of Directors, Board Agenda Comments, 400 West Summit Hill Drive, Knoxville, Tennessee 37902.

Dated: October 30, 2025.

Edward C. Meade,

Agency Liaison.

[FR Doc. 2025–20362 Filed 11–17–25; 4:15 pm]

BILLING CODE 8120–08–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Docket No. FAA–2025–1126]

Agency Information Collection Activities: Requests for Comments; Clearance of Renewed Approval of Information Collection: FAA Entry Point Filing Form—International Registry

AGENCY: Federal Aviation
Administration (FAA), DOT.

ACTION: Notice and request for
comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, FAA invites the public to make comments about our intention to request the approval of the Office of Management and Budget (OMB) to renew an information collection. The **Federal Register** Notice with a 60-day comment period soliciting comments on the following collection of information was published on June 24, 2025. The information to be collected will be used to obtain a unique authorization code for transmitting information to the International Registry in Dublin, Ireland.

DATES: Written comments should be submitted by December 19, 2025.

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:

Shantel Young by email at:
shantel.young@faa.gov; phone: 405–
954–7077.

SUPPLEMENTARY INFORMATION:

Public Comments Invited: You are asked to comment on any aspect of this information collection, including (a) Whether the proposed collection of information is necessary for FAA’s performance; (b) the accuracy of the estimated burden; (c) ways for FAA to enhance the quality, utility and clarity of the information collection; and (d) ways that the burden could be minimized without reducing the quality of the collected information.

OMB Control Number: 2120–0697.

Title: FAA Entry Point Filing Form—
International Registry.

Form Numbers: AC Form 8050–135.

Type of Review: Renewal of an
information collection.

Background: The **Federal Register**

Notice with a 60-day comment period soliciting comments on the following collection of information was published on June 24, 2025 (90 FR 26900). The information collected is necessary to obtain an authorization code to transmit information to the International Registry. The Convention on International Interest in Mobile Equipment, as modified by the Protocol to the Convention on International Interests in Mobile Equipment on Matters Specific to Aircraft Equipment (Cape Town Treaty), provides for the creation and sustainment of the International Registry. The International Registry is an electronic registry system that works in tandem with the current system operated by the Federal Aviation Administration, Civil Aviation Registry, Aircraft Registration Branch (Registry) for the United States.

Congress has designated the Registry as the exclusive United States Entry Point for transmissions to the International Registry. To transmit certain types of interests or prospective interests to the International Registry, interested parties must file a completed FAA Entry Point Filing Form—International Registry, AC Form 8050–135, with the Registry. Upon receipt of the completed form, the Registry issues a unique authorization code. The submission of the information in question is not an FAA requirement for aircraft registration. Its sole purpose is to obtain an authorization code to transmit information to the International Registry. The FAA’s regulations addressing the transmission of information to the International Registry are found under Title 14 of the Code of Federal Regulations, Part 49 Subpart F. **Respondents:** 20,876 filings in FY2024.

Frequency: On occasion.

**Estimated Average Burden per
Response:** 30 minutes.

Estimated Total Annual Burden:
10,438 hours.

Issued in Oklahoma City, OK, on
November 14, 2025.

Shantel Young,

*Management and Program Analyst, Civil
Aviation Registry, Aircraft Registration
Branch, AFB-710.*

[FR Doc. 2025-20234 Filed 11-18-25; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Cancellation of Emergency Order Establishing Operating Limitations on the Use of Navigable Airspace

AGENCY: Department of Transportation,
Federal Aviation Administration (FAA).

ACTION: Cancellation of Emergency
Order Establishing Operating
Limitations on the Use of Navigable
Airspace.

SUMMARY: This Order cancels the November 12, 2025, “Emergency Order Establishing Operating Limitations on the Use of Navigable Airspace,” as amended by the November 14, 2025, Addendum, (November 12 Emergency Order) reducing and temporarily prohibiting certain operations in the navigable airspace to ensure the safety of aircraft and the efficiency of the National Airspace System (NAS). This Order cancels all requirements of the November 12 Emergency Order including to reduce operations at certain airports by 3 percent, and restores normal operating levels on the effective date of this Order. This Order also cancels the prohibition on operations by general aviation 14 CFR part 91 aircraft, non-scheduled 14 CFR part 135 aircraft, and 14 CFR part 380 public charter aircraft at certain airports, and the prohibition on commercial space launches and reentries during peak hours, and resumes normal air traffic control (ATC) services limited by the November 12 Emergency Order.

DATES: This Order takes effect at 6 a.m. EST on November 17, 2025.

ADDRESSES: If you wish to review the background documents or comments received in this proceeding, you may go to <http://www.regulations.gov> at any time and follow the online instructions for accessing the electronic docket. You may also go to the Docket Operations at the U.S. Department of Transportation in Room W12-140 on the ground floor of the West Building at 1200 New Jersey Avenue SE, Washington, DC, between 9:00 a.m. and 5:00 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Al Meilus, Slot Administration and Capacity Analysis, FAA ATO System Operations Services, AJR-G5, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591; telephone (202) 267-2822; email 7-awa-slotadmin@faa.gov.

SUPPLEMENTARY INFORMATION:

I. Introduction

This Order cancels the November 12 Emergency Order, reducing and prohibiting certain operations in the navigable airspace. The Administrator of the Federal Aviation Administration (FAA) is issuing this Order because data reviewed by the agency shows a sufficient reduction in the risks that initially prompted the reductions.

II. Background

The U.S. Government has exclusive sovereignty over the airspace of the United States.¹ Under this broad authority, Congress has granted the Administrator extensive and plenary authority to ensure the safety of aircraft and the efficient use of the nation’s navigable airspace. In this regard, the Administrator is required to develop plans and policies for the use of navigable airspace and assign by regulation or order under such terms, conditions, and limitations as he may deem necessary to ensure its safe and efficient use.² The Administrator may modify or revoke an assignment when required in the public interest.³ Furthermore, in carrying out the Administrator’s safety and efficiency responsibilities under the statute, the Administrator must: (1) assign, maintain, and enhance safety and security as the highest priorities in air commerce, and (2) control the use of the navigable airspace and regulate civil operations in that airspace in the interest of the safety and efficiency of those operations.⁴

The FAA’s statutory authority to ensure “the safety of aircraft” and “the efficient use of airspace” encompasses its management of the nationwide system of air commerce and the Air Traffic Control (ATC) system. Ensuring the safe and efficient use of the airspace means that the FAA must take all

necessary steps to prevent safety risks to, or situations potentially adversely affecting the overall safety of the ATC system for which the FAA is responsible.

Due to a lapse in appropriations, air traffic controllers worked without pay from October 3, 2025, to November 12, 2025. During that time, the FAA’s Office of Aviation Safety (AVS) and Air Traffic Organization (ATO) continued to review, monitor, and evaluate ATC safety. As part of this review, the FAA assessed voluntary safety reports submitted for the month of October. The reports indicated users of the system had concerns about its performance even with current mitigations in place. The FAA observed evidence of increased stress on the national airspace system (NAS) in aviation safety data, particularly at 40 high traffic airports, identified in Appendix A (“High Impact Airports”) of the November 12 Emergency Order. This data indicated a correlation between ATO staffing and stress on the NAS, prompting the FAA to issue an order entitled “Emergency Order Establishing Operating Limitations on the Use of Navigable Airspace” on November 7, 2025, to mitigate safety concerns and to address ATC stressors by requiring certain air carriers to reduce their total daily scheduled domestic operations between 6:00 a.m. and 10:00 p.m. local. The order required gradually increasing reductions in domestic operations at High Impact Airports, culminating in a required reduction of 10 percent. However, before required reductions reached the 10 percent level, the FAA’s review of pertinent data showed staffing rates reverting towards normal. Accordingly, the FAA issued the November 12 Emergency Order and the subsequent November 14 Addendum adjusting the reductions in operations to 6 percent and then 3 percent, respectively.

The FAA has continued to monitor data on National Airspace System (NAS) operations and has determined that ATO staffing levels have maintained at a consistently sufficient level to reduce stress on the NAS. As such, the FAA is canceling the November 12 Emergency Order.

III. National Environmental Policy Act Categorical Exclusion

The FAA has determined that this action qualifies for categorical exclusion (CATEX) under the National Environmental Policy Act (42 U.S.C. 4321, *et seq.*) in accordance with FAA Order 1050.1G, “FAA National Environmental Policy Act Implementing Procedures,” paragraph B-2.5(j). This

¹ 49 U.S.C. 40103.

² 49 U.S.C. 40103(b)(1), as previously codified in 49 U.S.C. App. § 307(a). Title 49 was recodified by Public Law 103-222, 108 Stat. 745 (1994). The textual revisions were not intended to result in substantive changes to the law. The recodification stated that the words in § 307(a) “under such terms, conditions, and limitations as he may deem” were omitted as surplus. H. Rpt. 103-180 (103d Cong., 1st Sess. 1993) at 262.

³ *Id.*

⁴ 49 U.S.C. 40101(d)(1) and (4).

CATEX applies to the following category of actions: “Implementation of procedures to respond to emergency air or ground safety needs, accidents, or natural events with no reasonably foreseeable long-term adverse impacts.” This action is not expected to cause any potentially significant environmental impacts, and no extraordinary circumstances exist that would preclude the use of this CATEX and require a higher level of NEPA review.

IV. Order

Accordingly, under the authority provided to the Secretary of Transportation and the FAA Administrator by 49 U.S.C. 40103, 40113, and 46105(c), it is hereby ordered that the November 12, 2025, Emergency Order Establishing Operating Limitations on the Use of Navigable Airspace is hereby cancelled in its entirety, effective at 6:00 a.m. EST on November 17, 2025, except that the FAA may pursue enforcement actions for failure to comply with the November 12 Emergency Order during its effective period.

Issued in Washington, DC, on November 16, 2025.

William McKenna,

Chief Counsel, Federal Aviation Administration.

Bryan Bedford,

Administrator, Federal Aviation Administration.

[FR Doc. 2025–20308 Filed 11–17–25; 4:15 pm]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Docket No. FAA–2025–2994]

Notice of Guidance: Transporting Hazardous Materials by Unmanned Aircraft Systems (UAS)

AGENCY: Federal Aviation Administration (FAA), Security and Hazardous Materials Safety, and Department of Transportation, Pipeline and Hazardous Materials Safety Administration (PHMSA), Office of Hazardous Materials Safety.

ACTION: Notice.

SUMMARY: This notice announces the availability of a joint FAA–PHMSA guidance document on transporting hazardous materials by Unmanned Aircraft Systems (UAS). This document is available at: https://www.faa.gov/hazmat/air_carriers/operations/drones.

DATES: This guidance document is available as of November 19, 2025.

Written comments should be submitted by December 19, 2025.

FOR FURTHER INFORMATION CONTACT:

Lori Ambers, 405–954–0088, Office of Hazardous Materials Safety, Security and Hazardous Materials Safety, Federal Aviation Administration, U.S. Department of Transportation, 800 Independence Avenue SW, Washington, DC 20591–0001 or

Steven Andrews, 202–366–8553, Standards and Rulemaking Division, Pipeline and Hazardous Materials Safety Administration, U.S. Department of Transportation, 1200 New Jersey Avenue SE, Washington, DC 20590–000.

SUPPLEMENTARY INFORMATION: Section 933 of the FAA Reauthorization Act of 2024, titled “Special Authority for Transport of Hazardous Materials by Commercial Package Delivery Unmanned Aircraft Systems,” directs the Secretary of Transportation to use a risk-based approach to establish the operational requirements, standards, or special permits necessary to approve or authorize an air carrier to transport hazardous materials by UAS providing common carriage under Title 14 of the Code of Federal Regulations (14 CFR) part 135, or under successor authorities, as applicable, based on the weight, amount, and type of hazardous material being transported and the characteristics of the operations subject to such requirements, standards, or special purposes (see subsection (a)). The FAA and PHMSA addressed subsection (e)(1) of the FAA Reauthorization Act of 2024 by hosting a joint public meeting on August 22, 2024.¹

In addressing the statutory requirement, the FAA and PHMSA are providing guidance that will enable operators to account methodically for what can be unique risks associated with the transportation of hazardous materials by UAS. This guidance is intended for 14 CFR part 135 UAS applicants and certificate holders who seek authorization to transport hazardous materials, including those certificate holders seeking to expand the scope of their current hazardous materials programs. The document is available at: https://www.faa.gov/hazmat/air_carriers/operations/drones.

Signed in Washington, DC, on November 14, 2025.

Walter J. McBurrows, III,

Acting Executive Director, Office of Hazardous Materials Safety, FAA.

[FR Doc. 2025–20242 Filed 11–18–25; 8:45 am]

BILLING CODE 4910–13–P

¹ A recording and transcript of the public meeting as well as public comments can be found at <https://www.regulations.gov/docket/PHMSA-2024-0117>.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Docket No. FAA–2025–1125]

Agency Information Collection Activities: Requests for Comments; Clearance of Renewed Approval of Information Collection: Dealer's Aircraft Registration Application

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, FAA invites the public to make comments about our intention to request the Office of Management and Budget (OMB) approval to renew an information collection. The **Federal Register** Notice with a 60-day comment period soliciting comments on the following collection of information was published on June 24, 2025. The collection involves submission of an AC Form 8050–5, Dealer's Aircraft Registration Certificate Application, by companies or individuals to obtain a Dealer's Aircraft Registration Certificate, which allows operation of an aircraft in lieu of obtaining a permanent aircraft registration certificate. The information collection is necessary for a dealer to operate an aircraft without a permanent aircraft registration certificate.

DATES: Written comments should be submitted by December 19, 2025.

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:

Shantel Young by email at: shantel.young@faa.gov; phone: 405–954–7077.

SUPPLEMENTARY INFORMATION:

Public Comments Invited: You are asked to comment on any aspect of this information collection, including (a) Whether the proposed collection of information is necessary for FAA's performance; (b) the accuracy of the estimated burden; (c) ways for FAA to enhance the quality, utility and clarity of the information collection; and (d) ways that the burden could be minimized without reducing the quality of the collected information.

OMB Control Number: 2120–0024.

Title: Dealer's Aircraft Registration Certificate Application.

Form Numbers: AC Form 8050–5.

Type of Review: Renewal.

Background: The **Federal Register** Notice with a 60-day comment period soliciting comments on the following collection of information was published on June 24, 2025 (90 FR 26899). Federal Aviation Regulation 14 CFR part 47, subpart C, outlines the requirements for dealers to obtain a dealer's aircraft registration certificate to operate aircraft in lieu of obtaining a permanent aircraft registration certificate. Any individual or company engaged in manufacturing, distributing, or selling aircraft who want to operate aircraft without a permanent aircraft registration certificate may apply. Applicants complete the AC Form 8050–5, Dealer's Aircraft Registration Certificate Application. A dealer's certificate is valid for one year from the issuance date. A dealer must re-apply annually to maintain their certificate.

Respondents: 3,453 applicants in FY2024.

Frequency: Annually to maintain a certificate.

Estimated Average Burden per Response: 30 minutes.

Estimated Total Annual Burden: 1,727 hours.

Issued in Oklahoma City, OK, on November 14, 2025.

Shantel Young,

Management and Program Analyst, Civil Aviation Registry, Aircraft Registration Branch, AFB–710.

[FR Doc. 2025–20235 Filed 11–18–25; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

[Docket No. FHWA–2025–0334]

Agency Information Collection Activities: Notice of Request for Reinstatement of a Previously Approved Information Collection

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of request for reinstatement of a previously approved information collection.

SUMMARY: The FHWA has forwarded the information collection request described in this notice to the Office of Management and Budget (OMB) to reinstate a previously approved information collection. We are required to publish this notice in the **Federal Register** by the Paperwork Reduction Act of 1995.

DATES: Please submit comments by December 19, 2025.

ADDRESSES: You may submit comments identified by DOT Docket ID Number 0334 by any of the following methods:

Website: For access to the docket to read background documents or comments received go to the Federal eRulemaking Portal: Go to <http://www.regulations.gov>.

Follow the online instructions for submitting comments.

Fax: 1–202–493–2251.

Mail: Docket Management Facility, U.S. Department of Transportation, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590–0001.

Hand Delivery or Courier: U.S. Department of Transportation, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590, between 9 a.m. and 5 p.m. ET, Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Michelle Hilary, (860) 803–6481, Office of Project Development and Environmental Review, Federal Highway Administration, Department of Transportation, 1200 New Jersey Avenue SE, Washington, DC 20590. Office hours are from 7 a.m. to 4 p.m., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION: We published a **Federal Register** Notice with a 60-day public comment period on this information collection on August 4, 2025, at [90 FR 36517]. The notice received 9 comments. The comments and FHWA's responses are below:

Overall, the comments expressed strong support for the Wildlife Crossings Pilot Program (WCPP) and implementation of wildlife crossings in general, emphasizing protection of both animals and drivers, reducing collisions, saving lives, and preserving habitat connectivity. Regarding information collection, one of the State DOTs provided the following recommendations for streamlining the reporting process:

- Use electronic technology for submissions and reporting (e.g., online forms, electronic data uploads) to reduce respondent time and paperwork;
- Leverage existing data and studies (use already collected traffic, crash, and wildlife/habitat data) to avoid duplicate reporting and reduce burden on applicants;
- Minimize reporting requirements to the essentials by prioritizing data that directly supports program oversight and outcomes, and eliminate redundant fields or requests; and

- Streamline and standardize reporting templates and procedures so applicants can complete requirements more quickly and consistently.

FHWA is committed to improving safety for the traveling public through the reduction of WVCs. FHWA is open to utilizing technology to the extent possible to reduce the information collection burden for applicants and grantees, allowing for more streamlined information collection and improvements in the project delivery process under the WCPP.

Title: Wildlife Crossings Pilot Program.

OMB Control: 2125–0672.

Background: The WCPP is a competitive grant program established in the Infrastructure Investment and Jobs Act of 2021 (Pub. L. 117–58, November 15, 2021), and codified at 23 U.S.C. 171. The WCPP seeks to fund projects that will reduce wildlife-vehicle collisions and improve habitat connectivity for terrestrial and aquatic species. The FHWA will advertise a Notice of Funding Opportunity for up to \$80 million in fiscal year 2026 funds, plus any funds available from prior fiscal years (FY 2022–2025).

Respondents: Approximately 60 Eligible Applicants, which are State departments of transportations, Indian tribes, metropolitan planning organizations, units of local government, regional transportation authorities, special purpose districts or public authorities with a transportation function, or Federal land management agencies (FLMA). For the purpose of the grant agreement stage and project management stage, respondents may also include Eligible Partners, which are a metropolitan organization; a unit of local government; a regional transportation authority; a special purpose district or public authority with a transportation function; an Indian Tribe; an FLMA; a foundation, nongovernmental organization, or institution of higher education; or a Federal, Tribal, regional, or State government entity.

Frequency: Once.

Estimated Average Burden per Response: The burden hours vary depending on the phase of the WCPP. The application phase will take approximately 40 hours per respondent. The grant agreement and project management phase will take approximately 2 hours to complete per phase.

Estimated Total Annual Burden Hours: 2600 hours.

Public Comments Invited: You are asked to comment on any aspect of this information collection, including: (1)

Whether the proposed collection is necessary for the FHWA's performance; (2) the accuracy of the estimated burdens; (3) ways for the FHWA to enhance the quality, usefulness, and clarity of the collected information; and (4) ways that the burden could be minimized, including the use of electronic technology, without reducing the quality of the collected information. The agency will summarize and/or include your comments in the request for OMB's clearance of this information collection.

Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. chapter 35, as amended; and 49 CFR 1.48.

Issued on: November 17, 2025.

Jazmyne Lewis,

Information Collection Officer.

[FR Doc. 2025–20297 Filed 11–18–25; 8:45 am]

BILLING CODE 4910–22–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket Number FRA–2020–0096]

Notice of Petition for Modification of Waiver of Compliance

AGENCY: Federal Railroad Administration (FRA), Department of Transportation (DOT).

ACTION: Notice.

SUMMARY: This document provides the public notice that Brightline West (BW) petitioned FRA for a modification of relief from certain regulations concerning Tier III rolling stock for passenger service.

DATES: FRA must receive comments on the petition by December 19, 2025. FRA will consider comments received after that date to the extent practicable.

ADDRESSES:

Comments: Comments related to this docket may be submitted by going to <https://www.regulations.gov> and following the online instructions for submitting comments.

Instructions: All submissions must include the agency name and docket number. All comments received will be posted without change to <https://www.regulations.gov>; this includes any personal information. Please see the Privacy Act heading in the **SUPPLEMENTARY INFORMATION** section of this document for Privacy Act information related to any submitted comments or materials.

Docket: For access to the docket to read background documents or comments received, go to <https://www.regulations.gov> and follow the

online instructions for accessing the docket.

FOR FURTHER INFORMATION CONTACT:

Harold Weisinger, Railroad Safety Specialist, FRA Motive Power & Equipment Division, telephone: 202–493–0036, email: harold.weisinger@dot.gov.

SUPPLEMENTARY INFORMATION: Under part 211 of title 49 Code of Federal Regulations (CFR), this document provides the public notice that by letter dated July 24, 2025, BW petitioned FRA for a modification of an existing waiver of compliance from certain provisions of the Federal railroad safety regulations contained at 49 CFR parts 229, Railroad Locomotive Safety Standards, and 238, Passenger Equipment Safety Standards. The relevant Docket Number is FRA–2020–0096.

The existing relief in this docket pertains to BW's Tier III rolling stock it plans to utilize for new passenger service from Las Vegas, Nevada, to Southern California. BW explains that, with certain exceptions, the rolling stock will comply with FRA's standards related to Tier III equipment, including the requirements FRA proposed on April 3, 2023.¹ While the proposals in that Notice of Proposed Rulemaking are still being finalized, BW requests relief from existing §§ 229.83, 238.121, and 238.123 regarding insulation or ground of metal parts, emergency communication, and emergency roof access.

A copy of the petition, as well as any written communications concerning the petition, is available for review online at www.regulations.gov.

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments. FRA does not anticipate scheduling a public hearing in connection with these proceedings since the facts do not appear to warrant a hearing. If any interested party desires an opportunity for oral comment and a public hearing, they should notify FRA, in writing, before the end of the comment period and specify the basis for their request.

Communications received by December 19, 2025 will be considered by FRA before final action is taken. Comments received after that date will be considered if practicable.

Privacy Act

Anyone can search the electronic form of any written communications and comments received into any of FRA's dockets by the name of the

individual submitting the comment (or signing the document, if submitted on behalf of an association, business, labor union, etc.). Under 5 U.S.C. 553(c), DOT solicits comments from the public to inform its processes. DOT posts these comments, without edit, including any personal information the commenter provides, to www.regulations.gov, as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at <https://www.transportation.gov/privacy>. See also <https://www.regulations.gov/privacy-notice> for the privacy notice of regulations.gov.

Issued in Washington, DC.

John Karl Alexy,

Associate Administrator for Railroad Safety, Chief Safety Officer.

[FR Doc. 2025–20286 Filed 11–18–25; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket Number FRA–2007–0030]

Notice of Petition for Extension of Waiver of Compliance

AGENCY: Federal Railroad Administration (FRA), Department of Transportation (DOT).

ACTION: Notice.

SUMMARY: This document provides the public notice that New Jersey Transit Corporation (NJ Transit) petitioned FRA to extend an existing waiver of certain regulations related to a shared use property.

DATES: FRA must receive comments on the petition by December 19, 2025. FRA will consider comments received after that date to the extent practicable.

ADDRESSES:

Comments: Comments related to this docket may be submitted by going to <https://www.regulations.gov> and following the online instructions for submitting comments.

Instructions: All submissions must include the agency name and docket number. All comments received will be posted without change to <https://www.regulations.gov>; this includes any personal information. Please see the Privacy Act heading in the **SUPPLEMENTARY INFORMATION** section of this document for Privacy Act information related to any submitted comments or materials.

Docket: For access to the docket to read background documents or comments received, go to <https://www.regulations.gov> and follow the

¹ 63 FR 19730.

online instructions for accessing the docket.

FOR FURTHER INFORMATION CONTACT: John Mardente, Railroad Safety Specialist, FRA Engineering & Technology Division, telephone: 202-493-1335, email: john.mardente@dot.gov.

SUPPLEMENTARY INFORMATION: Under part 211 of title 49 Code of Federal Regulations (CFR), this document provides the public notice that by letter dated September 12, 2025 NJ Transit petitioned FRA for a one-year extension of a waiver of compliance from certain provisions of the Federal railroad safety regulations contained at 49 CFR parts 219, 221, 222, 223, 229, 231, 234, 236, 238, 239, 242, 243, and 270. The relevant Docket Number is FRA-2007-0030.

Specifically, NJ Transit seeks to extend the terms and conditions of its existing shared use waiver, requesting the following extended relief:

- partial relief from parts 221, 223, 229, 234, 236, and 238; and
- full relief from parts 219, 222, 231, 238, 239, 242, 243, and 270.

NJ Transit requests extended relief for one year, as NJ Transit has transitioned operations and maintenance tasks for the Southern New Jersey Light Rail system (RiverLINE) from Alstom Transportation, Inc. to NJ Transit. The petition explains that the extension would allow NJ Transit “sufficient time to develop a transition plan, policies, and procedures as well as the data to support a future petition” about the RiverLINE. NJ Transit explains that requesting a full, 5-year extension of relief at this time would not provide FRA with “sufficient, real-time information and documentation to consider a waiver renewal.”

The relief in this docket supports the continued operation of the RiverLINE rail fixed guideway public transit system operating between Camden and Trenton, New Jersey. The passenger service uses non-FRA compliant articulated diesel multiple units and is temporally separated from freight service on Consolidated Rail Corporation’s track.

A copy of the petition, as well as any written communications concerning the petition, is available for review online at www.regulations.gov.

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments. FRA does not anticipate scheduling a public hearing in connection with these proceedings since the facts do not appear to warrant a hearing. If any interested party desires an opportunity for oral comment and a

public hearing, they should notify FRA, in writing, before the end of the comment period and specify the basis for their request.

Communications received by December 19, 2025 will be considered by FRA before final action is taken. Comments received after that date will be considered if practicable.

Privacy Act

Anyone can search the electronic form of any written communications and comments received into any of FRA’s dockets by the name of the individual submitting the comment (or signing the document, if submitted on behalf of an association, business, labor union, etc.). Under 5 U.S.C. 553(c), DOT solicits comments from the public to inform its processes. DOT posts these comments, without edit, including any personal information the commenter provides, to www.regulations.gov, as described in the system of records notice (DOT/ALL-14 FDMS), which can be reviewed at <https://www.transportation.gov/privacy>. See also <https://www.regulations.gov/privacy-notice> for the privacy notice of regulations.gov.

Issued in Washington, DC.

John Karl Alexy,

Associate Administrator for Railroad Safety, Chief Safety Officer.

[FR Doc. 2025-20284 Filed 11-18-25; 8:45 am]

BILLING CODE 4910-06-P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket Number FRA-2025-0588]

Notice of Petition for Waiver of Compliance

AGENCY: Federal Railroad Administration (FRA), Department of Transportation (DOT).

ACTION: Notice.

SUMMARY: This document provides the public notice that Long Island Rail Road (LIRR) petitioned FRA for relief from certain regulations concerning recording devices on locomotives.

DATES: FRA must receive comments on the petition by December 19, 2025. FRA will consider comments received after that date to the extent practicable.

ADDRESSES:

Comments: Comments related to this docket may be submitted by going to <https://www.regulations.gov> and following the online instructions for submitting comments.

Instructions: All submissions must include the agency name and docket

number. All comments received will be posted without change to <https://www.regulations.gov>; this includes any personal information. Please see the Privacy Act heading in the **SUPPLEMENTARY INFORMATION** section of this document for Privacy Act information related to any submitted comments or materials.

Docket: For access to the docket to read background documents or comments received, go to <https://www.regulations.gov> and follow the online instructions for accessing the docket.

FOR FURTHER INFORMATION CONTACT: Harry Weisinger, Railroad Safety Specialist, FRA Motive Power & Equipment Division, telephone: 202-493-0036, email: harold.weisinger@dot.gov.

SUPPLEMENTARY INFORMATION: Under part 211 of title 49 Code of Federal Regulations (CFR), this document provides the public notice that by letter dated August 12, 2025, LIRR petitioned FRA for a waiver of compliance from certain provisions of the Federal railroad safety regulations contained at 49 CFR part 229 (Railroad Locomotive Safety Standards). FRA assigned the petition Docket Number FRA-2025-0588.

Specifically, LIRR seeks temporary relief from the deadline by which to implement § 229.136(a)(1,5) and (c)(1)(iii), *Locomotive image and audio recording devices*, which requires recording systems to include a device “aimed parallel to the centerline of the tangent track within the gauge on the front end of the locomotive;” that notes “an accurate time and date stamp on image recordings;” and is “capable of using ambient light in the cab” and can “automatically switch to infrared or another operating mode” if the light is too low. In its petition, LIRR explains that although its locomotives have included on-board image recorders for over a decade, LIRR “cannot meet the regulation’s October 2027 deadline [for compliance] due to, among other things, legally required procurement processes, work space and workforce limitations, existing maintenance and regulatory obligations[,]” and potential disruptions to its sizeable commuter service. LIRR proposes rolling deadlines from December 2028 to December 2030, and states that if LIRR is required to meet the October 2027 deadline, its service capacity will be cut by more than half, as a significant percentage of its trains would be removed from service.

A copy of the petition, as well as any written communications concerning the

petition, is available for review online at www.regulations.gov.

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments. FRA does not anticipate scheduling a public hearing in connection with these proceedings since the facts do not appear to warrant a hearing. If any interested party desires an opportunity for oral comment and a public hearing, they should notify FRA, in writing, before the end of the comment period and specify the basis for their request.

Communications received by December 19, 2025 will be considered by FRA before final action is taken. Comments received after that date will be considered if practicable.

Privacy Act

Anyone can search the electronic form of any written communications and comments received into any of FRA's dockets by the name of the individual submitting the comment (or signing the document, if submitted on behalf of an association, business, labor union, etc.). Under 5 U.S.C. 553(c), DOT solicits comments from the public to inform its processes. DOT posts these comments, without edit, including any personal information the commenter provides, to www.regulations.gov, as described in the system of records notice (DOT/ALL-14 FDMS), which can be reviewed at <https://www.transportation.gov/privacy>. See also <https://www.regulations.gov/privacy-notice> for the privacy notice of www.regulations.gov.

Issued in Washington, DC.

John Karl Alexy,

Associate Administrator for Railroad Safety, Chief Safety Officer.

[FR Doc. 2025-20287 Filed 11-18-25; 8:45 am]

BILLING CODE 4910-06-P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket Number FRA-2020-0064]

Notice of Petition for Extension of Waiver of Compliance

AGENCY: Federal Railroad Administration (FRA), Department of Transportation (DOT).

ACTION: Notice.

SUMMARY: This document provides the public notice that the BNSF Railway (BNSF) petitioned FRA for relief from certain regulations concerning track inspections.

DATES: FRA must receive comments on the petition by December 19, 2025. FRA will consider comments received after that date to the extent practicable.

ADDRESSES:

Comments: Comments related to this docket may be submitted by going to <https://www.regulations.gov> and following the online instructions for submitting comments.

Instructions: All submissions must include the agency name and docket number. All comments received will be posted without change to <https://www.regulations.gov>; this includes any personal information. Please see the Privacy Act heading in the **SUPPLEMENTARY INFORMATION** section of this document for Privacy Act information related to any submitted comments or materials.

Docket: For access to the docket to read background documents or comments received, go to <https://www.regulations.gov> and follow the online instructions for accessing the docket.

FOR FURTHER INFORMATION CONTACT:

Yujang Zhang, Staff Director, FRA Track & Structures Division, telephone: 202-493-6460, email: yujang.zhang@dot.gov.

SUPPLEMENTARY INFORMATION: Under part 211 of title 49 Code of Federal Regulations (CFR), this document provides the public notice that by letter received July 9, 2025, BNSF petitioned FRA for an extension of a waiver of compliance from certain provisions of the Federal railroad safety regulations contained at 49 CFR part 213 (Track Safety Standards). FRA assigned the petition Docket Number FRA-2020-0064.

BNSF requests extended relief from § 213.233(b) and (c), *Visual track inspections*, which specifies the method and frequency for visual track inspections. BNSF seeks to continue using a combination of track geometry measurement system (TGMS) and visual track inspection methods on three territories: the Powder River Division, the Southern Transcon corridor, and the Northern Transcon corridor. BNSF states that the territories have seen "substantial improvements" in defect rates "compared to their pre-waiver periods." The petition seeks relief for a six-month period from its expiration date (January 19, 2026), and states that FRA is considering relief for the Association of American Railroads on "substantially similar subject matter" in Docket Number FRA-2025-0059.

A copy of the petition, as well as any written communications concerning the

petition, is available for review online at www.regulations.gov.

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments. FRA does not anticipate scheduling a public hearing in connection with these proceedings since the facts do not appear to warrant a hearing. If any interested party desires an opportunity for oral comment and a public hearing, they should notify FRA, in writing, before the end of the comment period and specify the basis for their request.

Communications received by December 19, 2025 will be considered by FRA before final action is taken. Comments received after that date will be considered if practicable.

Privacy Act

Anyone can search the electronic form of any written communications and comments received into any of FRA's dockets by the name of the individual submitting the comment (or signing the document, if submitted on behalf of an association, business, labor union, etc.). Under 5 U.S.C. 553(c), DOT solicits comments from the public to inform its processes. DOT posts these comments, without edit, including any personal information the commenter provides, to www.regulations.gov, as described in the system of records notice (DOT/ALL-14 FDMS), which can be reviewed at <https://www.transportation.gov/privacy>. See also <https://www.regulations.gov/privacy-notice> for the privacy notice of www.regulations.gov.

Issued in Washington, DC.

John Karl Alexy,

Associate Administrator for Railroad Safety, Chief Safety Officer.

[FR Doc. 2025-20285 Filed 11-18-25; 8:45 am]

BILLING CODE 4910-06-P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket Number FRA-2025-0754]

Notice of Application for Approval of Discontinuance or Modification of a Railroad Signal System

AGENCY: Federal Railroad Administration (FRA), Department of Transportation (DOT).

ACTION: Notice.

SUMMARY: This document provides the public notice that the National Railroad Passenger Corporation (Amtrak) petitioned FRA seeking approval to discontinue or modify a signal system.

DATES: FRA must receive comments on the petition by December 19, 2025. FRA will consider comments received after that date to the extent practicable.

ADDRESSES:

Comments: Comments related to this docket may be submitted by going to <https://www.regulations.gov> and following the online instructions for submitting comments.

Instructions: All submissions must include the agency name and docket number. All comments received will be posted without change to <https://www.regulations.gov>; this includes any personal information. Please see the Privacy Act heading in the **SUPPLEMENTARY INFORMATION** section of this document for Privacy Act information related to any submitted comments or materials.

Docket: For access to the docket to read background documents or comments received, go to <https://www.regulations.gov> and follow the online instructions for accessing the docket.

FOR FURTHER INFORMATION CONTACT:

Scott Johnson, Railroad Safety Specialist, FRA Signal, Train Control, and Crossings Division, telephone: 406-210-3608, email: scott.j.johnson@dot.gov.

SUPPLEMENTARY INFORMATION: Under part 235 of title 49 Code of Federal Regulations (CFR) and 49 U.S.C. 20502(a), this document provides the public notice that by letter received September 10, 2025, Amtrak petitioned FRA seeking approval to discontinue or modify a signal system. FRA assigned the petition Docket Number FRA-2025-0754.

Specifically, Amtrak requests to remove all automatic block signals on its New York Terminal District Main Line (East River Tunnel Lines 1 and 2) on the New York Division from milepost (MP) 0.1 to MP 3.0. Amtrak adds that the existing cab with wayside signal configuration will be replaced with block points without wayside signals and a control point will be added. In its petition, Amtrak states that removing these signals will “increase capacity, eliminate maintenance and operation of unnecessary hardware no longer needed, and . . . reduce delays to trains caused by failures of the signals.” Amtrak further states that safety in the subject area will be upheld as the cab signal system and positive train control will enforce train speed and positive train stop. This request is part of Amtrak’s efforts to renew infrastructure in this area. Long Island Rail Road and New Jersey Transit are both tenants on

this line and have provided concurrence with the application.

A copy of the petition, as well as any written communications concerning the petition, is available for review online at www.regulations.gov.

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments. FRA does not anticipate scheduling a public hearing in connection with these proceedings since the facts do not appear to warrant a hearing. If any interested party desires an opportunity for oral comment and a public hearing, they should notify FRA, in writing, before the end of the comment period and specify the basis for their request.

Communications received by December 19, 2025 will be considered by FRA before final action is taken. Comments received after that date will be considered if practicable.

Privacy Act

Anyone can search the electronic form of any written communications and comments received into any of FRA’s dockets by the name of the individual submitting the comment (or signing the document, if submitted on behalf of an association, business, labor union, etc.). Under 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its processes. DOT posts these comments, without edit, including any personal information the commenter provides, to www.regulations.gov, as described in the system of records notice (DOT/ALL-14 FDMS), which can be reviewed at <https://www.transportation.gov/privacy>. See also <https://www.regulations.gov/privacy-notice> for the privacy notice of www.regulations.gov.

Issued in Washington, DC.

John Karl Alexy,

Associate Administrator for Railroad Safety,
Chief Safety Officer.

[FR Doc. 2025-20288 Filed 11-18-25; 8:45 am]

BILLING CODE 4910-06-P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA-2025-0129]

Agency Information Collection Activities; Renewal of an Approved Information Collection: Motor Carrier Identification Report

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), Department of Transportation (DOT).

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, FMCSA announces its plan to submit the Information Collection Request (ICR) described below to the Office of Management and Budget (OMB) for review and approval. FMCSA requests approval to renew an ICR titled, “Motor Carrier Identification Report,” which is used to identify FMCSA regulated entities, help prioritize the agency’s activities, aid in assessing the safety outcomes of those activities, and for statistical purposes. This ICR is necessary to ensure regulated entities are registered with the DOT. On June 17, 2025, FMCSA published a 60-day notice in the **Federal Register** announcing its intention to submit this ICR to OMB for renewal. FMCSA received no comments in response to this notice.

DATES: Comments on this notice must be received on or before December 19, 2025.

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

FOR FURTHER INFORMATION CONTACT: Mr. Jeffrey Secrist, Office of Registration, Chief, Registration Division, DOT, FMCSA, 1200 New Jersey Avenue SE, Washington, DC 20590-0001; (202) 385-2367; jeff.secrist@dot.gov.

SUPPLEMENTARY INFORMATION:

Title: Motor Carrier Identification Report.

OMB Control Number: 2126-0013.

Type of Request: Renewal of a currently approved information collection.

Respondents: Motor carriers, freight forwarders, intermodal equipment providers (IEPs), brokers, motor carriers with a hazardous materials (HM) safety permit, cargo tank facilities and Mexican motor carriers.

Estimated Number of Respondents: 572,983 [567,351 for IC-1 + 1,922 for IC-2 + 3,709 for IC-3].

Estimated Time per Response: IC-1: 20 minutes for new filings and 7.5 minutes for biennial updates and changes to complete Form MCS-150. IC-2: 26 minutes for new filings and 5 minutes for biennial updates and changes to complete Form MCS-150B. IC-3: 20 minutes for new filings and 7.5

minutes for biennial updates and changes to complete Form MCS–150C.

Expiration Date: October 31, 2025.

Frequency of Response: On occasion and biennially.

Estimated Total Annual Burden:

160,169 hours [158,437 hours for IC–1 + 497 hours for IC–2 + 1,235 hours for IC–3].

Background

Title 49, United States Code (U.S.C.) section 504(b)(2) provides the Secretary of Transportation (Secretary) with authority to require carriers, lessors, associations, or classes of these entities to file annual, periodic, and special reports containing answers to questions asked by the Secretary. The Secretary may also prescribe the form of records required to be prepared or compiled and the time period during which records must be preserved (see 49 U.S.C. 504(b)(1) and (d)). FMCSA will use this data to administer its safety programs using a database of entities that are subject to its regulations. This database necessitates that these entities notify FMCSA of their existence. For example, under 49 Code of Federal Regulations (CFR) 390.19(a), FMCSA requires all motor carriers beginning operations to file Form MCS–150, “Motor Carrier Identification Report,” Form MCS–150B titled, “Combined Motor Carrier Identification Report and HM Permit Applications,” or Form MCS–150C titled, “Intermodal Equipment Provider Identification Report.” This report is filed by all motor carriers conducting interstate operations, intrastate operations transporting HM, or international commerce before beginning operations. It asks the respondent to provide the name of the business entity that owns and controls the motor carrier operation; address and telephone of principal place of business; assigned identification number(s), type of operation, types of cargo usually transported; number of vehicles owned, term leased and trip leased; driver information; and certification statement signed by an individual authorized to sign documents on behalf of the business entity. Existing applicants will

use Form MCS–150, MCS–150B, or MCS–150C to update their information in the Motor Carrier Management Information System. Applicants filing for the first time will be required to file online. Form MCS–150, MCS–150B will be used for Mexico-domiciled carriers that seek authority to operate beyond the United States municipalities on the United States-Mexico border and their commercial zones, or MCS–150C will be used by IEPs beginning operations that interchange intermodal equipment with a motor carrier or have contractual responsibility for the maintenance of intermodal equipment. The information collected from the respondents is readily available to the public. This revised ICR captures the burden of continued use of Form MCS–150, MCS–150B for motor carriers updating their registration information and for the registration of Mexico-domiciled carriers, or MCS–150C for IEPs. No public comments were received in response to the 60-day **Federal Register** notice.

Public Comments Invited: You are asked to comment on any aspect of this information collection, including: (1) whether the proposed collection is necessary for the performance of FMCSA’s functions; (2) the accuracy of the estimated burden; (3) ways for FMCSA to enhance the quality, usefulness, and clarity of the collected information; and (4) ways that the burden could be minimized without reducing the quality of the collected information.

Issued under the authority of 49 CFR 1.87.

Jonathan Mueller,

Acting Associate Administrator, Office of Research and Registration.

[FR Doc. 2025–20265 Filed 11–18–25; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

Notice of OFAC Sanctions Action

AGENCY: Office of Foreign Assets Control, Department of the Treasury.

ACTION: Notice.

SUMMARY: The U.S. Department of the Treasury’s Office of Foreign Assets Control (OFAC) is publishing the names of one or more persons whose property and interests in property have been unblocked and who have been removed from OFAC’s Specially Designated Nationals and Blocked Persons List (SDN List).

DATES: This action was issued on October 29, 2025. See **SUPPLEMENTARY INFORMATION** section for relevant dates.

FOR FURTHER INFORMATION CONTACT: OFAC: Associate Director for Global Targeting, 202–622–2420; Assistant Director for Sanctions Compliance, 202–622–2490; or <https://ofac.treasury.gov/contact-ofac>.

SUPPLEMENTARY INFORMATION:

Electronic Availability

The SDN List and additional information concerning OFAC sanctions programs are available on OFAC’s website: <https://ofac.treasury.gov/>.

Notice of OFAC Action

On October 29, 2025, OFAC determined that the property and interests in property subject to U.S. jurisdiction of the following persons, designated pursuant to Executive Order 13304 of May 28, 2003 (“Termination of Emergencies With Respect to Yugoslavia and Modification of Executive Order 13219 of June 26, 2001” hereinafter “E.O. 13304”), Executive Order 14033 of June 8, 2021 (“Blocking Property and Suspending Entry Into the United States of Certain Persons Contributing to the Destabilizing Situation in the Western Balkans” hereinafter “E.O. 14033”), and/or for those designated on or after January 8, 2025, pursuant to E.O. 14033, as amended by Executive Order 14140 (“Taking Additional Steps with Respect to the Situation in the Western Balkans”), are unblocked and they have been removed from the SDN List.

Individuals

BILLING CODE 4810–AL–P

1. DODIK, Gorica, Bosnia and Herzegovina; DOB 30 Sep 1982; POB Bosnia and Herzegovina; nationality Bosnia and Herzegovina; Gender Female (individual) [BALKANS-EO14033] (Linked To: DODIK, Milorad).
2. STANKOVIC, Dragan, Bosnia and Herzegovina; DOB 21 Jul 1984; POB Banja Luka, Bosnia and Herzegovina; nationality Bosnia and Herzegovina; citizen Bosnia and Herzegovina; Gender Male (individual) [BALKANS-EO14033].
3. SELMAN, Dzerard (Latin: SELMAN, Džerard; Cyrillic: СЕЈМАН, Џерард), Bosnia and Herzegovina; DOB 28 Dec 1958; POB Kotor Varos, Bosnia and Herzegovina; nationality Bosnia and Herzegovina; Gender Male; National ID No. 501705232 (Bosnia and Herzegovina) (individual) [BALKANS-EO14033].
4. BOJANIC, Radmila (Latin: BOJANIĆ, Radmila; Cyrillic: БОЈАНИЋ, Радмила), Bosnia and Herzegovina; DOB 03 May 1972; nationality Bosnia and Herzegovina; Gender Female; National ID No. 4M0M093A6 (Bosnia and Herzegovina) expires 11 Feb 2034 (individual) [BALKANS-EO14033] (Linked To: DODIK, Igor; Linked To: NIMBUS INNOVATIONS D.O.O. BANJA LUKA).
5. DODIK, Milorad, Republika Srpska, Bosnia and Herzegovina; DOB 12 Mar 1959; POB Banja Luka, Bosnia and Herzegovina; nationality Bosnia and Herzegovina; Gender Male (individual) [BALKANS] [BALKANS-EO14033].
6. DJOKIC, Petar (a.k.a. DOKIC, Petar), Bosnia and Herzegovina; DOB 29 Jul 1961; POB Brcko, Bosnia and Herzegovina; nationality Bosnia and Herzegovina; Gender Male; National ID No. 01110KK43 (Bosnia and Herzegovina) (individual) [BALKANS-EO14033].
7. VUKOTIC, Vlatko, Bosnia and Herzegovina; DOB 03 Jun 1976; POB Slavonski Brod, Croatia; nationality Bosnia and Herzegovina; Gender Male; Passport B2628470 (Bosnia and Herzegovina) expires 26 May 2030 (individual) [BALKANS-EO14033] (Linked To: DODIK, Igor).
8. KOSARAC, Stasa (Cyrillic: КОШАРАЦ, Сташа), Bosnia and Herzegovina; DOB 19 Mar 1975; nationality Bosnia and Herzegovina; Gender Male; National ID No. 741506328 (Bosnia and Herzegovina) expires 02 Dec 2031 (individual) [BALKANS-EO14033] (Linked To: DODIK, Milorad).

9. DOBRIC, Aleksandar (Cyrillic: ДОБРИЋ, Александар) (a.k.a. DOBRIC, Aco), Bosnia and Herzegovina; DOB 15 Jul 1991; nationality Bosnia and Herzegovina; Gender Male; Passport B0649514 (Bosnia and Herzegovina) expires 29 Dec 2025; National ID No. 531206222 (Bosnia and Herzegovina) (individual) [BALKANS-EO14033] (Linked To: DODIK, Igor).
10. DOBRIC, Mirko, Gradiska, Bosnia and Herzegovina; DOB 30 Aug 1968; POB Gradiska, Bosnia and Herzegovina; nationality Bosnia and Herzegovina; citizen Bosnia and Herzegovina; Gender Male; Passport B1140215 (Bosnia and Herzegovina); National ID No. 3008968101465 (Bosnia and Herzegovina) (individual) [BALKANS-EO14033] (Linked To: DODIK, Igor).
11. DODIK, Igor, Bosnia and Herzegovina; DOB 25 Jan 1989; POB Banja Luka, Bosnia and Herzegovina; nationality Bosnia and Herzegovina; Gender Male (individual) [BALKANS-EO14033] (Linked To: DODIK, Milorad).
12. BUKEJLOVIC, Milos (Cyrillic: БУКЕЈЛОВИЋ, Милош), Banja Luka, Bosnia and Herzegovina; DOB 21 Mar 1989; POB Doboј, Bosnia and Herzegovina; nationality Bosnia and Herzegovina; Gender Male (individual) [BALKANS-EO14033].
13. STEVANDIC, Nenad (Cyrillic: СТЕВАНДИЋ, Ненад), Banja Luka, Bosnia and Herzegovina; DOB 12 Oct 1966; POB Drvar, Bosnia and Herzegovina; nationality Bosnia and Herzegovina; Gender Male (individual) [BALKANS-EO14033].
14. VISKOVIC, Radovan (Cyrillic: ВИШКОВИЋ, Радован), Bosnia and Herzegovina; DOB 01 Feb 1964; POB Milici, Bosnia and Herzegovina; nationality Bosnia and Herzegovina; Gender Male (individual) [BALKANS-EO14033].
15. CVIJANOVIC, Zeljka (Cyrillic: ЦВИЈАНОВИЋ, Жељка), Banja Luka, Bosnia and Herzegovina; DOB 04 Mar 1967; POB Teslic, Bosnia and Herzegovina; nationality Bosnia and Herzegovina; Gender Female (individual) [BALKANS-EO14033].
16. SERANIC, Alen, Bosnia and Herzegovina; DOB 17 Apr 1977; POB Banja Luka, Bosnia and Herzegovina; nationality Bosnia and Herzegovina; citizen Bosnia and Herzegovina; Gender Male (individual) [BALKANS-EO14033].
17. OKUKA, Branislav, Bosnia and Herzegovina; DOB 07 Jan 1967; nationality Bosnia and Herzegovina; citizen Bosnia and Herzegovina; Gender Male; Passport B2721680 (Bosnia and Herzegovina) expires 21 Oct 2030 (individual) [BALKANS-EO14033] (Linked To: DODIK, Milorad).
18. GOLIC, Srebrenka (Cyrillic: ГОЛИЋ, Сребренка), Bosnia and Herzegovina; DOB 29 Jul 1958; nationality Bosnia and Herzegovina; Gender Female (individual) [BALKANS-EO14033].
19. PERISIC, Vladimir, Bosnia and Herzegovina; DOB 14 Nov 1976; nationality Bosnia and Herzegovina; Gender Male; Passport B0786296 (Bosnia and Herzegovina) (individual) [BALKANS-EO14033] (Linked To: DODIK, Igor).
20. CICIC, Milenko, Bosnia and Herzegovina; DOB 18 Jun 1994; nationality Bosnia and Herzegovina; Gender Male; Passport B0892006 (Bosnia and Herzegovina) expires 19 May 2026 (individual) [BALKANS-EO14033] (Linked To: DODIK, Igor).

21. DJURIC, Djordje (Cyrillic: ЂУРИЋ, Ђорђе), Tresnjnog Cveta 001 V, Belgrade 11070, Serbia; DOB 29 Sep 1989; POB Belgrade, Serbia; nationality Serbia; citizen Serbia; Gender Male; Passport 014067913 (Serbia) expires 02 Apr 2029; alt. Passport 016824056 (Serbia) expires 24 Jun 2032; National ID No. 2909989710171 (Serbia) (individual) [BALKANS-EO14033] (Linked To: DODIK, Igor).
22. GUJANICIC, Marko (Latin: GUJANIĆIĆ, Marko; Cyrillic: ГУЈАНИЧИЋ, Марко), Bosnia and Herzegovina; DOB 10 Sep 1992; POB Cacak, Serbia; nationality Serbia; Gender Male; Passport 017624601 (Serbia) expires 27 Jun 2033; National ID No. 1009992782839 (Serbia) (individual) [BALKANS-EO14033] (Linked To: DODIK, Igor).
23. DODIK, Sinisa (Latin: DODIK, Siniša), Banja Luka, Bosnia and Herzegovina; DOB 15 Jun 1979; nationality Bosnia and Herzegovina; Gender Male; Passport B0663770 expires 06 Jan 2026; National ID No. 741706K69 (Bosnia and Herzegovina) (individual) [BALKANS-EO14033] (Linked To: DODIK, Igor).
24. COROVIC, Pavle (Latin: ĆOROVIĆ, Pavle), Banja Luka, Bosnia and Herzegovina; DOB 21 Jun 1984; POB Banja Luka, Bosnia and Herzegovina; nationality Bosnia and Herzegovina; alt. nationality Serbia; Gender Male; Passport B3099982 (Bosnia and Herzegovina) expires 25 Feb 2032; alt. Passport 015442249 (Serbia) expires 26 Oct 2030 (individual) [BALKANS-EO14033] (Linked To: GLOBAL LIBERTY D.O.O. LAKTASI).
25. RELJIN, Nemanja (Cyrillic: РЕЉИН, Немања), Banja Luka, Bosnia and Herzegovina; DOB 02 Jul 1996; POB Serbia; nationality Bosnia and Herzegovina; Gender Male; Passport B1313960 (Bosnia and Herzegovina) expires 27 Jan 2027 (individual) [BALKANS-EO14033] (Linked To: NIMBUS INNOVATIONS D.O.O. BANJA LUKA).
26. FILIPOVIC, Goran (Latin: FILIPOVIĆ, Goran; Cyrillic: ФИЛИПОВИЋ, Г'оран), Bosnia and Herzegovina; DOB 19 Jul 1985; nationality Bosnia and Herzegovina; Gender Male; Passport B0556782 (Bosnia and Herzegovina) expires 22 Oct 2025 (individual) [BALKANS-EO14033].
27. KARAN, Sinisa (Latin: KARAN, Siniša; Cyrillic: КАРАН, Синиша), Bosnia and Herzegovina; DOB 17 May 1962; POB Beli Manastir, Croatia; nationality Bosnia and Herzegovina; Gender Male; Diplomatic Passport D0004720 (Bosnia and Herzegovina) expires 12 Jan 2028 (individual) [BALKANS-EO14033].
28. KUZMANOVIC, Rajko (Latin: KUZMANOVIĆ, Rajko; Cyrillic: КУЗМАНОВИЋ, Рајко), Bosnia and Herzegovina; DOB 01 Dec 1931; nationality Bosnia and Herzegovina; Gender Male; Passport B2428524 (Bosnia and Herzegovina) expires 15 Jul 2029 (individual) [BALKANS-EO14033].
29. PANIC, Dalibor (Latin: PANIĆ, Dalibor; Cyrillic: ПАНИЋ, Далибор), Bosnia and Herzegovina; DOB 20 Dec 1982; nationality Bosnia and Herzegovina; Gender Male; Passport B0622614 (Bosnia and Herzegovina) expires 11 Dec 2025 (individual) [BALKANS-EO14033].
30. PEROVIC, Dusko (Cyrillic: ПЕРОВИЋ, Душко; Cyrillic: ПЕРОВИЧ, Душко) (a.k.a. PEROVICH, Dushan (Cyrillic: ПЕРОВИЧ, Душан)), Russia; Bosnia and Herzegovina; DOB 03 Jan 1960; nationality Montenegro; Gender Male (individual) [BALKANS-EO14033].

Entities

1. AGAPE GORICA DODIK I IVANA DODIK S.P. BANJA LUKA (a.k.a. RESTORAN AGAPE GORICA DODIK I IVANA DODIK S.P. BANJA LUKA), Trg Krajine 2, Banja Luka 78000, Bosnia and Herzegovina; Tax ID No. 4510153630006 (Bosnia and Herzegovina) [BALKANS-EO14033] (Linked To: DODIK, Gorica).

2. AGRO VOCE D.O.O. LAKTASI (a.k.a. AGRO VOCE D.O.O.; a.k.a. AGRO VOCE D.O.O. ZA VOCARSTVO PROIZVODNJU I TRGOVINU LAKTASI), Aleksandrovac BB, Laktasi 78250, Bosnia and Herzegovina; Tax ID No. 4402836840009 (Bosnia and Herzegovina); Business Registration Number 1-16884-00 (Bosnia and Herzegovina) [BALKANS-EO14033] (Linked To: DODIK, Gorica).

3. ALTERNATIVNA TELEVIZIJA D.O.O. BANJA LUKA (a.k.a. ALTERNATIVNA TELEVIZIJA DRUSTVO ZA INFORMISANJE D.O.O. BANJA LUKA; a.k.a. ALTERNATIVNE TELEVIZIJE; a.k.a. "ALTERNATIVE TV"; a.k.a. "ATV"), Ulica Gunduliceva 33, Banja Luka 78000, Bosnia and Herzegovina; Organization Established Date 1997; Tax ID No. 4400946870008 (Bosnia and Herzegovina); Registration Number 1-9857-00 (Bosnia and Herzegovina) [BALKANS-EO14033] (Linked To: DODIK, Milorad).

4. BEST SERVICE D.O.O. BANJA LUKA (a.k.a. AGAPE BEST D.O.O. BANJA LUKA; a.k.a. NAJBOLJA USLUGA DRUSTVO SA OGRANICENOM ODGOVORNOSCU BANJA LUKA), Trg Krajine br. 2, Banja Luka 78000, Bosnia and Herzegovina; Organization Established Date 27 Nov 2023; Organization Type: Restaurants and mobile food service activities; Tax ID No. 4405158280005 (Bosnia and Herzegovina); Business Registration Number 57-01-0554-23 (Bosnia and Herzegovina) [BALKANS-EO14033] (Linked To: DOBRIC, Aleksandar).

5. ELPRING D.O.O. LAKTASI, XVI Krajske Motorizovane Brigade 63, Laktasi 78250, Bosnia and Herzegovina; Organization Established Date 17 Jul 2024; Tax ID No. 4405278340001 (Bosnia and Herzegovina); Business Registration Number 57-01-0312-24 (Bosnia and Herzegovina) [BALKANS-EO14033] (Linked To: DODIK, Igor).

6. FRUIT ECO D.O.O. GRADISKA (a.k.a. DRUSTVO SA OGRANICENOM ODGOVORNOSCU ZA PROIZVODNJU I PROMET VOCA I POVRCA FRUIT ECO D.O.O. GORNJI PODGRADCI, GRADISKA; a.k.a. FRUIT ECO D.O.O.), Gornji Podgradci BB, Gradiska 78400, Bosnia and Herzegovina; Tax ID No.

4402717080004 (Bosnia and Herzegovina); Business Registration Number 1-16289-00 (Bosnia and Herzegovina) [BALKANS-EO14033] (Linked To: DODIK, Igor).

7. GLOBAL LIBERTY D.O.O. LAKTASI (a.k.a. DRUSTVO SA OGRANICENOM ODGOVORNOSCU GLOBAL LIBERTY LAKTASI; a.k.a. GLOBAL LIBERTY D.O.O.), Gradiska cesta 57, Laktasi 78250, Bosnia and Herzegovina; Tax ID No. 4403756190000 (Bosnia and Herzegovina); Business Registration Number 57-01-0286-14 (Bosnia and Herzegovina) [BALKANS-EO14033] (Linked To: DODIK, Igor; Linked To: DODIK, Gorica).

8. INFINITY INTERNATIONAL GROUP D.O.O. BANJA LUKA, Trg Srpskih Junaka 4, Banja Luka 78000, Bosnia and Herzegovina; Organization Established Date 20 Jul 2020; Tax ID No. 4404593160007 (Bosnia and Herzegovina); Business Registration Number 57-01-0179-20 (Bosnia and Herzegovina) [BALKANS-EO14033] (Linked To: DJURIC, Djordje).

9. INFINITY MEDIA D.O.O., Trg Srpskih Junaka 4, Banja Luka 78000, Bosnia and Herzegovina; Organization Established Date 31 Jul 2021; Tax ID No. 4404748110001 (Bosnia and Herzegovina); Business Registration Number 11207138 (Bosnia and Herzegovina) [BALKANS-EO14033] (Linked To: INFINITY INTERNATIONAL GROUP D.O.O. BANJA LUKA).

10. K-2 AUDIO SERVICES BANJA LUKA D.O.O. (a.k.a. K-2 AUDIO USLUGE BANJA LUKA D.O.O.; a.k.a. "K-2 D.O.O."), Gunduliceva 33, Banja Luka 78000, Bosnia and Herzegovina; Organization Established Date 02 Dec 2002; Tax ID No. 4401652230007 (Bosnia and Herzegovina); Business Registration Number 01962426 (Bosnia and Herzegovina) [BALKANS-EO14033] (Linked To: INFINITY MEDIA D.O.O.).

11. KALDERA COMPANY EL PGP D.O.O., Kobatovci BB, Laktasi 78250, Bosnia and Herzegovina; Organization Established Date 30 Mar 1998; Tax ID No. 4401185190004 (Bosnia and Herzegovina) [BALKANS-EO14033] (Linked To: DODIK, Igor).

12. NIMBUS INNOVATIONS D.O.O. BANJA LUKA, Brace Pantica 2, Banja Luka 78000, Bosnia and Herzegovina; Organization Established Date 23 Jul 2024; Tax ID No. 4405275080009 (Bosnia and Herzegovina); Business Registration Number 57-01-0301-24 (Bosnia and Herzegovina) [BALKANS-EO14033] (Linked To: DODIK, Igor).

13. PROINTER ITSS D.O.O. BANJA LUKA CLAN INFINITY

INTERNATIONAL GROUP (a.k.a. PROINTER ITSS D.O.O. BANJA LUKA), Ulica Vidovdanska 8, Banja Luka 78000, Bosnia and Herzegovina; Organization Established Date 28 Apr 2015; Tax ID No. 4403865130009 (Bosnia and Herzegovina); Business Registration Number 57-01-0142-15 (Bosnia and Herzegovina) [BALKANS-EO14033] (Linked To: DODIK, Igor).

14. SEE MEDIA RESEARCH LTD, Floor 1, 1 Goergiou Gennadiou, Larnaca 6031, Cyprus; Organization Established Date 05 Oct 2023; Business Registration Number HE452094 (Cyprus) [BALKANS-EO14033] (Linked To: GUJANICIC, Marko).

15. SIRIUS 2010 D.O.O. BANJA LUKA (a.k.a. INFORMACIONI INZINJERING SIRIUS 2010 DRUSTVO SA OGRANICENOM ODGOVORNOSCU BANJA LUKA; a.k.a. SIRIUS 2010 D.O.O. KOTOR VAROS), Brace Pantica 2, Banja Luka 78000, Bosnia and Herzegovina; Ul. Prvog Krajiskog Korpusa 18, Banja Luka 78000, Bosnia and Herzegovina; Kralja Petra I Karadordevica 109, Banja Luka 78000, Bosnia and Herzegovina; Organization Established Date 27 Sep 2007; Tax ID No. 4402692070009 (Bosnia and Herzegovina); Business Registration Number 1-16223-00 (Bosnia and Herzegovina) [BALKANS-EO14033] (Linked To: DODIK, Igor).

16. UNA WORLD NETWORK D.O.O. (a.k.a. UNA SVIJET MREZA D.O.O.), Bulevar Srpske Vojske 17, Banja Luka 78000, Bosnia and Herzegovina; Organization Established Date 03 Aug 2021; Tax ID No. 4404752810000 (Bosnia and Herzegovina); Business Registration Number 11207553 (Bosnia and Herzegovina) [BALKANS-EO14033] (Linked To: INFINITY MEDIA D.O.O.).

17. VORTO D.O.O., Ulica Jevrejska 67, Banja Luka 78000, Bosnia and Herzegovina; Organization Established Date 02 Mar 2020; Organization Type: Management consultancy activities; Tax ID No. 4404565110002 (Bosnia and Herzegovina); Business Registration Number 57-01-0074-20 (Bosnia and Herzegovina) [BALKANS-EO14033] (Linked To: VUKOTIC, Vlatko).

18. ZELENA JABUKA D.O.O. (a.k.a. GREEN APPLE D.O.O.), Gornji Podgradci bb, Gradiska 78400, Bosnia and Herzegovina; Organization Established Date Apr 2024; Organization Type: Growing of other tree and bush fruits and nuts; Tax ID No. 4405236420005 (Bosnia and Herzegovina); Business Registration Number 57-01-0166-24 (Bosnia and

Herzegovina) [BALKANS–EO14033]
(Linked To: DOBRIC, Mirko).

Bradley T. Smith,

Director, Office of Foreign Assets Control.

[FR Doc. 2025–20276 Filed 11–18–25; 8:45 am]

BILLING CODE 4810–AL–C

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

Notice of OFAC Sanctions Actions

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Notice.

SUMMARY: The U.S. Department of the Treasury's Office of Foreign Assets

Control (OFAC) is publishing the name of one or more persons that have been placed on OFAC's Specially Designated Nationals and Blocked Persons List (SDN List) based on OFAC's determination that one or more applicable legal criteria were satisfied. All property and interests in property subject to U.S. jurisdiction of these persons are blocked, and U.S. persons are generally prohibited from engaging in transactions with them.

DATES: This action was issued on October 14, 2025. See **SUPPLEMENTARY INFORMATION** section for relevant dates.

FOR FURTHER INFORMATION CONTACT: OFAC: Associate Director for Global Targeting, 202–622–2420; Assistant Director for Sanctions Compliance, 202–

622–2490; or <https://ofac.treasury.gov/contact-ofac>.

SUPPLEMENTARY INFORMATION:

Electronic Availability

The SDN List and additional information concerning OFAC sanctions programs are available on OFAC's website: <https://ofac.treasury.gov>.

Notice of OFAC Action

On October 14, 2025, OFAC determined that the property and interests in property subject to U.S. jurisdiction of the following persons are blocked under the relevant sanctions authorities listed below.

Individuals

1. CHEN, Zhi (Chinese Simplified: 陈志), Phnom Penh, Cambodia; DOB 16 Dec 1987; POB Fujian, China; nationality China; citizen Cambodia; alt. citizen Vanuatu; alt. citizen Cyprus; Gender Male; Digital Currency Address - XBT bc1qeth6n6ryxevkx34wnx3nuynun4474h3j0gkhw; alt. Digital Currency Address - XBT bc1q2we5eqij8je6lz9xwjattpc3pn4jejc5h0s70f; alt. Digital Currency Address - XBT bc1qnujzvt545qka3cr2eqqw8ur3q6g6s0ze2wlk5m; alt. Digital Currency Address - XBT bc1qw4fxztd5u3sl7vrcqwk2a8v5zh5dllvckx3tlt; Passport N00081108 (Cambodia); alt. Passport RV047996 (Vanuatu); alt. Passport K00395168 (Cyprus); National ID No. 010868617 (Cambodia) (individual) [TCO] (Linked To: PRINCE GROUP TRANSNATIONAL CRIMINAL ORGANIZATION).

Designated pursuant to section 1(a)(ii)(C) of Executive Order 13581 of July 24, 2011, "Blocking Property of Transnational Criminal Organizations," 76 FR 44757 (July 27, 2011), as amended by Executive Order 13863 of March 15, 2019, "Taking Additional Steps to Address the National Emergency With Respect to Significant Transnational Criminal Organizations," 84 FR 10255 (March 19, 2019) (E.O. 13581, as amended) for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, PRINCE GROUP TRANSNATIONAL CRIMINAL ORGANIZATION, a person whose property and interests in property are blocked pursuant to E.O. 13581, as amended.

2. CHEN, Xiao'er, Frigate Bay, Saint Kitts and Nevis; DOB 01 May 1982; nationality Saint Kitts and Nevis; Gender Male; Passport RE00660066 (Saint Kitts and Nevis) (individual) [TCO] (Linked To: GRAND LEGEND INTERNATIONAL ASSET MANAGEMENT GROUP CO. LTD.).

Designated pursuant to section 1(a)(ii)(C) of E.O. 13581, as amended, for being owned or controlled by, or having acted or purported to act for or on behalf

of, directly or indirectly, GRAND LEGEND INTERNATIONAL ASSET MANAGEMENT GROUP CO. LTD., a person whose property and interests in property are blocked pursuant to E.O. 13581, as amended.

3. HUANG, Chieh, Koror, Palau; Hsinchu, Taiwan; DOB 05 Jan 1994; nationality Taiwan; Gender Female; Passport 351788588 (Taiwan) (individual) [TCO] (Linked To: GRAND LEGEND INTERNATIONAL ASSET MANAGEMENT GROUP CO. LTD.).

Designated pursuant to section 1(a)(ii)(C) of E.O. 13581, as amended, for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, GRAND LEGEND INTERNATIONAL ASSET MANAGEMENT GROUP CO. LTD., a person whose property and interests in property are blocked pursuant to E.O. 13581, as amended.

4. SHIH, Ting-yu (a.k.a. "SHIH, Vivian"), Koror, Palau; DOB 08 Nov 1990; nationality Taiwan; Gender Female; Passport 353058635 (Taiwan) (individual) [TCO] (Linked To: GRAND LEGEND INTERNATIONAL ASSET MANAGEMENT GROUP CO. LTD.).

Designated pursuant to section 1(a)(ii)(C) of E.O. 13581, as amended, for

being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, GRAND LEGEND INTERNATIONAL ASSET MANAGEMENT GROUP CO. LTD., a person whose property and interests in property are blocked pursuant to E.O. 13581, as amended.

5. WANG, Michelle Reishane, Koror, Palau; DOB 05 Mar 1994; nationality Taiwan; Gender Female; Passport 360272295 (Taiwan) (individual) [TCO] (Linked To: GRAND LEGEND INTERNATIONAL ASSET MANAGEMENT GROUP CO. LTD.).

Designated pursuant to section 1(a)(ii)(C) of E.O. 13581, as amended, for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, GRAND LEGEND INTERNATIONAL ASSET MANAGEMENT GROUP CO. LTD., a person whose property and interests in property are blocked pursuant to E.O. 13581, as amended.

6. WANG, Guodan (a.k.a. "WANG, Rose"), P.O. Box 8064, Koror, Palau; DOB 22 Jan 1977; nationality China; Gender Female; Passport E85782076 (China) (individual) [TCO] (Linked To: GRAND LEGEND INTERNATIONAL

ASSET MANAGEMENT GROUP CO. LTD.).

Designated pursuant to section 1(a)(ii)(B) of E.O. 13581, as amended, for having materially assisted, sponsored, or provided financial, material, or technological support for, or goods or services to or in support of indirectly, GRAND LEGEND INTERNATIONAL ASSET MANAGEMENT GROUP CO. LTD., a person whose property and interests in property are blocked pursuant to E.O. 13581, as amended.

7. YANG, Jian, Room No. 1115, No. 66 Jinkaidadao, Yubei District, Chongqing, China; DOB 25 Aug 1983; nationality Cyprus; Gender Male; Passport K00441025 (Cyprus) (individual) [TCO] (Linked To: GRAND LEGEND INTERNATIONAL ASSET MANAGEMENT GROUP CO. LTD.).

Designated pursuant to section 1(a)(ii)(C) of E.O. 13581, as amended, for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, GRAND LEGEND INTERNATIONAL ASSET MANAGEMENT GROUP CO. LTD., a person whose property and interests in property are blocked pursuant to E.O. 13581, as amended.

8. YANG, Yanming (a.k.a. “YANG, Kimi”), Room No. B314 Siamese Gioia Condo Sukhumvit 31, Sukhumvit Rd, North Klongton, Wattana, Bangkok, Thailand; 287–91 Moo 1 Sukhumvit 72 Alley Samrong Nuea, Mueang Samut Prakan, Thailand; Koror, Palau; DOB 24 Mar 1991; nationality Cambodia; alt. nationality Vanuatu; Gender Male; Passport N02404035 (Cambodia); alt. Passport RV0107373 (Vanuatu); Tax ID No. 100060 (Palau) (individual) [TCO]

(Linked To: GRAND LEGEND INTERNATIONAL ASSET MANAGEMENT GROUP CO. LTD.).

Designated pursuant to section 1(a)(ii)(C) of E.O. 13581, as amended, for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, GRAND LEGEND INTERNATIONAL ASSET MANAGEMENT GROUP CO. LTD., a person whose property and interests in property are blocked pursuant to E.O. 13581, as amended.

9. TANG, Nigel Wan Bao Nabil, Singapore; DOB 02 Sep 1993; POB Singapore; nationality Singapore; Gender Male; Passport E6790628B (Singapore) (individual) [TCO] (Linked To: CHEN, Zhi).

Designated pursuant to section 1(a)(ii)(C) of E.O. 13581, as amended, for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, CHEN ZHI, a person whose property and interests in property are blocked pursuant to E.O. 13581, as amended.

10. CHEN, Xiuling (a.k.a. “CHEN, Karen”), Singapore; DOB 14 Jun 1982; POB Singapore; nationality Singapore; Gender Female; Passport K2325996K (Singapore); National ID No. S8217005G (Singapore) (individual) [TCO] (Linked To: PRINCE GROUP TRANSNATIONAL CRIMINAL ORGANIZATION).

Designated pursuant to section 1(a)(ii)(C) of E.O. 13581, as amended, for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, PRINCE GROUP TRANSNATIONAL CRIMINAL ORGANIZATION, a person whose property and interests in property are

blocked pursuant to E.O. 13581, as amended.

11. CHHAY, Guy, Phnom Penh, Cambodia; DOB 09 Jul 1987; POB Phnom Penh, Cambodia; nationality Cambodia; citizen Cambodia; Gender Male; Passport N0718897 (Cambodia); National ID No. 01052634401 (Cambodia) (individual) [TCO] (Linked To: PRINCE GROUP TRANSNATIONAL CRIMINAL ORGANIZATION).

Designated pursuant to section 1(a)(ii)(C) of E.O. 13581, as amended, for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, PRINCE GROUP TRANSNATIONAL CRIMINAL ORGANIZATION, a person whose property and interests in property are blocked pursuant to E.O. 13581, as amended.

12. DARA, Ing, Phnom Penh, Cambodia; DOB 04 Sep 1981; POB Phnom Penh, Cambodia; nationality Cambodia; citizen Cambodia; Gender Male; Passport N00453333 (Cambodia); National ID No. 010929329 (Cambodia) (individual) [TCO] (Linked To: PRINCE GROUP TRANSNATIONAL CRIMINAL ORGANIZATION).

Designated pursuant to section 1(a)(ii)(C) of E.O. 13581, as amended, for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, PRINCE GROUP TRANSNATIONAL CRIMINAL ORGANIZATION, a person whose property and interests in property are blocked pursuant to E.O. 13581, as amended.

BILLING CODE 4810-AL-P

13. LEI, Bo (Chinese Simplified: 雷波), Chongqing, China; DOB 14 Aug 1977; POB Chongqing, China; nationality China; Gender Male; Passport G42787399 (China); National ID No. 510214197708143017 (China) (individual) [TCO] (Linked To: PRINCE GROUP TRANSNATIONAL CRIMINAL ORGANIZATION).

Designated pursuant to section 1(a)(ii)(C) of E.O. 13581, as amended, for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, PRINCE GROUP TRANSNATIONAL CRIMINAL ORGANIZATION, a person whose property and interests in property are blocked pursuant to E.O. 13581, as amended.

14. LI, Thet (a.k.a. LI, Tian (Chinese Simplified: 李添)), London, United Kingdom; DOB 06 Jul 1987; POB Beijing, China; nationality China; citizen Cambodia; Gender Male; Passport RV091789 (Vanuatu) (individual) [TCO] (Linked To: PRINCE GROUP TRANSNATIONAL CRIMINAL ORGANIZATION).

Designated pursuant to section 1(a)(ii)(C) of E.O. 13581, as amended, for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, PRINCE GROUP TRANSNATIONAL CRIMINAL ORGANIZATION, a person whose property and interests in property are blocked pursuant to E.O. 13581, as amended.

15. WEI, Qianjiang (Chinese Simplified: 魏前江), Phnom Penh, Cambodia; DOB 28 Apr 1983; POB Phnom Penh, Cambodia; nationality Cambodia; Gender Male; Passport EG9742474 (China); alt. Passport RV0118198 (Vanuatu); alt. Passport N01767532 (Cambodia) (individual) [TCO] (Linked To: PRINCE GROUP TRANSNATIONAL CRIMINAL ORGANIZATION).

Designated pursuant to section 1(a)(ii)(C) of E.O. 13581, as amended, for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, PRINCE GROUP TRANSNATIONAL CRIMINAL ORGANIZATION, a person whose property and interests in property are blocked pursuant to E.O. 13581, as amended.

16. YEO, Sin Huat Alan, Singapore; DOB 27 Sep 1972; POB Singapore; nationality Singapore; Gender Male; Passport 7234580J (Singapore); alt. Passport E5665088N (China) (individual) [TCO] (Linked To: CHEN, Zhi).

Designated pursuant to section 1(a)(ii)(C) of E.O. 13581, as amended, for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, CHEN ZHI, a person whose property and interests in property are blocked pursuant to E.O. 13581, as amended.

17. ZHOU, Yun (Chinese Simplified: 周芸) (a.k.a. "ZHOU, Sandy"), Hong Kong, China; DOB 17 Oct 1982; POB Hubei, China; nationality China; Gender Female; Passport G30024177 (China) (individual) [TCO] (Linked To: CHEN, Zhi).

Designated pursuant to section 1(a)(ii)(C) of E.O. 13581, as amended, for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, PRINCE GROUP TRANSNATIONAL CRIMINAL ORGANIZATION, a

person whose property and interests in property are blocked pursuant to E.O. 13581, as amended.

18. ZHU, Zhongbiao (Chinese Simplified: 祝忠标) (a.k.a. "ZHU, Jack"), Cambodia; DOB 23 Dec 1981; POB Zhejiang, China; nationality China; citizen Cambodia; Gender Male; Passport G21053353 (China); alt. Passport E30577089 (China); National ID No. 330304198112233314 (China); alt. National ID No. 130216182 (Cambodia) (individual) [TCO] (Linked To: PRINCE GROUP TRANSNATIONAL CRIMINAL ORGANIZATION).

Designated pursuant to section 1(a)(ii)(C) of E.O. 13581, as amended, for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, PRINCE GROUP TRANSNATIONAL CRIMINAL ORGANIZATION, a person whose property and interests in property are blocked pursuant to E.O. 13581, as amended.

BILLING CODE 4810-AL-C

Entities

1. PRINCE GROUP

TRANSNATIONAL CRIMINAL ORGANIZATION, Cambodia; Target Type Criminal Organization [TCO].

Designated pursuant to section 1(a)(ii)(A) of Executive Order 13581 of July 24, 2011, "Blocking Property of Transnational Criminal Organizations," 76 FR 44757 (July 27, 2011), as amended by Executive Order 13863 of March 15, 2019, "Taking Additional Steps to Address the National Emergency With Respect to Significant Transnational Criminal Organizations," 84 FR 10255 (March 19, 2019) (E.O. 13581, as amended), for being a foreign person that constitutes a significant transnational criminal organization.

2. AQUA PURE WATER INC. (a.k.a. "FRIENDLIN"), P.O. Box 8064, Ngetkib, Airai, Palau; website <https://aquapurewater2234.wixsite.com/aquapurewater>; Tax ID No. 014903 (Palau) [TCO] (Linked To: WANG, Guodan).

Designated pursuant to section 1(a)(ii)(C) of E.O. 13581, as amended, for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, GUODAN WANG, a person whose property and interests in property are blocked pursuant to E.O. 13581, as amended.

3. GRAND LEGEND

INTERNATIONAL ASSET MANAGEMENT GROUP CO. LTD., Ngerbelas Island, Kayangel, Palau; Tax ID No. 016290 (Palau) [TCO] (Linked To: CHEN, Zhi).

Designated pursuant to section 1(a)(ii)(C) of E.O. 13581, as amended, for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, CHEN ZHI, a

person whose property and interests in property are blocked pursuant to E.O. 13581, as amended.

4. JING PIN INC. (a.k.a. "JING PIN CENTURY HOTEL"; a.k.a. "JING PIN INC. CHINA KITCHEN"; a.k.a. "JING PIN OCEAN STAR HOTEL"; a.k.a. "OCEAN STAR GIFT SHOP"; a.k.a. "OCEAN STAR RESTAURANT"), P.O. Box 8064 Ngerbeched, Koror, Palau; Tax ID No. 015177 (Palau) [TCO] (Linked To: WANG, Guodan).

Designated pursuant to section 1(a)(ii)(C) of E.O. 13581, as amended, for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, GUODAN WANG, a person whose property and interests in property are blocked pursuant to E.O. 13581, as amended.

5. PRINCE BANK PLC. (a.k.a. PRINCE FINANCE PLC), 175cd Mao Tse Toung Blvd., Phum 5, S.tuol Svay Prey 1, K.chamkar Mon, Phnom Penh 12308, Cambodia; SWIFT/BIC PINCKHPPXXX; website <https://princebank.com.kh>; Organization Established Date 28 Apr 2015; Target Type Financial Institution; Registration Number 00014627 (Cambodia) [TCO] (Linked To: CHEN, Zhi).

Designated pursuant to section 1(a)(ii)(C) of E.O. 13581, as amended, for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, CHEN ZHI, a person whose property and interests in property are blocked pursuant to E.O. 13581, as amended.

6. BRIGHT TEAM GLOBAL LIMITED, Hong Kong, China; Virgin Islands, British; Company Number 1984336 (Virgin Islands, British) [TCO] (Linked To: ZHOU, Yun).

Designated pursuant to section 1(a)(ii)(C) of E.O. 13581, as amended, for

being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, ZHOU YUN, a person whose property and interests in property are blocked pursuant to E.O. 13581, as amended.

7. MIGHTY DIVINE FINE ART FUND, Cayman Islands; Organization Type: Trusts, funds and similar financial entities; Company Number 356843 (Cayman Islands); Global Intermediary Identification Number XCRTNS.99999.SL.136 [TCO] (Linked To: ZHOU, Yun).

Designated pursuant to section 1(a)(ii)(C) of E.O. 13581, as amended, for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, ZHOU YUN, a person whose property and interests in property are blocked pursuant to E.O. 13581, as amended.

8. MIGHTY DIVINE FUND SPC, Cayman Islands; Organization Type: Trusts, funds and similar financial entities; Company Number 339930 (Cayman Islands); Global Intermediary Identification Number KT1M7G.99999.SL.136 [TCO] (Linked To: ZHOU, Yun).

Designated pursuant to section 1(a)(ii)(C) of E.O. 13581, as amended, for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, ZHOU YUN, a person whose property and interests in property are blocked pursuant to E.O. 13581, as amended.

9. MIGHTY DIVINE GLOBAL FUND SPC, Cayman Islands; Company Number 341500 (Cayman Islands); Legal Entity Number 25490097TSPULKFOF602 [TCO] (Linked To: ZHOU, Yun).

Designated pursuant to section 1(a)(ii)(C) of E.O. 13581, as amended, for being owned or controlled by, or having

acted or purported to act for or on behalf of, directly or indirectly, ZHOU YUN, a person whose property and interests in property are blocked pursuant to E.O. 13581, as amended.

10. MIGHTY DIVINE HK LIMITED, Hong Kong, China; Company Number 2623747 (Hong Kong) [TCO] (Linked To: ZHOU, Yun).

Designated pursuant to section 1(a)(ii)(C) of E.O. 13581, as amended, for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, ZHOU YUN, a person whose property and interests in property are blocked pursuant to E.O. 13581, as amended.

11. MIGHTY DIVINE INSURANCE BROKERS LIMITED, Hong Kong, China; Company Number 2806520 (Hong Kong) [TCO] (Linked To: ZHOU, Yun).

Designated pursuant to section 1(a)(ii)(C) of E.O. 13581, as amended, for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, ZHOU YUN, a person whose property and interests in property are blocked pursuant to E.O. 13581, as amended.

12. MIGHTY DIVINE INVESTMENT MANAGEMENT LIMITED, Hong Kong, China; Business Registration Number 62230883 (Hong Kong) [TCO] (Linked To: ZHOU, Yun).

Designated pursuant to section 1(a)(ii)(C) of E.O. 13581, as amended, for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, ZHOU YUN, a person whose property and interests in property are blocked pursuant to E.O. 13581, as amended.

13. MIGHTY DIVINE LIMITED, Hong Kong, China; Virgin Islands, British; Company Number 1961510 (Virgin Islands, British) [TCO] (Linked To: ZHOU, Yun).

Designated pursuant to section 1(a)(ii)(C) of E.O. 13581, as amended, for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, ZHOU YUN, a person whose property and interests in property are blocked pursuant to E.O. 13581, as amended.

14. MIGHTY DIVINE MANAGEMENT LIMITED, Cayman Islands; Organization Type: Financial and Insurance Activities; Company Number 341114 (Cayman Islands); Global Intermediary Identification Number JRDHUP.99999.SL.136 [TCO] (Linked To: ZHOU, Yun).

Designated pursuant to section 1(a)(ii)(C) of E.O. 13581, as amended, for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, ZHOU YUN, a person whose property and interests in

property are blocked pursuant to E.O. 13581, as amended.

15. MIGHTY DIVINE PERSONNEL CONSULTANTS LIMITED, Hong Kong, China; Company Number 2994832 (Hong Kong) [TCO] (Linked To: ZHOU, Yun).

Designated pursuant to section 1(a)(ii)(C) of E.O. 13581, as amended, for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, ZHOU YUN, a person whose property and interests in property are blocked pursuant to E.O. 13581, as amended.

16. MIGHTY DIVINE SECURITIES LIMITED, Hong Kong, China; Company Number 2838290 (Hong Kong) [TCO] (Linked To: ZHOU, Yun).

Designated pursuant to section 1(a)(ii)(C) of E.O. 13581, as amended, for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, ZHOU YUN, a person whose property and interests in property are blocked pursuant to E.O. 13581, as amended.

17. MIGHTY DIVINE TRUST HONG KONG LIMITED, Hong Kong, China; Company Number 3095311 (Hong Kong) [TCO] (Linked To: ZHOU, Yun).

Designated pursuant to section 1(a)(ii)(C) of E.O. 13581, as amended, for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, ZHOU YUN, a person whose property and interests in property are blocked pursuant to E.O. 13581, as amended.

18. SUN AND SUN LIMITED (a.k.a. SUN & SUN LIMITED), Hong Kong, China; Company Number 2706961 (Hong Kong) [TCO] (Linked To: ZHOU, Yun).

Designated pursuant to section 1(a)(ii)(C) of E.O. 13581, as amended, for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, ZHOU YUN, a person whose property and interests in property are blocked pursuant to E.O. 13581, as amended.

19. CHEER CAPITAL LIMITED, Hong Kong, China; Business Registration Number 51220263 (Hong Kong) [TCO] (Linked To: CHEN, Zhi).

Designated pursuant to section 1(a)(ii)(C) of E.O. 13581, as amended, for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, CHEN ZHI, a person whose property and interests in property are blocked pursuant to E.O. 13581, as amended.

20. GEORESOURCES LIMITED, Hong Kong, China; Company Number 1003297 (Hong Kong) [TCO] (Linked To: CHEN, Zhi).

Designated pursuant to section 1(a)(ii)(C) of E.O. 13581, as amended, for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, CHEN ZHI, a person whose property and interests in property are blocked pursuant to E.O. 13581, as amended.

21. GEOTECH ENGINEERING LIMITED, Hong Kong, China; Company Number 0485362 (Hong Kong) [TCO] (Linked To: CHEN, Zhi).

Designated pursuant to section 1(a)(ii)(C) of E.O. 13581, as amended, for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, CHEN ZHI, a person whose property and interests in property are blocked pursuant to E.O. 13581, as amended.

22. GEOTECH HOLDINGS LIMITED, Hong Kong, China; Business Registration Number 66512554 (Hong Kong) [TCO] (Linked To: CHEN, Zhi).

Designated pursuant to section 1(a)(ii)(C) of E.O. 13581, as amended, for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, CHEN ZHI, a person whose property and interests in property are blocked pursuant to E.O. 13581, as amended.

23. KHOON GROUP LIMITED, Hong Kong, China; Business Registration Number 69884417 (Hong Kong) [TCO] (Linked To: CHEN, Zhi).

Designated pursuant to section 1(a)(ii)(C) of E.O. 13581, as amended, for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, CHEN ZHI, a person whose property and interests in property are blocked pursuant to E.O. 13581, as amended.

24. NOVA LUXE GLOBAL LIMITED, Hong Kong, China; Business Registration Number 72690162 (Hong Kong) [TCO] (Linked To: CHEN, Zhi).

Designated pursuant to section 1(a)(ii)(C) of E.O. 13581, as amended, for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, CHEN ZHI, a person whose property and interests in property are blocked pursuant to E.O. 13581, as amended.

25. NOVA MANAGEMENT SERVICES LIMITED, Hong Kong, China; Business Registration Number 70367989 (Hong Kong) [TCO] (Linked To: CHEN, Zhi).

Designated pursuant to section 1(a)(ii)(C) of E.O. 13581, as amended, for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, CHEN ZHI, a person whose property and interests in property are blocked pursuant to E.O. 13581, as amended.

26. PRAISE MARBLE LIMITED, Cayman Islands; Virgin Islands, British; Company Number 1903478 (Virgin Islands, British) [TCO] (Linked To: CHEN, Zhi).

Designated pursuant to section 1(a)(ii)(C) of E.O. 13581, as amended, for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, CHEN ZHI, a person whose property and interests in property are blocked pursuant to E.O. 13581, as amended.

27. RICHWAY CONSTRUCTION ENGINEERING LIMITED, Hong Kong, China; Business Registration Number 52401658 (Hong Kong) [TCO] (Linked To: CHEN, Zhi).

Designated pursuant to section 1(a)(ii)(C) of E.O. 13581, as amended, for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, CHEN ZHI, a person whose property and interests in property are blocked pursuant to E.O. 13581, as amended.

28. STAR MERIT GLOBAL LIMITED, Phnom Penh, Cambodia; Virgin Islands, British; Company Number 1984550 (Virgin Islands, British) [TCO] (Linked To: CHEN, Zhi).

Designated pursuant to section 1(a)(ii)(C) of E.O. 13581, as amended, for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, CHEN ZHI, a person whose property and interests in property are blocked pursuant to E.O. 13581, as amended.

29. YAU WING CONSTRUCTION AND ENGINEERING LIMITED, Hong Kong, China; Business Registration Number 53681314 (Hong Kong) [TCO] (Linked To: CHEN, Zhi).

Designated pursuant to section 1(a)(ii)(C) of E.O. 13581, as amended, for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, CHEN ZHI, a person whose property and interests in property are blocked pursuant to E.O. 13581, as amended.

30. PACIFIC CHARM HOLDINGS INVESTMENT LIMITED, Phnom Penh, Cambodia; Company Number 1977603 (Virgin Islands, British) [TCO] (Linked To: CHEN, Zhi).

Designated pursuant to section 1(a)(ii)(C) of E.O. 13581, as amended, for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, CHEN ZHI, a person whose property and interests in property are blocked pursuant to E.O. 13581, as amended.

31. PRINCE GLOBAL GROUP LIMITED, Phnom Penh, Cambodia; Company Number 1988522 (Virgin

Islands, British) [TCO] (Linked To: CHEN, Zhi).

Designated pursuant to section 1(a)(ii)(C) of E.O. 13581, as amended, for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, CHEN ZHI, a person whose property and interests in property are blocked pursuant to E.O. 13581, as amended.

32. PRINCE GLOBAL HOLDINGS LIMITED, Phnom Penh, Cambodia; Company Number 1988528 (Virgin Islands, British) [TCO] (Linked To: CHEN, Zhi).

Designated pursuant to section 1(a)(ii)(C) of E.O. 13581, as amended, for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, CHEN ZHI, a person whose property and interests in property are blocked pursuant to E.O. 13581, as amended.

33. PRINCE GROUP HOLDINGS LIMITED, Hong Kong, China; Company Number 2673683 (Hong Kong) [TCO] (Linked To: CHEN, Zhi).

Designated pursuant to section 1(a)(ii)(C) of E.O. 13581, as amended, for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, CHEN ZHI, a person whose property and interests in property are blocked pursuant to E.O. 13581, as amended.

34. RESPECTFUL STEED LIMITED, Phnom Penh, Cambodia; Company Number 1971898 (Virgin Islands, British) [TCO] (Linked To: CHEN, Zhi).

Designated pursuant to section 1(a)(ii)(C) of E.O. 13581, as amended, for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, CHEN ZHI, a person whose property and interests in property are blocked pursuant to E.O. 13581, as amended.

35. RETAIN PROSPER LIMITED, Phnom Penh, Cambodia; Company Number 2022874 (Virgin Islands, British) [TCO] (Linked To: CHEN, Zhi).

Designated pursuant to section 1(a)(ii)(C) of E.O. 13581, as amended, for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, CHEN ZHI, a person whose property and interests in property are blocked pursuant to E.O. 13581, as amended.

36. ROBUST HARMONY LIMITED, Phnom Penh, Cambodia; Company Number 1971181 (Virgin Islands, British) [TCO] (Linked To: CHEN, Zhi).

Designated pursuant to section 1(a)(ii)(C) of E.O. 13581, as amended, for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, CHEN ZHI, a person whose property and interests in

property are blocked pursuant to E.O. 13581, as amended.

37. SIMPLY ADVANCED LIMITED, Phnom Penh, Cambodia; Company Number 2035067 (Virgin Islands, British) [TCO] (Linked To: CHEN, Zhi).

Designated pursuant to section 1(a)(ii)(C) of E.O. 13581, as amended, for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, CHEN ZHI, a person whose property and interests in property are blocked pursuant to E.O. 13581, as amended.

38. STARRY BLOOM LIMITED, Phnom Penh, Cambodia; Company Number 2035066 (Virgin Islands, British) [TCO] (Linked To: CHEN, Zhi).

Designated pursuant to section 1(a)(ii)(C) of E.O. 13581, as amended, for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, CHEN ZHI, a person whose property and interests in property are blocked pursuant to E.O. 13581, as amended.

39. ATLASWISE CONSULTANTS PTE. LTD., Singapore; Identification Number 201713998H (Singapore) [TCO] (Linked To: CHEN, Xiuling).

Designated pursuant to section 1(a)(ii)(C) of E.O. 13581, as amended, for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, CHEN XIULING, a person whose property and interests in property are blocked pursuant to E.O. 13581, as amended.

40. AWESOME GLOBAL INVESTMENT GROUP CO. LTD., Phnom Penh, Cambodia; Tax ID No. K002-901705474 (Cambodia) [TCO] (Linked To: PRINCE HOLDING GROUP).

Designated pursuant to section 1(a)(ii)(C) of E.O. 13581, as amended, for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, PRINCE HOLDING GROUP, a person whose property and interests in property are blocked pursuant to E.O. 13581, as amended.

41. BELT ROAD CAPITAL MANAGEMENT CAMBODIA CO. LTD., Phnom Penh, Cambodia; Tax ID No. K002-901704485 (Cambodia) [TCO] (Linked To: PRINCE HOLDING GROUP).

Designated pursuant to section 1(a)(ii)(C) of E.O. 13581, as amended, for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, PRINCE HOLDING GROUP, a person whose property and interests in property are blocked pursuant to E.O. 13581, as amended.

42. CAPITAL ZONE WAREHOUSING PTE. LTD., Singapore; Identification Number 202122650M (Singapore) [TCO] (Linked To: CHEN, Zhi).

Designated pursuant to section 1(a)(ii)(C) of E.O. 13581, as amended, for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, CHEN ZHI, a person whose property and interests in property are blocked pursuant to E.O. 13581, as amended.

43. CLOUD XERO MANAGEMENT PTE. LTD., Singapore; Identification Number 202129704C (Singapore) [TCO] (Linked To: CHEN, Xiuling).

Designated pursuant to section 1(a)(ii)(C) of E.O. 13581, as amended, for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, CHEN XIULING, a person whose property and interests in property are blocked pursuant to E.O. 13581, as amended.

44. DW CAPITAL HOLDINGS PTE. LTD., Singapore; Identification Number 201833892H (Singapore) [TCO] (Linked To: CHEN, Zhi).

Designated pursuant to section 1(a)(ii)(C) of E.O. 13581, as amended, for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, CHEN ZHI, a person whose property and interests in property are blocked pursuant to E.O. 13581, as amended.

45. LUMINOUS GLOW LIMITED, Phnom Penh, Cambodia; Company Number 1992019 (Virgin Islands, British) [TCO] (Linked To: CHEN, Zhi).

Designated pursuant to section 1(a)(ii)(C) of E.O. 13581, as amended, for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, CHEN ZHI, a person whose property and interests in property are blocked pursuant to E.O. 13581, as amended.

46. PRINCE HOROLOGY VOCATIONAL TRAINING CENTER (a.k.a. PRINCE HOROLOGY), Phnom Penh, Cambodia; Organization Established Date 2020; Organization Type: Higher education [TCO] (Linked To: PRINCE HOLDING GROUP).

Designated pursuant to section 1(a)(ii)(C) of E.O. 13581, as amended, for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, PRINCE HOLDING GROUP, a person whose property and interests in property are blocked pursuant to E.O. 13581, as amended.

47. SKYLINE INVESTMENT MANAGEMENT PTE. LTD., Singapore; Identification Number 201622975H (Singapore) [TCO] (Linked To: CHEN, Zhi).

Designated pursuant to section 1(a)(ii)(C) of E.O. 13581, as amended, for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, CHEN ZHI, a person whose property and interests in property are blocked pursuant to E.O. 13581, as amended.

48. TAIWAN PRINCE REAL ESTATE INVESTMENT CO. LTD., Taipei, Taiwan; Company Number 42992024 (Taiwan) [TCO] (Linked To: CHEN, Xiuling).

Designated pursuant to section 1(a)(ii)(C) of E.O. 13581, as amended, for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, CHEN XIULING, a person whose property and interests in property are blocked pursuant to E.O. 13581, as amended.

49. WARPCAPITAL YACHT MANAGEMENT PTE. LTD., Singapore; Identification Number 201900147W (Singapore) [TCO] (Linked To: CHEN, Xiuling).

Designated pursuant to section 1(a)(ii)(C) of E.O. 13581, as amended, for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, CHEN XIULING, a person whose property and interests in property are blocked pursuant to E.O. 13581, as amended.

50. GOOD EQUITY TEAM PTE. LTD., Singapore; Organization Type: Management consultancy activities; Identification Number 202446827M (Singapore) [TCO] (Linked To: CHEN, Xiuling).

Designated pursuant to section 1(a)(ii)(C) of E.O. 13581, as amended, for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, CHEN XIULING, a person whose property and interests in property are blocked pursuant to E.O. 13581, as amended.

51. PRINCE CULTURE AND MEDIA CO. LTD., Phnom Penh, Cambodia; Tax ID No. K008–901636016 (Cambodia) [TCO] (Linked To: CHEN, Zhi).

Designated pursuant to section 1(a)(ii)(C) of E.O. 13581, as amended, for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, CHEN ZHI, a person whose property and interests in property are blocked pursuant to E.O. 13581, as amended.

52. PRINCE GROUP PLC., Phnom Penh, Cambodia; Tax ID No. K002–901907416 (Cambodia) [TCO] (Linked To: CHEN, Zhi).

Designated pursuant to section 1(a)(ii)(C) of E.O. 13581, as amended, for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, CHEN ZHI, a

person whose property and interests in property are blocked pursuant to E.O. 13581, as amended.

53. PRINCE HOLDING PLC., Phnom Penh, Cambodia; Tax ID No. K002–901907141 (Cambodia) [TCO] (Linked To: CHEN, Zhi).

Designated pursuant to section 1(a)(ii)(C) of E.O. 13581, as amended, for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, CHEN ZHI, a person whose property and interests in property are blocked pursuant to E.O. 13581, as amended.

54. PRINCE HUAN YU ARCHITECTURAL DECORATION ENGINEERING CAMBODIA CO. LTD., Phnom Penh, Cambodia; Tax ID No. K004–901900288 (Cambodia) [TCO] (Linked To: LEI, Bo).

Designated pursuant to section 1(a)(ii)(C) of E.O. 13581, as amended, for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, LEI BO, a person whose property and interests in property are blocked pursuant to E.O. 13581, as amended.

55. PRINCE HUAN YU CAMBODIA GEOLOGICAL SURVEY DESIGN CO. LTD., Phnom Penh, Cambodia; Tax ID No. K004–901903021 (Cambodia) [TCO] (Linked To: LEI, Bo).

Designated pursuant to section 1(a)(ii)(C) of E.O. 13581, as amended, for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, LEI BO, a person whose property and interests in property are blocked pursuant to E.O. 13581, as amended.

56. PRINCE SEASHORE NO. 1 CO. LTD., Phnom Penh, Cambodia; Tax ID No. L001–901903144 (Cambodia) [TCO] (Linked To: CHEN, Zhi).

Designated pursuant to section 1(a)(ii)(C) of E.O. 13581, as amended, for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, CHEN ZHI, a person whose property and interests in property are blocked pursuant to E.O. 13581, as amended.

57. STERLING CAPITAL MANAGEMENT PTE. LTD., Singapore; Identification Number 202130572K (Singapore) [TCO] (Linked To: CHEN, Xiuling).

Designated pursuant to section 1(a)(ii)(C) of E.O. 13581, as amended, for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, CHEN XIULING, a person whose property and interests in property are blocked pursuant to E.O. 13581, as amended.

58. AWESOME CONSTRUCTION DESIGN ENGINEERING CO. LTD.,

Phnom Penh, Cambodia; Tax ID No. L001-901704051 (Cambodia) [TCO] (Linked To: CHEN, Zhi).

Designated pursuant to section 1(a)(ii)(C) of E.O. 13581, as amended, for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, CHEN ZHI, a person whose property and interests in property are blocked pursuant to E.O. 13581, as amended.

59. AWESOME SOFTWARE TECHNOLOGIES CO. LTD., Phnom Penh, Cambodia; Tax ID No. K002-901704018 (Cambodia) [TCO] (Linked To: CHEN, Zhi).

Designated pursuant to section 1(a)(ii)(C) of E.O. 13581, as amended, for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, CHEN ZHI, a person whose property and interests in property are blocked pursuant to E.O. 13581, as amended.

60. BELT ROAD CAPITAL INVESTMENT GROUP CO. LTD., Phnom Penh, Cambodia; Tax ID No. K002-901805561 (Cambodia) [TCO] (Linked To: CHEN, Zhi).

Designated pursuant to section 1(a)(ii)(C) of E.O. 13581, as amended, for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, CHEN ZHI, a person whose property and interests in property are blocked pursuant to E.O. 13581, as amended.

61. CANOPY SANDS DEVELOPMENT CO. LTD., Phnom Penh, Cambodia; Tax ID No. K002-901906001 (Cambodia) [TCO] (Linked To: CHEN, Zhi).

Designated pursuant to section 1(a)(ii)(C) of E.O. 13581, as amended, for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, CHEN ZHI, a person whose property and interests in property are blocked pursuant to E.O. 13581, as amended.

62. CITYLINK CO. LTD., Phnom Penh, Cambodia; Tax ID No. L001-100077668 (Cambodia) [TCO] (Linked To: PRINCE GROUP TRANSNATIONAL CRIMINAL ORGANIZATION).

Designated pursuant to section 1(a)(ii)(C) of E.O. 13581, as amended, for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, PRINCE GROUP TRANSNATIONAL CRIMINAL ORGANIZATION, a person whose property and interests in property are blocked pursuant to E.O. 13581, as amended.

63. CK ID CO. LTD, Phnom Penh, Cambodia; Tax ID No. L001-100135641 (Cambodia) [TCO] (Linked To: CHEN, Zhi).

Designated pursuant to section 1(a)(ii)(C) of E.O. 13581, as amended, for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, CHEN ZHI, a person whose property and interests in property are blocked pursuant to E.O. 13581, as amended.

64. HIGH VIEW SKYLINE INVESTMENT CO. LTD., Phnom Penh, Cambodia; Tax ID No. K003-901639643 (Cambodia) [TCO] (Linked To: CHEN, Zhi).

Designated pursuant to section 1(a)(ii)(C) of E.O. 13581, as amended, for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, CHEN ZHI, a person whose property and interests in property are blocked pursuant to E.O. 13581, as amended.

65. PRINCE BUSINESS OPERATING MANAGEMENT CAMBODIA CO. LTD., Phnom Penh, Cambodia; Tax ID No. K008-901639891 (Cambodia) [TCO] (Linked To: CHEN, Zhi).

Designated pursuant to section 1(a)(ii)(C) of E.O. 13581, as amended, for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, CHEN ZHI, a person whose property and interests in property are blocked pursuant to E.O. 13581, as amended.

66. PRINCE CLUB MANAGEMENT CAMBODIA CO. LTD., Phnom Penh, Colombia; Tax ID No. K008-901701158 (Cambodia) [TCO] (Linked To: CHEN, Zhi).

Designated pursuant to section 1(a)(ii)(C) of E.O. 13581, as amended, for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, CHEN ZHI, a person whose property and interests in property are blocked pursuant to E.O. 13581, as amended.

67. PRINCE CULTURE AND TOURISM DEVELOPMENT CO. LTD., Kandal, Cambodia; Tax ID No. B108-901806256 (Cambodia) [TCO] (Linked To: CHEN, Zhi).

Designated pursuant to section 1(a)(ii)(C) of E.O. 13581, as amended, for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, CHEN ZHI, a person whose property and interests in property are blocked pursuant to E.O. 13581, as amended.

68. PRINCE HAPPINESS PLAZA CO. LTD., Phnom Penh, Cambodia; Tax ID No. L001-901903143 (Cambodia) [TCO] (Linked To: CHEN, Zhi).

Designated pursuant to section 1(a)(ii)(C) of E.O. 13581, as amended, for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, CHEN ZHI, a

person whose property and interests in property are blocked pursuant to E.O. 13581, as amended.

69. PRINCE HORTICULTURE DEVELOPMENT CO. LTD., Kandal, Cambodia; Tax ID No. B108-901702269 (Cambodia) [TCO] (Linked To: CHEN, Zhi).

Designated pursuant to section 1(a)(ii)(C) of E.O. 13581, as amended, for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, CHEN ZHI, a person whose property and interests in property are blocked pursuant to E.O. 13581, as amended.

70. PRINCE HOSPITALITY MANAGEMENT CO. LTD., Phnom Penh, Cambodia; Tax ID No. K002-901903966 (Cambodia) [TCO] (Linked To: CHEN, Zhi).

Designated pursuant to section 1(a)(ii)(C) of E.O. 13581, as amended, for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, CHEN ZHI, a person whose property and interests in property are blocked pursuant to E.O. 13581, as amended.

71. PRINCE KOH TA KIEV CO. LTD., Phnom Penh, Cambodia; Tax ID No. L001-901903212 (Cambodia) [TCO] (Linked To: CHEN, Zhi).

Designated pursuant to section 1(a)(ii)(C) of E.O. 13581, as amended, for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, CHEN ZHI, a person whose property and interests in property are blocked pursuant to E.O. 13581, as amended.

72. PRINCE MARKETING PLANNING AGENCY CAMBODIA CO. LTD., Phnom Penh, Cambodia; Tax ID No. K008-901639799 (Cambodia) [TCO] (Linked To: CHEN, Zhi).

Designated pursuant to section 1(a)(ii)(C) of E.O. 13581, as amended, for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, CHEN ZHI, a person whose property and interests in property are blocked pursuant to E.O. 13581, as amended.

73. PRINCE MEDIA GALLERY CO. LTD., Phnom Penh, Cambodia; Tax ID No. K003-901504226 (Cambodia) [TCO] (Linked To: CHHAY, Guy).

Designated pursuant to section 1(a)(ii)(C) of E.O. 13581, as amended, for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, CHHAY GUY, a person whose property and interests in property are blocked pursuant to E.O. 13581, as amended.

74. PRINCE PLAZA INVESTMENT CO. LTD., Phnom Penh, Cambodia; Tax

ID No. L001–901804915 (Cambodia) [TCO] (Linked To: CHEN, Zhi).

Designated pursuant to section 1(a)(ii)(C) of E.O. 13581, as amended, for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, CHEN ZHI, a person whose property and interests in property are blocked pursuant to E.O. 13581, as amended.

75. PRINCE PROPERTY CAMBODIA MANAGEMENT CO. LTD., Phnom Penh, Cambodia; Tax ID No. K003–901503542 (Cambodia) [TCO] (Linked To: CHEN, Zhi).

Designated pursuant to section 1(a)(ii)(C) of E.O. 13581, as amended, for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, CHEN ZHI, a person whose property and interests in property are blocked pursuant to E.O. 13581, as amended.

76. PRINCE REAL ESTATE CAMBODIA GROUP CO. LTD., Phnom Penh, Cambodia; Tax ID No. L001–901501075 (Cambodia) [TCO] (Linked To: CHEN, Zhi).

Designated pursuant to section 1(a)(ii)(C) of E.O. 13581, as amended, for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, CHEN ZHI, a person whose property and interests in property are blocked pursuant to E.O. 13581, as amended.

77. PRINCE REAL ESTATE DECORATION ENGINEERING CO. LTD., Phnom Penh, Cambodia; Tax ID No. K008–901503558 (Cambodia) [TCO] (Linked To: CHEN, Zhi).

Designated pursuant to section 1(a)(ii)(C) of E.O. 13581, as amended, for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, CHEN ZHI, a person whose property and interests in property are blocked pursuant to E.O. 13581, as amended.

78. PRINCE SMART GARDEN CO. LTD., Preah Sihanouk, Cambodia; Tax ID No. L001–901900678 (Cambodia) [TCO] (Linked To: CHEN, Zhi).

Designated pursuant to section 1(a)(ii)(C) of E.O. 13581, as amended, for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, CHEN ZHI, a person whose property and interests in property are blocked pursuant to E.O. 13581, as amended.

79. PRINCE SUPER MARKET CAMBODIA CO. LTD., Phnom Penh, Cambodia; Tax ID No. K008–901700042 (Cambodia) [TCO] (Linked To: CHEN, Zhi).

Designated pursuant to section 1(a)(ii)(C) of E.O. 13581, as amended, for being owned or controlled by, or having

acted or purported to act for or on behalf of, directly or indirectly, CHEN ZHI, a person whose property and interests in property are blocked pursuant to E.O. 13581, as amended.

80. PRINCE TIAN XI WAN CO. LTD., Preah Sihanouk, Cambodia; Tax ID No. L001–901907509 (Cambodia) [TCO] (Linked To: CHEN, Zhi).

Designated pursuant to section 1(a)(ii)(C) of E.O. 13581, as amended, for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, CHEN ZHI, a person whose property and interests in property are blocked pursuant to E.O. 13581, as amended.

81. PRINCE TIMES HOTEL MANAGEMENT CO. LTD., Preah Sihanouk, Cambodia; Tax ID No. B117–901701939 (Cambodia) [TCO] (Linked To: CHEN, Zhi).

Designated pursuant to section 1(a)(ii)(C) of E.O. 13581, as amended, for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, CHEN ZHI, a person whose property and interests in property are blocked pursuant to E.O. 13581, as amended.

82. PRINCE TIMES PLAZA CO. LTD., Phnom Penh, Cambodia; Tax ID No. L001–902100458 (Cambodia) [TCO] (Linked To: CHEN, Zhi).

Designated pursuant to section 1(a)(ii)(C) of E.O. 13581, as amended, for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, CHEN ZHI, a person whose property and interests in property are blocked pursuant to E.O. 13581, as amended.

83. PRINCE VANGUARD DEVELOPMENT CO. LTD., Phnom Penh, Cambodia; Tax ID No. L001–902201692 (Cambodia) [TCO] (Linked To: CHEN, Zhi).

Designated pursuant to section 1(a)(ii)(C) of E.O. 13581, as amended, for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, CHEN ZHI, a person whose property and interests in property are blocked pursuant to E.O. 13581, as amended.

84. PRINCE YACHT CLUB CAMBODIA CO. LTD., Preah Sihanouk, Cambodia; Tax ID No. B117–901701217 (Cambodia) [TCO] (Linked To: CHEN, Zhi).

Designated pursuant to section 1(a)(ii)(C) of E.O. 13581, as amended, for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, CHEN ZHI, a person whose property and interests in property are blocked pursuant to E.O. 13581, as amended.

85. TGC CAMBODIA CO. LTD., Phnom Penh, Cambodia; Tax ID No. K003–901903576 (Cambodia) [TCO] (Linked To: CHHAY, Guy).

Designated pursuant to section 1(a)(ii)(C) of E.O. 13581, as amended, for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, CHHAY GUY, a person whose property and interests in property are blocked pursuant to E.O. 13581, as amended.

86. XIN TIAN JIAN CAMBODIA REAL ESTATE DEVELOPMENT CO. LTD., Phnom Penh, Cambodia; Tax ID No. L001–107034018 (Cambodia) [TCO] (Linked To: CHEN, Zhi).

Designated pursuant to section 1(a)(ii)(C) of E.O. 13581, as amended, for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, CHEN ZHI, a person whose property and interests in property are blocked pursuant to E.O. 13581, as amended.

87. ZHI XIN INVESTMENT CO. LTD., Phnom Penh, Cambodia; Tax ID No. B117–901701963 (Cambodia) [TCO] (Linked To: CHEN, Zhi).

Designated pursuant to section 1(a)(ii)(C) of E.O. 13581, as amended, for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, CHEN ZHI, a person whose property and interests in property are blocked pursuant to E.O. 13581, as amended.

88. ZHI XU INVESTMENT CO. LTD., Phnom Penh, Cambodia; Tax ID No. B117–901701964 (Cambodia) [TCO] (Linked To: CHEN, Zhi).

Designated pursuant to section 1(a)(ii)(C) of E.O. 13581, as amended, for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, CHEN ZHI, a person whose property and interests in property are blocked pursuant to E.O. 13581, as amended.

89. ZHI XU KOH RATANAK HOTEL CO. LTD., Preah Sihanouk, Cambodia; Tax ID No. B117–901908506 (Cambodia) [TCO] (Linked To: CHEN, Zhi).

Designated pursuant to section 1(a)(ii)(C) of E.O. 13581, as amended, for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, CHEN ZHI, a person whose property and interests in property are blocked pursuant to E.O. 13581, as amended.

90. AUSPICIOUS TYCOON LIMITED, Phnom Penh, Cambodia; Company Number 1984330 (Virgin Islands, British) [TCO] (Linked To: CHEN, Zhi).

Designated pursuant to section 1(a)(ii)(C) of E.O. 13581, as amended, for being owned or controlled by, or having acted or purported to act for or on behalf

of, directly or indirectly, CHEN ZHI, a person whose property and interests in property are blocked pursuant to E.O. 13581, as amended.

91. DELIGHTFUL THRIVE LIMITED, Phnom Penh, Cambodia; Company Number 1992053 (Virgin Islands, British) [TCO] (Linked To: CHEN, Zhi).

Designated pursuant to section 1(a)(ii)(C) of E.O. 13581, as amended, for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, CHEN ZHI, a person whose property and interests in property are blocked pursuant to E.O. 13581, as amended.

92. EVEN SINCERITY LIMITED, Phnom Penh, Cambodia; Company Number 1970592 (Virgin Islands, British) [TCO] (Linked To: CHEN, Zhi).

Designated pursuant to section 1(a)(ii)(C) of E.O. 13581, as amended, for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, CHEN ZHI, a person whose property and interests in property are blocked pursuant to E.O. 13581, as amended.

93. FULAM INVESTMENT LIMITED, Phnom Penh, Cambodia; Company Number 1542112 (Virgin Islands, British) [TCO] (Linked To: CHEN, Zhi).

Designated pursuant to section 1(a)(ii)(C) of E.O. 13581, as amended, for being owned or controlled by, or having acted or purported to act for or on behalf

of, directly or indirectly, CHEN ZHI, a person whose property and interests in property are blocked pursuant to E.O. 13581, as amended.

94. GIANT VICTORY HOLDINGS LIMITED, Phnom Penh, Cambodia; Company Number 1930566 (Virgin Islands, British) [TCO] (Linked To: CHEN, Zhi).

Designated pursuant to section 1(a)(ii)(C) of E.O. 13581, as amended, for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, CHEN ZHI, a person whose property and interests in property are blocked pursuant to E.O. 13581, as amended.

95. GOLDEN ASCEND HK LIMITED, Hong Kong, China; Company Number 2713133 (Hong Kong) [TCO] (Linked To: CHEN, Zhi).

Designated pursuant to section 1(a)(ii)(C) of E.O. 13581, as amended, for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, CHEN ZHI, a person whose property and interests in property are blocked pursuant to E.O. 13581, as amended.

96. GOLDEN ASCEND INTERNATIONAL LIMITED, Phnom Penh, Cambodia; Company Number 1976645 (Virgin Islands, British) [TCO] (Linked To: CHEN, Zhi).

Designated pursuant to section 1(a)(ii)(C) of E.O. 13581, as amended, for

being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, CHEN ZHI, a person whose property and interests in property are blocked pursuant to E.O. 13581, as amended.

97. HARMONIC STATE LIMITED, Phnom Penh, Cambodia; Company Number 2030628 (Virgin Islands, British) [TCO] (Linked To: CHEN, Zhi).

Designated pursuant to section 1(a)(ii)(C) of E.O. 13581, as amended, for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, CHEN ZHI, a person whose property and interests in property are blocked pursuant to E.O. 13581, as amended.

98. JUMBO HIGH LIMITED, Phnom Penh, Cambodia; Company Number 1984889 (Virgin Islands, British) [TCO] (Linked To: CHEN, Zhi).

Designated pursuant to section 1(a)(ii)(C) of E.O. 13581, as amended, for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, CHEN ZHI, a person whose property and interests in property are blocked pursuant to E.O. 13581, as amended.

99. NOBLE TITLE LIMITED, Phnom Penh, Cambodia; Company Number 1925678 (Virgin Islands, British) [TCO] (Linked To: CHEN, Zhi).

BILLING CODE 4810-AL-P

Designated pursuant to section 1(a)(ii)(C) of E.O. 13581, as amended, for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, CHEN ZHI, a person whose property and interests in property are blocked pursuant to E.O. 13581, as amended.

100. ORIENTAL CHARM HOLDINGS INVESTMENT LIMITED, Phnom Penh, Cambodia; Company Number 1977528 (Virgin Islands, British) [TCO] (Linked To: CHEN, Zhi).

Designated pursuant to section 1(a)(ii)(C) of E.O. 13581, as amended, for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, CHEN ZHI, a person whose property and interests in property are blocked pursuant to E.O. 13581, as amended.

101. SOUTHERN HERITAGE LIMITED, Phnom Penh, Cambodia; Company Number 2035209 (Virgin Islands, British) [TCO] (Linked To: CHEN, Zhi).

Designated pursuant to section 1(a)(ii)(C) of E.O. 13581, as amended, for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, CHEN ZHI, a person whose property and interests in property are blocked pursuant to E.O. 13581, as amended.

102. ALPHACONNECT INVESTMENTS CO. LTD. (Chinese Traditional: 聯凡有限公司), Taiwan; Identification Number 82795442 (Taiwan) [TCO] (Linked To: CHEN, Zhi).

Designated pursuant to section 1(a)(ii)(C) of E.O. 13581, as amended, for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, CHEN ZHI, a person whose property and interests in property are blocked pursuant to E.O. 13581, as amended.

103. ALPHACONNECT INVESTMENTS II CO. LTD. (Chinese Traditional: 聯凡貳有限公司), Taiwan; Identification Number 82862336 (Taiwan) [TCO] (Linked To: CHEN, Zhi).

Designated pursuant to section 1(a)(ii)(C) of E.O. 13581, as amended, for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, CHEN ZHI, a person whose property and interests in property are blocked pursuant to E.O. 13581, as amended.

104. ALPHACONNECT INVESTMENTS II PTE. LTD. (Chinese Traditional: 聯凡貳有限公司), Singapore; Identification Number 201912644H (Singapore) [TCO] (Linked To: CHEN, Zhi).

Designated pursuant to section 1(a)(ii)(C) of E.O. 13581, as amended, for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, CHEN ZHI, a person whose property and interests in property are blocked pursuant to E.O. 13581, as amended.

105. ALPHACONNECT INVESTMENTS PTE. LTD., Singapore; Identification Number 201900424D (Singapore) [TCO] (Linked To: CHEN, Zhi).

Designated pursuant to section 1(a)(ii)(C) of E.O. 13581, as amended, for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, CHEN ZHI, a person whose property and interests in property are blocked pursuant to E.O. 13581, as amended.

106. BINARY PROPERTIES CO. LTD. (Chinese Traditional: 睿督有限公司), Taiwan; Identification Number 82795436 (Taiwan) [TCO] (Linked To: CHEN, Zhi).

Designated pursuant to section 1(a)(ii)(C) of E.O. 13581, as amended, for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, CHEN ZHI, a person whose property and interests in property are blocked pursuant to E.O. 13581, as amended.

107. BINARY PROPERTIES PTE. LTD., Singapore; Identification Number 201900420Z (Singapore) [TCO] (Linked To: CHEN, Zhi).

Designated pursuant to section 1(a)(ii)(C) of E.O. 13581, as amended, for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, CHEN ZHI, a person whose property and interests in property are blocked pursuant to E.O. 13581, as amended.

108. DREW PROPERTIES CO. LTD. (Chinese Traditional: 博居有限公司), Taiwan; Identification Number 82870997 (Taiwan) [TCO] (Linked To: CHEN, Zhi).

Designated pursuant to section 1(a)(ii)(C) of E.O. 13581, as amended, for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, CHEN ZHI, a person whose property and interests in property are blocked pursuant to E.O. 13581, as amended.

109. DREW PROPERTIES II CO. LTD. (Chinese Traditional: 博居貳有限公司), Taiwan; Identification Number 82871004 (Taiwan) [TCO] (Linked To: CHEN, Zhi).

Designated pursuant to section 1(a)(ii)(C) of E.O. 13581, as amended, for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, CHEN ZHI, a person whose property and interests in property are blocked pursuant to E.O. 13581, as amended.

110. DREW PROPERTIES II PTE. LTD., Singapore; Identification Number 201907442C (Singapore) [TCO] (Linked To: CHEN, Zhi).

Designated pursuant to section 1(a)(ii)(C) of E.O. 13581, as amended, for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, CHEN ZHI, a person whose property and interests in property are blocked pursuant to E.O. 13581, as amended.

111. DREW PROPERTIES PTE. LTD., Singapore; Identification Number 201906997R (Singapore) [TCO] (Linked To: CHEN, Zhi).

Designated pursuant to section 1(a)(ii)(C) of E.O. 13581, as amended, for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, CHEN ZHI, a person whose property and interests in property are blocked pursuant to E.O. 13581, as amended.

112. GREENBAY PROPERTIES CO. LTD. (Chinese Traditional: 澄碩有限公司), Taiwan; Identification Number 82862363 (Taiwan) [TCO] (Linked To: CHEN, Zhi).

Designated pursuant to section 1(a)(ii)(C) of E.O. 13581, as amended, for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, CHEN ZHI, a person whose property and interests in property are blocked pursuant to E.O. 13581, as amended.

113. GREENBAY PROPERTIES PTE. LTD., Singapore; Identification Number 201900435G (Singapore) [TCO] (Linked To: CHEN, Zhi).

Designated pursuant to section 1(a)(ii)(C) of E.O. 13581, as amended, for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, CHEN ZHI, a person whose property and interests in property are blocked pursuant to E.O. 13581, as amended.

114. HUNTSMAN INVESTMENTS CO. LTD. (Chinese Traditional: 邁羽有限公司), Taiwan; Identification Number 82824684 (Taiwan) [TCO] (Linked To: CHEN, Zhi).

Designated pursuant to section 1(a)(ii)(C) of E.O. 13581, as amended, for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, CHEN ZHI, a person whose property and interests in property are blocked pursuant to E.O. 13581, as amended.

115. HUNTSMAN INVESTMENTS PTE. LTD., Singapore; Identification Number 201908320R (Singapore) [TCO] (Linked To: CHEN, Zhi).

Designated pursuant to section 1(a)(ii)(C) of E.O. 13581, as amended, for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, CHEN ZHI, a person whose property and interests in property are blocked pursuant to E.O. 13581, as amended.

116. KEY ADVISORS PTE. LTD., Singapore; Identification Number 202103680K (Singapore) [TCO] (Linked To: CHEN, Xiuling).

Designated pursuant to section 1(a)(ii)(C) of E.O. 13581, as amended, for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, CHEN XIULING, a person whose property and interests in property are blocked pursuant to E.O. 13581, as amended.

117. MAJESTY PROPERTIES CO. LTD. (Chinese Traditional: 鳴灣有限公司), Taiwan; Identification Number 82800846 (Taiwan) [TCO] (Linked To: CHEN, Zhi).

of, directly or indirectly, CHEN ZHI, a person whose property and interests in property are blocked pursuant to E.O. 13581, as amended.

118. MAJESTY PROPERTIES PTE. LTD., Singapore; Identification Number 201900446K (Singapore) [TCO] (Linked To: CHEN, Zhi).

Designated pursuant to section 1(a)(ii)(C) of E.O. 13581, as amended, for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, CHEN ZHI, a person whose property and interests in property are blocked pursuant to E.O. 13581, as amended.

119. CAMBODIAN HENG XIN REAL ESTATE INVESTMENT CO. LTD., Phnom Penh, Cambodia; Tax ID No. K002-107015455 (Cambodia) [TCO] (Linked To: PRINCE GROUP TRANSNATIONAL CRIMINAL ORGANIZATION).

Designated pursuant to section 1(a)(ii)(C) of E.O. 13581, as amended, for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, PRINCE GROUP TRANSNATIONAL CRIMINAL ORGANIZATION, a person whose property and interests in property are blocked pursuant to E.O. 13581, as amended.

120. GOLDEN FORTUNE RESORTS WORLD CO. LTD., Cambodia; Tax ID No. K002-901803517 (Cambodia) [TCO] (Linked To: PRINCE GROUP TRANSNATIONAL CRIMINAL ORGANIZATION).

Designated pursuant to section 1(a)(ii)(C) of E.O. 13581, as amended, for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, PRINCE GROUP TRANSNATIONAL CRIMINAL ORGANIZATION, a person whose property and interests in property are blocked pursuant to E.O. 13581, as amended.

121. JIN BEI GROUP CO. LTD. (a.k.a. JINBEI CASINO), Cambodia; Tax ID No. K003-901704045 (Cambodia) [TCO] (Linked To: PRINCE GROUP TRANSNATIONAL CRIMINAL ORGANIZATION).

Designated pursuant to section 1(a)(ii)(C) of E.O. 13581, as amended, for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, PRINCE GROUP TRANSNATIONAL CRIMINAL ORGANIZATION, a person whose property and interests in property are blocked pursuant to E.O. 13581, as amended.

122. PRINCE HOLDING GROUP, Prince Holding Group Building, Plov Koh Pich, Phum 14, Tonle Basak Sangkat, Chamkar Mon Khan, Phnom

Penh, Cambodia; website <https://www.princeholdinggroup.com/>; Organization Established Date Mar 2015 [TCO] (Linked To: CHEN, Zhi; Linked To: PRINCE GROUP TRANSNATIONAL CRIMINAL ORGANIZATION).

Designated pursuant to section 1(a)(ii)(C) of E.O. 13581, as amended, for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, PRINCE GROUP TRANSNATIONAL CRIMINAL ORGANIZATION, a person whose property and interests in property are blocked pursuant to E.O. 13581, as amended.

123. PRINCE HUAN YU REAL ESTATE CAMBODIA GROUP CO. LTD. (a.k.a. PRINCE HUAN YU CAMBODIA INVESTMENT CO. LTD.; a.k.a. PRINCE HUAN YU REAL ESTATE GROUP; a.k.a. "UNI MORE GROUP CO. LTD."), Phnom Penh, Cambodia; Tax ID No. L001-901801128 (Cambodia) [TCO] (Linked To: PRINCE HOLDING GROUP).

Designated pursuant to section 1(a)(ii)(C) of E.O. 13581, as amended, for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, PRINCE HOLDING GROUP, a person whose property and interests in property are blocked pursuant to E.O. 13581, as amended.

124. WARP DATA TECHNOLOGY LAO SOLE CO. LTD., Laos; Tax ID No. 164420736-900 (Laos) [TCO] (Linked To: PRINCE GROUP TRANSNATIONAL CRIMINAL ORGANIZATION).

Designated pursuant to section 1(a)(ii)(C) of E.O. 13581, as amended, for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, PRINCE GROUP TRANSNATIONAL CRIMINAL ORGANIZATION, a person whose property and interests in property are blocked pursuant to E.O. 13581, as amended.

125. SURE TYCOON LIMITED, Phnom Penh, Cambodia; Virgin Islands, British; Company Number 2030676 (Virgin Islands, British) [TCO] (Linked To: CHEN, Zhi).

Designated pursuant to section 1(a)(ii)(C) of E.O. 13581, as amended, for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, CHEN ZHI, a person whose property and interests in property are blocked pursuant to E.O. 13581, as amended.

126. SWORD RIVER LIMITED, Phnom Penh, Cambodia; Virgin Islands, British; Company Number 1971899 (Virgin Islands, British) [TCO] (Linked To: CHEN, Zhi).

Designated pursuant to section 1(a)(ii)(C) of E.O. 13581, as amended, for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, CHEN ZHI, a person whose property and interests in property are blocked pursuant to E.O. 13581, as amended.

127. TOWARDS SUNSHINE LIMITED, Phnom Penh, Cambodia; Virgin Islands, British; Company Number 1970125 (Virgin Islands, British) [TCO] (Linked To: CHEN, Zhi).

Designated pursuant to section 1(a)(ii)(C) of E.O. 13581, as amended, for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, CHEN ZHI, a person whose property and interests in property are blocked pursuant to E.O. 13581, as amended.

128. UNITED RICHES GLOBAL LIMITED, Phnom Penh, Cambodia; Virgin Islands, British; Company Number 1984537 (Virgin Islands, British) [TCO] (Linked To: CHEN, Zhi).

Designated pursuant to section 1(a)(ii)(C) of E.O. 13581, as amended, for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, CHEN ZHI, a person whose property and interests in property are blocked pursuant to E.O. 13581, as amended.

Bradley T. Smith

Director, Office of Foreign Assets Control.

[FR Doc. 2025-20236 Filed 11-18-25; 8:45 am]

BILLING CODE 4810-AL-P

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

Notice of OFAC Sanctions Actions

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Notice.

SUMMARY: The U.S. Department of the Treasury's Office of Foreign Assets Control (OFAC) is publishing the names of one or more persons that have been placed on OFAC's Specially Designated Nationals and Blocked Persons List (SDN List) based on OFAC's determination that one or more applicable legal criteria were satisfied. All property and interests in property subject to U.S. jurisdiction of these persons are blocked, and U.S. persons are generally prohibited from engaging in transactions with them.

DATES: This action was issued on November 13, 2025. See **SUPPLEMENTARY INFORMATION** for relevant dates.

FOR FURTHER INFORMATION CONTACT: OFAC: Associate Director for Global

Targeting, 202–622–2420; Assistant Director for Sanctions Compliance, 202–622–2490 or <https://ofac.treasury.gov/contact-ofac>.

SUPPLEMENTARY INFORMATION:

Electronic Availability

The SDN List and additional information concerning OFAC sanctions programs are available on OFAC's website: <https://ofac.treasury.gov>.

Notice of OFAC Action

On November 13, 2025, OFAC determined that the property and interests in property subject to U.S. jurisdiction of the following persons are blocked under the relevant sanctions authorities listed below.

Individuals

1. BAKU, Eselda (a.k.a. HYSA, Eselda), Ensenada, Baja California, Mexico; DOB 24 Jun 1987; POB Elbasan, Albania; nationality Albania; Gender Female (individual) [TCO] (Linked To: ENTRETENIMIENTO PALERMO S.A. DE C.V.).

Designated pursuant to section 1(a)(ii)(C) of Executive Order 13581 of July 24, 2011, "Blocking Property of Transnational Criminal Organizations," 76 FR 44757 (July 27, 2011), as amended by Executive Order 13863 of March 15, 2019, "Taking Additional Steps to Address the National Emergency With Respect to Significant Transnational Criminal Organizations," 84 FR 10255 (March 19, 2019) (E.O. 13581, as amended) for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, ENTRETENIMIENTO PALERMO S.A. DE C.V., a person whose property and interests in property are blocked pursuant to E.O. 13581, as amended.

2. HYSA, Arben, Mexico; DOB 15 Sep 1970; POB Belsh, Albania; nationality Albania; Gender Male; Passport BJ4897370 (Albania) expires 09 Mar 2024; C.U.R.P. HAXA700915HNEYXR02 (Mexico) (individual) [TCO] (Linked To: HYSA ORGANIZED CRIME GROUP).

Designated pursuant to section 1(a)(ii)(C) of E.O. 13581, as amended, for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, HYSA ORGANIZED CRIME GROUP, a person whose property and interests in property are blocked pursuant to E.O. 13581, as amended.

3. HYSA, Fabjon, Canada; DOB 27 Sep 1993; POB Elbasan, Albania; nationality Albania; Gender Male; Passport 1893770 (Albania) expires 15 Jun 2006 (individual) [TCO] (Linked To: HYSA ORGANIZED CRIME GROUP).

Designated pursuant to section 1(a)(ii)(C) of E.O. 13581, as amended, for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, HYSA ORGANIZED CRIME GROUP, a person whose property and interests in property are blocked pursuant to E.O. 13581, as amended.

4. HYSA, Fatos, Albania; DOB 15 Jun 1972; nationality Albania; Gender Male; Passport BF5921175 (Albania) expires 07 Jan 2031 (individual) [TCO] (Linked To: HYSA ORGANIZED CRIME GROUP).

Designated pursuant to section 1(a)(ii)(C) of E.O. 13581, as amended, for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, HYSA ORGANIZED CRIME GROUP, a person whose property and interests in property are blocked pursuant to E.O. 13581, as amended.

5. HYSA, Luftar, Montreal, Quebec, Canada; Mexico; DOB 01 Mar 1967; POB Elbasan, Albania; nationality Albania; Gender Male; Passport BC5833174 (Albania) expires 22 Jul 2020; C.U.R.P. HAXL670301HNEYXF01 (Mexico) (individual) [TCO] (Linked To: HYSA ORGANIZED CRIME GROUP).

Designated pursuant to section 1(a)(ii)(C) of E.O. 13581, as amended, for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, HYSA ORGANIZED CRIME GROUP, a person whose property and interests in property are blocked pursuant to E.O. 13581, as amended.

6. HYSA, Ramiz, Rosarito, Baja California, Mexico; DOB 08 Sep 1962; POB Belsh, Albania; nationality Albania; Gender Male; Passport BC5006114 (Albania) expires 05 Oct 2026 (individual) [TCO] (Linked To: HYSA ORGANIZED CRIME GROUP).

Designated pursuant to section 1(a)(ii)(C) of E.O. 13581, as amended, for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, HYSA ORGANIZED CRIME GROUP, a person whose property and interests in property are blocked pursuant to E.O. 13581, as amended.

7. LOPEZ LOPEZ, Gilberto, Mazatlan, Sinaloa, Mexico; DOB 25 Feb 1981; POB Culiacan, Mexico; nationality Mexico; Gender Male; C.U.R.P. LOLG810225HSLPPL07 (Mexico) (individual) [TCO] (Linked To: ENTRETENIMIENTO PALERMO S.A. DE C.V.).

Designated pursuant to section 1(a)(ii)(C) of E.O. 13581, as amended, for being owned or controlled by, or having acted or purported to act for or on behalf

of, directly or indirectly, ENTRETENIMIENTO PALERMO S.A. DE C.V., a person whose property and interests in property are blocked pursuant to E.O. 13581, as amended.

Entities

1. HYSA ORGANIZED CRIME GROUP, Mexico; Albania; Target Type Criminal Organization [TCO].

Designated pursuant to section 1(a)(ii)(A) of E.O. 13581, as amended, for being a foreign person that constitutes a significant transnational criminal organization.

2. BLIRI S.A. DE C.V., Nuevo Leon, Mexico; Organization Established Date 28 Feb 2007; Organization Type: Manufacture of industrial, electric and electronic machinery; Folio Mercantil No. 102358 (Mexico) [TCO] (Linked To: HYSA, Luftar; Linked To: HYSA, Arben).

Designated pursuant to section 1(a)(ii)(C) of E.O. 13581, as amended, for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, Luftar Hysa, a person whose property and interests in property are blocked pursuant to E.O. 13581, as amended.

Designated pursuant to section 1(a)(ii)(C) of E.O. 13581, as amended, for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, Arben Hysa, a person whose property and interests in property are blocked pursuant to E.O. 13581, as amended.

3. CUCINA DEL PORTO S.A. DE C.V., Sinaloa, Mexico; Organization Established Date 31 May 2023; Organization Type: Other food service activities; Folio Mercantil No. 5331 (Mexico) [TCO] (Linked To: LOPEZ LOPEZ, Gilberto).

Designated pursuant to section 1(a)(ii)(C) of E.O. 13581, as amended, for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, Gilberto Lopez Lopez, a person whose property and interests in property are blocked pursuant to E.O. 13581, as amended.

4. DIVERSIONES LOS MOCHIS S.A. DE C.V., Nuevo Leon, Mexico; Organization Established Date 03 Jun 2009; Organization Type: Manufacture of industrial, electric and electronic machinery; Folio Mercantil No. 115186 (Mexico) [TCO] (Linked To: HYSA, Arben).

Designated pursuant to section 1(a)(ii)(C) of E.O. 13581, as amended, for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, Arben Hysa, a person whose property and interests in

property are blocked pursuant to E.O. 13581, as amended.

5. EL ARTE DE COCINAS Y BEBER S.A. DE C.V., Sinaloa, Mexico; Organization Established Date 31 May 2023; Organization Type: Other food service activities; Folio Mercantil No. 5330 (Mexico) [TCO] (Linked To: LOPEZ LOPEZ, Gilberto).

Designated pursuant to section 1(a)(ii)(C) of E.O. 13581, as amended, for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, Gilberto Lopez Lopez, a person whose property and interests in property are blocked pursuant to E.O. 13581, as amended.

6. ENTRETENIMIENTO PALERMO S.A. DE C.V., Sonora, Mexico; Organization Established Date 13 Feb 2009; Organization Type: Manufacture of industrial, electric and electronic machinery; Folio Mercantil No. 3833 (Mexico) [TCO] (Linked To: HYSYA, Arben).

Designated pursuant to section 1(a)(ii)(C) of E.O. 13581, as amended, for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, Arben Hysya, a person whose property and interests in property are blocked pursuant to E.O. 13581, as amended.

7. ENTRETENIMIENTO VILLAHERMOSA S.A. DE C.V., Nuevo Leon, Mexico; Organization Established Date 05 Oct 2009; Organization Type: Manufacture of industrial, electric and electronic machinery; Folio Mercantil No. 117297 (Mexico) [TCO] (Linked To: HYSYA, Arben).

Designated pursuant to section 1(a)(ii)(C) of E.O. 13581, as amended, for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, Arben Hysya, a person whose property and interests in property are blocked pursuant to E.O. 13581, as amended.

8. ENTRETENIMIENTO Y ESPECTACULOS B.C. S.A. DE C.V., Baja California, Mexico; Organization Established Date 13 Sep 2011; Organization Type: Gambling and betting activities; Folio Mercantil No. 33240 (Mexico) [TCO] (Linked To: HYSYA, Luftar).

Designated pursuant to section 1(a)(ii)(C) of E.O. 13581, as amended, for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, Luftar Hysya, a person whose property and interests in property are blocked pursuant to E.O. 13581, as amended.

9. GRUPO INTERNACIONAL CANHYSAMEX S.A. DE C.V., Nuevo Leon, Mexico; Organization Established Date 06 Aug 2012; Organization Type:

Financial and Insurance Activities; Folio Mercantil No. 134828 (Mexico) [TCO] (Linked To: HYSYA, Arben).

Designated pursuant to section 1(a)(ii)(C) of E.O. 13581, as amended, for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, Arben Hysya, a person whose property and interests in property are blocked pursuant to E.O. 13581, as amended.

10. H HIDROCARBUROS S.A. DE C.V., Nuevo Leon, Mexico; Organization Established Date 08 Jun 2015; Organization Type: Manufacture of refined petroleum products; Folio Mercantil No. 153471 (Mexico) [TCO] (Linked To: HYSYA, Arben).

Designated pursuant to section 1(a)(ii)(C) of E.O. 13581, as amended, for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, Arben Hysya, a person whose property and interests in property are blocked pursuant to E.O. 13581, as amended.

11. HYSYA FORWARDERS S.A. DE C.V., Nuevo Leon, Mexico; Organization Established Date 10 Jun 2021; Organization Type: Retail sale of clothing, footwear and leather articles in specialized stores; Folio Mercantil No. 35583 (Mexico) [TCO] (Linked To: HYSYA, Luftar; Linked To: HYSYA, Arben).

Designated pursuant to section 1(a)(ii)(C) of E.O. 13581, as amended, for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, Luftar Hysya, a person whose property and interests in property are blocked pursuant to E.O. 13581, as amended.

Designated pursuant to section 1(a)(ii)(C) of E.O. 13581, as amended, for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, Arben Hysya, a person whose property and interests in property are blocked pursuant to E.O. 13581, as amended.

12. HYSYA HOLDINGS INC (a.k.a. GESTION HYSYA INC), Montreal, Quebec, Canada; Organization Established Date 27 Oct 2011; Company Number 798018–3 (Canada); Business Number 842067886RC0001 (Canada) [TCO] (Linked To: HYSYA, Luftar).

Designated pursuant to section 1(a)(ii)(C) of E.O. 13581, as amended, for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, Luftar Hysya, a person whose property and interests in property are blocked pursuant to E.O. 13581, as amended.

13. LH PRO–GAMING S.A. DE C.V., Nuevo Leon, Mexico; Organization Established Date 25 Apr 2019;

Organization Type: Other amusement and recreation activities; Folio Mercantil No. 48625 (Mexico) [TCO] (Linked To: HYSYA, Luftar; Linked To: HYSYA, Arben).

Designated pursuant to section 1(a)(ii)(C) of E.O. 13581, as amended, for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, Luftar Hysya, a person whose property and interests in property are blocked pursuant to E.O. 13581, as amended.

Designated pursuant to section 1(a)(ii)(C) of E.O. 13581, as amended, for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, Arben Hysya, a person whose property and interests in property are blocked pursuant to E.O. 13581, as amended.

14. LH RENTAL S.A. DE C.V., Nuevo Leon, Mexico; Organization Established Date 20 May 2019; Organization Type: Manufacture of industrial, electric and electronic machinery; Folio Mercantil No. 48939 (Mexico) [TCO] (Linked To: HYSYA, Arben).

Designated pursuant to section 1(a)(ii)(C) of E.O. 13581, as amended, for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, Arben Hysya, a person whose property and interests in property are blocked pursuant to E.O. 13581, as amended.

15. OPERADORA ALEJIL S.A. DE C.V., Nuevo Leon, Mexico; Organization Established Date 24 Jan 2014; Organization Type: Financial and Insurance Activities; Folio Mercantil No. 143781 (Mexico) [TCO] (Linked To: LOPEZ LOPEZ, Gilberto).

Designated pursuant to section 1(a)(ii)(C) of E.O. 13581, as amended, for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, Gilberto Lopez Lopez, a person whose property and interests in property are blocked pursuant to E.O. 13581, as amended.

16. OPERADORA DE EMPRESAS LH S.A. DE C.V., Nuevo Leon, Mexico; Organization Established Date 29 May 2013; Organization Type: Financial and Insurance Activities; Folio Mercantil No. 140893 (Mexico) [TCO] (Linked To: HYSYA, Luftar; Linked To: HYSYA, Arben).

Designated pursuant to section 1(a)(ii)(C) of E.O. 13581, as amended, for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, Luftar Hysya, a person whose property and interests in property are blocked pursuant to E.O. 13581, as amended.

Designated pursuant to section 1(a)(ii)(C) of E.O. 13581, as amended, for

being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, Arben Hysa, a person whose property and interests in property are blocked pursuant to E.O. 13581, as amended.

17. PROCESADORA DE ALIMENTOS HS S.A. DE C.V., Nuevo Leon, Mexico; Organization Established Date 25 Sep 2015; Organization Type: Other food service activities; Folio Mercantil No. 157133 (Mexico) [TCO] (Linked To: HYSA, Arben).

Designated pursuant to section 1(a)(ii)(C) of E.O. 13581, as amended, for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, Arben Hysa, a person whose property and interests in property are blocked pursuant to E.O. 13581, as amended.

18. ROSETTA GAMING INC (a.k.a. JEUX ROSETTA INC), Montreal, Quebec, Canada; Organization Established Date 17 Dec 2014; Company Number 912385-7 (Canada); Business Number 819833187RC0001 (Canada) [TCO] (Linked To: HYSA, Luftar).

Designated pursuant to section 1(a)(ii)(C) of E.O. 13581, as amended, for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, Luftar Hysa, a person whose property and interests in property are blocked pursuant to E.O. 13581, as amended.

19. ROSETTA GAMING S.A. DE C.V., Nuevo Leon, Mexico; Organization Established Date 08 Aug 2016; Organization Type: Manufacture of industrial, electric and electronic machinery; Folio Mercantil No. 33158 (Mexico) [TCO] (Linked To: HYSA, Arben; Linked To: HYSA, Luftar).

Designated pursuant to section 1(a)(ii)(C) of E.O. 13581, as amended, for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, Arben Hysa, a person whose property and interests in property are blocked pursuant to E.O. 13581, as amended.

Designated pursuant to section 1(a)(ii)(C) of E.O. 13581, as amended, for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, Luftar Hysa, a person whose property and interests in property are blocked pursuant to E.O. 13581, as amended.

20. ROSETTA GAMING SPOLKA Z OGRANICZONA ODPOWIEDZIALNOSCIA (Latin: ROSETTA GAMING SPÓŁKA Z OGRANICZONĄ ODPOWIEDZIALNOŚCIĄ) (a.k.a. ROSETTA GAMING SP ZOO), Krakow, Poland; website <https://rosettagaming.com>; Organization Established Date 15 Nov 2018; V.A.T. Number 9452223453 (Poland); Registration Number KRS0000756864 (Poland) [TCO] (Linked To: HYSA, Fabjon).

Designated pursuant to section 1(a)(ii)(C) of E.O. 13581, as amended, for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, Fabjon Hysa, a person whose property and interests in property are blocked pursuant to E.O. 13581, as amended.

Bradley T. Smith,

Director, Office of Foreign Assets Control.

[FR Doc. 2025-20257 Filed 11-18-25; 8:45 am]

BILLING CODE 4810-AL-P

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

Notice of OFAC Sanctions Actions

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Notice.

SUMMARY: The U.S. Department of the Treasury's Office of Foreign Assets Control (OFAC) is publishing updates to the identifying information of one or more persons currently included in OFAC's Specially Designated Nationals and Blocked Persons List (SDN List).

DATES: This action was issued on October 30, 2025. See **SUPPLEMENTARY INFORMATION** section for effective dates.

FOR FURTHER INFORMATION CONTACT: OFAC: Associate Director for Global Targeting, 202-622-2420; Assistant Director for Sanctions Compliance, 202-622-2490; or <https://ofac.treasury.gov/contact-ofac>.

SUPPLEMENTARY INFORMATION:

Electronic Availability

The SDN List and additional information concerning OFAC sanctions programs are available on OFAC's website: <https://ofac.treasury.gov>.

Notice of OFAC Actions

On October 30, 2025, OFAC updated the entry on the SDN List for the following persons, whose property and interests in property subject to U.S. jurisdiction continue to be blocked under the relevant sanctions authorities listed below.

Individuals

BILLING CODE 4810-AL-P

1. CHEN, Zhi (Chinese Simplified: 陈志), Phnom Penh, Cambodia; DOB 16 Dec 1987; POB Fujian, China; nationality China; citizen Cambodia; alt. citizen Vanuatu; alt. citizen Cyprus; Gender Male; Digital Currency Address - XBT bc1qeth6n6ryxexvkvx34wnx3nuynun4474h3j0gkhw; alt. Digital Currency Address - XBT bc1q2we5eqjj8je6lz9xwjattpc3pn4jejc5h0s70f; alt. Digital Currency Address - XBT bc1qnujzvt545qka3cr2eqqw8ur3q6g6s0ze2wlk5m; alt. Digital Currency Address - XBT bc1qw4fxztd5u3sl7vrcqwk2a8v5zh5dllvckx3tl; Passport N00081108 (Cambodia); alt. Passport RV047996 (Vanuatu); alt. Passport K00395168 (Cyprus); National ID No. 010868617 (Cambodia) (individual) [TCO] (Linked To: PRINCE GROUP TRANSNATIONAL CRIMINAL ORGANIZATION).

The listing for the individual now appears as follows:

CHEN, Zhi (Chinese Simplified: 陈志), Phnom Penh, Cambodia; DOB 16 Dec 1987; POB Fujian, China; nationality China; citizen Cambodia; alt. citizen Vanuatu; alt. citizen Cyprus; Gender Male; Digital Currency Address - XBT bc1qeth6n6ryxexvkvx34wnx3nuynun4474h3j0gkhw; alt. Digital Currency Address - XBT bc1q2we5eqjj8je6lz9xwjattpc3pn4jejc5h0s70f; alt. Digital Currency Address - XBT bc1qnujzvt545qka3cr2eqqw8ur3q6g6s0ze2wlk5m; alt. Digital Currency Address - XBT bc1qw4fxztd5u3sl7vrcqwk2a8v5zh5dllvckx3tl; alt. Digital Currency Address - XBT 3EynPFpGTPxU9m5bPaEDEUxUanzh7vgQP; alt. Digital Currency Address - XBT 3FoD1f6Tfnq3s8MYHgJqFPWv9cUrtUdBSv; alt. Digital Currency Address - XBT 3MKXKqPXf6VxTLkVSXuDKzaTiZZaz5AmiK; alt. Digital Currency Address - XBT 386sPhHBbLidzPnoxUH74jiiYkHYtobefQ; alt. Digital Currency Address - XBT 35irs2AU6pVgenYbWvMRz22avDBLC9XMkd; alt. Digital Currency Address - XBT 36ia8qAE1k1PKQePdXENCm1YKLXxZyVnnc; alt. Digital Currency Address - XBT 374RguZDMNW5Zh5ouW3KhKDcrerKusmsuk; alt. Digital Currency Address - XBT 3CuqLrZWn5oCe6DRScdRwiFv8txcahrsG3; alt. Digital Currency Address - XBT 3MNWiGeoKAhtTrbJuUXpvSRYJSNvmyJSWE; alt. Digital Currency Address - XBT 39HJB4x6W5QuKFEuV1tfcfNveLRJTzcC12; alt. Digital Currency Address - XBT 3L1PSCgfPKJAFQCZcoKfbvWf1fBmWM1Bbs; alt. Digital Currency Address - XBT 3D44E2Z3PcLa868GeBNiP5E2GPTfVLULUJ; alt. Digital Currency Address - XBT bc1qnp3pzsw3elkecrw8pqrz70r7zuse6cwya6dhc; alt. Digital Currency Address - XBT bc1qeaxuj8vamvnxqveleaagmae33x904xuzj836p3; alt. Digital Currency Address - XBT bc1q66y45cq78ke25kz7rpe94l84avt7zetglzeeqg; alt. Digital Currency Address - XBT bc1qu8mcqffx3jpdwnap88h85u5l5l0xq97438tz2x; alt. Digital Currency Address - XBT bc1qw75cxmxz4e2v265mue9wmqgq2m0qdyr25l2ufl; alt. Digital Currency Address - XBT bc1q7des766x6c0zkycz6dz6rfv066n3fcg4kggtrt; alt. Digital Currency Address - XBT bc1qlwtksusw8pp3k3a39mkmwvswujhghn0ulp3uj; alt. Digital Currency Address - XBT bc1qu4p4eynzu8vwwcv0yxq74gth00exjyech05uf0; alt. Digital Currency Address - XBT bc1qw0pswzncx7s6tjmd2f5hrx4q6ke5nyrdxku50; alt. Digital Currency Address - XBT bc1q9kja7t2zz0ze4lcgxf0l07pygpc69ws528lj9; alt. Digital Currency Address - XBT bc1qea942uw640l7nvtf3vplv6jd6wvuy06c58cd4k; alt. Digital Currency Address - XBT bc1q6qze6uj6jncgnva4eghxn3tr4pm2frh77ad3k9; alt. Digital Currency Address - XBT bc1qcx8vxxrld2s7qvz64qp75s3508rkzaxj65l60q; Passport N00081108 (Cambodia); alt. Passport RV047996 (Vanuatu); alt. Passport K00395168 (Cyprus); National ID No. 010868617 (Cambodia) (individual) [TCO] (Linked To: PRINCE GROUP TRANSNATIONAL CRIMINAL ORGANIZATION).

(individual) [TCO] (Linked To: CHEN, Zhi).

The listing for the individual now appears as follows:

YEO, Sin Huat Alan, Singapore; DOB 27 Sep 1972; POB Singapore; nationality Singapore; Gender Male; Passport 7234580J (Singapore); alt. Passport E5665088N (Singapore) (individual) [TCO] (Linked To: CHEN, Zhi).

Entity

1. PRINCE CLUB MANAGEMENT CAMBODIA CO. LTD., Phnom Penh, Colombia; Tax ID No. K008–901701158 (Cambodia) [TCO] (Linked To: CHEN, Zhi).

The listing for the entity now appears as follows:

PRINCE CLUB MANAGEMENT CAMBODIA CO. LTD., Phnom Penh, Cambodia; Tax ID No. K008–901701158 (Cambodia) [TCO] (Linked To: CHEN, Zhi).

Dated: October 30, 2025.

Bradley T. Smith,

Director, Office of Foreign Assets Control.

[FR Doc. 2025–20241 Filed 11–18–25; 8:45 am]

BILLING CODE 4810–AL–C

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

Notice of OFAC Sanctions Action

AGENCY: Office of Foreign Assets Control, Department of the Treasury.

ACTION: Notice.

SUMMARY: The U.S. Department of the Treasury's Office of Foreign Assets Control (OFAC) is publishing the names of one or more persons whose property and interests in property have been unblocked and who have been removed from OFAC's Specially Designated Nationals and Blocked Persons List (SDN List).

DATES: This action was issued on November 4, 2025. See **SUPPLEMENTARY INFORMATION** section for relevant dates.

FOR FURTHER INFORMATION CONTACT: OFAC: Associate Director for Global Targeting, 202–622–2420; Assistant Director for Sanctions Compliance, 202–622–2490; or <https://ofac.treasury.gov/contact-ofac>.

SUPPLEMENTARY INFORMATION:

Electronic Availability

The SDN List and additional information concerning OFAC sanctions programs are available on OFAC's website: <https://ofac.treasury.gov/>.

Notice of OFAC Action

On November 4, 2025, OFAC determined that the property and interests in property subject to U.S. jurisdiction of the following person, sanctioned pursuant to Executive Order 14038 of August 9, 2021 (“Blocking Property of Additional Persons Contributing to the Situation in Belarus” hereinafter “E.O. 14038”), are unblocked and they have been removed from the SDN List.

Entity

1. OPEN JOINT STOCK COMPANY BELAVIA BELARUSIAN AIRLINES (a.k.a. BELAVIA BELARUSIAN AIRLINES; a.k.a. JOINT STOCK COMPANY AVIACOMPANY BELAVIA; a.k.a. OAO AVIAKOMPANIYA BELAVIA (Cyrillic: OAO АВИАКОМПАНИЯ БЕЛАВИА)), 14A, Nemiga str., Minsk 220004, Belarus; Tax ID No. 600390798 (Belarus); Government Gazette Number 011286185000 (Belarus) [BELARUS–EO14038].

Aircraft

1. EW–301PJ; Aircraft Model CRJ–200ER; Aircraft Manufacturer's Serial Number (MSN) 8057; Aircraft Tail Number EW–301PJ (aircraft) [BELARUS–EO14038] (Linked To: OPEN JOINT STOCK COMPANY BELAVIA BELARUSIAN AIRLINES).

Bradley T. Smith,

Director, Office of Foreign Assets Control.

[FR Doc. 2025–20299 Filed 11–18–25; 8:45 am]

BILLING CODE 4810–AL–P

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

Notice of OFAC Sanctions Action

AGENCY: Office of Foreign Assets Control, Department of the Treasury.

ACTION: Notice

SUMMARY: The U.S. Department of the Treasury's Office of Foreign Assets Control (OFAC) is publishing the names of one or more persons whose property and interests in property have been unblocked and who have been removed from OFAC's Specially Designated Nationals and Blocked Persons List (SDN List).

DATES: This action was issued on November 7, 2025. See **SUPPLEMENTARY INFORMATION** section for relevant dates.

FOR FURTHER INFORMATION CONTACT: OFAC: Associate Director for Global Targeting, 202–622–2420; Assistant Director for Sanctions Compliance, 202–

622–2490; or <https://ofac.treasury.gov/contact-ofac>.

SUPPLEMENTARY INFORMATION:

Electronic Availability

The SDN List and additional information concerning OFAC sanctions programs are available on OFAC's website: <https://ofac.treasury.gov/>.

Notice of OFAC Action

On November 7, 2025, OFAC determined that the property and interests in property subject to U.S. jurisdiction of the following person, designated pursuant to Executive Order 13224 of September 23, 2001 are unblocked and they have been removed from the SDN List.

Individual

1. KHATTAB, Anas Hasan (a.k.a. ABU HAMZAH; a.k.a. AL–KHAYAT, Samir Ahmed; a.k.a. “HANI”); DOB 07 Apr 1986; POB Damascus, Syria; Secondary sanctions risk: section 1(b) of Executive Order 13224, as amended by Executive Order 13886; National ID No. 00351762055 (individual) [SDGT].

Bradley T. Smith,

Director, Office of Foreign Assets Control.

[FR Doc. 2025–20300 Filed 11–18–25; 8:45 am]

BILLING CODE 4810–AL–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Open Meeting of the Taxpayer Advocacy Panel's Joint Committee

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of meeting.

SUMMARY: An open meeting of the Taxpayer Advocacy Panel's Joint Committee Project Committee will be conducted. The Taxpayer Advocacy Panel is soliciting public comments, ideas, and suggestions to improve customer service at the Internal Revenue Service. This meeting will be held as a virtual video conference via the Microsoft Teams platform. In exceptional circumstances, such as a lapse in appropriations, the agency or an independent Presidential advisory committee may give less than 15 calendar days notice. That is the case for this meeting.

DATES: The meeting will be held Tuesday, November 25, 2025, at 1:00 p.m. Eastern Time.

FOR FURTHER INFORMATION CONTACT: Rosalind Matherne at 1–888–912–1227, 202–317–4115, or by email at taxpayer.advocacy.panel@irs.gov.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1988), that an open meeting of the Taxpayer Advocacy Panel Joint Committee Project Committee will be held on Tuesday, November 25, 2025, at 1:00 p.m. Eastern Time.

The public is invited to attend the meeting virtually, or by phone, and may provide oral comments or submit written statements for consideration. Due to meeting structure and time limitations, advance registration is required to attend or make public comments during the meeting. To register and receive meeting access information, please contact Rosalind Matherne at the contact information above no later than Friday, November 21, 2025.

Meeting materials, including the agenda and any handouts, will be made available prior to the meeting at www.improveirs.org.

The agenda will include a committee discussion of new and continuing issues and other activities related to the new TAP year.

Dated: November 17, 2025.

John A. Lipold,

Designated Federal Official, Taxpayer Advocacy Panel.

[FR Doc. 2025–20298 Filed 11–18–25; 8:45 am]

BILLING CODE:P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Agency Information Collection Activities; Comment Request Burden Related to the Quarterly Federal Excise Tax Returns

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, the IRS is inviting comments on the information collection request outlined in this notice. Currently, the IRS is soliciting comments regarding the burden associated with the quarterly federal excise tax returns.

DATES: Written comments should be received on or before January 20, 2026 to be assured of consideration.

ADDRESSES: Direct all written comments and recommendations to Andrés Garcia, Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW, Washington, DC 20224, or by email at pra.comments@irs.gov. Please include,

“OMB Number: 1545–0023—Public Comment Request Notice” in the Subject line.

FOR FURTHER INFORMATION CONTACT:

View the latest drafts of the tax forms related to the information collection listed in this notice at <https://www.irs.gov/draft-tax-forms>. Requests for additional information or copies of this collection should be directed to Ronald J. Durbala, (202)–317–5746 or via email at RJoseph.Durbala@irs.gov.

SUPPLEMENTARY INFORMATION: The IRS, in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)), provides the public and Federal agencies with an opportunity to comment on proposed, revised, and continuing collections of information. This helps the IRS assess the impact and minimize the burden of its information collection requirements. Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record, and viewable on relevant websites. For this reason, please do not include in your comments information of a confidential nature, such as sensitive personal information.

Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Title: Quarterly Federal Excise Tax Return.

OMB Number: 1545–0023.

Form Number(s): Form 720, Form 720–X, and Form 6627.

Abstract: Excise taxes are taxes paid when purchases are made on a specific good, such as gasoline. 26 U.S.C. 4081 imposes tax for miscellaneous excise taxes, manufacturers excise taxes, automotive and related items, petroleum products and motor and aviation fuel. Form 720, Quarterly Federal Excise Tax Return, is used to report liability by IRS number and to pay the excise taxes listed on the form. Form 720–X is used to make adjustments to liability reported on Form 720 filed in previous quarters.

Form 6627 is used to figure the environmental tax on petroleum, ODCs, imported products that used ODCs as materials in the manufacture or production of the product, and the floor stocks tax on ODCs. Form 6627 is filed with Form 720.

Current Actions: The One Big Beautiful Bill [Pub. L. 119–21 sec. 70604] created the Transfer Remittance Tax under new IRC 4475. IRS No. 155 will be used to report this tax. Form 720 is being modified to add a new line in Part I on page 2 under Other Excise Tax for IRS No. 155 Remittance transfer tax. This will result in an estimated burden increase of 359,408 hours.

Type of Review: Revision of a currently approved collection.

Affected Public: Business or other for-profit organizations, individuals, not-for-profit institutions, farms, and Federal, state, local or tribal governments.

Estimated Number of Respondents: 181,300.

Estimated Time per Respondent: 16 hrs., 10 min.

Estimated Total Annual Burden Hours: 3,105,408.

Approved: November 17, 2025.

Ronald J. Durbala,

IRS Tax Analyst.

[FR Doc. 2025–20266 Filed 11–18–25; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Agency Information Collection Activities; Comment Request on Debt Instruments With Original Issue Discount (OID); Contingent Payments; Anti-Abuse Rule

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, the IRS is inviting comments on the information collection request outlined in this notice. Currently, the IRS is soliciting comments concerning the burden of information reporting for debt instruments with original issue discount; contingent payments; anti-abuse rule.

DATES: Written comments should be received on or before January 20, 2026 to be assured of consideration.

ADDRESSES: Direct all written comments to Andrés Garcia, Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW, Washington, DC 20224, or

by email to pra.comments@irs.gov. Please include, "OMB Number: 1545–1450—Public Comment Request Notice" in the Subject line.

FOR FURTHER INFORMATION CONTACT:

Requests for additional information or copies of the form and instructions should be directed to Ronald J. Durbala, at (202) 317–5746, at Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW, Washington, DC 20224, or through the internet at RJoseph.Durbala@irs.gov.

SUPPLEMENTARY INFORMATION: The IRS, in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)), provides the public and Federal agencies with an opportunity to comment on proposed, revised, and continuing collections of information. This helps the IRS assess the impact and minimize the burden of its information collection requirements. Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record, and viewable on relevant websites. For this reason, please do not include in your comments information of a confidential nature, such as sensitive personal information.

Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Title: Debt Instruments with OID; Contingent Payments; Anti-Abuse Rule. *OMB Number:* 1545–1450.

Regulation Project Number: TD 8674.

Abstract: This regulation relates to the tax treatment of debt instruments that provide for one or more contingent payments. The regulation also treats a debt instrument and a related hedge as an integrated transaction. The regulation provides general rules, definitions, and reporting and recordkeeping requirements for contingent payment debt instruments and for integrated debt instruments.

Current Actions: There is no change to the burden previously approved by OMB.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations, individuals, and state, local, or tribal governments.

Estimated Number of Respondents: 180,000.

Estimated Time per Respondent: 29 minutes.

Estimated Total Annual Burden Hours: 89,000.

Approved: November 17, 2025.

Ronald J. Durbala,

IRS Tax Analyst.

[FR Doc. 2025–20264 Filed 11–18–25; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Agency Information Collection Activities: Comment Request on Burden Related to Superfund; Imported Substances; Procedures for Filing a Petition

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, the IRS is inviting comments on the information collection request outlined in this notice. Currently, the IRS is soliciting comments regarding the burden associated with the procedures for requesting a determination of whether a particular substance should be added to or removed from the list of taxable substances in section 4672(a)(3) of the IRC.

DATES: Written comments should be received on or before January 20, 2026 to be assured of consideration.

ADDRESSES: Direct all written comments and recommendations to Andrés Garcia, Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW, Washington, DC 20224, or by email at pra.comments@irs.gov. Please include, "OMB Number: 1545–2304—Public Comment Request Notice" in the Subject line.

FOR FURTHER INFORMATION CONTACT:

Requests for additional information or copies of this collection should be directed to Ronald J. Durbala, (202)–317–5746, Internal Revenue Service, Room 6129, 1111 Constitution Avenue NW, Washington, DC 20224, or via email at RJoseph.Durbala@irs.gov.

SUPPLEMENTARY INFORMATION: The IRS, in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C.

3506(c)(2)(A)), provides the public and Federal agencies with an opportunity to comment on proposed, revised, and continuing collections of information. This helps the IRS assess the impact and minimize the burden of its information collection requirements. Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record, and viewable on relevant websites. For this reason, please do not include in your comments information of a confidential nature, such as sensitive personal information.

Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Title: Superfund; Imported Substances; Procedures for Filing a Petition.

OMB Number: 1545–2304.

Project Number: Rev. Proc. 2022–26, as modified by Rev. Proc. 2023–20.

Abstract: This revenue procedure provides the exclusive procedures for importers, exporters, and interested persons to request a determination under § 4672(a)(2) of the Internal Revenue Code (Code) that a substance be added to or removed from the list of taxable substances under § 4672(a) of the Code.

Current Actions: There are no changes to the burden previously approved. This submission is for renewal purposes only.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit; not-for-profit organizations.

Estimated Number of Respondents: 1,000

Estimated Time per Respondent: 75 hrs.

Estimated Total Annual Burden Hours: 75,000.

Approved: November 17, 2025.

Ronald J. Durbala,
IRS Tax Analyst.

[FR Doc. 2025–20291 Filed 11–18–25; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Agency Information Collection Activities; Comment Request on Burden Related to Guidance Governing Practice Before the Internal Revenue Service

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, the IRS is inviting comments on the information collection request outlined in this notice. Currently, the IRS is soliciting comments regarding the burden associated with the guidance governing practice before the Internal Revenue Service.

DATES: Written comments should be received on or before January 20, 2026 to be assured of consideration.

ADDRESSES: Direct all written comments and recommendations to Andrés Garcia, Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW, Washington, DC 20224, or by email at pra.comments@irs.gov. Please include, “OMB Number: 1545–1726—Public Comment Request Notice” in the Subject line.

FOR FURTHER INFORMATION CONTACT: View the latest drafts of the tax forms related to the information collection listed in this notice at <https://www.irs.gov/draft-tax-forms>. Requests for additional information or copies of this collection should be directed to Ronald J. Durbala, (202) 317–5746 or via email at RJoseph.Durbala@irs.gov.

SUPPLEMENTARY INFORMATION: The IRS, in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)), provides the public and Federal agencies with an opportunity to comment on proposed, revised, and continuing collections of information. This helps the IRS assess the impact and minimize the burden of its information collection requirements. Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record, and viewable on relevant websites. For this reason, please do not include in your comments information

of a confidential nature, such as sensitive personal information.

Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency’s estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Title: Practice Before the Internal Revenue Service.

OMB Number: 1545–1726.

Project Number: Circular 230.

Form Numbers: 2587, 23, 8554, 8554–EP, 8498, 14360, 14364, and 14392.

Abstract: This collection covers the requirements outlined in Circular 230. Circular 230 contains rules governing the recognition of attorneys, certified public accountants, enrolled agents, enrolled retirement plan agents, registered tax return preparers, and other persons representing taxpayers before the Internal Revenue Service.

Current Actions: The purpose of this submission is to consolidate all related collections under one approval number.

Type of Review: Revision of a currently approved collection.

Affected Public: Business or other for-profit; not-for-profit organizations.

Estimated Number of Responses: 94,632

Estimated Time per Respondent: 48 min.

Estimated Total Annual Burden Hours: 75,212.

Approved: November 17, 2025.

Ronald J. Durbala,
IRS Tax Analyst.

[FR Doc. 2025–20271 Filed 11–18–25; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0747]

Agency Information Collection Activity Under OMB Review: Application for Disability Compensation and Related Compensation Benefits

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995, this notice announces that the Veterans Benefits Administration (VBA), Department of Veterans Affairs, will submit the collection of information abstracted below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its expected cost and burden, and it includes the actual data collection instrument.

DATES: Comments and recommendations for the proposed information collection should be sent by December 19, 2025.

ADDRESSES: To submit comments and recommendations for the proposed information collection, please type the following link into your browser: www.reginfo.gov/public/do/PRAMain, select “Currently under Review—Open for Public Comments”, then search the list for the information collection by Title or “OMB Control No. 2900–0747.”

FOR FURTHER INFORMATION CONTACT: VA PRA information: Dorothy Glasgow, 202–461–1084, VAPRA@va.gov.

SUPPLEMENTARY INFORMATION:

Title: Application for Disability Compensation and Related Compensation Benefits (VA Form 21–526EZ).

OMB Control Number: 2900–0747.
<https://www.reginfo.gov/public/do/PRASearch>.

Type of Review: Revision of a currently approved collection.

Abstract: VA Form 21–526EZ is used to collect the information needed to process a claim for disability compensation and/or related compensation benefits. The form has evolved over time into a standard claim form to be used for any benefit associated with disability compensation; to include new or initial claims and claims for increase. Without this information, determination of entitlement would not be possible. No changes have been made to this collection of information other than an increase in the burden estimate due to the number of receivables averaged over the past year and through the continuing improvement of VA’s electronic claims processing systems.

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. The **Federal Register** Notice with a 60-day comment period soliciting comments on this collection

of information was published at insert citation date: 90 FR 40700, August 20, 2025.	<i>Estimated Average Burden per Respondent:</i> 20 minutes.	<i>Authority:</i> 44 U.S.C. 3501 <i>et seq.</i>
<i>Affected Public:</i> Individuals or Households.	<i>Frequency of Response:</i> One time.	Dorothy Glasgow,
<i>Estimated Annual Burden:</i> 836,323 hours.	<i>Estimated Number of Respondents:</i> 2,508,969 per year.	<i>Acting, VA PRA Clearance Officer, Office of Information Technology, Data Governance Analytics, Department of Veterans Affairs.</i>
		[FR Doc. 2025–20309 Filed 11–18–25; 8:45 am]
		BILLING CODE 8320–01–P



FEDERAL REGISTER

Vol. 90

Wednesday,

No. 221

November 19, 2025

Part II

Department of Homeland Security

8 CFR Part 103 and 212

Public Charge Ground of Inadmissibility; Proposed Rule

DEPARTMENT OF HOMELAND SECURITY

8 CFR Parts 103 and 212

[CIS No. 2836–25; DHS Docket No. USCIS–2025–0304]

RIN 1615–AD06

Public Charge Ground of Inadmissibility

AGENCY: U.S. Citizenship and Immigration Services (“USCIS”), Department of Homeland Security (“DHS”).

ACTION: Notice of proposed rulemaking.

SUMMARY: DHS proposes to rescind the 2022 public charge ground of inadmissibility regulations. The 2022 regulations are not the best implementation of the statute, inconsistent with congressional intent, unduly restrictive, and hamper DHS’s ability to make accurate, precise, and reliable determinations of whether certain aliens are likely at any time to become a public charge. Rescission would restore broader discretion to evaluate all pertinent facts and align with long-standing policy that aliens in the United States should be self-reliant and government benefits should not incentivize immigration. DHS also proposes to address the breach and cancellation of public charge bonds.

DATES:

NPRM comment period: Written comments on the NPRM must be submitted on or before December 19, 2025. The electronic Federal Docket Management System will accept comments prior to midnight eastern time at the end of that day.

Information collection comment period: Comments on the information collection described in the Paperwork Reduction Act section below must be received by January 20, 2026.

ADDRESSES:

Comments on the NPRM: You may submit comments on this NPRM, identified by DHS Docket No. USCIS–2025–0304, through the Federal e-Rulemaking Portal: <http://www.regulations.gov>. In accordance with 5 U.S.C. 553(b)(4), the summary of this rule found above may also be found at <http://www.regulations.gov>. Follow the website instructions for submitting comments.

Comments on the Information Collection: Submit comments on the information collections to the same docket as the NPRM. In addition, all comments on the information collections must include the following OMB Control Numbers: Form I–485

(1615–0023), Form I–945 (1615–0143), and Form I–356 (1615–0141).

Comments must be submitted in English, or an English translation must be provided. Comments submitted in a manner other than via <http://www.regulations.gov>, including emails or letters sent to DHS or USCIS officials, will not be considered comments on the NPRM and may not receive a response from DHS. Please note that DHS and USCIS cannot accept any comments that are hand-delivered or couriered. In addition, USCIS cannot accept comments contained on any form of digital media storage devices, such as CDs/DVDs and USB drives. USCIS is also not accepting mailed comments at this time.

If you cannot submit your comment by using <http://www.regulations.gov>, please contact Regulatory Coordination Division, Office of Policy and Strategy, U.S. Citizenship and Immigration Services, Department of Homeland Security, by telephone at (240) 721–3000 for alternate instructions.

FOR FURTHER INFORMATION CONTACT: U.S. Citizenship and Immigration Services (USCIS), DHS, 5900 Capital Gateway Drive, Camp Springs, MD 20746; telephone (240) 721–3000 (not a toll-free call).

SUPPLEMENTARY INFORMATION:

Table of Contents

- I. Public Participation
- II. Executive Summary
 - A. Purpose of the Regulatory Action
 - B. Summary of Legal Authority
 - C. Summary of the Major Provisions of the Regulatory Action
 - D. Costs and Benefits
- III. Background
 - A. Legal Authority
 - B. Grounds of Inadmissibility Generally
 - C. Public Charge Ground of Inadmissibility
 1. Public Charge Statutes and Case Law, Pre-IIRIRA
 2. Public Benefits Under PRWORA
 3. Changes Under IIRIRA
 4. INS 1999 Notice of Proposed Rulemaking and Interim Field Guidance
 5. Victims of Trafficking and Violence Protection Act of 2000
 6. DHS 2018 Inadmissibility on Public Charge Grounds Notice of Proposed Rulemaking and 2019 Final Rule
 7. DHS 2022 Public Charge Ground of Inadmissibility Advance Notice of Proposed Rulemaking, Notice of Proposed Rulemaking, and Final Rule
- IV. Basis and Purpose of the NPRM
 - A. The Prior Rules Were Overly Restrictive
 - B. Removal of the Existing Public Charge Inadmissibility Framework
- V. Discussion of the NPRM
 - A. Introduction
 - B. Discussion of the Amendments and Removals in the NPRM
 1. Cancellation and Breach of Public Charge Bonds—8 CFR 103.6(c)

2. Proposed Removal of Definitions and Regulatory Framework for Making Public Charge Inadmissibility Determinations—8 CFR 212.21
3. Removal of Regulations Outlining the Public Charge Inadmissibility Determination—8 CFR 212.22
4. Exemptions and Waivers for Public Charge Ground of Inadmissibility—8 CFR 212.23
5. Applicability of Public Charge Inadmissibility—8 CFR 212.20
- VI. Statutory and Regulatory Requirements
 - A. Executive Order 12866 (Regulatory Planning and Review) and Executive Order 13563 (Improving Regulation and Regulatory Review), and 14192 (Unleashing Prosperity Through Deregulation)
 1. Summary
 2. Background and Purpose
 3. Population
 4. Cost-Benefit Analysis
 - B. Regulatory Flexibility Act
 - C. Unfunded Mandates Reform Act of 1995
 - D. Executive Order 13132 (Federalism)
 - E. Executive Order 12988 (Civil Justice Reform)
 - F. Family Assessment
 - G. Executive Order 13175 (Consultation and Coordination With Indian Tribal Governments)
 - H. National Environmental Policy Act
 - I. Paperwork Reduction Act

Table of Abbreviations

ANPRM—Advance Notice of Proposed Rulemaking
 APA—Administrative Procedure Act
 ASC—Application Support Center
 BIA—Board of Immigration Appeals
 CBP—U.S. Customs and Border Protection
 CFR—Code of Federal Regulations
 CHIP—Children’s Health Insurance Program
 COVID–19—Coronavirus Disease 2019
 CPI–U—Consumer Price Index for All Urban Consumers
 DHS—U.S. Department of Homeland Security
 DOJ—Department of Justice
 DOS—U.S. Department of State
 E.O.—Executive Order
 FAM—Department of State Foreign Affairs Manual
 FFP—Federal Financial Participation
 FMAP—Federal Medical Assistance Percentages
 FR—Federal Register
 FY—Fiscal Year
 HCV—Housing Choice Voucher
 HHS—U.S. Department of Health and Human Services
 HSA—Homeland Security Act
 HUD—U.S. Department of Housing and Urban Development
 IIRIRA—Illegal Immigration Reform and Immigrant Responsibility Act of 1996
 INA—Immigration and Nationality Act
 INS—Immigration and Naturalization Service
 IRCA—Immigration Reform and Control Act
 LPR—Lawful Permanent Resident
 NEPA—National Environmental Policy Act
 NPRM—Notice of Proposed Rulemaking
 OMB—Office of Management and Budget
 PRA—Paperwork Reduction Act

PRWORA—Personal Responsibility and Work Opportunity Reconciliation Act of 1996

RFA—Regulatory Flexibility Act of 1980

RIA—Regulatory Impact Analysis

SNAP—Supplemental Nutrition Assistance Program

SSA—Social Security Administration

SSI—Supplemental Security Income

TANF—Temporary Assistance for Needy Families

TPS—Temporary Protected Status

UMRA—Unfunded Mandates Reform Act of 1995

USCIS—U.S. Citizenship and Immigration Services

USDA—U.S. Department of Agriculture

I. Public Participation

DHS invites all interested parties to participate in this rulemaking by submitting written data, views, comments and arguments on all aspects of this proposed rule. DHS also invites comments that relate to the economic, environmental, or federalism effects that might result from this proposed rule. Comments must be submitted in English, or an English translation must be provided. Comments that will provide the most assistance to USCIS in implementing these changes will reference a specific portion of the proposed rule, explain the reason for any recommended change, and include data, information, or authority that support such recommended change. Comments submitted in a manner other than the one listed above, including emails or letters sent to DHS or USCIS officials, will not be considered comments on the proposed rule and may not receive a response from DHS.

Instructions: If you submit a comment, you must include the agency name (U.S. Citizenship and Immigration Services) and the DHS Docket No. USCIS–2025–0304 for this rulemaking. Regardless of the method used for submitting comments or material, all submissions will be posted, without change, to the Federal eRulemaking Portal at <http://www.regulations.gov>, and will include any personal information you provide. Therefore, submitting this information makes it public. You may wish to consider limiting the amount of personal information that you provide in any voluntary public comment submission you make to DHS. DHS may withhold information provided in comments from public viewing that it determines may impact the privacy of an individual or is offensive. For additional information, please read the Privacy and Security Notice available at <http://www.regulations.gov>.

Docket: For access to the docket and to read background documents or

comments received, go to <http://www.regulations.gov>, referencing DHS Docket No. USCIS–2025–0304. You may also sign up for email alerts on the online docket to be notified when comments are posted or a final rule is published.

II. Executive Summary

A. Purpose of the Regulatory Action

The purpose of this proposed rulemaking is to remove the current public charge inadmissibility provisions promulgated by the Public Charge Ground of Inadmissibility final rule (2022 Final Rule),¹ as these provisions straitjacket DHS officers' ability to make public charge inadmissibility determinations that are consistent with Congress's express national policy on welfare and immigration enacted in the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA). See Public Law 104–193, section 400, 110 Stat. 2105, 2260 (codified at 8 U.S.C. 1601). The 2022 Final Rule imposes narrow definitions of statutory terms and the statutory minimum factors and limits the public benefits that DHS can consider in a public charge inadmissibility determination, which prevents DHS officers from considering all factors and information relevant to an alien's likelihood at any time of becoming a public charge, as Congress intended. Indeed, the 2022 Final Rule created a framework under which officers were directed to consider seven factors (five of those required by statute) rather than being explicitly empowered to consider any other factors or information relevant to determining an alien's likelihood at any time of becoming a public charge in the totality of the alien's circumstances.² Compare that to the 2019 Final Rule, in which officers were directed to consider "all factors that are relevant" and listed "minimum factors to consider," stating that the public charge inadmissibility determination "must at least entail consideration" of

¹ 87 FR 55472 (Sept. 9, 2022).

² For example, when considering the challenge to the 2019 Final Rule, the Fourth Circuit emphasized that the language in the provision indicates that the executive has extensive and ultimate discretion over the relevant determination, especially since Congress embedded discretion into the statutory scheme such as by identifying minimum, but not exclusive, factors for consideration. See *CASA de Maryland, Inc. v. Trump*, 971 F.3d 220, 242–244 (4th Cir. 2020) (request for rehearing *en banc* granted but case was dismissed). DHS believes that this rescission will be more consistent with Congressional intent as it would restore ultimate discretion for officers to consider not just the minimum statutory factors but also any other information the officer deems relevant to a public charge inadmissibility determination.

those minimum factors. 8 CFR 212.22 (2019).

DHS intends to remove the regulatory provisions in the 2022 Final Rule with the exception of certain public charge bond provisions and technical corrections, which will pave the way for DHS to, in the future, formulate appropriate policy and interpretive tools that will guide DHS officers in making individualized, fact-specific public charge inadmissibility determinations, based on a totality of the alien's circumstances, that are consistent with the statute and congressional intent, and comply with past precedent.³

DHS notes that while it is proposing to remove the public charge inadmissibility regulations in the short-term, DHS intends, after the removal of these regulations, to formulate appropriate policy and interpretive tools that will guide public charge inadmissibility determinations while empowering officers to consider: (1) the mandatory statutory factors in section 212(a)(4)(B) of the INA, 8 U.S.C. 1182(a)(4)(B); (2) all individualized case-specific factors and circumstances relevant to an alien's case; and (3) any empirical data relevant to an alien's self-sufficiency. Consideration of these, in the totality of the circumstances, will allow officers to more accurately assess an alien's likelihood at any time of becoming a public charge using their good judgment and discretion, as Congress intended. Consequently, through this NPRM, DHS proposes to move away from a bright line primary dependence standard, which would allow officers to make public charge inadmissibility determinations consistent with 8 U.S.C. 1601(2)(A) and reflected in established administrative case law prior to the 2022 Final Rule, and removing limitations on the types of public resources that are relevant for considering whether an alien is dependent, including the references to public cash assistance for income maintenance or long-term institutionalization at government expense. DHS welcomes feedback and recommendations on what to include in

³ See *Matter of Vindman*, 16 I&N Dec. 131, 132 (BIA 1977) ("The elements constituting likelihood of an alien becoming a public charge are varied. They are not defined by statute, but rather are determined administratively upon consideration of all the factors bearing on the alien's ability or potential ability to be self-supporting.") (emphasis added); *Matter of Harutunian*, 14 I&N Dec. 583, 588 (BIA 1974) ("Since the elements constituting likelihood of becoming a public charge are varied, there should be no attempt to define the term in the law, but rather to establish the specific qualification that the determination of whether an alien falls into that category rests within the discretion of the consular officers or the Commissioner.").

future policy and interpretive tools on public charge inadmissibility.

B. Summary of Legal Authority

The authority of the Secretary of Homeland Security (Secretary) for the proposed rescissions and regulatory amendments is found in section 212(a)(4) of the INA, 8 U.S.C. 1182(a)(4), which governs public charge inadmissibility determinations; section 235 of the INA, 8 U.S.C. 1225, which addresses applicants for admission; and section 245 of the INA, 8 U.S.C. 1255, which addresses eligibility criteria for applications for adjustment of status. In addition, section 103(a)(3) of the INA, 8 U.S.C. 1103(a)(3), authorizes the Secretary to establish such regulations as the Secretary deems necessary for carrying out the Secretary's authority under the INA.

C. Summary of the Major Provisions of the Regulatory Action

DHS proposes the following changes:

- Amend 8 CFR 103.6(c), Cancellation and breach
- Remove 8 CFR 212.20, Applicability of public charge inadmissibility
- Remove 8 CFR 212.21, Definitions
- Remove 8 CFR 212.22, Public charge inadmissibility determination
- Remove 8 CFR 212.23, Exemptions and waivers for public charge ground of inadmissibility

D. Costs and Benefits

DHS proposes to remove most provisions implemented in the 2022 Final Rule to allow DHS to better implement the public charge ground of inadmissibility. The proposed rule is expected to impose new benefits and transfers. To assess the impacts of the proposed rule, DHS considers the potential impacts of the rule relative to a no-action baseline, which reflects the current state of the world absent this regulatory action.

The primary source of unquantified benefits of this proposed rule is the removal of overly-restrictive provisions

promulgated in the 2022 Final Rule that hinder officers in making public charge inadmissibility determinations. By removing rigid regulatory definitions and standards, this proposed rule would ensure that officers would be able to make highly individualized, fact-specific, case-by-case public charge inadmissibility decisions based on the totality of each alien's individual circumstances. This approach would prevent the application of overly restrictive criteria that unnecessarily limits DHS officers' ability to make public charge inadmissibility determinations.

The proposed rule would also result in a reduction in transfer payments from the Federal Government to individuals who may choose to disenroll from or forgo enrollment in a public benefits program. Individuals who might choose to disenroll from or forgo future enrollment in a public benefits program include aliens as well as U.S. citizens who are members of mixed-status households. DHS estimates that the total reduction in transfer payments from the Federal and State governments could be approximately \$8.97 billion annually due to disenrollment or forgone enrollment in public benefits programs by members of households that include aliens who may be receiving public benefits. DHS estimates that the 10-year discounted Federal and State transfer payments reduction of this proposed rule could be approximately \$76.48 billion at a 3-percent discount rate and about \$62.97 billion at a 7-percent discount rate. This total includes DHS' estimate that Federal transfer payments could decrease by approximately \$45.12 billion at a 3-percent discount rate and about \$37.15 billion at a 7-percent discount rate. Using the average Federal Medical Assistance Percentages (FMAP), DHS further estimates that State transfer payments could decrease by approximately \$31.35 billion at a 3-percent discount rate and about \$25.82 billion at a 7-percent discount rate. DHS notes there may be additional reductions in transfer payments that we

are unable to quantify. DHS also recognizes that the estimated reductions in transfer payments are approximations and could be influenced by external factors unrelated to this proposed rule. For example, the recent enrollment changes to Medicaid and SNAP implemented in the H.R. 1 Reconciliation Bill are expected to impact enrollment rates, adding complexity to quantification efforts.⁴ DHS anticipates that disenrollment or forgone enrollment rates may fluctuate independently of this proposed rule, potentially affecting the transfer payment estimates presented in this analysis. However, it is too early to assess the impact of these policies on public benefit usage, and consequently, on the impact on overall estimates presented in this analysis.

Finally, DHS recognizes that reductions in Federal and State transfers under Federal benefits programs may have downstream and upstream impacts on State and local economies, large and small businesses, and individuals. For example, the rule might result in reduced revenues for healthcare providers, such as hospitals and nonprofits, participating in Medicaid, companies that manufacture medical supplies or pharmaceuticals, grocery retailers participating in SNAP, agricultural producers who grow foods that are eligible for purchase using SNAP benefits, or landlords participating in federally funded housing programs.

Table II.1 provides a detailed summary of the regulatory changes of the proposed rule and the estimated costs, benefits, and transfers associated with the expected impacts.⁵

BILLING CODE 9111-97-P

⁴ See H.R. 1 Reconciliation Bill, *e.g.*, secs. 10108 (SNAP Eligibility); 71109 (Alien Medicaid Eligibility); Public Law 119-21 (July 4, 2025).

⁵ For a complete summary of regulatory changes and additional guidance in this proposed rule, please see Section V. "Discussion of the NPRM."

Table II.1. Summary of Major Provisions and Economic Impacts of the Proposed Rule		
Provision	Purpose	Expected Impact of the Proposed Rule
Remove 8 CFR 212.20. Purpose and applicability of public charge inadmissibility.	Proposes to remove the language codified in the 2022 Final Rule defining the categories of aliens who are subject to the public charge determination.	Quantitative: <u>Benefits</u> • None. <u>Costs</u> • None. Qualitative: <u>Benefits</u> • The removal of overly-restrictive provisions codified in the 2022 Final Rule would allow DHS to more accurately, precisely, and reliably assess public charge inadmissibility, leading to fewer aliens remaining in the United States who are likely at any time to become a public charge, which would also result in a reduction in the number of aliens dependent on public benefit programs. • The removal of overly-restrictive provisions codified in the 2022 Final Rule would ensure DHS officers can make case-by-case decisions based on the totality of circumstances, eliminating the overly restrictive criteria. <u>Costs</u> • Costs to various entities and individuals associated with regulatory familiarization with the provisions of the proposed rule. Costs will include the opportunity cost of time to read the proposed rule and subsequently determine applicability of the proposed rule's provisions. DHS estimates that the time to read this proposed rule in its entirety would be 2 to 3 hours per individual. DHS estimates that the opportunity cost of time will range from about \$96.10 to \$144.15 per individual who must read and review the proposed rule. While DHS cannot determine the number of individuals who will read the proposed rule, DHS assumes immigration lawyers, immigration advocacy groups, benefits-administering agencies, nonprofit organizations, non-governmental organizations, and religious organizations, among others would choose to familiarize themselves with this rule.
Remove 8 CFR 212.21. Definitions.	Proposes to remove definitions codified by the 2022 Final Rule, including the definitions of “likely at any time to become a public charge,” “receipt (of public benefits),” “public cash assistance for income maintenance,” and “long-term institutionalization at government expense.”	
Remove 8 CFR 212.22. Public charge inadmissibility determination.	Proposes to remove overly restrictive language codified by the 2022 Final Rule as it relates to an alien’s current and/or past receipt of means-tested public benefits, the totality of the circumstances analysis, and the receipt of public benefits by an alien in an exempt category.	
Remove 8 CFR 212.23. Exemptions and waivers for public charge ground of inadmissibility.	Proposes to remove the language codified in the 2022 Final Rule that outlined exemptions to the public charge ground of inadmissibility and waivers of inadmissibility based on the public charge ground.	

		- Indirect costs of the proposed rule would also be costs to various entities associated with compliance with the provisions of the rule, such as for hospitals, nonprofits or state Medicaid agencies. Compliance costs may include salaries of employees who monitor current and potential regulations, opportunity costs of time related to understanding the requirements of regulations, disseminating information to the rest of an organization (e.g., training sessions), and developing or modifying information technology (IT) systems as needed. <u>Transfer Payments:</u> - Total estimated annual reduction in transfer payments from the Federal and State governments of the proposed rule is approximately \$8.97 billion from those who may disenroll from or forgo enrollment in public benefits programs. The Federal-level share of annual transfer payments could be about \$5.29 billion and the State-level share of annual transfer payments could be about \$3.68 billion. - Total estimated reduction in transfer payments over a 10-year period, including the combined Federal- and State-level shares, could be: \$89.65 billion for undiscounted costs; \$76.48 billion at a 3-percent discount rate; and \$62.98 billion at a 7-percent discount rate. - From the overall total estimated reduction in transfer payments over a 10-year period for the Federal level share could be about: \$52.89 billion for undiscounted costs; \$45.12 billion at a 3-percent discount rate; and \$37.15 billion at a 7-percent discount rate. - From the overall total estimated reduction in transfer payments over a 10-year period for the State level share could be about: \$36.76 billion for undiscounted costs; \$31.35 billion at a 3-percent discount rate; and \$25.82 billion at a 7-percent discount rate.
Amend 8 CFR 103.6. Immigration bonds.	Proposes to amend and clarify provisions relating to the cancellation and breach of a public charge bond. Amendments include clarifying that the receipt of any means-tested public	<u>Quantitative:</u> <u>Benefits</u> - None. <u>Costs</u> - None.

	benefit, or being otherwise noncompliant with any condition of the public charge bond, results in a breach of that bond. Proposes to eliminate language stating that “USCIS may cancel a public charge bond at any time after determining that the alien is not likely at any time to become a public charge.”	Qualitative: <u>Benefits</u> - The removal of overly restrictive language creates a policy that is a better implementation of the statute and the general policy of the United States that aliens should be self-sufficient and not dependent on public resources. <u>Costs</u> - DHS does not anticipate an increase in the number of bonds that are cancelled or breached due to clarifying provisions relating to the cancellation and breach of a public charge bond.
Source: USCIS analysis.		

BILLING CODE 9111-97-C

III. Background

A. Legal Authority

The Secretary’s authority for issuing this rule is found in various sections of the INA, 8 U.S.C. 1101 *et seq.*, and the Homeland Security Act of 2002 (HSA).⁶ Section 102 of the HSA, 6 U.S.C. 112, and section 103 of the INA, 8 U.S.C. 1103, charge the Secretary with the administration and enforcement of the immigration laws of the United States. Section 101 of the HSA, 6 U.S.C. 111, establishes that part of DHS’s primary mission is to ensure that efforts, activities, and programs aimed at securing the homeland do not diminish either the overall economic security of the United States or the civil rights and civil liberties of persons.

In addition to establishing the Secretary’s general authority for the administration and enforcement of immigration laws, section 103 of the INA, 8 U.S.C. 1103, enumerates various related authorities, including the Secretary’s authority to establish such regulations, prescribe such forms of bond, issue such instructions, and perform such other acts as the Secretary deems necessary for carrying out such authority.

Section 212(a)(4) of the INA, 8 U.S.C. 1182(a)(4), provides that any alien who applies for a visa, admission, or adjustment of status is inadmissible if he or she is likely at any time to become a public charge.

In general, under section 213 of the INA, 8 U.S.C. 1183, the Secretary has the discretion to admit into the United States an alien who is determined to be

inadmissible based only on the public charge ground upon the giving of a suitable and proper bond or undertaking approved by the Secretary.

Under section 213A of the INA, 8 U.S.C. 1183a, certain aliens are required to submit a sufficient Affidavit of Support Under Section 213A of the INA executed by a sponsor who agrees to provide support to maintain the sponsored alien at an annual income that is not less than 125 percent of the Federal poverty line during the period in which the affidavit is enforceable. The Affidavit of Support Under Section 213A of the INA is intended to ensure that an intending immigrant has adequate means of financial support and is not likely to rely on the U.S. government for financial support.

Section 235 of the INA, 8 U.S.C. 1225, addresses the inspection of applicants for admission, including inadmissibility determinations of such aliens.

Section 245 of the INA, 8 U.S.C. 1255, generally establishes eligibility criteria for adjustment of status to that of a lawful permanent resident (LPR).

B. Grounds of Inadmissibility Generally

The United States has a long history of permitting aliens to enter the United States, whether permanently or on a temporary basis. At the same time, Congress has sought to exclude aliens who pose a threat to the safety or general welfare of the country or who seek to violate immigration laws.⁷

Congress has exercised this authority in part by establishing the concepts of

admission⁸ and inadmissibility in the INA.⁹ Aliens are inadmissible due to a range of acts, conditions, and conduct.¹⁰ If an alien is inadmissible as described in section 212(a) of the INA, 8 U.S.C. 1182(a), that alien is ineligible to be admitted to the United States and ineligible to receive a visa, unless they apply for and receive a waiver of inadmissibility or other form of relief. Congress has extended the applicability of the inadmissibility grounds beyond the context of applications for admission and visas by making admissibility an eligibility requirement for certain immigration benefits, including adjustment of status to that of a lawful permanent resident.¹¹ If an alien is inadmissible, that alien is also ineligible for those benefits unless the alien is eligible to apply for and is granted a discretionary waiver of inadmissibility or other form of relief to overcome the inadmissibility, where available and appropriate.¹²

⁸ Admission is defined as “the lawful entry of the alien into the United States after inspection and authorization by an immigration officer.” See INA sec. 101(a)(13)(A), 8 U.S.C. 1101(a)(13)(A).

⁹ See INA sec. 212(a), 8 U.S.C. 1182(a).

¹⁰ *Id.*

¹¹ For example, adjustment of status. See INA sec. 245(a)(2), 8 U.S.C. 1255(a)(2).

¹² See, e.g., INA sec. 212(a)(9)(B)(v), 8 U.S.C. 1182(a)(9)(B)(v); INA sec. 212(h), 8 U.S.C. 1182(h); INA sec. 212(i), 8 U.S.C. 1182(i); INA sec. 212(a)(9)(A)(iii), 8 U.S.C. 1182(a)(9)(A)(iii); see also USCIS Policy Manual, Volume 9, Waivers, <https://www.uscis.gov/policy-manual/volume-9>. DHS has the discretion to waive certain grounds of inadmissibility as designated by Congress. Where an alien is seeking an immigration benefit that is subject to a ground of inadmissibility, DHS cannot approve the immigration benefit being sought if a waiver of that ground is unavailable under the INA, the alien does not meet the statutory and regulatory requirements for the waiver, or the alien does not

Continued

⁶ See Public Law 107–296, 116 Stat. 2135, 6 U.S.C. 101 *et seq.* (Nov. 25, 2002).

⁷ See *Fiallo v. Bell*, 430 U.S. 787, 787 (1977) (The Supreme Court has “long recognized [that] the power to expel or exclude aliens [is] a fundamental sovereign attribute exercised by the Government’s political departments largely immune from judicial control”).

C. Public Charge Ground of Inadmissibility

Section 212(a)(4) of the INA, 8 U.S.C. 1182(a)(4), states that any alien who applies for a visa, admission, or adjustment of status is inadmissible if in the opinion of the consular officer or immigration officer, as applicable, the alien is likely at any time to become a public charge. The public charge ground of inadmissibility, therefore, applies to aliens applying for a visa to come to the United States temporarily or permanently, for admission at or between ports of entry, and for adjustment of status to that of a lawful permanent resident.¹³ Under the statute, some categories of aliens are exempt from the public charge ground of inadmissibility, while others, if found inadmissible under the public charge ground, may apply for a waiver of the public charge ground of inadmissibility or submit a public charge bond.¹⁴

The INA does not define the terms “public charge” or “likely at any time to become a public charge.” However, it does specify that when determining whether an alien is likely at any time to become a public charge, consular officers and immigration officers must, at a minimum, consider the alien’s age; health; family status; assets, resources, and financial status; and education and skills. See INA sec. 212(a)(4)(B)(i), 8 U.S.C. 1182(a)(4)(B)(i). Additionally, section 212(a)(4)(B)(ii) of the INA, 8 U.S.C. 1182(a)(4)(B)(ii), permits the consular officer or the immigration officer to consider any Affidavit of Support Under Section 213A of the INA submitted on the alien’s behalf, when determining whether the alien is likely

warrant the waiver in any authorized exercise of discretion.

¹³ See INA sec. 212(a)(4), 8 U.S.C. 1182(a)(4). Three different agencies are responsible for applying the public charge ground of inadmissibility, each in a different context or contexts. DHS primarily applies the public charge ground of inadmissibility to applicants for admission at or between ports of entry and when adjudicating certain applications for adjustment of status. DOS consular officers are responsible for applying the public charge ground of inadmissibility as part of the visa application process and for determining whether a visa applicant is ineligible for a visa on public charge grounds at the time of application for a visa. This rule does not revise DOS standards or processes. DOJ is responsible for applying the public charge ground of inadmissibility with respect to aliens in immigration court. Immigration Judges adjudicate matters in removal proceedings, and the Board of Immigration Appeals, and, in some cases, the Attorney General, adjudicate appeals arising from such proceedings. This rule does not revise DOJ standards or processes.

¹⁴ See INA sec. 245(j), 8 U.S.C. 1255(j). See 8 CFR 245.11. See INA sec. 245(d)(2)(B), 8 U.S.C. 1255(d)(2)(B). See INA sec. 212(d)(3)(A), 8 U.S.C. 1182(d)(3)(A). See INA sec. 213, 8 U.S.C. 1183. See 8 CFR 213.1.

at any time to become a public charge.¹⁵ In fact, with very limited exceptions, most aliens seeking family-based immigrant visas and adjustment of status, and to a lesser extent, some aliens seeking employment-based immigrant visas or adjustment of status, must submit a sufficient Affidavit of Support Under Section 213A of the INA in order to avoid being found inadmissible as likely at any time to become a public charge. See INA sec. 212(a)(4)(C) and (D), 8 U.S.C. 1182(a)(4)(C) and (D). In general, under section 213 of the INA, 8 U.S.C. 1183, the Secretary has the discretion to admit into the United States an alien who is determined to be inadmissible only on the public charge ground upon the giving of a suitable and proper bond or undertaking approved by the Secretary. See INA sec. 213, 8 U.S.C. 1183.

1. Public Charge Statutes and Case Law, Pre-IIRIRA

The United States has denied admission to aliens on public charge grounds since at least 1882.¹⁶ The 1882 law excluded “any person unable to take care of himself or herself without becoming a public charge” but notably the 1882 law did not provide any definition of a “public charge” or any guidelines for determining who would become one.¹⁷ The Immigration Act of 1891 completed the federalization of immigration regulation and retained the exclusion of “paupers or persons likely to become a public charge.”¹⁸ In 1903 Congress added “professional beggars” to the class of exclusion,¹⁹ a 1907 law added those with certain mental or physical defects “which may affect the ability of such an alien to earn a

living,”²⁰ and a 1917 law added “vagrants” to the public charge provision.²¹ This version of the public charge provision remained substantively unchanged until it was incorporated into the Immigration and Nationality Act of 1952.

While the INA of 1952 left the public charge ground of inadmissibility unchanged, it added language explicitly emphasizing officers’ discretionary authority in determining an alien’s likelihood at any time of becoming a public charge. The INA of 1952 excluded aliens who, in the opinion of the consular officer at the time of application for a visa, or in the opinion of the government at the time of application for admission, were likely at any time to become public charges.²² The government has long interpreted the words “in the opinion of” as evincing the inherently discretionary nature of the determination.²³ The determination is also necessarily subjective due to its prospective nature. A series of administrative decisions after the passage of the INA of 1952 clarified that a totality of the circumstances review was the proper framework for making public charge determinations and that receipt of public benefits would not, alone, lead to a finding of likelihood of becoming a public charge.²⁴

²⁰ See Act of February 20, 1907, ch. 1134, 34 Stat. 898, 899.

²¹ See Act of February 5, 1917, ch. 29, sec. 3, 39 Stat. 874, 876; INA of 1952, ch. 477, sec. 212(a)(15), 66 Stat. 163, 183.

²² See INA of 1952, ch. 477, sec. 212(a)(15), 66 Stat. 163, 183.

²³ See *Matter of Harutunian*, 14 I&N Dec. 583, 588 (Reg’l Cmm’r 1974) (“[T]he determination of whether an alien falls into that category [as likely to become a public charge] rests within the discretion of the consular officers or the Commissioner. . . . Congress inserted the words ‘in the opinion of’ (the consul or the Attorney General) with the manifest intention of putting borderline adverse determinations beyond the reach of judicial review.” (citation omitted)); see also *Matter of Martinez-Lopez*, 10 I&N Dec. 409, 421 (BIA 1962; Att’y Gen. 1964) (“[U]nder the statutory language the question for visa purposes seems to depend entirely on the consular officer’s subjective opinion.”).

²⁴ In *Matter of Martinez-Lopez*, the Attorney General opined that the statute “require[d] more than a showing of a possibility that the alien will require public support. Some specific circumstance, such as mental or physical disability, advanced age, or other fact showing that the burden of supporting the alien is likely to be cast on the public, must be present. A healthy person in the prime of life cannot ordinarily be considered likely to become a public charge, especially where he has friends or relatives in the United States who have indicated their ability and willingness to come to his assistance in case of emergency.” 10 I&N Dec. 409, 421–23 (BIA 1962; Att’y Gen. 1964) (emphasis added). In *Matter of Perez*, the Board of Immigration Appeals (BIA) held that “[t]he determination of whether an alien is likely to become a public charge . . . is a prediction based upon the totality of the

¹⁵ See INA sec. 212(a)(4)(B)(ii), 8 U.S.C. 1182(a)(4)(B)(ii). When required, the applicant must submit an Affidavit of Support Under Section 213A of the INA (Form I-864 or Form I-864EZ).

¹⁶ See Immigration Act of 1882, ch. 376, secs. 1–2, 22 Stat. 214, 214. Section 11 of the Act also provided that an alien who became a public charge within 1 year of arrival in the United States from causes that existed prior to their landing was deemed to be in violation of law and was to be returned at the expense of the person or persons, vessel, transportation, company, or corporation who brought the alien into the United States. See also, e.g., Immigration Act of 1891, ch. 551, 26 Stat. 1084, 1084; Immigration Act of 1907, ch. 1134, 34 Stat. 898, 899; Immigration Act of 1917, ch. 29, sec. 3, 39 Stat. 874, 876; INA of 1952, ch. 477, sec. 212(a)(15), 66 Stat. 163, 183; Illegal Immigration Reform and Immigrant Responsibility Act, Public Law 104–208, sec. 531(a), 110 Stat. 3009–546, 3009–674–75 (1996); Violence Against Women Reauthorization Act of 2013, Public Law 113–4, 127 Stat. 54.

¹⁷ See Act of August 3, 1882, 22 Stat. 214.

¹⁸ See Act of March 3, 1891, ch. 551, 26 Stat. 1084, 1084.

¹⁹ See Act of February 14, 1903, 32 Stat. 825.

The totality of the circumstances framework for public charge inadmissibility determinations was codified in relation to one specific class of aliens in the 1980s. In 1986, Congress passed the Immigration Reform and Control Act (IRCA), providing eligibility for adjustment of status to that of a lawful permanent resident to certain aliens who had resided in the United States continuously prior to January 1, 1982.²⁵ No changes were made to the language of the public charge exclusion ground under former section 212(a)(15) of the INA, 8 U.S.C. 1182(a)(15), but IRCA contained special public charge rules for aliens seeking legalization under section 245A of the INA, 8 U.S.C. 1255a. Although IRCA provided otherwise eligible aliens an exemption or waiver for some grounds of excludability, the aliens generally remained subject to the public charge ground of exclusion. See INA sec. 245A(d)(2)(B)(ii)(IV), 8 U.S.C. 1255a(d)(2)(B)(ii)(IV). Under IRCA, however, if an alien demonstrated a history of self-support through employment and without receiving public cash assistance, they would not be ineligible for adjustment of status based on being inadmissible on the public charge ground. See INA sec. 245A(d)(2)(B)(iii), 8 U.S.C. 1255a(d)(2)(B)(iii). In addition, IRCA contained a discretionary waiver of public charge inadmissibility for aliens who were “aged, blind or disabled” as defined in section 1614(a)(1) of the Social Security Act who applied for lawful permanent resident status under IRCA and were determined to be inadmissible based on the public charge ground.²⁶ The former Immigration and Naturalization Service (INS) promulgated 8 CFR 245a.3,²⁷ which

established that immigration officers would make public charge inadmissibility determinations for aliens seeking legalization under section 245A of the INA, 8 U.S.C. 1255a by examining the “totality of the alien’s circumstances at the time of his or her application for legalization.” See 8 CFR 245a.3(g)(4)(i). According to the regulation, the existence or absence of a particular factor could never be the sole criterion for determining whether a person is likely to become a public charge. *Id.* Further, the regulation provided that the determination is a “prospective evaluation based on the alien’s age, health, income, and vocation.” *Id.* A special provision in the rule stated that aliens with incomes below the poverty level were not excludable if they were consistently employed and show the ability to support themselves. *Id.* Finally, an alien’s past receipt of public cash assistance would be a significant factor in a context that also considered the alien’s consistent past employment. *Id.*

In *Matter of A-*, INS again pursued a totality of the circumstances approach in public charge determinations for applicants for legalization. “Even though the test is prospective,” INS “considered evidence of receipt of prior public assistance as a factor in making public charge determinations.”²⁸ INS also considered an alien’s work history, age, capacity to earn a living, health, family situation, affidavits of support, and other relevant factors in their totality.²⁹ These administrative practices surrounding public charge inadmissibility determinations began to crystallize into legislative changes in the 1990s.

The Immigration Act of 1990 reorganized section 212(a) of the INA, 8 U.S.C. 1182(a), and redesignated the public charge provision as section 212(a)(4) of the INA, 8 U.S.C. 1182(a)(4).³⁰ In 1996, the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA) added to section 212(a)(4) of the INA, 8 U.S.C. 1182(a)(4), the mandatory statutory factors and the enforceable affidavit of support. Public Law 104–208, div. C, 110 Stat 3009–546. Also in 1996, in the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA), which is commonly known as the 1996 welfare reform law, Congress stated that aliens generally should not depend on public resources

and that the availability of public benefits should not constitute an incentive for immigration to the United States. See Public Law 104–193, section 400, 110 Stat. 2105, 2260 (codified at 8 U.S.C. 1601). Congress also created section 213A of the INA, 8 U.S.C. 1183a, and made a sponsor’s Affidavit of Support Under Section 213A of the INA for an alien beneficiary legally enforceable.³¹ The Affidavit of Support Under Section 213A of the INA provides a mechanism for public benefit granting agencies to seek reimbursement in the event a sponsored alien received means-tested public benefits. See INA sec. 213A(b), 8 U.S.C. 1183a(b).

2. Public Benefits Under PRWORA

PRWORA significantly restricted alien eligibility for many Federal, State, and local public benefits. See 8 U.S.C. 1601–1646. When Congress enacted PRWORA, it set forth a self-sufficiency policy statement that aliens should be able to financially support themselves with their own resources or by relying on the aid of family members, sponsors, and private organizations, without depending on government assistance. See 8 U.S.C. 1601(2). Although not defined in PRWORA, in context, self-sufficiency is tied to an alien’s ability to meet their needs without depending on public resources. *Id.*

With certain exceptions, Congress defined the term “Federal public benefit” broadly as: (A) any grant, contract, loan, professional license, or commercial license provided by an agency of the United States or by appropriated funds of the United States; and (B) any retirement, welfare, health, disability, public or assisted housing, postsecondary education, food assistance, unemployment benefit, or any other similar benefit for which payments or assistance are provided to an individual, household, or family eligibility unit by an agency of the United States or by appropriated funds of the United States.³² Generally, under

alien’s circumstances at the time he or she applies for an immigrant visa or admission to the United States. The fact that an alien has been on welfare does not, by itself, establish that he or she is likely to become a public charge.” 15 I&N Dec. 136, 137 (BIA 1974). As stated in *Matter of Harutunian*, public charge determinations should take into consideration factors such as an alien’s age, incapability of earning a livelihood, a lack of sufficient funds for self-support, and a lack of persons in this country willing and able to assure that the alien will not need public support. 14 I&N Dec. 583, 589 (Reg’l Comm’r 1974).

²⁵ See IRCA of 1986, Public Law 99–603, sec. 201, 100 Stat. 3359, 3394.

²⁶ See INA sec. 245A(d)(2)(B)(ii), 8 U.S.C. 1255a(d)(2)(B)(ii); see also 42 U.S.C. 1382c(a)(1). This discretionary waiver applies only to IRCA legalization and not to adjustment of status under INA sec. 245(a), 8 U.S.C. 1255(a).

²⁷ See “Adjustment of Status for Certain Aliens,” 54 FR 29442 (July 12, 1989). This regulation does not apply to adjustment of status under section 245(a) of the INA, 8 U.S.C. 1255, or to applications for admission with CBP. It is limited to adjustment from temporary to permanent resident status under the legalization provisions of IRCA.

²⁸ *Id.*

²⁹ See 19 I&N Dec. 867, 869 (Comm’r 1988).

³⁰ See Immigration Act of 1990, Public Law 101–649, sec. 601(a), 104 Stat. 4978, 5072. In 1990, Congress reorganized INA sec. 212(a), redesignating the public charge provision as INA sec. 212(a)(4).

³¹ See Public Law 104–193, section 423, 110 Stat. 2105, 2271 (codified at INA sec. 213A, 8 U.S.C. 1183a). The provision was further amended with the passage of IIRIRA.

³² See Public Law 104–193, section 401(c), 110 Stat. 2105, 2262 (1996) (codified as amended at 8 U.S.C. 1611(c)). Congress provided that such term shall not apply—(A) to any contract, professional license, or commercial license for a nonimmigrant whose visa for entry is related to such employment in the United States, or to a citizen of a freely associated state, if section 141 of the applicable compact of free association approved in Public Law 99–239 or 99–658 (or a successor provision) is in effect; (B) with respect to benefits for an alien who as a work authorized nonimmigrant or as an alien lawfully admitted for permanent residence under the Immigration and Nationality Act [8 U.S.C. 1101

PRWORA, “qualified aliens” are eligible for Federal means-tested benefits after 5 years and are not eligible for “specified Federal programs,” and States are allowed to determine whether the qualified alien is eligible for “designated Federal programs.” See Public Law 104–193, tit. IV, 110 Stat. 2105, 2260–77.

Among the exceptions established by Congress allowing for eligibility for all aliens are provision of medical assistance for the treatment of an emergency medical condition; short-term, in-kind, non-cash emergency disaster relief; and public health assistance related to immunizations and treatment of the symptoms of a communicable disease.³³

PRWORA identified three types of benefits and related eligibility rules. First, there are “specified Federal programs,” for which even “qualified aliens” are generally not eligible. 8 U.S.C. 1612(a). Second, there are “Federal means-tested public benefits,” for which “qualified aliens” are generally eligible after a 5-year waiting period. 8 U.S.C. 1613(a). And finally, there are “designated federal programs,” for which States are allowed to determine whether and when a “qualified alien” is eligible, subject to certain restrictions. 8 U.S.C. 1612(b). Subsequent legislation has added additional categories of aliens, many with humanitarian statuses, to PRWORA’s various exceptions and special provisions in order to meet the needs of those vulnerable populations. The following is a list of immigration categories that are “qualified aliens” under PRWORA, who, as noted above and subject to certain exceptions, are generally eligible for Federal public benefits after 5 years:

- An alien who is lawfully admitted for permanent residence under the INA. 8 U.S.C. 1641(b)(1).
- An alien who is granted asylum under section 208 of the INA, 8 U.S.C. 1158. 8 U.S.C. 1641(b)(2).
- A refugee who is admitted to the United States under section 207 of the INA, 8 U.S.C. 1157. 8 U.S.C. 1641(b)(3).
- An alien who is paroled into the United States under section 212(d)(5) of

the INA, 8 U.S.C. 1182(d), for a period of at least 1 year.³⁴ 8 U.S.C. 1641(b)(4).

- An alien whose deportation is being withheld under section 243(h)³⁵ of the INA, 8 U.S.C. 1253, or section 241(b)(3) of the INA, 8 U.S.C. 1231(b)(3), as amended. 8 U.S.C. 1641(b)(5).

- An alien who is granted conditional entry under section 203(a)(7) of the INA, 8 U.S.C. 1153(a)(7), as in effect before April 1, 1980. 8 U.S.C. 1641(b)(6).

- An alien who is a Cuban and Haitian entrant as defined in section 501(e) of the Refugee Education Assistance Act of 1980. 8 U.S.C. 1641(b)(7).

- An individual who lawfully resides in the United States in accordance with the Compacts of Free Association between the Government of the United States and the Governments of the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau referred to in 8 U.S.C. 1612(b)(2)(G) (but only with respect to Medicaid). 8 U.S.C. 1641(b)(8).

- An alien who has been battered or subjected to extreme cruelty in the United States by a spouse or a parent or by a member of the spouse or parent’s family residing in the same household as the alien and the spouse or parent consented to, or acquiesced in, such battery or cruelty but only if (in the opinion of the agency providing such benefits) there is a substantial connection between such battery or cruelty and the need for the benefits to be provided, and the alien has been approved or has a petition pending that sets forth a prima facie case for status under section 204(a)(1)(A)(i)–(iv) of the INA, 8 U.S.C. 1154(a)(1)(A)(i)–(iv), or classification pursuant to section 204(a)(1)(B)(i)–(iii) of the INA, 8 U.S.C. 1154(a)(1)(B)(i)–(iii), or suspension of deportation under section 244(a)(3) of the INA, 8 U.S.C. 1254a(a)(3), or cancellation of removal pursuant to section 240A(b)(2) of the INA, 8 U.S.C. 1229b(b)(2). 8 U.S.C. 1641(c)(1).

- An alien whose child has been battered or subjected to extreme cruelty in the United States by a spouse or a parent of the alien (without active participation by the alien in such battery or cruelty), or by a member of the spouse or parent’s family residing in the same household as the alien and the spouse or parent consented to, or acquiesced to such battery or cruelty

(and the alien did not actively participate in such battery or cruelty), but only if (in the opinion of the agency providing such benefits) there is a substantial connection between such battery or cruelty and the need for the benefits to be provided, and the alien has been approved or has a petition pending which sets forth a prima facie case for status under section 204(a)(1)(A)(i)–(iv) of the INA, 8 U.S.C. 1154(a)(1)(A)(i)–(iv), or classification pursuant to section 204(a)(1)(B)(i)–(iii) of the INA, 8 U.S.C. 1154(a)(1)(B)(i)–(iii), or suspension of deportation under section 244(a)(3) of the INA, 8 U.S.C. 1254a(a)(3), or cancellation of removal pursuant to section 240A(b)(2) of the INA, 8 U.S.C. 1229b(b)(2). 8 U.S.C. 1641(c)(2).

- An alien child who resides in the same household as a parent who has been battered or subjected to extreme cruelty in the United States by that parent’s spouse or by a member of the spouse’s family residing in the same household as the parent, and the spouse consented to, or acquiesced to such battery or cruelty, but only if (in the opinion of the agency providing such benefits) there is a substantial connection between such battery or cruelty and the need for the benefits to be provided, and the alien has been approved or has a petition pending which sets forth a prima facie case for status under section 204(a)(1)(A)(i)–(iv) of the INA, 8 U.S.C. 1154(a)(1)(A)(i)–(iv), or classification pursuant to section 204(a)(1)(B)(i)–(iii) of the INA, 8 U.S.C. 1154(a)(1)(B)(i)–(iii), or suspension of deportation under section 244(a)(3) of the INA, 8 U.S.C. 1254a(a)(3), or cancellation of removal pursuant to section 240A(b)(2) of the INA, 8 U.S.C. 1229b(b)(2). 8 U.S.C. 1641(c)(3).

- An alien who has been granted nonimmigrant status under section 101(a)(15)(T) of the INA, 8 U.S.C. 1101(a)(15)(T), or who has a pending application that sets forth a prima facie case for eligibility for such nonimmigrant status. 8 U.S.C. 1641(c)(4).

There are additional categories of aliens who may be eligible for certain benefits notwithstanding limitations set under PRWORA. For instance, the following aliens are treated as though they are refugees for benefits eligibility purposes, under other provisions of law:

- An alien who is a victim of a severe form of trafficking in persons, or an alien classified as a nonimmigrant under section 101(a)(15)(T)(ii), 8 U.S.C. 1101(a)(15)(T)(ii). 22 U.S.C. 7105(b)(1)(A).

- An Iraqi or Afghan alien granted special immigrant status under section

et seq.] qualified for such benefits and for whom the United States under reciprocal treaty agreements is required to pay benefits, as determined by the Attorney General, after consultation with the Secretary of State; or (C) to the issuance of a professional license to, or the renewal of a professional license by, a foreign national not physically present in the United States. 8 U.S.C. 1611(c)(2).

³³ See 8 U.S.C. 1611(b)(1). See 66 FR 3613 (Jan. 16, 2001); see also 62 FR 61344 (Nov. 17, 1997).

³⁴ Aliens who have been paroled have not been admitted. See INA sec. 101(a)(13)(B), 8 U.S.C. 1101(a)(13)(B); see also INA sec. 212(d)(5), 8 U.S.C. 1182(d)(5).

³⁵ As in effect immediately before the effective date of section 307 of division C of Public Law 104–208, 110 Stat. 3009–546.

101(a)(27) of the INA, 8 U.S.C. 1101(a)(27). Public Law 111–118, Div. A., Tit. VIII., sec. 8120, 123 Stat. 3409, 3457 (2009).

- A citizen or national of Afghanistan (or a person with no nationality who last habitually resided in Afghanistan) paroled into the United States after July 31, 2021, who meets certain requirements, until March 31, 2023, or the term of parole granted, whichever is later. Public Law 117–43, sec. 2502(b) (Sept. 30, 2021).

In addition, in the Medicaid context, States may also elect to provide medical assistance under Title XIX of the Social Security Act to cover all lawfully residing children under age 21 or pregnant individuals. *See* section 1903(v)(4) of the Social Security Act (42 U.S.C. 1396b(v)(4)). Under PRWORA, States may enact their own legislation to provide State and local public benefits to certain aliens not lawfully present in the United States. *See* 8 U.S.C. 1621(d). Some States and localities have funded public benefits for some aliens who may not be eligible for Federal public benefits.³⁶ While PRWORA allows certain aliens to receive certain public benefits, Congress, except in very limited circumstances,³⁷ did not prohibit DHS from considering the receipt of such benefits in a public charge inadmissibility determination under section 212(a)(4) of the INA, 8 U.S.C. 1182(a)(4), or direct DHS to do so.

3. Changes Under IIRIRA

Congress, in IIRIRA,³⁸ codified in the public charge inadmissibility statute the following minimum factors that must be considered when making public charge inadmissibility determinations:³⁹

- Age;
- Health;
- Family status;
- Assets, resources, and financial status; and
- Education and skills.⁴⁰

Section 531(a) of IIRIRA amended section 212(a)(4) of the INA, 8 U.S.C. 1182(a)(4), to require an enforceable affidavit of support under newly added

section 213A of the INA, 8 U.S.C. 1183a,⁴¹ for certain aliens to avoid a finding of inadmissibility under that section.⁴² The law required submission of an Affidavit of Support Under Section 213A of the INA for most family-based immigrants and certain employment-based immigrants and provided that these aliens are inadmissible under section 212(a)(4) of the INA, 8 U.S.C. 1182(a)(4), unless a sufficient affidavit is filed on their behalf. *See* INA sec. 212(a)(4)(C) and (D), 8 U.S.C. 1182(a)(4)(C) and (D). Congress also permitted, but did not require, consular and immigration officers to consider the Affidavit of Support Under Section 213A of the INA as a factor in the public charge inadmissibility determination. *See* INA sec. 212(a)(4)(B)(ii), 8 U.S.C. 1182(a)(4)(B)(ii). In the House Conference Report on IIRIRA, the committee indicated that the amendments to section 212(a)(4) of the INA, 8 U.S.C. 1182(a)(4), were designed to “expand” the public charge ground of inadmissibility by requiring DHS to find inadmissible those who lack a sponsor willing to support them.⁴³ DHS may appropriately consider the policy goals articulated in PRWORA and IIRIRA when administratively implementing the public charge ground of inadmissibility, and may also consider other important goals including, but not limited to, clarity, fairness, and administrability.

Furthermore, in enacting PRWORA and IIRIRA very close in time, Congress made certain public benefits available to limited categories of aliens who are also subject to the public charge ground of inadmissibility, because Congress recognized that certain aliens present in the United States who are subject to the public charge ground of inadmissibility might find themselves in need of public benefits. Except in very limited circumstances,⁴⁴ Congress did not prohibit DHS from considering the receipt of such benefits in a public charge inadmissibility determination under section 212(a)(4) of the INA, 8 U.S.C. 1182(a)(4). Consequently, although an alien may receive public benefits for which he or she is eligible,

the receipt of those benefits can be properly considered an adverse factor for public charge inadmissibility determination purposes.

4. INS 1999 Notice of Proposed Rulemaking and Interim Field Guidance

On May 26, 1999, INS issued a proposed rule, Inadmissibility and Deportability on Public Charge Grounds (1999 NPRM) (64 FR 28676 (May 26, 1999)), and on that same day issued interim Field Guidance on Deportability and Inadmissibility on Public Charge Grounds (1999 Interim Field Guidance).⁴⁵ In the 1999 NPRM, INS proposed to “alleviate growing public confusion over the meaning of the currently undefined term ‘public charge’ in immigration law and its relationship to the receipt of Federal, State, or local public benefits.” *See* 64 FR 28676, 28676 (May 26, 1999).

INS sought to reduce negative public health and nutrition consequences generated by that confusion and to provide aliens, their sponsors, health care and immigrant assistance organizations, and the public with better guidance as to the types of public benefits that INS considered relevant to the public charge determination. *See* 64 FR 28676, 28676–77 (May 26, 1999). INS also sought to address the public’s concerns about immigrants’ fears of accepting public benefits for which they remained eligible, specifically in regard to medical care, children’s immunizations, basic nutrition, and treatment of medical conditions that may jeopardize public health. *See* 64 FR 28676, 28676 (May 26, 1999).

When developing the 1999 NPRM, INS consulted with Federal benefit-granting agencies, such as the U.S. Department of Health and Human Services (HHS), the Social Security Administration (SSA), and the Department of Agriculture (USDA). The Deputy Secretary of HHS, which administers Temporary Assistance for Needy Families (TANF), Medicaid, the Children’s Health Insurance Program (CHIP), and other benefits, advised that the best evidence of whether an individual is relying primarily on the government for subsistence is either the receipt of public cash benefits for income maintenance purposes or institutionalization for long-term care at government expense. *See* 64 FR 28676, 28686–87 (May 26, 1999). The Deputy

³⁶ *See, e.g.*, U.S. Department of Health and Human Services (HHS), Office of the Assistant Secretary for Planning & Evaluation, “Overview of Immigrants Eligible for SNAP, TANF, Medicaid and CHIP” (Mar. 26, 2012), <https://aspe.hhs.gov/reports/overview-immigrants-eligibility-snap-tanf-medicaid-chip-0>.

³⁷ *See* INA sec. 212(s), 8 U.S.C. 1182(s).

³⁸ Public Law 104–208, div. C, 110 Stat 3009–546 (1996).

³⁹ *See* Public Law 104–208, div. C, sec. 531, 110 Stat. 3009–546, 3009–674 (1996) (amending INA sec. 212(a)(4), 8 U.S.C. 1182(a)(4)).

⁴⁰ *See* INA sec. 212(a)(4)(B), 8 U.S.C. 1182(a)(4)(B).

⁴¹ Section 551 of IIRIRA created INA sec. 213A, 8 U.S.C. 1183a, and specified the requirements for a sponsor’s affidavit, including making it enforceable. *See* INA sec. 213A, 8 U.S.C. 1183a; sec. 551 of IIRIRA, Public Law 104–208, 110 Stat. 3009 (1996).

⁴² *See* INA sec. 212(a)(4)(C) and (D), 8 U.S.C. 1182(a)(4)(C) and (D). *See* INA sec. 213A, 8 U.S.C. 1183a.

⁴³ *See* H.R. Rep. No. 104–828, at 240–41 (1996) (Conf. Rep.); *see also* H.R. Rep. No. 104–469(I), at 143–45 (1996).

⁴⁴ *See* INA sec. 212(s), 8 U.S.C. 1182(s).

⁴⁵ 64 FR 28689 (May 26, 1999). Due to a printing error, the **Federal Register** version of the 1999 Interim Field Guidance appears to be dated “March 26, 1999,” even though the guidance was actually signed May 20, 1999; became effective May 21, 1999; and was published in the **Federal Register** on May 26, 1999, along with the NPRM.

Commissioner for Disability and Income Security Programs at SSA agreed that the receipt of Supplemental Security Income (SSI) “could show primary dependence on the government for subsistence fitting the INS definition of public charge.” *See* 64 FR 28676, 28687 (May 26, 1999). Furthermore, the USDA’s Under Secretary for Food, Nutrition and Consumer Services advised that “neither the receipt of food stamps nor nutrition assistance provided under the Special Nutrition Programs administered by USDA should be considered in making a public charge determination.” *See* 64 FR 28676, 28688 (May 26, 1999).

While these letters supported the approach taken in the 1999 NPRM and 1999 Interim Field Guidance, the letters specifically focused on the reasonableness of a given INS interpretation (*i.e.*, primary dependence on the government for subsistence). The letters did not, and could not, foreclose the INS from adopting a different definition consistent with statutory authority.

INS defined public charge in the 1999 NPRM, as well as in the 1999 Interim Field Guidance, to mean, for purposes of admission and adjustment of status, “an alien who is likely to become . . . primarily dependent⁴⁶ on the government for subsistence, as demonstrated by either (i) the receipt of public cash assistance for income maintenance or (ii) institutionalization for long-term care at government expense.”⁴⁷ The 1999 NPRM provided that non-cash benefits, as well as “supplemental, special-purpose cash benefits should not be considered” for public charge purposes, in light of INS’s decision to define public charge by reference to primary dependence on public benefits. *See* 64 FR 28676, 28692–93 (May 26, 1999). Ultimately, however, INS did not publish a final rule conclusively addressing these issues.⁴⁸

⁴⁶ Former INS defined “primarily dependent” as “the majority” or “more than 50 percent.”

⁴⁷ *See* 64 FR 28676, 28681 (May 26, 1999); 64 FR 28689 (May 26, 1999). The 1999 NPRM also defined public charge to mean, “for purposes of removal as a deportable alien means an alien who has become primarily dependent on the Government for subsistence as demonstrated by either: (i) The receipt of public cash assistance for income maintenance purposes, or (ii) Institutionalization for long-term care at Government expense (other than imprisonment for conviction of a crime).” 64 FR 28676, 28684 (May 26, 1999).

⁴⁸ The 1999 NPRM was never finalized and never went into effect, but it provides insight into INS’s thinking about how to administer the public charge ground of inadmissibility at that time. The 1999 NPRM was formally withdrawn in 2018. *See* 83 FR 51114 (Oct. 10, 2018).

The 1999 Interim Field Guidance was issued as an attachment to the 1999 NPRM in order to “provide additional information to the public on the Service’s implementation of the public charge provisions of the immigration laws . . . in light of the recent changes in law.” *See* 64 FR 28689 (May 26, 1999). The 1999 Interim Field Guidance explained how the agency would determine if a person is likely to become a public charge under section 212(a)(4) of the INA, 8 U.S.C. 1182(a), for admission and adjustment of status purposes, and whether a person is deportable as a public charge under section 237(a)(5) of the INA, 8 U.S.C. 1227(a)(5). *See* 64 FR 28689, 28692–93 (May 26, 1999). The 1999 Interim Field Guidance also was intended to stem the fears that were causing aliens to refuse certain supplemental public benefits, such as transportation vouchers and childcare assistance, that were intended to help recipients become better able to obtain and retain employment and establish self-sufficiency. *See* 64 FR 28689 (May 26, 1999). The Department of State (DOS) also issued a cable to its consular officers at that time implementing similar guidance for visa adjudications, and its Foreign Affairs Manual (FAM) was similarly updated. *See* 64 FR 28676, 28680 (May 26, 1999).

Until both agencies published new regulations and policy guidance, including changes to the FAM, in 2018 and 2019, USCIS continued to follow the 1999 Interim Field Guidance in its adjudications and DOS continued following the public charge guidance set forth in the FAM in 1999.⁴⁹

5. Victims of Trafficking and Violence Protection Act of 2000⁵⁰

In 2000, Congress amended section 212 of the INA, 8 U.S.C. 1182, to include a provision that prohibited consideration of the receipt of public benefits by “certain battered aliens” in a public charge inadmissibility determination.⁵¹ Congress’ prohibition of consideration of prior receipt of benefits by a specific class of aliens suggests that Congress understood and accepted that consideration of an alien’s past receipt of public benefits in other circumstances was appropriate when

⁴⁹ *See* 9 FAM 302.8, <https://fam.state.gov/fam/09fam/09fam030208.html> (last visited Aug. 21, 2025).

⁵⁰ Public Law 106–386 (Oct. 28, 2000).

⁵¹ This provision was originally in INA sec. 212(p), 8 U.S.C. 1182(p). It was permanently redesignated as INA sec. 212(s), 8 U.S.C. 1182(s) in the Consolidated Appropriations Act, 2005, Public Law 108–447, 423 (Dec. 8, 2004).

making a public charge inadmissibility determination.

6. DHS 2018 Inadmissibility on Public Charge Grounds Notice of Proposed Rulemaking and 2019 Final Rule

In October 2018, DHS issued a notice of proposed rulemaking, Inadmissibility on Public Charge Grounds (2018 NPRM) (83 FR 51114 (Oct. 10, 2018)), which proposed regulatory changes regarding the definition of public charge and related terms and public charge ground inadmissibility determinations. DHS also included in the 2018 NPRM a withdrawal of the proposed regulation on public charge, the 1999 NPRM, that the former INS published on May 26, 1999.

Following public comments on the 2018 NPRM, DHS issued a final rule in August 2019, Inadmissibility on Public Charge Grounds (2019 Final Rule). The 2019 Final Rule changed DHS’s public charge standards and procedures. *See* 84 FR 41292 (Aug. 14, 2019), as amended by 84 FR 52357 (Oct. 2, 2019). The 2019 Final Rule defined the term public charge to mean “an alien who receives one or more public benefits, as defined in [the 2019 Final Rule], for more than 12 months in the aggregate within any 36-month period (such that, for instance, receipt of two benefits in 1 month counts as 2 months).” *See* 84 FR 41292 (Aug. 14, 2019). It also defined the term public benefit to mean any Federal, State, local, or Tribal cash assistance for income maintenance (other than tax credits), SNAP, most forms of Medicaid, Section 8 Housing Assistance under the Housing Choice Voucher (HCV) Program, Section 8 Project-Based Rental Assistance, and certain other forms of subsidized housing. *Id.* DHS tailored the 2019 Final Rule to limit the rule’s effects in certain ways, such as with respect to the consideration of public benefits received by active-duty military members and their spouses and children, and consideration of public benefits received by children in certain contexts.⁵²

The 2019 Final Rule also provided an evidentiary framework under which USCIS would determine public charge

⁵² *See* 84 FR 41292 (Aug. 14, 2019). For example, under that rule, public benefits did not include public benefits received by those who, at the time of receipt, filing the application for admission or adjustment of status, or adjudication, is enlisted in the U.S. Armed Forces, serving in active duty or in the Ready Reserve component of the U.S. Armed Forces, or the spouse of children of such service members. Also under that rule, public benefits did not include benefits received by children of U.S. citizens whose lawful admission for permanent residence would result in automatic acquisition of U.S. citizenship.

inadmissibility and explained how DHS would interpret the statutory minimum factors for determining whether “in the opinion of”⁵³ the officer, an alien is likely at any time to become a public charge. Specifically, for adjustment of status applications before USCIS, DHS created a new Declaration of Self Sufficiency, Form I-944, which collected information from aliens applying for adjustment of status relevant to the 2019 Final Rule’s approach to the statutory factors and other factors identified in the rule that would be considered in the totality of the circumstances.⁵⁴

The 2019 Final Rule also contained a list of negative and positive factors that DHS would consider as part of this inadmissibility determination and directed officers to consider these factors “in the totality of the circumstances.” See 84 FR 41292 (Aug. 14, 2019). These negative and positive factors, as well as the “heavily weighted” positive and negative factors, operated as guidelines to help the officer determine whether the alien was likely at any time to become a public charge. *Id.* In the 2019 Final Rule, DHS indicated that apart from the lack of an Affidavit of Support Under Section 213A of the INA, where required, the presence of a single positive or negative factor, or heavily weighted negative or positive factor, would never, on its own, create a presumption that an alien was inadmissible as likely at any time to become a public charge or determine the outcome of the public charge inadmissibility determination. *Id.* Rather, a public charge inadmissibility determination would be based on the totality of the circumstances presented in an alien’s case. *Id.*

Additionally, the 2019 Final Rule added provisions that rendered certain nonimmigrants ineligible for extension of stay or change of status if they received one or more public benefits, as defined in the rule, for more than 12 months in the aggregate within any 36-month period since obtaining the nonimmigrant status they wished to extend or change. See 84 FR 41292 (Aug. 14, 2019). The 2019 Final Rule also revised DHS regulations governing the Secretary’s discretion to accept a public charge bond under section 213 of the INA, 8 U.S.C. 1183, for those seeking adjustment of status. *Id.* The 2019 Final Rule did not interpret or change DHS’s

implementation of the public charge ground of deportability.⁵⁵

The 2019 Final Rule was set to take effect on October 15, 2019, but, before it did, numerous plaintiffs filed suits challenging the 2019 Final Rule in five district courts, across four circuits.⁵⁶ All five district courts preliminarily enjoined the 2019 Final Rule.⁵⁷ Following a series of stays of the preliminary injunctions,⁵⁸ DHS began applying the 2019 Final Rule on February 24, 2020. On March 9, 2021, DHS announced its determination that continuing to defend the 2019 Final Rule before the Supreme Court and in the lower courts would not be in the public interest or an efficient use of government resources.⁵⁹ Consistent with that determination, the government filed motions and stipulations with the various courts leading to the dismissal of its appeals of the lower court decisions. As a consequence of one such dismissal, a district court’s vacatur of the 2019 rule went into effect. See 87 FR 55472, 55486 (Sept. 9, 2022) (detailing the litigation history of the 2019 Final Rule). DHS subsequently published a notice in the **Federal Register** formally removing the 2019 Final Rule from the CFR. 86 FR 14221 (Mar. 15, 2021).

7. DHS 2022 Public Charge Ground of Inadmissibility Advance Notice of Proposed Rulemaking, Notice of Proposed Rulemaking, and Final Rule

In 2021, DHS published an advance notice of proposed rulemaking, Public Charge Ground of Inadmissibility (2021 ANPRM), see 86 FR 47025 (Aug. 23,

2021), requesting broad public feedback on the public charge ground of inadmissibility to inform its development of a future regulatory proposal. DHS welcomed input from individuals, organizations, government entities and agencies, and all other interested members of the public. See 86 FR 47025, 47028–32 (Aug. 23, 2021). DHS also provided notice of virtual public listening sessions on the public charge ground of inadmissibility and the 2021 ANPRM. USCIS held two public listening sessions, one specifically for the general public, and one for State, territorial, local, and Tribal benefits-granting agencies and nonprofit organizations. The public comments DHS received were considered and discussed in the subsequent notice of proposed rulemaking, Public Charge of Inadmissibility (2022 NPRM). See 87 FR 10570, 10597–99 (Feb. 24, 2022).

Following public comments on the 2022 NPRM, DHS published a final rule, Public Charge Ground of Inadmissibility (2022 Final Rule). See 87 FR 55472 (Sept. 9, 2022). The final rule implemented a different policy than the 2019 Final Rule, more closely aligned with the 1999 Interim Field Guidance.⁶⁰

The 2022 Final Rule defined public charge more narrowly than in the 2019 Final Rule as likely at any time to become primarily dependent on the government for subsistence, as demonstrated by either the receipt of public cash assistance for income maintenance or long-term institutionalization at government expense, and did not include mandatory consideration of past, current, and future receipt of certain supplemental public benefits that did not represent a primary dependence on such benefits for subsistence. See 8 CFR 212.21(a). Additional key definitions in the 2022 Final Rule included definitions for the terms “public cash assistance for income maintenance”, “long-term institutionalization at government expense”, “receipt (of public benefits)”, “government”, and “household”. The 2022 Final Rule also required a different information collection than the 2019 Final Rule, including the information collection for public charge inadmissibility determinations in USCIS’ Application to Register Permanent Residence or Adjust Status, Form I-485, rather than in a separate

⁵³ See INA sec. 237(a)(5), 8 U.S.C. 1227(a)(5). See 84 FR 41292, 41295 (Aug. 14, 2019).

⁵⁶ *CASA de Maryland, Inc., et al., v. Trump*, 19-cv-2715 (D. Md.); *City and County of San Francisco, et al., v. DHS, et al.*, 19-cv-04717 (N.D. Cal.); *City of Gaithersburg, et al. v. Trump, et al.*, 19-cv-02851 (D. Md.); *Cook County et al. v. McAleenan et al.*, 19-cv-06334 (N.D. Ill.); *La Clinica De La Raza, et al., v. Trump, et al.*, 19-cv-4980 (N.D. Cal.); *Make the Road New York, et al. v. Cuccinelli, et al.*, 19-cv-07993 (S.D.N.Y.); *New York, et al. v. DHS, et al.*, 19-cv-07777 (S.D.N.Y.); *State of California, et al., v. DHS, et al.*, 19-cv-04975 (N.D. Cal.); *State of Washington, et al. v. DHS, et al.*, 19-cv-05210 (E.D. Wa.).

⁵⁷ See 87 FR 55472, 55486 (Sept. 9, 2022) (detailing the litigation history of the 2019 Final Rule).

⁵⁸ See *Wolf v. Cook County*, 140 S. Ct. 681 (2020) (staying preliminary injunction from the Northern District of Illinois); *DHS v. New York*, 140 S. Ct. 599 (2020) (staying preliminary injunctions from the Southern District of New York); *City and Cnty. of San Francisco v. USCIS*, 944 F.3d 773 (9th Cir. 2019) (staying preliminary injunctions from the Eastern District of Washington and Northern District of California); *CASA de Md. v. Trump*, No. 19-2222 (4th Cir. Dec. 9, 2019) (staying preliminary injunction from the District of Maryland).

⁵⁹ See *DHS Secretary Statement on the 2019 Public Charge Rule* (Mar. 9, 2021) available at <https://www.dhs.gov/archive/news/2021/03/09/dhs-secretary-statement-2019-public-charge-rule>.

⁶⁰ See “Field Guidance on Deportability and Inadmissibility on Public Charge Grounds,” 64 FR 28689 (May 26, 1999). Due to a printing error, the **Federal Register** version of the field guidance appears to be dated “March 26, 1999” even though the guidance was actually signed May 20, 1999, became effective May 21, 1999, and was published in the **Federal Register** on May 26, 1999.

⁵³ See INA sec. 212(a)(4)(A), 8 U.S.C. 1182(a)(4)(A).

⁵⁴ The Declaration of Self-Sufficiency requirement only applied to adjustment applicants and not applicants for admission at a port of entry.

form. The 2022 Final Rule did not designate “heavily weighted” positive or negative factors for making a public charge inadmissibility determination, but instead constrained the public charge inadmissibility determination to seven factors outlined in the regulation: the five statutory factors that must be considered under section 212(a)(4) of the INA, 8 U.S.C. 1182; the Affidavit of Support Under Section 213A of the INA where required; and current and/or past receipt of TANF; SSI; State, Tribal, territorial, or local cash benefit programs for income maintenance; and long-term institutionalization at government expense. *See* 8 CFR 212.22. Additionally, the 2022 Final Rule clarified DHS’s approach to consideration of disability and long-term institutionalization at government expense⁶¹ and stated a bright-line rule prohibiting consideration of the receipt of public benefits by an alien’s dependents, such as a U.S. citizen child in a mixed-status household. *See* 87 FR 55472, 55474 (Sept. 9, 2022). The 2022 Final Rule also listed the statutory exemptions from and waivers for the public charge ground of inadmissibility established by Congress. *See* 8 CFR 212.23.

The 2022 Final Rule did not revise DOS or DOJ standards or processes related to public charge inadmissibility determinations, and does not apply to nonimmigrants seeking extension of stay or change of status in the United States. *See* 87 FR 55472, 55502–03 (Sept. 9, 2022). *See* 87 FR 10570, 10600–01 (Feb. 24, 2022). The 2022 Final Rule only applies to aliens applying for admission or adjustment of status. *See* 87 FR 55472, 55491 (Sept. 9, 2022). The 2022 Final Rule did not interpret or change DHS’s implementation of the public charge ground of deportability.⁶²

In January 2023, the State of Texas filed a suit under the Administrative Procedure Act challenging DHS’ repeal of the 2019 Final Rule and the promulgation of the 2022 Final Rule. On September 30, 2024, the District Court found the plaintiff lacked standing, denied the plaintiff’s Motion for Summary Judgment, and terminated the case. The plaintiff appealed this decision to the U.S. Court of Appeals for the Fifth Circuit on December 2, 2024. On February 25, 2025, the Fifth Circuit granted the joint motion to stay further proceedings until May 27, 2025. On May 29, 2025, the Fifth Circuit further extended the stay of proceedings until August 27, 2025. On September 2, 2025,

the Fifth Circuit granted DHS motion for abeyance for an additional 90 days until December 2, 2025.

IV. Basis and Purpose of the NPRM

As reflected in Executive Order 14218, Ending Taxpayer Subsidization of Open Borders, the Trump administration is taking steps to “uphold the rule of law, defend against the waste of hard-earned taxpayer resources, and protect benefits for American citizens in need, including individuals with disabilities and veterans.” *See* 90 FR 10581, 10581 (Feb. 25, 2025). Through this NPRM, DHS is proposing to rescind the regulations implemented by the 2022 Final Rule related to the public charge ground of inadmissibility at section 212(a)(4) of the INA, 8 U.S.C. 1182(a)(4).⁶³ Both the 2019 Final Rule and the 2022 Final Rule erred in too narrowly defining the relevant terms in section 212(a)(4) of the INA, 8 U.S.C. 1182(a)(4), resulting in the inability of DHS to apply the public charge ground of inadmissibility consistent with administration policy and congressional intent.

This NPRM does not propose to revise DOS or DOJ standards or processes related to public charge inadmissibility determinations. Further, this NPRM does not propose to interpret or change DHS’s application of the public charge ground of deportability at section 237(a)(5) of the INA, 8 U.S.C. 1227(a)(5).

A. The Prior Rules Were Overly Restrictive

The regulations implemented by the 2022 Final Rule and its predecessor, the 2019 Final Rule, are inconsistent with the national policy contained Executive Order 14218 and PRWORA and the spirit of the broad statutory text in section 212(a)(4) of the INA, 8 U.S.C. 1182(a)(4), in that both rules severely and unduly limited the factors that DHS could consider in making a public charge inadmissibility determination. This discouraged officers from considering relevant evidence essential to making an accurate and valid public charge inadmissibility determination that is consistent with the statute, the spirit of PRWORA, and past precedent decisions. This may have resulted in USCIS finding aliens eligible for adjustment of status even when their past receipt of means-tested public benefits may have demonstrated that

they lacked self-sufficiency and were likely at any time to become a public charge, due to officers’ inability to consider all benefits the alien depended on and any other relevant case-specific factor that has bearing on the inadmissibility determination.

Section 212(a)(4)(A) of the INA, 8 U.S.C. 1182(a)(4)(A), states that “any alien who, in the opinion of the consular officer at the time of application for a visa, or in the opinion of the [immigration officer] at the time of application for admission or adjustment of status, is likely at any time to become a public charge is inadmissible.” Section 212(a)(4)(B) of the INA, 8 U.S.C. 1182(a)(4)(B), lists the minimum, non-exhaustive list of factors the consular officer or immigration officer must consider when making a public charge inadmissibility determination: the alien’s age; health; family status; assets, resources, and financial status; and education and skills. In addition to those five factors, the consular officer or immigration officer may also consider any Affidavit of Support under section 213A of the INA, 8 U.S.C. 1183a, when making a public charge inadmissibility determination. As the statutory language makes clear by stating that officers “shall at a minimum” consider these five factors, Congress clearly intended for officers to consider case-specific additional factors and information relevant to the public charge inadmissibility determination.

However, both the 2019 Final Rule and the 2022 Final Rule provided a finite list of factors that officers are required to consider without expressly providing officers with the authority to consider other factors that are relevant in any individual case. The 2022 Final Rule, in particular, failed to clarify for officers that their public charge inadmissibility determination was not limited to consideration of the factors enumerated in 8 CFR 212.22(a). While section 212(a)(4)(B) of the INA, 8 U.S.C. 1182(a)(4)(B), clearly lists the “minimum” and non-exhaustive factors that officers must consider when making inadmissibility determinations, the 2022 Final Rule unduly restricts officers primarily to these five factors plus two additional factors, leaving little opportunity for discretion or deviation from considering these seven factors in the totality of the circumstances. Indeed, the current regulation at 8 CFR 212.22(a) has no provision for officers to consider any other factors than the express factors listed. *See* 8 CFR 212.22(a). Significantly, the 2022 Final Rule failed to include a provision in 8 CFR 212.22(a) that expressly permits

⁶¹ *See* 8 CFR 212.22(a)(3) and (4).

⁶² *See* INA sec. 237(a)(5), 8 U.S.C. 1227(a)(5). *See* 87 FR 55472, 55509 (Sept. 9, 2022).

⁶³ *See* 87 FR 55472 (Sept. 9, 2022). This NPRM does not propose to rescind or amend certain elements of the 2022 Final Rule: regulations at 8 CFR 213.1 related to admission after submitting a public charge bond, and technical updates related to adjustment of status by T nonimmigrants at 8 CFR 212.18 and 8 CFR 245.23.

officers to consider any other relevant case-specific factors in the totality of the circumstances.⁶⁴ In other words, there was no “catch-all” provision added to the limited, narrow scope of factors enumerated in either the 2019 Final Rule or the 2022 Final Rule. DHS has the authority to enumerate exclusive factors to be considered in making public charge inadmissibility determinations without a catch all provision and did so in the 2022 Final Rule.⁶⁵ While enumerating factors in this manner is a permissible use of DHS’s rulemaking authority, the effect of the specific factors that DHS enumerated restricts public charge inadmissibility determinations in such a way that the rule contravenes the clear congressional intent of the statute.⁶⁶ To ensure that officers retain their statutorily-mandated ability to determine, in their opinion, whether an alien is likely at any time to become a public charge, DHS believes it must remove regulations that fail to explicitly permit officers to consider any case-specific factors that bear on an alien’s likelihood of becoming a public charge at any time in the future.

Moreover, both the 2019 Final Rule and 2022 Final Rule, in providing narrow and finite lists of factors that officers were required to consider, are in significant tension with the inherently discretionary nature of the public charge inadmissibility determination. Indeed, because the statute requires the officer to determine inadmissibility in his or her opinion, the officer may, in his or her discretion, determine what factors other than the statutory minimum factors are relevant to any individual case. This includes a sufficient Affidavit of Support Under Section 213A of the INA, if one is required, and any other factors relevant to this ground of inadmissibility as tailored to the specific facts of a given case. As the Senate Judiciary Committee noted in 1950, “[s]ince the elements constituting likelihood of becoming a public charge are varied, there should be no attempt to define the term in the law, but rather to establish the specific qualification that the determination of whether an alien falls into that category rests within

the discretion of the consular officers or [former INS].”⁶⁷

Additionally, both the 2019 Final Rule and the 2022 Final Rule provided narrow and finite lists of public benefits that could be considered as part of the public charge inadmissibility determination, which is inconsistent with congressional intent. The 2019 Final Rule limited consideration of receipt of public benefits to Federal, State, local, or tribal cash assistance for income maintenance,⁶⁸ Supplemental Nutrition Assistance Program (SNAP),⁶⁹ Section 8 Housing Assistance under the Housing Choice Voucher Program,⁷⁰ Section 8 Project-Based Rental Assistance (including Moderate Rehabilitation),⁷¹ most Medicaid;⁷² and Public Housing under section 9 of the U.S. Housing Act of 1937. *See* 8 CFR 212.21(b) (2019). However, the 2019 Final Rule expressly excluded from consideration the receipt of public benefits by certain groups, even though Congress did not exclude consideration of benefits received by these groups.⁷³ *See* 8 CFR 212.22(b)(7)–(9) (2019).

The 2022 Final Rule limits consideration of public benefits to only the receipt of public cash assistance for income maintenance⁷⁴ and long-term

institutionalization at government expense.⁷⁵ *See* 8 CFR 212.21. Unlike the 2019 rule, the 2022 Final Rule does not exempt consideration of the receipt of public benefits by servicemembers and their spouses and children or certain other children. Still, the rule excludes consideration of the receipt of, or certification or approval for future receipt of, certain excluded benefits. These excluded benefits include SNAP or other nutrition programs, Children’s Health Insurance Program (CHIP), Medicaid (other than for long-term use of institutional services under section 1905(a) of the Social Security Act), housing benefits, any benefits related to immunizations or testing for communicable diseases, or other supplemental or special-purpose benefits. Congress did not expressly exclude receipt of such benefits.

B. Basis for the Removal of the Existing Public Charge Inadmissibility Framework

In addition to being inconsistent with administration policy and congressional intent, DHS notes that any narrow and finite lists of public benefits that may be considered as part of the public charge inadmissibility determination and similar limitations on the types of information that immigration officers may consider are incongruent with past agency guidance and public-facing communications materials documenting the expansive, fact-specific, totality of the circumstances, and discretionary nature of the public charge analysis, including:

- A March 1946 INS article discussing the inherently fact-specific nature of the public charge analysis. “The proof in these cases usually consists of what is known as a Form I–234 (formerly 534), ‘Proof that alien has become a public charge,’ which is executed by the proper hospital officials, showing that the alien is being maintained or has been maintained at public expense. This form shows the demand for payment and obligations due. The proof also consists of evidence, documentary or oral, establishing whether the cause arose before or after

⁶⁴ Compare the 2022 Final Rule to the 2019 Final Rule, in which officers were directed to consider “all factors that are relevant” and listed “minimum factors to consider,” stating that the public charge inadmissibility determination “must at least entail consideration” of those minimum factors. 8 CFR 212.22 (2019).

⁶⁵ *See* 8 CFR 212.22(a).

⁶⁶ Even if the 2022 Final Rule could be construed to implicitly contain a catch-all provision, DHS would still propose to rescind it, because the 2022 Final Rule contains other unnecessary restrictions on officers’ inadmissibility determinations.

⁶⁷ *See* The 1950 Omnibus Report of the Senate Judiciary Committee, S. Rep. No. 81–1515, at 349 (1950); *see also* Matter of Harutunian, 14 I&N Dec. 583 (Reg’l Comm’r 1974).

⁶⁸ This included Supplemental Security Income (SSI), 42 U.S.C. 1381 *et seq.*, Temporary Assistance for Needy Families (TANF), 42 U.S.C. 601 *et seq.*, and Federal, State or local cash benefit programs for income maintenance (often called “General Assistance” in the State context, but which also exist under other names).

⁶⁹ 7 U.S.C. 2011 to 2036c.

⁷⁰ As administered by HUD under 42 U.S.C. 1437f.

⁷¹ *See* Section 8 of the U.S. Housing Act of 1937 (42 U.S.C. 1437f).

⁷² As set forth in section 8 of the U.S. Housing Act of 1937 (42 U.S.C. 1437f), except for: benefits received for an emergency medical condition as described in 42 U.S.C. 1396b(v)(2)–(3), 42 CFR 440.255(c), services or benefits funded by Medicaid but provided under the Individuals with Disabilities Education Act (IDEA), 20 U.S.C. 1400 *et seq.*, and school-based services or benefits provided to individuals who are at or below the oldest age eligible for secondary education as determined under State or local law, and benefits received by an alien under 21 years of age, or a woman during pregnancy (and during the 60-day period beginning on the last day of the pregnancy).

⁷³ The 2019 Final Rule excluded from consideration the receipt of benefits by certain military servicemembers and their spouses and children, benefits received while in the alien was present in the United States in an immigration category that is exempt from the public charge ground of inadmissibility or for which the alien received a waiver of public charge inadmissibility, and benefit received by certain other children.

⁷⁴ This included Supplemental Security Income (SSI), 42 U.S.C. 1381 *et seq.*, Cash assistance for income maintenance under the Temporary Assistance for Needy Families (TANF) program, 42

U.S.C. 601 *et seq.*; and State, Tribal, territorial, or local cash benefit programs for income maintenance (often called “General Assistance” in the State context, but which also exist under other names).

⁷⁵ Long-term institutionalization at government expense means government assistance for long-term institutionalization (in the case of Medicaid, limited to institutional services under section 1905(a) of the Social Security Act) received by a beneficiary, including in a nursing facility or mental health institution. Long-term institutionalization does not include imprisonment for conviction of a crime or institutionalization for short periods for rehabilitation purposes.

entry, which is necessary to a definitive determination of the issue in accordance with the statutory prerequisite. In medical cases, it is customary for the record to contain clinical findings, medical certificates and testimony of the alien, relatives, or friends on the factual issues . . .”⁷⁶

- A March 1949 INS article describing the administrative discretion inherent in the public charge analysis. “In executing his mandate to exclude ‘persons likely to become a public charge,’ the immigration officer at a seaport or border is confronted with a difficult task. The statute’s terms are highly ambiguous but they must be construed in consonance with the Congressional design and the American tradition. Moreover, the statute speaks of one ‘likely’ to become a public charge, and thus it thrusts upon the immigration officer’s shoulders the mantle of prophecy. *Manifestly this determination necessarily entails the exercise of sound discretion.*”⁷⁷ (emphasis supplied)

- A May 1950, INS article documenting aliens deported as public charges to instruct INS officers on how to appropriately evaluate public charge, expressly stating that “further light may be thrown on the matter by a detailed examination of the actual cases deported in recent years.” The article noted that “‘likely to become a public charge’ is a delineated term in immigration law and offered a highly factual analysis of recent cases, specifically addressing the types of charges, the cause of disability in the reported cases, status at last entry, length of residence in the United States before entering an institution, and facts regarding the social characteristics of the aliens (e.g., age, marital status, etc.) for such aliens. The article noted for officers that before the INS acts in any such cases, ‘a careful investigation is made.’”⁷⁸

- On May 25, 1999, INS issued a Public Charge Fact Sheet that discussed the 1999 NPRM’s criteria for public charge determinations, but then expressly stated “The law requires that INS and DOS officials consider several additional issues as well. Each

determination is made on a case-by-case basis.”⁷⁹

- In 2009, the USCIS Public Charge web page was updated to provide additional guidance, including “Inadmissibility based on the public charge ground is determined by the totality of the circumstances. This means that the adjudicating officer must weigh both the positive and negative factors when determining the likelihood that someone might become a public charge. At a minimum, a U.S. Citizenship and Immigration Services (USCIS) officer must consider the following factors when making a public charge determination: Age, Health, Family status, Assets, Resources, Financial status, and Education and skills . . . In assessing the totality of the circumstances, including the statutory factors above, an officer may consider the individual’s receipt of certain publicly funded benefits.”⁸⁰

- In 2011, USCIS issued a Public Charge Fact Sheet stating “Each determination is made on a case-by-case basis in the context of the totality of the circumstances. In addition, public assistance, including Medicaid, that is used to support aliens who reside in an institution for long-term care—such as a nursing home or mental health institution—may also be considered as an adverse factor in the totality of the circumstances for purposes of public charge determinations.”⁸¹

Even if some past agency policy or practice is inconsistent with these examples, DHS notes these examples of past practice as the most consistent with the statute and best means of reaching accurate, precise, and reliable determinations. Indeed, even the 1999 Interim Field Guidance, which the 2022 Final Rule substantively tracks in most other respects, emphasized “Officers must consider, at a minimum,” the statutory factors and mandated “Every denial order based on public charge must reflect consideration of each of these factors and specifically articulate the reasons for the officer’s determination.”⁸² The guidance continued, “In determining whether an alien is likely to become a public charge, Service officers should assess

the financial responsibility of the alien by examining the ‘totality of the alien’s circumstances’ . . . The determination of financial responsibility *should be a prospective evaluation* based on the alien’s age, health, family status, assets, resources and financial status, education, and skills, among other factors . . . In addition, the Attorney General has ruled that ‘[s]ome specific circumstances, such as mental or physical disability, advanced age, or other fact reasonably tending to show that the burden of supporting the alien is likely to be cast on the public, must be present.’”⁸³ (emphasis in original)

These examples of past agency guidance and public-facing materials relating to public charge support DHS’s position that the public charge determination is extremely fact-specific and discretionary in nature, but also that the 2019 Final Rule and the 2022 Final Rule were far too narrow in terms of reducing officer discretion and that the 2022 Final Rule continues to straitjacket DHS officers because it unduly limits the scope of factors officers may consider when arriving at a case-by-case determination in the totality of each alien’s circumstances.

For these reasons, DHS believes that it must completely remove the public charge inadmissibility framework established by the 2022 Final Rule in order to be more consistent with PRWORA’s directive that “aliens within the Nation’s borders not depend on public resources to meet their needs, but rather rely on their own capabilities and the resources of their families, their sponsors, and private organizations,” as well as with section 212(a)(4)(A) of the INA, 8 U.S.C. 1182(a)(4)(A), which directs DHS to deny admission and adjustment of status to aliens who are likely at any time to become a public charge. Indeed, DHS believes that the 2022 Final Rule’s public charge inadmissibility provisions do not faithfully implement PRWORA and section 212(a)(4)(A) of the INA, 8 U.S.C. 1182(a)(4)(A), insofar as they straitjacket DHS officers by limiting what public benefits DHS can consider in the totality of the circumstances and by precluding officers from considering factors beyond the seven factors outlined in the regulations.

To address the 2022 Final Rule’s inconsistency with administration policy and the clear directives in PRWORA and section 212(a)(4) of the INA, 8 U.S.C. 1182(a)(4), in this NPRM, DHS proposes to remove 8 CFR 212.20, 212.21, 212.22, and 212.23. In removing 8 CFR 212.21 and 8 CFR 212.22, DHS

⁷⁶ Montaquila, Anthony L. “Status of Aliens Who Become Public Charges.” *Immigration and Naturalization Service Monthly Review*, vol. III, no. 9 (March 1946): 278–280.

⁷⁷ Gordon, Charles. “Aliens and Public Assistance.” *Immigration and Naturalization Service Monthly Review*, vol. VI, no. 9 (March 1949): 115–120.

⁷⁸ Miller, Watson B. “Aliens Deported as Public Charges.” *Immigration and Naturalization Service Monthly Review*, vol. VII, no. 11 (May 1950): 144–148.

⁷⁹ U.S. Department of Justice, Immigration and Naturalization Office of Public Affairs, “Public Charge Fact Sheet” (May 25, 1999).

⁸⁰ United States Citizenship and Immigration Services, “Public Charge” web page, as updated September 3, 2009.

⁸¹ United States Citizenship and Immigration Services “Public Charge Fact Sheet” (April 29, 2011).

⁸² Field Guidance on Deportability and Inadmissibility on Public Charge Grounds (1999 Interim Field Guidance) 64 FR 28689 (May 26, 1999).

⁸³ *Id.* at 28690.

will eliminate the unduly and inappropriately restrictive framework established by the 2022 Final Rule that results in officers being required to ignore aliens' receipt of certain public benefits such as Medicaid, CHIP, SNAP, and housing benefits. Eliminating this narrow approach allows DHS to formulate appropriate policy and interpretive tools that will guide DHS officer determinations, as envisioned by Congress in PRWORA and in the INA, where the receipt of any type of public benefits by a qualified alien is relevant and indeed critical to determining whether an alien is actually self-sufficient and able to rely on their own capabilities and the resources of their families, their sponsors, and private organizations rather than depending on public resources to meet their needs. *See* 8 U.S.C. 1601(2)(A); INA sec. 212(s), 8 U.S.C. 1182(s).

Additionally, DHS believes that it should remove the limitation on factors to be considered in public charge inadmissibility determinations in order to more faithfully implement PRWORA and section 212(a)(4) of the INA, 8 U.S.C. 1182(a)(4). DHS believes that the current regulations are inconsistent with section 212(a)(4) of the INA, 8 U.S.C. 1182(a)(4), by focusing on consideration of seven exclusive factors. Instead, DHS contends that Congress clearly signaled the inadmissibility determination must be a subjective, individualized, and case-specific determination based on consideration of all relevant factors rather than an enumerated, finite set of factors. *See* INA sec. 212(a)(4)(B), 8 U.S.C. 1182(a)(4)(B). Even if the 2022 Final Rule could be viewed as a faithful implementation of the INA as a legal matter, DHS would still move to rescind the rule in light of current administration policy and the national policies articulated in PRWORA with respect to welfare and immigration.⁸⁴

Simply put, DHS believes that the narrow definitions as well as the limitations on what public benefits and what factors can be considered in public charge inadmissibility determinations that exist in 8 CFR 212.20, 212.21, and 212.22 impede DHS's ability to robustly execute administration and congressional policy concerning aliens who depend on public resources to meet their needs instead of relying on their own capabilities and the resources of their families, their sponsors, and private organizations. Put another way, the administration and clear congressional national policy on welfare and immigration point to the view that an alien who lacks self-sufficiency

should not be admitted to the United States or be granted adjustment of status to that of a lawful permanent resident.⁸⁵ Accordingly, DHS's expeditious removal of these regulations would allow DHS to more accurately, precisely, and reliably assess public charge inadmissibility, and would bolster DHS's ability to make individualized and case-specific public charge inadmissibility determinations that are required under the statute and are consistent with our national policy with respect to welfare and immigration.

DHS believes that the existing regulatory framework can lead to irrational outcomes where officers are precluded from finding aliens inadmissible under the public charge ground when it is evident that these aliens are clearly not self-sufficient, which can lead to both more aliens remaining in the United States who are likely at any time to become a public charge and more aliens being dependent on public benefits programs. For example, under the 2022 Final Rule, DHS officers could find aliens who receive multiple forms of means-tested benefits to meet their needs not inadmissible due to the restrictive definition of "likely at any time to become a public charge," which exclusively focuses on public cash assistance for income maintenance and long-term institutionalization at government expense and ignores the vast majority of public assistance aliens could potentially depend on in the future.

If this proposed rule is finalized, while DHS works on formulating appropriate policy and interpretive tools that will guide DHS officers for public charge inadmissibility determinations, officers will be empowered to consider not only the mandatory statutory factors, but also all evidence and information specific to the alien and relevant to the public charge ground of inadmissibility that is before them as they determine whether that alien is likely at any time to become a public charge. This will restore an inadmissibility determination process that trusts in and relies on DHS officers' good judgment and sound discretion as envisioned by Congress.

DHS also believes that removing the current regulations would provide DHS greater flexibility to adapt to changing circumstances, such as Federal and State changes to aliens' eligibility for means-tested public benefits as well as changes to the value of those benefits, as occurred with the enactment of H.R.

1—One Big Beautiful Bill Act, Public Law 119–21, 139 Stat. 72 ("HR–1"). As the administration persists in its efforts to reduce the siloing of data,⁸⁶ DHS anticipates working toward the integration of immigration records with records from Federal benefit-granting agencies. The analysis of that data will inform the development of the flexible and adaptive policy and interpretive tools that will guide future public charge inadmissibility determinations.

Upon removal of 8 CFR 212.20, 212.21, and 212.22, and until such time that DHS establishes its new public charge inadmissibility policy and interpretive tools, DHS will ensure that public charge inadmissibility determinations are made consistent with the statute and in accordance with the totality of the circumstances including those established by past precedent decisions.⁸⁷ DHS notes that it is not proposing to replace the rescinded public charge inadmissibility regulations at this time. Notably, while INS published the 1999 NPRM,⁸⁸ there were no regulations governing public charge inadmissibility determination

⁸⁶ *See* Executive Order 14243, Stopping Waste, Fraud, and Abuse by Eliminating Information Silos, 90 FR 1368 (Mar. 25, 2025) (The purpose of the E.O. is "removing unnecessary barriers to Federal employees accessing Government data and promoting inter-agency data sharing are important steps toward eliminating bureaucratic duplication and inefficiency while enhancing the Government's ability to detect overpayments and fraud.").

⁸⁷ *See e.g. Matter of Harutunian*, 14 I&N Dec. 583, 588 (Reg'l Cmm'r 1974) ("[T]he determination of whether an alien falls into that category [as likely to become a public charge] rests within the discretion of the consular officers or the Commissioner . . . Congress inserted the words 'in the opinion of' (the consul or the Attorney General) with the manifest intention of putting borderline adverse determinations beyond the reach of judicial review." (citation omitted)); *Matter of Martinez-Lopez*, 10 I&N Dec. 409, 421–22 (Att'y Gen. 1962) ((in determining whether a person is likely to become a public charge, factors to consider include age, health, and physical condition, physical or mental defects which might affect earning capacity, vocation, past record of employment, current employment, offer of employment, number of dependents, existing conditions in the United States, sufficient funds or assurances of support by relatives or friends in the United States, bond or undertaking, or any specific circumstances reasonably tending to show that the burden of supporting the alien is likely to be cast on the public.); *see also Matter of A-*, 19 I&N Dec. 867, 869 (Comm'r 1988) (applying "[t]he traditional test . . . to determine whether an alien is likely to become a public charge . . . based on the totality of the alien's circumstances' as presented in the individual case.") (citations omitted); *Matter of Perez*, 15 I&N Dec. 136, 137 (BIA 1974) ("the statute . . . requires more than a showing of a possibility that the alien will require public support. Some specific circumstance, such as mental or physical disability, advanced age, or other fact reasonably tending to show that the burden of supporting the alien is likely to be cast on the public, must be present.") (emphasis added).

⁸⁸ *See* 64 FR 28676 (May 26, 1999).

⁸⁴ *See* 8 U.S.C. 1601.

⁸⁵ *See* 8 U.S.C. 1601.

from 1882⁸⁹ until the 2019 Final Rule.⁹⁰ DHS also proposes to remove 8 CFR 212.23, which clarifies in one place the categories of aliens to whom the public charge ground of inadmissibility does not apply and the categories of aliens to whom the ground applies but for whom a waiver of inadmissibility is available. DHS believes that this regulatory text is unnecessary and redundant.

V. Discussion of the NPRM

A. Introduction

DHS proposes to remove its regulations governing the public charge ground of inadmissibility under section 212(a)(4) of the INA, 8 U.S.C. 1182(a)(4), because those regulations conflict or are in significant tension with congressional intent, administration and congressional national policy with respect to welfare and immigration,⁹¹ and past precedent decisions.⁹² The removal of these

regulations, reflected in this NPRM, rescind the key policies implemented in the 2022 Final Rule while modifying provisions relating to public charge bonds to align with the removal of the other provisions and for clarity.

By removing overly restrictive provisions, DHS seeks to ensure that DHS officers more accurately and appropriately evaluate an alien's likelihood of becoming dependent on public resources to meet their needs by following the plain language of the statute and past precedent decisions that have guided public charge inadmissibility determinations for decades. DHS believes that removal of these overly restrictive provisions would lead to fewer aliens remaining in the United States who are likely at any time to become a public charge, which would also result in a reduction in the number of aliens dependent on public benefits programs, as intended by Congress in PRWORA.

B. Discussion of the Amendments and Removals in the NPRM

1. Proposed Amendments to Cancellation and Breach of Public Charge Bonds Provisions—8 CFR 103.6(c)

DHS proposes to amend its regulations governing the cancellation and breach of public charge bonds at 8 CFR 103.6(c)(1) to reflect the rescission of 8 CFR 212.21 as well as to more fully address when a public charge bond will be considered breached, and to explicitly address administrative appeals from a determination that the alien breached a bond.

Under the proposed 8 CFR 103.6(c)(1)(A), a public charge bond posted for an alien will continue to be cancelled when the alien dies, departs permanently from the United States, or is naturalized, provided the alien did not breach the bond as described in proposed 8 CFR 103.6(c)(1)(B). However, under proposed 8 CFR 103.6(c)(1)(B), a public charge bond submitted on or after the effective date of a forthcoming final rule would be breached if the bonded alien were to receive any means-tested public benefits prior to death, permanent departure, or naturalization, or otherwise violate a condition of the bond.

Since DHS proposes to remove references to public cash assistance for income maintenance or long-term

institutionalization at government expense as part of the public charge inadmissibility determination, DHS relatedly proposes to replace that language prohibiting the cancellation of a public charge bond if the bonded alien has received public cash assistance for income maintenance or long-term institutionalization at government expense with language that prohibits cancellation if the bonded alien has breached the bond by receiving any means-tested public benefits or is otherwise noncompliant with any conditions of the bond. This amendment is intended to ensure that the government⁹³ is held harmless if a bonded alien breaches his or her public charge bond, as required by the statute. See INA sec. 213, 8 U.S.C. 1183. An alien who submitted his or her public charge bond before the effective date of any forthcoming final rule that is issued based on this NPRM, and whose bond is accepted by USCIS, would be held to the regulatory standards from the 2022 Final Rule, which are also reflected on the bond form. That is, the alien would only breach the bond if he or she received public cash assistance for income maintenance or long-term institutionalization at government expense, or otherwise violated the conditions of the bond, before meeting one of the requirements for cancellation. In addition, cancellation of that bond submitted prior to the effective date of any final rule stemming from this NPRM (if accepted by USCIS) would be based on the version of 8 CFR 103.6 established by the 2022 Final Rule. Further, the proposed changes to this provision make explicit that final breach bond determinations are appealable by sureties under 8 CFR 103.6(f), and by aliens under 8 CFR 103.3.

DHS also proposes to amend 8 CFR 103.6(c)(1) to modify the standard for cancellation of a public charge bond after the fifth anniversary of the alien's admission or adjustment of status to reflect the removal of 8 CFR 212.21. Under the proposed 8 CFR 103.6(c)(1), if an alien files Form I-356, Request for Cancellation of Public Charge Bond, USCIS may cancel the bond if USCIS determines that the alien did not breach the bond by receiving any means-tested public benefit or otherwise being noncompliant with the conditions of the bond.

In addition, DHS proposes to remove language from 8 CFR 103.6(c)(1) stating that DHS can cancel a public charge bond at any time if it determines “that

⁸⁹ See Immigration Act of 1882, ch. 376, secs. 1–2, 22 Stat. 214, 214. Section 11 of the Act also provided that an alien who became a public charge within 1 year of arrival in the United States from causes that existed prior to their landing was deemed to be in violation of law and was to be returned at the expense of the person or persons, vessel, transportation, company, or corporation who brought the alien into the United States.

⁹⁰ See 84 FR 41292 (Aug. 14, 2019), as amended by 84 FR 52357 (Oct. 2, 2019).

⁹¹ 8 U.S.C. 1601.

⁹² See e.g., *Matter of Harutunian*, 14 I&N Dec. 583, 588 (Reg'l Comm'r 1974) (emphasizing that the term public charge refers to individuals who are “without sufficient funds to support [themselves], who ha[ve] no one under any obligation to support [them] and who, being older, ha[ve] an increasing chance of becoming dependent, disabled and sick.”); *Matter of Martinez-Lopez*, 10 I&N Dec. 409, 421–423 (BIA 1962; Att’y Gen. 1962) (A public charge inadmissibility determination “requires more than a showing of a possibility that the alien will require public support. Some specific circumstance, such as mental or physical disability, advanced age, or other fact showing that the burden of supporting the alien is likely to be cast on the public, must be present. A healthy person in the prime of life cannot ordinarily be considered likely to become a public charge, especially where he has friends or relatives in the United States who have indicated their ability and willingness to come to his assistance in case of emergency.”); *Matter of Perez*, 15 I&N Dec. 136, 137 (BIA 1974) (“The determination of whether an alien is likely to become a public charge . . . is a prediction based upon the totality of the alien’s circumstances at the time he or she applies for an immigrant visa or admission to the United States. The fact that an alien has been on welfare does not, by itself, establish that he or she is likely to become a public charge.”). See also *Matter of A-*, 19 I&N Dec. 867, 869 (Comm'r 1988) (33 year old employed mother of three not likely to become a public charge notwithstanding having previously received public benefits. The BIA considered other relevant factors such as that a mother’s temporary absence from the work force to care for her children is not by itself sufficient basis to find the mother likely to become a public charge. There may be circumstances beyond the control of the alien which temporarily prevent an alien from joining the work force. For example, as the applicant states in her appeal, she lives in an area where jobs are scarce and she had been unable to find a job.); *Matter of Vindman*, 16

I&N Dec. 131 (Reg'l Comm'r 1977)). And see *Ex parte Hosaye Sakaguchi*, 277 F. 913, 916 (9th Cir. 1922) (holding that an alien could not be deemed a public charge absent evidence of “mental or physical disability or any fact tending to show that the burden of supporting the [alien] is likely to be cast upon the public.”).

⁹³ Under INA sec. 213, 8 U.S.C. 1183, “the United States and all States, territories, counties, towns, municipalities, and districts thereof.”

the alien is not likely at any time to become a public charge” because that provision is misleading and not feasible. For aliens who have been admitted to the United States as LPRs or adjusted to LPR status within the United States after submitting a suitable and proper public charge bond under section 213 of the INA, 8 U.S.C. 1183, DHS does not *sua sponte* make a second, post-adjudication public charge inadmissibility determination under section 212(a)(4)(A) of the INA, 8 U.S.C. 1182(a)(4)(A).⁹⁴ The existing regulatory language suggests that USCIS may periodically review and reconsider its previous public charge inadmissibility determination and cancel the public charge bond, or that aliens who had submitted a public charge bond may request such a review. However, neither of these suggestions are accurate.⁹⁵ Once USCIS or DOS determines that an alien is inadmissible under the public charge ground but adjusts the alien’s status or grants their immigrant visa after the alien submits a suitable and proper bond, DHS would not cancel the bond except as otherwise noted in proposed 8 CFR 103.6(c). If the proposal is finalized, the removal of this language would result in regulatory text that clearly and transparently communicates to the regulated public about the circumstances under which a public charge bond may be cancelled.

DHS also proposes to restructure the current 8 CFR 103.6(c)(1) for clarity. It proposes to move content relating to the breach of bonds to a new 8 CFR 103.6(c)(1)(B). This proposed paragraph explains how the receipt of means-tested public benefits (or, for public charge bonds accepted before the effective date of the final rule, public cash assistance for income maintenance

or long-term institutionalization at government expense), as well as any other noncompliance with a condition of the bond, will result in a breach. DHS also proposes to re-order and restructure 8 CFR 103.6(c)(1)(A), which outlines the bases for cancellation of a public charge bond. If finalized, this will help officers and the public better understand the separate bases for bond cancellation and the related requirements, and understand that cancellation requires the submission of a request on the form designated by DHS.

Apart from these changes, DHS is retaining the technical amendments from the 2022 Final Rule in 8 CFR 213.1 that facilitate the efficient administration of public charge bonds as well as the clarification concerning DHS’s authority to offer public charge bonds, in its discretion, to certain adjustment of status applicants.

2. Proposed Removal of Definitions and Regulatory Framework for Making Public Charge Inadmissibility Determinations—8 CFR 212.21

DHS is proposing to remove 8 CFR 212.21, which contains definitions codified by the 2022 Final Rule. The definitions DHS proposes to remove include “likely at any time to become a public charge,” “receipt (of public benefits),” “public cash assistance for income maintenance,” and “long-term institutionalization at government expense.” DHS also proposes to eliminate the definitions for “government” and “household.”

a. Proposed Removal of Definition for Likely at Any Time To Become a Public Charge

The INA does not define “public charge” or “likely at any time to become a public charge.” See INA sec. 212(a)(4), 8 U.S.C. 1182(a)(4). It instead provides an orientational framework for making public charge inadmissibility determinations by identifying five mandatory factors and one discretionary factor for officers to consider when determining whether an alien is inadmissible under the public charge ground in the totality of the circumstances.

The 2019 Final Rule specifically defined a public charge as “an alien who receives one or more public benefits, as defined in paragraph (b) of this section, for more than 12 months in the aggregate within any 36-month period (such that, for instance, receipt of two benefits in one month counts as two months).” See 8 CFR 212.21(a) (2019). The 2019 Final Rule also defined likely at any time to become a public charge to mean “more likely than not at any

time in the future to become a public charge, as defined in 212.21(a), based on the totality of the alien’s circumstances.” See 8 CFR 212.21(c) (2019). These definitions were based on the longstanding national policy that aliens inside the United States must be self-sufficient and not rely on public benefits to meet their needs. See 84 FR 41292, 41295 (August 14, 2019).

The 2022 Final Rule did not define public charge, but defined “likely at any time to become a public charge” to mean “likely at any time to become primarily dependent on the government for subsistence, as demonstrated by either the receipt of public cash assistance for income maintenance or long-term institutionalization at government expense.” See 8 CFR 212.21(a) (2022). This interpretation was based on, among other things, an interpretation of the interplay between section 212(a)(4)(A) of the INA, 8 U.S.C. 1182(a)(4)(A), and 8 U.S.C. 1601. See 87 FR 10570, 10606 (Feb. 24, 2022).

However, DHS finds that the definitions for “likely at any time to become a public charge” in both the 2019 Final Rule and 2022 Final Rule are too restrictive and, as a result, prevented officers from assessing whether an alien is self-sufficient and is likely to depend on their own capabilities and the resources of their families, their sponsors, and private organizations to meet their needs, as intended by Congress when enacting 8 U.S.C. 1601 close in time to the changes to section 212(a)(4) of the INA, 8 U.S.C. 1182(a)(4), in IIRIRA. DHS does not believe that limiting the types of benefits and the time frame of receipt of such benefits in determining an alien’s likelihood of becoming a public charge, as was done in the 2019 Final Rule, or a bright line primary dependence on the government for subsistence standard, as was done in the 2022 Final Rule, are the best implementation of the public charge inadmissibility statute given Congress’ clear statement that “aliens within the Nation’s borders not *depend on public resources* to meet their needs” See 8 U.S.C. 1601(2)(A) (emphasis added).

DHS is therefore proposing to eliminate the 2022 definition of “likely at any time to become a public charge,” which was defined as “likely at any time to become primarily dependent on the government for subsistence.” This would allow officers to focus on Congress’ unequivocal policy goal that aliens not depend on public resources to meet their needs,⁹⁶ but rather that aliens

⁹⁴ Under INA sec. 101(a)(13)(C), 8 U.S.C. 1101(a)(13)(C), an LPR may only be considered an applicant for admission, and subject to an inadmissibility determination, in certain narrow circumstances outlined by Congress in the statute. These include situations in which the alien has abandoned their LPR status or has engaged in illegal activity after departing.

⁹⁵ DHS notes that in general, once it makes an inadmissibility determination and the alien is no longer applying for admission at a port of entry or a benefit before USCIS it does not reevaluate inadmissibility after granting admission at a POE or after approving an alien’s application to adjust status to that of an LPR. The exception to this general rule is if the LPR becomes an applicant for admission through the operation of INA 101(a)(13)(C), 8 U.S.C. 1101(a)(13)(C) for example, if the abandoned his or her LPR status, has been absent from the United States for more than 180 days, etc. However, in the context of naturalization, for example, USCIS may, in assessing whether an applicant was lawfully admitted for permanent residence, evaluate whether the alien was admissible at the time of admission or adjustment of status. See INA sec. 316, 8 U.S.C. 1427; INA sec. 245(a)(2), 8 U.S.C. 1255(a)(2).

⁹⁶ See 8 U.S.C. 1601(1).

rely “on their own capabilities and the resources of their families, their sponsors, and private organizations” as envisioned by PRWORA. *See* 8 U.S.C. 1601(2). This interpretation also recognizes that aliens can lack self-sufficiency and not be relying on their own capabilities and the resources of their families, their sponsors, and private organizations, even where they are not primarily dependent on the government.⁹⁷

Moreover, DHS notes that neither the statute nor case law prescribe the degree to which an alien must receive public benefits to be considered likely at any time to become a public charge. As concluded in past precedent, in general, an alien who is incapable of earning a livelihood, who does not have sufficient funds in the United States for support, who has no person in the United States willing and able to ensure that the alien will not need public support, and who, in fact, receives such public support generally is inadmissible as likely to become a public charge.⁹⁸ Additionally, there are public benefits other than the two types relied upon in the 2022 Final Rule that are intended to meet the basic necessities of life and maintain a minimum quality of life within the United States. There are also classes of public benefits where the cost to the government (in the aggregate or on a per-alien basis) is similar to or greater

than the costs associated with cash assistance for income maintenance.⁹⁹ Ignoring any dependence on these other public benefits when making a public charge inadmissibility determination is inconsistent with the clear self-sufficiency objectives articulated by Congress in PRWORA.

Moreover, ignoring an alien’s dependence on any benefit intended to help the alien meet their needs incentivizes immigration to the United States and is inconsistent with the clear national policy regarding welfare and immigration. *See* 8 U.S.C. 1601(2)(B). By removing unnecessarily restrictive definitions from the regulations, DHS officers will be able to make public charge inadmissibility determinations that are consistent with administration policy, the self-sufficiency goals of PRWORA, and the totality of the circumstances framework established in IIRIRA in section 212(a)(4) of the INA, 8 U.S.C. 1182(a)(4).

DHS believes that it is any dependence on a means-tested public benefit to meet the alien’s needs—and not just receiving more than a designated public benefit for a specific period of time or being primarily dependent on public cash assistance for income maintenance or long-term institutionalization at government expense—that Congress intended to address with the public charge ground of inadmissibility as it has existed since IIRIRA. Limiting what it means to be likely at any time to become a public charge as it was done in the 2019 Final Rule and the 2022 Final Rule is inconsistent with congressional intent and DHS therefore declines to limit it in this way.

Consequently, through this NPRM, DHS proposes to move away from a bright line primary dependence

standard, which would allow officers to make public charge inadmissibility determinations consistent with the dependence standard contemplated in 8 U.S.C. 1601(2)(A) and reflected in past precedent decisions. DHS proposes to remove all regulatory limitations on the types of public resources that are relevant for considering whether an alien is dependent by removing the references to public cash assistance for income maintenance or long-term institutionalization at government expense. This will allow officers to make public charge inadmissibility determinations that are consistent with Congress’ intent.

DHS notes that the litigation on the 2019 Final Rule did not culminate in a decision on the merits from the U.S. Supreme Court, and therefore DHS does not have a nationally binding judicially established best interpretation of likely at any time to become a public charge.¹⁰⁰ However, if DHS were to finalize this proposed removal of the 2022 Final Rule, until such time as DHS puts forth new policy and interpretive tools for public charge inadmissibility determinations, DHS would make these determinations in line with the mandatory statutory factors, relevant circuit precedent,¹⁰¹ and established

⁹⁷ *See* 84 FR 41292, 41349 (Aug. 14, 2019) (“although the primarily dependence (more-than-50-percent dependence) on public assistance standard creates a bright line rule, it is possible and likely probable that many individuals whose receipt of public benefits falls below that standard lack self-sufficiency.”); 83 FR 51114, 51164 (Oct. 10, 2018) (“it is possible and likely probable that many individuals whose receipt of public benefits falls below [the “primarily dependent”] standard lack self-sufficiency.”).

⁹⁸ *See, e.g., Matter of Vindman*, 16 I&N Dec. 131, 132 (Reg’l Comm’r 1977) (Congress intends that an applicant for a visa be excluded who is without sufficient funds to support himself, who has no one under any obligation to support him, and whose chances of becoming self-supporting decrease as time passes.”); *Matter of Harutunian*, 14 I&N Dec. 583, 589 (Reg’l Comm’r 1974) (“Congress intends that an applicant for a visa be excluded who is without sufficient funds to support himself, who has no one under any obligation to support him and who, being older, has an increasing chance of becoming dependent, disabled and sick.”) (emphasis added); *Matter of Martinez-Lopez*, 10 I&N Dec. 409, 421–22 (BIA 1962; Att’y Gen. 1964) (“the general tenor of the holdings is that the statute requires more than a showing of a possibility that the alien will require public support. Some specific circumstance, such as mental or physical disability, advanced age, or other fact reasonably tending to show that the burden of supporting the alien is likely to be cast on the public, must be present. A healthy person in the prime of life cannot ordinarily be considered likely to become a public charge, especially where he has friends or relatives in the United States who have indicated their ability and willingness to come to his assistance in case of emergency.”).

⁹⁹ For example, in calendar year 2022 the median Medicaid expenditure per enrollee was \$9,108. *See* Medicaid.gov, “Medicaid Per Capita Expenditures,” <https://www.medicaid.gov/state-overviews/scorecard/measure/Medicaid-Per-Capita-Expenditures?measure=EX.5&measureView=state&stratification=463&dataView=pointInTime&chart=map&timePeriods=%5B%222022%22%5D> (last visited Sept. 17, 2025). By comparison, in July 2022, the average monthly SSI payment per recipient was \$624, or \$7,491 annually. *See* Social Security Administration, “Monthly Statistical Snapshot, July 2022” (August 2022), https://www.ssa.gov/policy/docs/quickfacts/stat_snapshot/2022-07.html (last visited Sept. 17, 2025). TANF cash assistance levels vary significantly between States due to the nature of the program, but in 2024 an analysis by the National Center for Children in Poverty found that the median maximum TANF benefit for a family of three was \$552/month, or \$2,208 annually per household member. *See* National Center for Children in Poverty, “A 50-State Comparison of TANF Amounts” (Nov. 12, 2024), <https://www.nccp.org/wp-content/uploads/2024/11/TANF-Benefit-Amounts-2024-FINAL.pdf> (last visited Sept. 17, 2025).

¹⁰⁰ *Loper Bright Enterprises v. Raimondo*, 603 U.S. 369 (2024) (overruling *Chevron* deference to agency interpretations of ambiguous statutes and acknowledging that courts rather than agencies are in the position to determine the best interpretation of an ambiguous statute. The case acknowledges that in some circumstances, an agency interpretation of a statute may nonetheless have the power to persuade the court consistent with the standard enunciated in *Skidmore v. Swift & Co.*, 323 U.S. 134 (1944), especially to the extent that the agency views are within its area of expertise.)

¹⁰¹ The U.S. Courts of Appeal for the Second, Fourth, Seventh, and Ninth Circuits opined on the plain language of the statute as well as the historical/traditional meaning of the term public charge. The Fourth Circuit, for example, disagreed that the primarily dependent standard is not embedded into the text of the statute, as well as that the term has a fixed historical meaning and emphasized that instead the statute grants the executive extensive and ultimate discretion over inadmissibility determinations, including the consideration of a non-finite list of factors. *See, CASA de Maryland, Inc. v. Trump*, 971 F.3d 220, 242–244 (4th Cir. 2020) (rehearing *en banc* granted but the case was subsequently dismissed). Other circuits particularly focused on identifying limitations on the meaning of the term, and ensuring that the term public charge is not defined in such a way that would deem someone receiving a small amount of supplemental benefits for a short period of time as inadmissible under the ground. *See, e.g., New York v. DHS*, 969 F.3d 42, 78 (2nd Cir. 2020); *City and Cnty. of San Francisco v. United States Citizenship and Immigration Services*, 981 F.3d 742, 759 (9th Cir. 2020); *Cook County v. Wolf*, 962 F.3d 208, 229, 246 (7th Cir. 2020). The Seventh Circuit in particular held that the term “public charge” has a “floor inherent in the words,” which requires a degree of dependency that goes beyond temporary receipt of supplemental benefits. *Id.*

precedent decisions that have historically informed such determinations.¹⁰² Those decisions favor a nuanced approach but generally recognize that a healthy individual of working age with no significant health conditions or disabilities impacting his or her ability to be self-sufficient, and who has family members, sponsors, or others obligated or otherwise able to come to their aid is unlikely to be inadmissible as likely at any time to become a public charge, and that even past receipt of public benefits is not always dispositive in such determinations.¹⁰³

¹⁰² See e.g., *Matter of Harutunian*, 14 I&N Dec. 583, 588 (Reg'l Cmm'r 1974) (emphasizing that the term public charge refers to individuals who are "without sufficient funds to support [themselves], who ha[ve] no one under any obligation to support [them] and who, being older, ha[ve] an increasing chance of becoming dependent, disabled and sick."); *Matter of Martinez- Lopez*, 10 I&N Dec. 409, 421–423 (BIA 1962; Att'y Gen. 1962) (A public charge inadmissibility determination "requires more than a showing of a possibility that the alien will require public support. Some specific circumstance, such as mental or physical disability, advanced age, or other fact showing that the burden of supporting the alien is likely to be cast on the public, must be present. A healthy person in the prime of life cannot ordinarily be considered likely to become a public charge, especially where he has friends or relatives in the United States who have indicated their ability and willingness to come to his assistance in case of emergency."); *Matter of Perez*, 15 I&N Dec. 136, 137 (BIA 1974) ("The determination of whether an alien is likely to become a public charge . . . is a prediction based upon the totality of the alien's circumstances at the time he or she applies for an immigrant visa or admission to the United States. The fact that an alien has been on welfare does not, by itself, establish that he or she is likely to become a public charge."); See also *Matter of A-*, 19 I&N Dec. 867, 869 (Comm'r 1988) (33 year old employed mother of three not likely to become a public charge notwithstanding having previously received public benefits. The BIA considered other relevant factors such as that a mother's temporary absence from the work force to care for her children is not by itself sufficient basis to find the mother likely to become a public charge. There may be circumstances beyond the control of the alien which temporarily prevent an alien from joining the work force. For example, as the applicant states in her appeal, she lives in an area where jobs are scarce and she had been unable to find a job.); *Matter of Vindman*, 16 I&N Dec. 131 (Reg'l Comm'r 1977). And see *Ex parte Hosaye Sakaguchi*, 277 F. 913, 916 (9th Cir. 1922), (holding that an alien could not be deemed a public charge absent evidence of "mental or physical disability or any fact tending to show that the burden of supporting the [alien] is likely to be cast upon the public.")

¹⁰³ See *Matter of Martinez- Lopez*, 10 I&N Dec. 409, 421–423 (BIA 1962; Att'y Gen. 1962) (A public charge inadmissibility determination "requires more than a showing of a possibility that the alien will require public support. Some specific circumstance, such as mental or physical disability, advanced age, or other fact showing that the burden of supporting the alien is likely to be cast on the public, must be present. A healthy person in the prime of life cannot ordinarily be considered likely to become a public charge, especially where he has friends or relatives in the United States who have indicated their ability and willingness to come to his assistance in case of emergency."); *Matter of*

b. Proposed Removal of Definitions for Public Cash Assistance for Income Maintenance and Long-Term Institutionalization at Government Expense

To align this rule with the removal of the definition for "likely at any time to become a public charge", DHS proposes to eliminate the definitions for public cash assistance for income maintenance and long-term institutionalization at government expense that are present in 8 CFR 212.21(b) and (c). As mentioned above, limiting consideration to primary dependence on only public cash assistance for income maintenance and long-term institutionalization at government expense is unnecessarily restrictive. Given the statute does not prescribe a primary dependence standard or consideration of only a narrow and specific list of public benefits for these inadmissibility determinations, DHS believes that it is appropriate to allow for consideration of the receipt of any means-tested public benefit when determining whether an alien is likely at any time to become a public charge.¹⁰⁴ DHS notes that relevant precedent decisions do not prescribe primary dependence based on a narrow and specific list of public benefits either.¹⁰⁵ Accordingly, DHS proposes to eliminate these definitions that limit the benefits that are considered as part of the public charge inadmissibility determination.

Perez, 15 I&N Dec. 136, 137 (BIA 1974) ("The determination of whether an alien is likely to become a public charge . . . is a prediction based upon the totality of the alien's circumstances at the time he or she applies for an immigrant visa or admission to the United States. The fact that an alien has been on welfare does not, by itself, establish that he or she is likely to become a public charge.")

¹⁰⁴ *Matter of Harutunian*, 14 I&N Dec. 583, 589 (BIA 1974) ("Congress intends that an applicant for a visa be excluded who is without sufficient funds to support himself, who has no one under any obligation to support him and who, being older, has an increasing chance of becoming dependent, disabled and sick.")

¹⁰⁵ See *Matter of A-*, 19 I&N Dec. 867, 869 (BIA 1988) (acknowledging consideration of evidence of receipt of any prior public assistance as a factor in making the public charge inadmissibility determination); *Matter of Vindman*, 16 I&N Dec. 131, 132 (BIA 1977) (finding that aliens who are receiving SSI and public funds from the New York Department of Social Services "fall clearly within the confines of section 212(a)(15) of the Act and are excludable as public charges."); Note that Congress implicitly recognized that past receipt of any public benefit can be considered in determining the alien's likelihood of becoming a public charge when it prohibited consideration of the receipt of any public benefit that is authorized under 8 U.S.C. 1641(c) for certain battered aliens. See INA sec. 212(s), 8 U.S.C. 1182(s).

c. Proposed Removal of the Definition for Receipt (of Public Benefits)

In light of DHS's elimination of the definitions for likely at any time to become a public charge, public cash assistance for income maintenance, and long-term institutionalization at government expense, DHS is removing the definition from the 2022 Final Rule for receipt (of public benefits). The definition is not necessary and reflects an inappropriate limitation on immigration officer's ability to consider relevant evidence.

d. Proposed Removal of the Definitions for Government and Household

Similarly, in light of the rescission of the key policy elements of the 2022 Final Rule, no purpose would be served in retaining the definitions for "government" or "household" found in 8 CFR 212.21(e) and (f). DHS believes that the ordinary meaning of various terms (e.g., government, household) that are relevant to public charge determinations are sufficient for officers to conduct determinations after DHS issues any final rule removing the 2022 Final Rule based on this NPRM, and before DHS has the opportunity to issue policy and interpretive tools addressing public charge inadmissibility.

3. Proposed Removal of Regulations Outlining the Public Charge Inadmissibility Determination—8 CFR 212.22

The stated aim of the 2022 Final Rule was to maintain the framework set forth in the 1999 Interim Field Guidance.¹⁰⁶ Under the 2022 Final Rule, officers are directed to consider the statutory minimum factors, a sufficient Affidavit of Support Under Section 213A of the INA, where required, and the receipt of specified public benefits, in the totality of the circumstances, without separately codifying the standard and evidence required for each factor that existed in the 2019 Final Rule.¹⁰⁷

a. Proposed Removal of Statutory Minimum Factors Provision

Under section 212(a)(4) of the INA, 8 U.S.C. 1182(a)(4), officers are required to consider specific minimum factors in determining whether an alien applying for a visa, admission, or adjustment of status is likely at any time to become a public charge—the alien's age; health; family status; assets, resources, and financial status; and education and

¹⁰⁶ 87 FR 55472, 55473 (Sept. 9, 2022).

¹⁰⁷ See 8 CFR 212.22(a) and (b).

skills.¹⁰⁸ Insofar as the regulations at 8 CFR 212.22(a)(1) reflect what the statute mandates be considered as part of every public charge inadmissibility determination, DHS believes that it is unnecessary to restate these statutory minimum factors in the regulation.

If the removal of this regulation is finalized, the statute, DHS would continue to collect information pertinent to the statutory minimum factors and relevant considerations, such as the alien's household size, the alien's income, assets, and liabilities, the alien's education level and any skills, and whether the alien has or is receiving means-tested public benefits. DHS would continue to use this information to determine, in the totality of the circumstances, whether the alien is inadmissible as likely at any time to become a public charge. INA sec. 212(a)(4); 8 U.S.C. 1182(a)(4).

While DHS is adjusting the Form I-485 to account for the proposed removal of the regulatory provisions, DHS is not proposing to substantively change the collection of information related to the statutory minimum factors but will continue to request information in a manner that maximizes practical utility of the information collection and relevance to the totality of the circumstances analysis, consistent with governing precedent. For example, information pertaining to the health factor will continue to be obtained from Report of Immigration Medical Examination and Vaccination Record, Form I-693, and USCIS will continue to use Form I-485 and information obtained during any interview, if any, to collect information about the alien's age; family status; assets, resources, and financial status; education and skills; and receipt of means-tested public benefits.

As with any benefit request, officers may request additional evidence relating to any of the statutory minimum factors as needed, on a case-by-case basis, when indicated by evidence in the record, including responses to questions during an interview or on Form I-485 or other forms.¹⁰⁹ As indicated elsewhere in this preamble, DHS believes that the statute, PRWORA, and the governing caselaw would provide sufficient guidance to officers to consider all relevant case-specific circumstances in their discretion while DHS formulates appropriate policy and

interpretive tools that will guide DHS officers in making individualized, fact-specific public charge inadmissibility determinations, based on a totality of the alien's circumstances, that are consistent with the statute and congressional intent and comply with past precedent.¹¹⁰

As discussed earlier in this preamble, DHS's very purpose in proposing the removal of the 2022 Final Rule is to restore the case-by-case and inherently discretionary nature of the determination intended by Congress without constraining officers from considering information and evidence that is relevant to an alien's likelihood at any time of becoming a public charge. DHS believes that relevant precedent decisions that have guided public charge inadmissibility determinations for decades and as well as recent circuit case law would provide officers with sufficient guidance to conduct subjective individualized determinations based on the specific facts and circumstances of each alien's case. DHS believes that this approach falls within the explicit discretionary authority Congress delegated to the Secretary regarding public charge inadmissibility determinations.¹¹¹

Furthermore, with respect to existing provisions informing the totality of the circumstances analysis, such as the consideration of current and/or past receipt of enumerated public benefits and the provision indicating that disability alone is not a sufficient basis to determine whether the alien is likely at any time to become a public charge, DHS believes that these provisions are already embedded in historical practice as dictated by past precedent decisions. DHS further believes that in following these past precedent decisions, officers

would consider all information and evidence specific to an applicant in the context of all other information and evidence. For example, following past precedent, an officer would not conclude that an alien is inadmissible as likely at any time to become a public charge simply because that alien received a means-tested public benefit.¹¹² Officers would, instead, look at the circumstances surrounding such receipt, for example the nature of the benefit and whether it is the type of benefit that alone or in combination with other benefits meets the alien's basic needs, the recency, duration, and amount of receipt, the reason for the receipt, whether the reason has or is likely to persist.¹¹³ In the context of any disability, officers would comply with existing law and consider whether or to what extent a disability is likely to impact an alien's ability to be self-sufficient, ensuring that disability is not used as the sole determinant of an alien's likelihood at any time of becoming a public charge.¹¹⁴

b. Proposed Removal of Favorable Consideration of a Sufficient Affidavit of Support Under Section 213A of the INA, if Required

IIRIRA amended the INA by setting forth requirements for submitting an enforceable affidavit of support (*i.e.*, the current Affidavit of Support Under Section 213A of the INA). The Affidavit of Support Under Section 213A of the INA is a contract between the sponsor and the U.S. Government that imposes

¹¹² See *Matter of Perez*, 15 I&N Dec. 136, 137 (BIA 1974) ("The fact that an alien has been on welfare does not, by itself, establish that he or she is likely to become a public charge."); *Matter of Martinez-Lopez*, 10 I&N Dec. 409, 421 (BIA 1962) ("the statute requires more than a showing of a possibility that the alien will require public support.").

¹¹³ See *e.g. Matter of A-*, 19I&N Dec. 867 (BIA 1974) (BIA considered that the alien was a mother of a small child and found it legitimate that she may be temporarily out of the workforce to care for her children, they also looked at the fact that there were few jobs in the area where she lived, and that she was now employed despite receiving public benefits previously for 4 years).

¹¹⁴ In the litigation on the 2019 Final Rule, plaintiffs argued that the 2019 final rule violated the Rehabilitation Act, which bans discrimination on the basis of disability. 29 U.S.C. 794(a). The Seventh Circuit looked favorably on this contention, and the Second and Ninth Circuits did not expressly address it. *Cook Cnty.*, 962 F.3d at 228, *New York*, 969 F.3d at 64 n.20; *City and Cnty of San Francisco*, 981 F.3d at 762. While the 2022 Final Rule included a provision precluding disability from being the sole determinative factor for a finding of inadmissibility on the public charge ground, as discussed further in this preamble, DHS believes this provision is unnecessary as DHS is already precluded by law from considering disability a sole determinant. Please see a fuller discussion in this preamble addressing the proposed elimination of 8 CFR 212.22(a)(4) *Disability alone not sufficient*.

¹⁰⁸ See INA sec. 212(a)(4)(B)(i), 8 U.S.C. 1182(a)(4)(B)(i). The statute also permits, but does not require, the consideration of a sufficient Affidavit of Support Under Section 213A of the INA, if required. See INA sec. 212(a)(4)(B)(ii), 8 U.S.C. 1182(a)(4)(B)(ii).

¹⁰⁹ See 8 CFR 103.2(b)(8).

¹¹⁰ See *Matter of Harutunian*, 14 I&N Dec. 583, 588 (Reg'l Cmm'r 1974) ("[T]he determination of whether an alien falls into that category [as likely to become a public charge] rests within the discretion of the consular officers or the Commissioner . . . Congress inserted the words 'in the opinion of' (the consul or the Attorney General) with the manifest intention of putting borderline adverse determinations beyond the reach of judicial review." (citation omitted)); *Matter of Martinez-Lopez*, 10 I&N Dec. 409, 421 (BIA 1962; Att'y Gen. 1964) ("[U]nder the statutory language the question for visa purposes seems to depend entirely on the consular officer's subjective opinion.").

¹¹¹ See *Loper Bright Enters. v. Raimondo*, 144 S. Ct. 2244, 2263 (2024) ("In a case involving an agency, of course, the statute's meaning may well be that the agency is authorized to exercise a degree of discretion. Congress has often enacted such statutes. For example, some statutes expressly delegate to an agency the authority to give meaning to a particular statutory term. Others empower an agency to prescribe rules to fill up the details of a statutory scheme, or to regulate subject to the limits imposed by a term or phrase that leaves agencies with flexibility, such as 'appropriate' or 'reasonable.'" (cleaned up)).

on the sponsor a legally enforceable obligation “to provide support to maintain the sponsored alien at an annual income that is not less than 125 percent of the Federal poverty line during the period in which the affidavit is enforceable.”¹¹⁵

Under section 212(a)(4)(C) and (D) of the INA, 8 U.S.C. 1182(a)(4)(C) and (D), most family-based immigrants and some employment-based immigrants are required to submit an Affidavit of Support Under Section 213A of the INA executed by a sponsor to avoid being found inadmissible based on the public charge ground.¹¹⁶ This requirement applies even if the officer would ordinarily find, after reviewing the statutory minimum factors, that the intending immigrant is not likely at any time to become a public charge.¹¹⁷ Where such an Affidavit of Support Under Section 213A of the INA has been executed on an alien’s behalf, the statute permits, but does not require, DHS to consider it along with the statutory minimum factors and any other relevant factors, evidence, information, or circumstances in the public charge inadmissibility determination.¹¹⁸

A sufficient Affidavit of Support Under Section 213A of the INA does not, alone, result in a finding that an alien is not likely at any time to become a public charge due to the statute’s requirement to consider the statutory minimum factors and the clear statutory authority to consider any other factors, evidence, information, or circumstances relevant to the public charge inadmissibility determination.¹¹⁹ Additionally, an Affidavit of Support Under Section 213A is not intended to guarantee that an intending immigrant will not become dependent on the government for subsistence, but rather, to ensure that public benefit granting agencies could be reimbursed for certain aid provided to the sponsored alien.¹²⁰

With the proposed removal of 8 CFR 212.22, officers would no longer be required by regulation to favorably

consider a sufficient Affidavit of Support Under Section 213A of the INA. Consistent with section 212(a)(4)(B)(ii) of the INA, 8 U.S.C. 1182(a)(4)(B)(ii), officers would instead use their discretion to determine whether and how to consider the Affidavit of Support Under Section 213A of the INA on a case-by-case basis and in the totality of the circumstances, as intended by Congress when making the public charge inadmissibility determination in the officer’s opinion. DHS does not believe that Congress intended DHS to always consider a sufficient Affidavit of Support Under Section 213A of the INA. Notably, Congress could have mandated the consideration of the Affidavit of Support Under Section 213A of the INA when it also mandated consideration of the five statutory minimum factors. However, Congress decided to leave consideration of the Affidavit of Support Under Section 213A of the INA to the officer’s discretion, DHS does not believe it necessary to mandate such consideration. DHS reminds the public that the statute already requires that an alien’s application for adjustment of status be denied due to inadmissibility under the public charge ground if the alien fails to submit a sufficient Affidavit of Support Under Section 213A of the INA, if such an affidavit is required. *See, e.g.,* INA sec. 212(a)(4)(C) and (D) and 213A(a), 8 U.S.C. 1182(a)(4)(C) and (D) and 1183a(a).

If the changes proposed in this rule are finalized, consistent with the statute and past precedent decisions, DHS would consider not only the mandatory statutory factors, but also all relevant evidence and information specific to the alien and relevant to determining that individual alien’s likelihood at any time of becoming a public charge. This could include, but is not required to include a sufficient Affidavit of Support Under Section 213A of the INA. Indeed, DHS believes that Congress intended that officers would decide, on a case-by-case basis and in the totality of the circumstances, whether and how to consider an Affidavit of Support Under Section 213A of the INA.

c. Proposed Removal of Consideration of Current and/or Past Receipt of Public Benefits

Section 212(a)(4)(B) of the INA, 8 U.S.C. 1182(a)(4)(B), does not require consideration of the receipt of public benefits as part of the public charge inadmissibility determination. However, as noted previously, the 2022 Final Rule requires DHS officers to consider the alien’s current and/or past receipt of public cash assistance for income maintenance or long-term

institutionalization at government expense in the totality of the circumstances.¹²¹ Under the 2022 Final Rule, DHS will consider the amount and duration of receipt of these enumerated benefits, as well as how recently the alien received the benefits, and for long-term institutionalization at government expense, evidence submitted by the alien that the alien’s institutionalization violates federal law, including the Americans with Disabilities Act or the Rehabilitation Act.¹²² This regulation also expressly prohibits consideration of any benefit that is not listed in 8 CFR 212.21(b)–(d).¹²³

DHS believes, as noted previously, that an alien’s dependence on any means-tested public benefit to meet his or her needs—and not just his or her dependence on public cash assistance for income maintenance and long-term institutionalization at government expense—is what that Congress intended to address with the public charge ground of inadmissibility. Indeed, DHS believes that the current and/or past receipt of any means-tested public benefit is a key gauge in determining an alien’s likelihood of dependence on the government and therefore to determining whether an alien is inadmissible under section 212(a)(4)(A) of the INA, 8 U.S.C. 1182(a)(4)(A). DHS has determined that current regulations, which restrict consideration of receipt of public benefits to only public cash assistance for income maintenance or long-term institutionalization at government expense, prevent officers from making public charge inadmissibility determinations that align with the longstanding national policy that aliens within the Nation’s borders are to be self-sufficient and not depend on public resources to meet their needs. DHS is therefore proposing to remove 8 CFR 212.22(a)(3).

Moreover, consistent with how DHS has proposed to broaden the universe of public benefits that may be considered as part of the public charge inadmissibility determination, DHS is also proposing to remove language that limited consideration of receipt of benefits other than public cash assistance for income maintenance or long-term institutionalization at government expense, such as SNAP or other nutrition programs, Children’s Health Insurance Program (CHIP), Medicaid, or housing benefits. DHS is also proposing to remove the provision that excluded application for an

¹¹⁵ INA sec. 213A(a)(1)(A), 8 U.S.C. 1183a(a)(1)(A). However, a sponsor who is on active duty (other than active duty for training) in the Armed Forces of the United States and filed a petition on behalf of a spouse or child only needs to demonstrate support equal to at least 100 percent of the Federal poverty line. *See* INA sec. 213A(f)(3), 8 U.S.C. 1183a(f)(3).

¹¹⁶ *See* INA sec. 213A, 8 U.S.C. 1183a(a)(1).

¹¹⁷ *See* INA sec. 213A, 8 U.S.C. 1183a(a)(1).

¹¹⁸ *See* INA sec. 212(a)(4)(B)(ii), 8 U.S.C. 1182(a)(4)(B)(ii).

¹¹⁹ *See* INA sec. 212(a)(4)(B), 8 U.S.C. 1182(a)(4)(B).

¹²⁰ *See* H.R. Rep. No. 104–651, at 1449 (1996) (in explaining the provision, emphasizing that the Affidavit of Support Under Section 213A of the INA would permit benefit-providing agencies to seek reimbursement).

¹²¹ 8 CFR 212.22(a)(3) (2022).

¹²² 8 CFR 212.22(a)(3) (2022).

¹²³ 8 CFR 212.22(a)(3) (2022).

approval or certification to receive in the future public benefits to clarify and align our consideration of the past receipt of means-tested public benefits with the prospective, forward-looking evaluation in a public charge inadmissibility determination.

If the proposed removal of 8 CFR 212.22 is finalized, DHS officers would, consistent with the statute and past precedent decisions, determine an alien's likelihood at any time of becoming a public charge by "consider[ing] of all the factors bearing on the alien's ability or potential ability to be self-supporting."¹²⁴ Importantly, past precedent decisions strongly suggests that an alien's self-sufficiency, *i.e.*, the alien's ability to meet his or her needs without depending on any public resources, plays a critical role in the outcome of a public charge inadmissibility determination.¹²⁵ Consequently, DHS would consider the alien's receipt of any means-tested public benefit as part of the case-by-case and totality of the circumstances inadmissibility determination. Additionally, and consistent with past precedent decisions, DHS would continue to treat receipt of one or more means-tested public benefit as one of many factors considered in the totality of the circumstances.¹²⁶ DHS would also consider the fact that an alien is trying to receive and/or has been approved or certified to receive in the future means-tested public benefits given this is relevant to the likelihood that an alien will become dependent on means-tested public benefits in the future.

e. Proposed Removal of Provision Addressing Disability as Alone Not Being Sufficient for a Finding of Inadmissibility

Section 212(a)(4)(B) of the INA, 8 U.S.C. 1182(a)(4)(B) requires DHS to consider an alien's health when assessing his or her likelihood at any time of becoming a public charge,¹²⁷ which may include consideration of any disabilities identified in the report of medical examination in the record.¹²⁸

However, there is no presumption under the statute that having a disability in and of itself means that the alien is in poor health or is likely at any time to become a public charge. Therefore, consistent with section 504 of the Rehabilitation Act, the current regulation at 8 CFR 212.22(a)(4) expressly precludes an officer from relying solely on an alien's disability, as defined by section 504 of the Rehabilitation Act, to determine that the alien is likely at any time to become a public charge in the totality of the circumstances.

However, insofar as section 504 of the Rehabilitation Act expressly prohibits discrimination against a qualified individual with a disability solely on the basis of that disability under any program or activity receiving Federal financial assistance or under any federally conducted program or activity, DHS is already precluded from treating an alien's disability alone as outcome determinative in a public charge inadmissibility determination. *See* 29 U.S.C. 794(a).

Therefore, DHS has determined that it is unnecessary to retain current 8 CFR 212.22(a)(4), which merely restates the prohibition on relying solely on an alien's disability to make a public charge inadmissibility determination. Since this is already binding on DHS officers when making public charge inadmissibility determinations, it is not necessary to duplicate it in the regulatory text.

If this NPRM is finalized in a final rule, DHS officers would, consistent with section 212(a)(4) of the INA, 8 U.S.C. 1182(a)(4), make public charge inadmissibility determinations on a case-by-case basis in the totality of the circumstances, considering all relevant case-specific factors, including, where applicable, an alien's disability. DHS would, however, not treat an alien's disability as outcome determinative, in compliance with section 504 of the Rehabilitation Act.

f. Proposed Removal of Totality of the Circumstances Provisions

Under section 212(a)(4)(B) of the INA, 8 U.S.C. 1182(a)(4)(B), officers are required, at a minimum, to consider the alien's age; health; family status; assets, resources, and financial status; and education and skills, and may consider a sufficient Affidavit of Support Under Section 213A of the INA, where required. Although the statute does not expressly include a totality of the circumstances test, this test "has been developed in several Service, BIA [Board of Immigration Appeals], and Attorney General decisions and has

been codified in the Service regulations implementing the legalization provisions of the Immigration Reform and Control Act of 1986."¹²⁹ Federal courts have also endorsed this "totality of the circumstances" test.¹³⁰ As a result, since at least 1999, DHS and the former INS have required officers to make public charge inadmissibility determinations in the totality of the circumstances and indicated that no single factor, other than the lack of a sufficient Affidavit of Support Under Section 213A of the INA, when required, would control the decision.¹³¹

Insofar as DHS is already required under past precedent decisions to make public charge inadmissibility decisions in the totality of the circumstances,¹³² DHS does not believe this provision is necessary to be retained. Therefore, if this NPRM is finalized, DHS would continue to consider the totality of an alien's circumstances when making a public charge inadmissibility determination consistent with past precedent decisions.

g. Proposed Removal of Denial Decision Provision

DHS regulations require that USCIS officers "explain in writing the specific reasons for a denial." *See* 8 CFR 103.3(a)(1)(i). This requirement applies to all applications, petitions, and requests adjudicated by USCIS, including denials based on an adjustment of status applicant being inadmissible under the public charge

¹²⁹ *See* 64 FR 28689, 28690 (May 26, 1999) (citing *Zambrano v. INS*, 972 F.2d 1122 (9th Cir. 1992), judgment vacated on other grounds, 509 U.S. 918 (1993)).

¹³⁰ *See, e.g., Zambrano v. INS*, 972 F.2d 1122 (9th Cir. 1992), judgment vacated on other grounds, 509 U.S. 918 (1993).

¹³¹ *See* 64 FR 28689, 28690 (May 26, 1999). *See* 84 FR 41292, 41295 (Aug. 14, 2019). *See* 87 FR 55472, 55488 (Sept. 9, 2022).

¹³² *Matter of A-*, 19 I&N Dec. 867, 869 (BIA 1988) ("The traditional test applied by the Service to determine whether an alien is likely to become a public charge is 'a prediction based on the totality of the alien's circumstances' as presented in the individual case."); *Matter of Perez*, 15 I&N Dec. 136, 137 (BIA 1974) ("The determination of whether an alien is likely to become a public charge under section 212(a)(15) is a prediction based upon the totality of the alien's circumstances at the time he or she applies for an immigrant visa or admission to the United States."); *Matter of Martinez-Lopez*, 10 I&N Dec. 409, 421–22 (BIA 1962; Att'y Gen. 1964) (in determining whether a person is likely to become a public charge, factors to consider include age, health, and physical condition, physical or mental defects which might affect earning capacity, vocation, past record of employment, current employment, offer of employment, number of dependents, existing conditions in the United States, sufficient funds or assurances of support by relatives or friends in the United States, bond or undertaking, or any specific circumstances reasonably tending to show that the burden of supporting he alien is likely to be case on the public.).

¹²⁴ *See Matter of Vindman*, 16 I&N Dec. 131, 132 (Reg'l Comm'r 1977).

¹²⁵ *See, e.g., Matter of Vindman*, 16 I&N Dec. 131 (Reg'l Comm'r 1977); *Matter of Perez*, 15 I&N Dec. 137 (BIA 1974); *Matter of Harutunian*, 14 I&N Dec. 583 (Reg'l Comm'r 1974).

¹²⁶ *See Matter of Perez*, 15 I&N Dec. 136, 137 (BIA 1974) ("The fact that an alien has been on welfare does not, by itself, establish that he or she is likely to become a public charge."); *Matter of Martinez-Lopez*, 10 I&N Dec. 409, 421 (BIA 1962) ("the statute requires more than a showing of a possibility that the alien will require public support.");

¹²⁷ *See* INA sec. 212(a)(B)(i)(II), 8 U.S.C. 1182(a)(4)(B)(i)(II).

¹²⁸ *See* 8 CFR 212.22(a)(1)(ii).

ground. *Id.* Because existing DHS regulations and policy already require USCIS officers to specify in written denials the basis for the denial,¹³³ DHS does not believe that a provision explicitly requiring denial decisions to include a discussion of the factors the officer considered in a public charge inadmissibility determination is necessary.

DHS notes that if this NPRM is finalized, DHS will continue to issue denial decisions consistent with 8 CFR 103.3(a)(1)(i).

h. Proposed Removal of Receipt of Public Benefits While an Alien Is in an Immigration Category Exempt From Public Charge Inadmissibility Provision

Under PRWORA, many aliens, whether present in the United States in a lawful immigration status or not, are ineligible to receive many types of public benefits. *See* 8 U.S.C. 1611, 1621, and 1641. Aliens who are eligible for Federal, State, Tribal, territorial or local benefits may include lawful permanent residents, refugees, and asylees who are not subject to a public charge inadmissibility determination.¹³⁴

Although many aliens who are eligible for Federal, State, Tribal, territorial, or local benefits receive those benefits while present in an immigration classification or category that is exempt from the public charge ground of inadmissibility or after the alien obtained a waiver of the public charge ground of inadmissibility, such aliens may later apply for an immigration benefit that subjects them to the public charge ground of inadmissibility. For example, an alien admitted as a refugee may have received benefits on that basis but may later apply for adjustment of status based on marriage to a U.S. citizen and will be subject to the public charge ground of inadmissibility. And, as noted previously; while making such aliens eligible for the receipt of certain public benefits, Congress also made it clear that unless otherwise specified, these same aliens would be subject to the public charge ground of inadmissibility when they applied for visas, admission, or adjustment of status. Importantly, it is Congress, not DHS, who determines which aliens applying for visas, admission, or adjustment of status are exempt from

the public charge ground of inadmissibility. Congress did not exempt aliens who are applying for visas, admission, or adjustment of status from the public charge ground of inadmissibility if they were, in the past, in a category of aliens exempt from the public charge ground of inadmissibility. And while Congress left it to DHS to determine which public benefits should be considered as part of a public charge inadmissibility determination,¹³⁵ Congress neither left it to DHS to exempt certain aliens from the public charge ground of inadmissibility nor authorized DHS to ignore receipt of public benefits for purposes of the public charge inadmissibility determination if the alien received those benefits while in a category that is exempt from the public charge ground of inadmissibility.

Additionally, as discussed in previous sections, DHS believes that any prior receipt of means-tested public benefits is a key gauge to determining the likelihood of future dependence on the government for subsistence. This is true even if those benefits were received while in a status that is exempt. And Congress intended that receipt of public benefits, regardless of when they were received, should be considered. *See* INA sec. 212(s), 8 U.S.C. 1182(s). Therefore, it would be inconsistent with the purpose of the statute and administration and congressional policy on immigration and welfare to exclude such use from consideration.

For these reasons, DHS is proposing to eliminate the regulation at 8 CFR 212.22(d), which removes from consideration the receipt of public benefits by an alien in an exempt category in an adjudication for an immigration benefit for which the public charge ground of inadmissibility applies.

This change would not affect those categories of aliens who are exempt from the public charge ground of inadmissibility and who then pursue adjustment of status in an exempt category using the humanitarian path set out by Congress. For example, aliens admitted as refugees are eligible for means-tested public benefits¹³⁶ and exempt from the public charge ground of inadmissibility. *See* INA sec. 207(c)(3), 8 U.S.C. 1157(c)(3). If such aliens then pursue adjustment of status using the path laid out by Congress under section 209 of the INA, 8 U.S.C. 1159, they remain exempt from the public charge ground of

inadmissibility,¹³⁷ and their use of means-tested public benefits while in refugee status will not negatively affect their ability to adjust status to that of a lawful permanent resident.¹³⁸

In contrast, this change will affect those categories of aliens who have been in a category exempt from a public charge inadmissibility determination and who are seeking adjustment of status under a nonexempt category. For example, Congress did not provide a pathway to lawful permanent resident status for aliens granted Temporary Protected Status (TPS), who are exempt from the public charge ground of inadmissibility.¹³⁹ Because Congress did not specifically exempt these aliens from section 212(a)(4) of the INA, 8 U.S.C. 1182(a)(4) at the time of adjustment, if these aliens seek adjustment of status in a category that is not exempt from the public charge ground of inadmissibility, it is reasonable and aligned with the statute for DHS to consider any current and/or past receipt of means-tested public benefits by these aliens when making a public charge inadmissibility determination.¹⁴⁰

i. Proposed Removal of Receipt of Benefits Available to Refugees Provisions

Congress made discrete populations of aliens who have not been admitted to the United States under section 207 of the INA, 8 U.S.C. 1157, eligible for resettlement assistance, entitlement programs, and other benefits available to refugees, including services described under 8 U.S.C. 1522(d)(2) provided to an “unaccompanied alien child” as defined under 6 U.S.C. 279(g)(2).¹⁴¹ In

¹³⁷ *See* INA sec. 209(c), 8 U.S.C. 1159(c).

¹³⁸ As further examples, the same would be true for asylees applying for adjustment of status under INA sec. 209, 8 U.S.C. 1159, and T nonimmigrants applying for adjustment of status under INA sec. 245(l), 8 U.S.C. 1255(l).

¹³⁹ *See* 8 CFR 244.3. *See also* INA sec. 244(c)(2)(ii), 8 U.S.C. 1254a(c)(2)(ii), which authorizes DHS to waive any inadmissibility ground under INA sec. 212(a), 8 U.S.C. 1182, except for those that Congress specifically noted could not be waived.

¹⁴⁰ As further examples, certain A, C, G, or NATO nonimmigrants are exempt from the public charge ground of inadmissibility but have no direct pathway to adjustment of status. If they apply for adjustment of status in a nonexempt category, they will be subject to the public charge ground of inadmissibility and it is reasonable to consider their past and/or current receipt of public benefits as a part of the inadmissibility determination in the totality of the circumstances.

¹⁴¹ *See* section 2502(b) of the Extending Government Funding and Delivering Emergency Assistance Act, Public Law 117–43 (Sept. 30, 2021). *See also* Additional Ukraine Supplemental Appropriations Act of 2022, Public Law 117–128 (May 21, 2022).

¹³³ *See* 8 CFR 103.3(a)(1)(i). *See also* USCIS Policy Manual, Volume 7, Part A, Chapter 11, “Decision Procedures,” <https://www.uscis.gov/policy-manual/volume-7-part-a-chapter-11>.

¹³⁴ *See* 8 U.S.C. 1641. States and localities may, however, extend eligibility for State and local public benefits to aliens under 8 U.S.C. 1621(d) through the enactment of State laws after August 22, 1996.

¹³⁵ *See* INA sec. 103, 8 U.S.C. 1103.

¹³⁶ *See* 8 U.S.C. 1641(b)(3).

the 2022 Final Rule, DHS added a provision at 8 CFR 212.22(e) to clarify that DHS would not consider any public benefits received by those categories of aliens eligible for all three of the types of support listed (resettlement assistance, entitlement programs, and other benefits) typically reserved for refugees in a public charge inadmissibility determination. *See* 87 FR 55472 (Sept. 9, 2022).

DHS proposes that the regulation at 8 CFR 212.22(e) should be removed. Similar to the regulation at 8 CFR 212.22(d), DHS has determined that any means-tested public benefit received by an alien should be considered if the alien is applying for adjustment of status in a category that is not exempt from the public charge ground of inadmissibility, regardless of previous status or the basis for his or her eligibility for public benefits.

As it relates specifically to aliens in categories who have previously been granted benefits available to refugees, DHS notes that these aliens are no different than any other alien whom Congress made eligible for public benefits while simultaneously making them subject to the public charge ground of inadmissibility. Indeed, DHS believes that Congress must have recognized that it made public benefits available to certain aliens who may be or may later become subject to the public charge ground of inadmissibility, even though receipt of such benefits would be considered in a public charge inadmissibility determination. If an alien, subsequent to receiving public benefits to which they are eligible, wishes to become a lawful permanent resident in the United States, the receipt of those benefits may be considered, consistent with IIRIRA and PRWORA, for future public charge inadmissibility determination purposes.

Moreover, the initial grant of such benefits to certain Afghan nationals and Ukrainians has since expired and most aliens in those categories can no longer receive those benefits.¹⁴² In addition,

most Afghans paroled into the United States under Operation Allies Welcome have either obtained some other immigration status or have a pending application for such status.¹⁴³ Since eligibility for public benefits for these populations is time-limited, a USCIS officer would take this into account when making a forward-looking public charge inadmissibility determination.¹⁴⁴ While benefit eligibility for T nonimmigrants does not expire, T nonimmigrants seeking adjustment of status through the pathway designated by Congress under section 245(l) of the INA, 8 U.S.C. 1255(l), remain exempt from the public charge ground of inadmissibility. Removal of the regulation at 8 CFR 212.22(e) will not negatively impact those aliens so long as they seek adjustment of status as Congress intended.

4. Removal of Exemptions and Waivers for Public Charge Ground of Inadmissibility Provisions—8 CFR 212.23

DHS also proposes to remove 8 CFR 212.23. The first two paragraphs of this section enumerate the categories of aliens to whom the public charge ground of inadmissibility does not apply under the INA or various other laws. For example, Congress established in section 209(c) of the INA, 8 U.S.C. 1159(c), that the public charge ground of inadmissibility does not apply to refugees or asylees seeking adjustment of status under that section of law. Similarly, Congress exempted aliens applying for adjustment of status under the Cuban Adjustment Act¹⁴⁵ from the public charge ground of inadmissibility. The third paragraph of the section outlines the existing waivers of the public charge ground of inadmissibility.

DHS, and former INS, included a similar list of exemptions and waivers in the 1999 Interim Field Guidance, the 1999 NPRM, and the 2019 Final Rule. As explained in 2022, DHS included

1, 2023, may also still be eligible to receive certain benefits.

¹⁴³ Of the approximately 78,000 Afghans paroled into the United States under Operation Allies Welcome, about 66,000 have already become U.S. citizens, lawful permanent residents (LPRs), or asylees. About 9,000 have pending applications for asylum or adjustment of status. For Afghans who remain in valid parole status, the overwhelming majority will see the end of that period of validity before November 1, 2025. Data provided by USCIS OPQ-PAER, as of August 29, 2025.

¹⁴⁴ For example, if an alien is not now and would not in the future be eligible for benefits under these specific laws extending eligibility to certain Afghans and Ukrainians, then clearly they could not use those benefits in the future unless they were to reestablish eligibility on some other basis.

¹⁴⁵ Public Law 89–732 (Nov. 2, 1966), as amended.

this list because doing so would “better ensure that the regulated public understands which applicants for admission and adjustment of status are either exempt from the public charge ground of inadmissibility or may be eligible for a waiver of the inadmissibility ground.” *See* 87 FR 10570, 10625 (Feb. 24, 2022). While DHS acknowledges that publishing a list of exemptions and waivers may be useful for both the public and for DHS officers, it proposes to remove the list from the regulation.

DHS notes that this regulatory text is redundant to several other publicly available sources. First, DHS already publishes the same lists of exemptions and waivers in the USCIS Policy Manual.¹⁴⁶ The Policy Manual can be easily updated to reflect any changes that Congress may make in the future to the exemptions and waivers for the public charge ground of inadmissibility. The possibility that the regulatory text would fall out of date is why DHS included two catchall provisions in the existing regulation.¹⁴⁷ Second, DHS also publishes the list of exemptions within USCIS’ Form I–485 (Part 9, Item Number 56, in the current version). DHS believes that USCIS Policy Manual content and the Form I–485 are equally or more accessible to officers and the general public than regulatory text. This is particularly true for Form I–485, where the exemptions are fully listed in an item specifically designed to help aliens understand if the public charge ground of inadmissibility applies to them as they complete the form. As a result, DHS believes there is no need to continue to include the same list in its regulations.

5. Removal of Applicability of Public Charge Inadmissibility Provision—8 CFR 212.20

As a conforming amendment to DHS’s proposal to remove 8 CFR 212.21, through 212.23, DHS proposes to remove 8 CFR 212.20. This section serves two purposes: it introduces the three sections that follow and states that the provisions of those three sections apply to an applicant for admission or adjustment of status to that of a lawful permanent resident, unless the alien

¹⁴⁶ USCIS publishes the list of exemptions in Volume 8, Part G, Chapter 3, Section C. of the Policy Manual, available at [https://www.uscis.gov/policy-manual/volume-8-part-g-chapter-3#:~:text=informant\)%5B38%5D-.C.%20Exemptions,-The%20public%20charge](https://www.uscis.gov/policy-manual/volume-8-part-g-chapter-3#:~:text=informant)%5B38%5D-.C.%20Exemptions,-The%20public%20charge) (last visited Oct. 1, 2025). Information about waivers is published in Volume 8, Part G, Chapter 8—Waivers of Inadmissibility Based on Public Charge Ground, available at <https://www.uscis.gov/policy-manual/volume-8-part-g-chapter-8> (last visited Oct. 1, 2025).

¹⁴⁷ 8 CFR 212.23(a)(29) and (c)(3).

¹⁴² *See* section 2502(b) of the Extending Government Funding and Delivering Emergency Assistance Act, Public Law 117–43 (Sept. 30, 2021). *See also* section 1501 of the Consolidated Appropriations Act, 2023, Public Law 117–328 (Dec. 29, 2022). *See also* Additional Ukraine Supplemental Appropriations Act of 2022, Public Law 117–128 (May 21, 2022). *See also* Ukraine Security Supplemental Appropriations Act, 2024, Division C of Public Law 118–50 (Apr. 24, 2024). Some Ukrainian parolees may retain eligibility for benefits through September 30, 2026, depending on when they were paroled into the United States. Some Afghan parolees may retain eligibility for benefits through September 30, 2025. Spouses and children of Afghans paroled into the United States prior to October 1, 2023, who themselves were paroled into the United States on or after October

was in a category exempt from the public charge ground of inadmissibility.

In light of the proposed removal of the three other sections, retaining 8 CFR 212.20 in its current, or even an amended form, would serve no purpose. There are no longer other sections that require an introduction, and with or without this section the public charge ground of inadmissibility applies to an applicant for admission or adjustment of status, unless that alien is exempt.

C. Reliance Interests

DHS acknowledges that the regulated public may be relying on aspects of the regulatory scheme in the 2022 Final Rule, which, in many respects substantively aligns with the 1999 Interim Field Guidance. In this proposed rule, DHS has explained why neither the 2022 Final Rule nor the 2019 Final Rule provides an appropriate future path for conducting public charge inadmissibility determinations that are consistent with the statute and congressional intent. DHS has, to the greatest extent possible, explained how officers would conduct public charge inadmissibility determinations if DHS finalizes the proposed rescission of the 2022 Final Rule, including referencing controlling precedent and case law that officers would take into consideration in public charge inadmissibility determinations, and that largely but not exclusively formed the basis for the 1999 Interim Field Guidance and the 2022 Final Rule. DHS also plans to provide interpretive and policy tools to guide public charge inadmissibility determinations once DHS has had a chance to fully consider how to best (1) balance the need to conform the implementation of the public charge ground of inadmissibility with the clear congressional intent that aliens be self-sufficient and that the availability of public benefits not create an incentive for immigration, (2) fortify officer discretion, and (3) support accuracy, consistency, and reliability in individual determinations. DHS is seeking comments from the public on what aspects of the 2022 Final Rule might have engendered reliance interests, and how DHS should best address such reliance interests given its stated objective for the rulemaking.

D. Severability

DHS is proposing that certain proposed changes to 8 CFR 103.6(c) be severable from the proposed full rescission of regulatory provisions in 8 CFR part 212. To the extent DHS issues a final rule based on this NPRM that rescinds the public charge inadmissibility regulations in 8 CFR

212.20 through 212.23, and a court finds that such rescission is invalid or unenforceable, DHS intends that certain proposed changes to 8 CFR 103.6(c) nevertheless be construed so as to continue to give the maximum effect to those provision(s) permitted by law, unless any such provision(s) are also held to be wholly invalid and unenforceable.

Specifically, if finalized and effective, DHS intends to continue to give effect to the removal of the ground for cancellation 8 CFR 103.6(c)(1) stating that DHS can cancel a public charge bond at any time if it determines “that the alien is not likely at any time to become a public charge” because, as discussed in section V.B.1. of this preamble, the rationale for the proposed removal of that ground of cancellation is based on the practical infeasibility of applying it rather than the broader justification for rescinding DHS regulations in 8 CFR 212.20 through 212.23. Similarly, if finalized and effective and not separately invalidated or deemed unenforceable, DHS intends to keep the revised restructuring of 8 CFR 103.6(c)(1) namely the separation of cancellation and breach provisions into paragraphs (c)(1)(A) and (c)(1)(B) for clarity.

VI. Statutory and Regulatory Requirements

A. Executive Order 12866 (Regulatory Planning and Review), Executive Order 13563 (Improving Regulation and Regulatory Review), and 14192 (Unleashing Prosperity Through Deregulation)

E.O. 12866 (Regulatory Planning and Review) and E.O. 13563 (Improving Regulation and Regulatory Review) direct agencies to assess the costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits. E.O. 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. E.O. 14192 (Unleashing Prosperity Through Deregulation) directs agencies to significantly reduce the private expenditures required to comply with Federal regulations and provides that “any new incremental costs associated with new regulations shall, to the extent permitted by law, be offset by the elimination of existing costs associated with at least 10 prior regulations.”

This rule has been designated a “significant regulatory action” that is economically significant, under section 3(f)(1) of E.O. 12866. Accordingly, the

rule has been reviewed by the Office of Management and Budget (OMB).

This rule is not an E.O. 14192 regulatory action because it is being issued with respect to an immigration-related function of the United States. The rule’s primary direct purpose is to implement or interpret the immigration laws of the United States (as described in INA sec. 101(a)(17), 8 U.S.C. 1101(a)(17)) or any other function performed by the U.S. Federal Government with respect to aliens. See Office of Management and Budget Memorandum M–25–20, “Guidance Implementing Section 3 of E.O. 14192, titled ‘Unleashing Prosperity Through Deregulation’” (Mar. 26, 2025).

1. Summary

DHS proposes to remove most provisions implemented in the 2022 Final Rule to allow DHS to better implement the public charge ground of inadmissibility. The proposed rule is expected to impose new benefits and transfers. To assess the impacts of the proposed rule, DHS considers the potential impacts of the rule relative to a no-action baseline, which reflects the current state of the world absent this regulatory action.

The primary source of unquantified benefits of this proposed rule is the removal of overly-restrictive provisions promulgated in the 2022 Final Rule that hinder officers in making public charge inadmissibility determinations. By removing rigid regulatory definitions and standards, this proposed rule would ensure that officers would be able to make highly individualized, fact-specific, case-by-case public charge inadmissibility decisions based on the totality of each alien’s individual circumstances. This approach would prevent the application of overly restrictive criteria that unnecessarily limits DHS officers’ ability to make public charge inadmissibility determinations.

The proposed rule would also result in a reduction in transfer payments from the Federal Government to individuals who may choose to disenroll from or forgo enrollment in a public benefits program. Individuals who might choose to disenroll from or forgo future enrollment in a public benefits program include aliens as well as U.S. citizens who are members of mixed-status households. DHS estimates that the total reduction in transfer payments from the Federal and State governments could be approximately \$8.97 billion annually due to disenrollment or forgone enrollment in public benefits programs by members of households that include aliens who may be receiving public

benefits. DHS estimates that the 10-year discounted Federal and State transfer payments reduction of this proposed rule could be approximately \$76.48 billion at a 3-percent discount rate and about \$62.97 billion at a 7-percent discount rate. This total includes DHS' estimate that Federal transfer payments could decrease by approximately \$45.12 billion at a 3-percent discount rate and about \$37.15 billion at a 7-percent discount rate. Using the average Federal Medical Assistance Percentages (FMAP), DHS further estimates that State transfer payments could decrease by approximately \$31.35 billion at a 3-percent discount rate and about \$25.82 billion at a 7-percent discount rate. DHS notes there may be additional reductions in transfer payments that we are unable to quantify. DHS also recognizes that the estimated reductions in transfer payments are approximations and could be influenced by external

factors unrelated to this proposed rule. For example, the recent enrollment changes to Medicaid and SNAP implemented in the H.R. 1 Reconciliation Bill are expected to impact enrollment rates, adding complexity to quantification efforts.¹⁴⁸ DHS anticipates that disenrollment or forgone enrollment rates may fluctuate independently of this proposed rule, potentially affecting the transfer payment estimates presented in this analysis. However, it is too early to assess the impact of these policies on public benefit usage, and consequently, on the impact on overall estimates presented in this analysis.

Finally, DHS recognizes that reductions in Federal and State transfers under Federal benefits programs may have downstream and upstream impacts

on State and local economies, large and small businesses, and individuals. For example, the rule might result in reduced revenues for healthcare providers, such as hospitals and nonprofits, participating in Medicaid, companies that manufacture medical supplies or pharmaceuticals, grocery retailers participating in SNAP, agricultural producers who grow foods that are eligible for purchase using SNAP benefits, or landlords participating in federally funded housing programs.

Table VI.1 provides a detailed summary of the regulatory changes of the proposed rule and the estimated costs, benefits, and transfers associated with the expected impacts.¹⁴⁹

BILLING CODE 9111-97-P

¹⁴⁸ See H.R. 1 Reconciliation Bill, *e.g.*, secs. 10108 (SNAP Eligibility); 71109 (Alien Medicaid Eligibility); Public Law 119-21 (July 4, 2025).

¹⁴⁹ For a complete summary of regulatory changes and additional guidance in this proposed rule, please see Section V. "Discussion of NPRM."

Table VI.1. Summary of Major Provisions and Economic Impacts of the Proposed Rule		
Provision	Purpose	Expected Impact of the Proposed Rule
Remove 8 CFR 212.20. Purpose and applicability of public charge inadmissibility.	Proposes to remove the language codified in the 2022 Final Rule defining the categories of aliens who are subject to the public charge determination.	Quantitative: <u>Benefits</u> • None. <u>Costs</u> • None. Qualitative: <u>Benefits</u> • The removal of overly-restrictive provisions codified in the 2022 Final Rule would allow DHS to more accurately, precisely, and reliably assess public charge inadmissibility, leading to fewer aliens remaining in the United States who are likely at any time to become a public charge, which would also result in a reduction in the number of aliens dependent on public benefit programs. • The removal of overly-restrictive provisions codified in the 2022 Final Rule would ensure DHS officers can make case-by-case decisions based on the totality of circumstances, eliminating the overly restrictive criteria. <u>Costs</u> • Costs to various entities and individuals associated with regulatory familiarization with the provisions of the proposed rule. Costs will include the opportunity cost of time to read the proposed rule and subsequently determine applicability of the proposed rule's provisions. DHS estimates that the time to read this proposed rule in its entirety would be 2 to 3 hours per individual. DHS estimates that the opportunity cost of time will range from about \$96.10 to \$144.15 per
Remove 8 CFR 212.21. Definitions.	Proposes to remove definitions codified by the 2022 Final Rule, including the definitions of “likely at any time to become a public charge,” “receipt (of public benefits),” “public cash assistance for income maintenance,” and “long-term institutionalization at government expense.”	
Remove 8 CFR 212.22. Public charge inadmissibility determination.	Proposes to remove overly restrictive language codified by the 2022 Final Rule as it relates to an alien’s current and/or past receipt of means-tested public benefits, the totality of the circumstances analysis, and the receipt of public benefits by an alien in an exempt category.	
Remove 8 CFR 212.23. Exemptions and waivers for public charge ground of inadmissibility.	Proposes to remove the language codified in the 2022 Final Rule that outlined exemptions to the public charge ground of inadmissibility and waivers of inadmissibility based on the public charge ground.	

	individual who must read and review the proposed rule. While DHS cannot determine the number of individuals who will read the proposed rule, DHS assumes immigration lawyers, immigration advocacy groups, benefits-administering agencies, nonprofit organizations, non-governmental organizations, and religious organizations, among others would choose to familiarize themselves with this rule. • Indirect costs of the proposed rule would also be costs to various entities associated with compliance with the provisions of the rule, such as for hospitals, nonprofits or state Medicaid agencies. Compliance costs may include salaries of employees who monitor current and potential regulations, opportunity costs of time related to understanding the requirements of regulations, disseminating information to the rest of an organization (e.g., training sessions), and developing or modifying information technology (IT) systems as needed. <u>Transfer Payments:</u> • Total estimated annual reduction in transfer payments from the Federal and State governments of the proposed rule is approximately \$8.97 billion from those who may disenroll from or forgo enrollment in public benefits programs. The Federal-level share of annual transfer payments could be about \$5.29 billion and the State-level share of annual transfer payments could be about \$3.68 billion. • Total estimated reduction in transfer payments over a 10-year period, including the combined Federal- and State-level shares, could be: \$89.65 billion for undiscounted costs; \$76.48 billion at a 3-percent discount rate; and \$62.98 billion at a 7-percent discount rate. • From the overall total estimated reduction in transfer payments over a 10-year period for the Federal level share could be about: \$52.89 billion for undiscounted costs; \$45.12 billion at a 3-percent discount rate; and \$37.15 billion at a 7-percent discount rate. • From the overall total estimated reduction in transfer payments over a 10-year period for the State level share could be
--	--

		about: \$36.76 billion for undiscounted costs; \$31.35 billion at a 3-percent discount rate; and \$25.82 billion at a 7-percent discount rate.
Amend 8 CFR 103.6. Immigration bonds.	Proposes to amend and clarify provisions relating to the cancellation and breach of a public charge bond. Amendments include clarifying that the receipt of any means-tested public benefit, or being otherwise noncompliant with any condition of the public charge bond, results in a breach of that bond. Proposes to eliminate language stating that “USCIS may cancel a public charge bond at any time after determining that the alien is not likely at any time to become a public charge.”	Quantitative: <u>Benefits</u> • None. <u>Costs</u> • None. Qualitative: <u>Benefits</u> • The removal of overly restrictive language creates a policy that is a better implementation of the statute and the general policy of the United States that aliens should be self-sufficient and not dependent on public resources. <u>Costs</u> • DHS does not anticipate an increase in the number of bonds that are cancelled or breached due to clarifying provisions relating to the cancellation and breach of a public charge bond.
Source: USCIS analysis.		

Table VI.2 presents the prepared accounting statement, as required by OMB Circular A–4, showing the costs, benefits, and transfers associated with this regulation.¹⁵⁰

¹⁵⁰ OMB, “Circular A–4” (Sept. 17, 2003).

Table VI.2: OMB A-4 Accounting Statement (\$, 2024)					
Period of analysis: FY 2025 – 2034					
Category	Primary Estimate		Minimum Estimate	Maximum Estimate	Source Citation (RIA, preamble, etc.)
BENEFITS					
Monetized Benefits	N/A				RIA
Annualized quantified, but unmonetized, benefits	N/A		N/A	N/A	RIA
Unquantified Benefits	Removing overly restrictive language established by the 2022 Final Rule would improve implementation of the public charge ground of inadmissibility consistent with congressional intent. The removal of overly-restrictive provisions codified in the 2022 Final Rule would allow DHS to more accurately, precisely, and reliably assess public charge inadmissibility, leading to fewer aliens remaining in the United States who are likely to become a public charge, which would also result in a reduction in the number of aliens dependent on public benefit programs. Finally, amending language as it pertains to public charge bonds creates a policy that better implements the statute governing public charge inadmissibility and the broader policy that aliens should be self-sufficient.				RIA
COSTS					
Annualized monetized costs (discount rate in parenthesis)	(7%)	N/A	N/A	N/A	RIA
	(3%)	N/A	N/A	N/A	RIA
Annualized quantified, but unmonetized, costs	N/A				RIA
Qualitative (unquantified) costs	Costs to various entities and individuals associated with regulatory familiarization with the provisions of the rule. Costs will include the opportunity cost of time to read the proposed rule and subsequently determine applicability of the proposed rule’s provisions. DHS estimates that the time to read this proposed rule in its entirety would be 2 to 3 hours per individual. DHS estimates that the opportunity cost of time will range from about \$96.10 to \$144.15 per individual who must read and review the proposed rule. However, DHS cannot determine the number of individuals who will read the proposed rule. Other qualitative, unquantified effects of the proposed rule could include: • Potential lost productivity, • Adverse health effects,				RIA

	• Additional medical expenses due to delayed health care treatment, and • Administrative changes to business processes such as reprogramming computer software and redesigning application forms and processing.			
TRANSFERS				
Annualized monetized transfers: “on budget”	(\$5,289,478,897)	N/A	N/A	RIA
From whom to whom?	Reduction in transfer payments from the Federal government to public benefits recipients who are members of households that include aliens. This amount includes the estimated Federal-level shares of transfer payments to members of households that include aliens.			RIA
Annualized monetized transfers: “off-budget”	(\$3,675,739,572)	N/A	N/A	RIA
From whom to whom?	Reduction in transfer payments from State governments to public benefits recipients who are members of households that include aliens. This amount includes the estimated State-level shares of transfer payments to members of households that include aliens. The Federal-level share of annual transfer payments would be about \$5.29 billion and the State-level share of annual transfer payments would be about \$3.68 billion.			
Miscellaneous Analyses/Category	Effects			Source Citation (RIA, preamble, etc.)
Effects on State, local, and/or Tribal governments	DHS believes the potential decrease in transfer payments will produce indirect effects on State, local, and/or Tribal governments, such as administrative costs to State and local government benefits-granting agencies. However, DHS does not know the full extent of the effect on State, local, and/or Tribal governments and is unable to quantify the net effect on States’ administrative costs. There may be costs to various entities associated with familiarization of and compliance with the provisions of the rule, including salaries and opportunity costs of time to monitor and understand regulation requirements, disseminate information, and develop or modify information technology (IT) systems as needed. It may be necessary for many government agencies to update guidance documents, forms, and webpages. It may be necessary to prepare training materials and retrain staff at each level of government, which will require additional staff time and will generate associated costs.			RIA
Effects on small businesses	DHS believes this proposed rule could have indirect effects on small businesses and nonprofits in the form of lower revenues for healthcare providers participating in Medicaid; reduced income for companies manufacturing medical supplies or pharmaceuticals; decreased sales for			RFA

	grocery retailers participating in SNAP; economic impacts on agricultural producers supplying SNAP-eligible foods; and financial strain on landlords participating in federally funded housing programs, among other indirect effects. However, DHS is unable to quantify these effects.	
Effects on wages	None.	RIA
Effects on growth	None.	RIA

BILLING CODE 9111-97-C

2. Background and Purpose

As discussed in the preamble, DHS seeks to ensure the appropriate application of the public charge ground of inadmissibility by amending the regulations implemented in the 2022 Final Rule under section 212(a)(4) of the INA, 8 U.S.C. 1182(a)(4). Under the INA, an alien who, at the time of applying for a visa, admission, or adjustment of status, is deemed likely at any time to become a public charge is inadmissible to the United States. While the INA does not define public charge, Congress has specified that consular and DHS officers must, at a minimum, consider certain factors when making this determination. These factors include the alien's age; health; family status; assets, resources, and financial status; and education and skills. Additionally, DHS may consider any affidavit of support submitted under section 213A of the Act, 8 U.S.C. 1183a, on behalf of the alien. For most family-based and some employment-based immigrant visas or adjustment of status applications, a sufficient affidavit of support is required by statute; without it, applicants will be found inadmissible as likely to become a public charge.

DHS has determined that the 2022 Final Rule's consideration of a set number of factors—the alien's age, health, family status, assets, resources, and financial status, education and skills, sufficient Affidavit of Support Under Section 213A of the INA (if one was required), and any current and/or past receipt of public cash assistance for income maintenance and long-term institutionalization at government expense—prevented DHS officers from considering other evidence that might be in DHS records or systems that bears on an alien's likelihood of becoming a public charge. Thus, DHS proposes to remove or amend provisions related to public charge definitions, public charge inadmissibility determinations, public charge bonds, and other aspects outlined in the preamble. This proposed rule would align public charge inadmissibility determinations with INA section 212(a)(4), 8 U.S.C. 1182(a)(4). By removing restrictive provisions, DHS ensures that officers

will be able to make a comprehensive evaluation of an alien's inadmissibility under the public charge ground in the totality of the circumstances.

With this proposed rule DHS officers will be able to make public charge inadmissibility determinations that focus on aliens' self-sufficiency and reliance "on their own capabilities and the resources of their families, their sponsors, and private organizations" rather than depending on the government to meet their needs. *See* 8 U.S.C. 1601(2). DHS officers will continue to assess statutory minimum factors, such as age; health; family status; assets, resources, and financial status; and education and skills and DHS will continue to collect this information through the submission and adjudication of Form I-485, Application to Register Permanent Residence or Adjust Status, and Form I-693, Report of Immigration Medical Examination and Vaccination Record. Officers will also continue to consider additional evidence on a case-by-case basis.

This proposed rule, through removal of certain provisions from the 2022 Final Rule, would remove the limitations on considering only past and current receipt of public cash assistance for income maintenance or long-term institutionalization at government expense. It would also remove the current limitation on DHS officers' forward-looking public charge inadmissibility determination, which only allowed them to consider the future use of those two limited benefit types. Additionally, DHS proposes to amend public charge bond provisions to state that the receipt of any means-tested public benefit during the effective period of the bond, or otherwise being noncompliant with the conditions of the bond, will result in the breach of the public charge bond.

This proposed rule, if finalized, would also provide DHS with greater flexibility to adapt to changing circumstances, such as Federal and State changes to aliens' eligibility for means-tested public benefits as well as changes to the value of those benefits, as occurred with the enactment of H.R.1—One Big Beautiful Bill Act,

Public Law 119-21, 139 Stat. 72 ("HR-1").

The estimation of costs and benefits for this proposed rule focuses on individuals applying for adjustment of status with USCIS using Form I-485, Application to Register Permanent Residence or Adjust Status. Such individuals apply from within the United States, rather than apply for a visa from a DOS consular officer at a U.S. embassy or consulate abroad. This analysis does not account for aliens arriving at ports of entry seeking admission with U.S. Customs and Border Protection (CBP). However, DHS acknowledges that aliens at ports of entry seeking admission to the United States are generally subject to the public charge ground of inadmissibility, though some may be exempt by law. Moreover, DHS notes that CBP may incur costs pursuant to this proposed rule, but it is unable to determine this potential cost due to data limitations. For example, CBP employees spend time examining noncitizens arriving at a port of entry seeking admission, either pursuant to a previously issued visa or as a traveler for whom visa requirements have been waived and determining if they are likely to become a public charge if they are admitted. However, DHS is not able to quantify the number of aliens who would appear to be inadmissible by CBP based on a public charge determination as a consequence of this proposed rule, and thus qualitatively acknowledges the potential impact.

3. Population

The population affected by USCIS' implementation of this proposed rule would consist of aliens who are present in the United States and apply for adjustment of status to that of a lawful permanent resident. By statute, an alien who seeks adjustment of status and is at any time likely to become a public charge is ineligible to adjust their status, unless the alien is exempt from or has received a waiver of the public charge ground of inadmissibility. *See* INA sec. 212(a)(4), 8 U.S.C. 1182(a)(4). The grounds of inadmissibility set forth in section 212 of the INA, 8 U.S.C. 1182, also apply when certain aliens seek

admission to the United States, whether for a temporary purpose or permanently. However, the public charge inadmissibility ground (including ineligibility for adjustment of status) does not apply to all applicants since Congress has expressly exempted various categories of applicants from the public charge inadmissibility ground. This proposed rule would affect aliens who apply for adjustment of status, as these individuals will be subject to a determination of inadmissibility based on public charge grounds as long as the

visa classification of an alien is not exempt from such a determination. DHS reiterates that the population estimates in this analysis are based on aliens present in the United States who are applying for adjustment of status and does not include aliens seeking admission at a port of entry.

In this analysis, DHS uses historical filing data of Form I-485 to estimate the population seeking an adjustment of status. Specifically, DHS uses a 6-year average to estimate the annual total population seeking an adjustment of

status. These population estimates are used in the “Cost-Benefit Analysis” section to estimate the economic impact of the proposed rule.

a. Population Seeking Adjustment of Status

DHS estimates the affected population based on historical data from FY 2019 through FY 2024. Table VI.3 shows the annual Form I-485 receipts and approvals from FY 2019 through FY 2024.

Table VI.3. Total Annual Receipts and Approvals for Form I-485, Application to Register Permanent Residence or Adjust Status, FY 2019 through FY 2024

Fiscal Year	Receipts ¹	Approvals ²
2019	600,104	581,623
2020	577,972	442,764
2021	726,690	515,966
2022	663,003	558,258
2023	812,142	618,763
2024	983,241	787,331
6-Year Total	4,363,152	3,504,705
6-Year Average	727,192	584,118

Source: Department of Homeland Security, U.S. Citizenship and Immigration Services, Office of Performance and Quality. CLAIMS3 and ELIS. PAER0018510. Note(s): This report reflects the most up to date data available at the time the database is queried. Counts may differ from those reported in previous periods due to system updates and post-adjudicative outcomes.

Notes:

¹The number of applications received during the reporting period.

²The number of applications approved during the reporting period. Applications approved during the reporting period may not have been received in the reporting period.

The number of receipts from aliens seeking an adjustment of status over the period FY 2019 through FY 2024 decreased from 600,104 in FY 2019 to a period low of 577,972 in FY 2020 before increasing to a period high of 983,241 in FY 2024. In addition, the number of approvals over the same 6-year period decreased from 581,623 in FY 2019 to a period low of 442,764 in FY 2020, before increasing to a period high of 787,331 in FY 2024. DHS believes the decrease observed in 2020 was likely due to external factors, such as the COVID-19 pandemic. During this time, USCIS closed Application Support Centers (ASCs), and those that remained open operated at reduced capacity. The increases observed in the data after 2020

reflect recovery from these same factors.¹⁵¹ These trends are evident in this population estimate and also the estimates discussed further in this

¹⁵¹ In March 2020, USCIS suspended in-person services at its field offices, asylum offices and ASCs as a result of the COVID-19 pandemic. During the suspension of services, USCIS provided limited emergency services and rescheduled many appointments and naturalization ceremonies impacted by the closures. USCIS did not reopen offices until June 2020. See, USCIS, “USCIS Temporarily Closing Offices to the Public March 18-April 1,” <https://www.uscis.gov/archive/uscis-temporarily-closing-offices-to-the-public-march-18-april-1> (last updated March 17, 2020). See also, USCIS, “USCIS Offices Preparing to Reopen on June 4,” <https://www.uscis.gov/archive/uscis-offices-preparing-to-reopen-on-june-4> (last updated Apr. 24, 2020).

analysis. DHS estimates the projected annual average total population of aliens filing a Form I-485 is 727,192.

b. Exemptions From Determinations of Inadmissibility Based on Public Charge

Certain classes of admission of aliens are exempt from being subject to a determination of inadmissibility based on the public charge ground. The following table shows the classes of applicants for admission, adjustment of status, or registry according to statute or regulation that are exempt from inadmissibility based on the public charge ground.

BILLING CODE 9111-97-P

Table VI.4. Categories of Applicants for Admission, Adjustment of Status, or Registry Exempt from Inadmissibility Based on Public Charge According to Statute or Regulation

a. Refugees and asylees as follows: at the time admission under section 207 of the Act (refugees) or grant under section 208 of the Act (asylees); for both refugees and asylees, at the time of adjustment of status to lawful permanent resident under sections 207(c)(3) and 209(c) of the Act	b. Amerasian immigrants at the time of application for admission as described in sections 584 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act of 1988, Pub. L. 100-202, 101 Stat. 1329-183, sec. 101(e) (Dec. 22, 1987), as amended, 8 U.S.C. 1101 note
c. Afghan and Iraqi Interpreters, or Afghan or Iraqi nationals employed by or on behalf of the U.S. Government as described in section 1059(a)(2) of the National Defense Authorization Act for Fiscal Year 2006 Pub. L. 109-163 (Jan. 6, 2006), as amended, section 602(b) of the Afghan Allies Protection Act of 2009, Pub. L. 111-8, title VI (Mar. 11, 2009), as amended, 8 U.S.C. 1101 note, and section 1244(g) of the National Defense Authorization Act for Fiscal Year 2008, as amended, Pub. L. 110-181 (Jan. 28, 2008)	d. Cuban and Haitian entrants applying for adjustment of status under section 202 of the Immigration Reform and Control Act of 1986 (IRCA), Pub. L. 99-603, 100 Stat. 3359 (Nov. 6, 1986), as amended, 8 U.S.C. 1255a note
e. Aliens applying for adjustment of status under the Cuban Adjustment Act, Pub. L. 89-732 (Nov. 2, 1966), as amended, 8 U.S.C. 1255 note	f. Nicaraguans and other Central Americans applying for adjustment of status under section 202(a) and section 203 of the Nicaraguan Adjustment and Central American Relief Act, Pub. L. 105-100, 111 Stat. 2193 (Nov. 19, 1997), as amended, 8 U.S.C. 1255 note
g. Haitians applying for adjustment of status under section 902 of the Haitian Refugee Immigration Fairness Act of 1998, Pub. L. 105-277, 112 Stat. 2681 (Oct. 21, 1998), as amended, 8 U.S.C. 1255 note	h. Lautenberg parolees as described in section 599E of the Foreign Operations, Export Financing, and Related Programs Appropriations Act of 1990, Pub. L. 101-167, 103 Stat. 1195, title V (Nov. 21, 1989), as amended, 8 U.S.C. 1255 note
i. Special immigrant juveniles as described in section 245(h) of the Act	j. Aliens who entered the United States prior to January 1, 1972, and who meet the other conditions for being granted lawful permanent residence under

	section 249 of the INA, 8 U.S.C. 1259, and 8 CFR part 249 (Registry)
k. Aliens applying for or reregistering for TPS, pursuant to section 244(c)(2)(A)(ii) of the INA, 8 U.S.C. 1254a(c)(2)(A)(ii) and 8 CFR 244.3(a)	l. Texas Band of Kickapoo Indians of the Kickapoo Tribe of Oklahoma, Pub. L. 97-429 (Jan. 8, 1983)
m. Nonimmigrants described in section 101(a)(15)(A)(i) and (ii) of the INA, 8 U.S.C. 1101(a)(15)(A)(i) and (ii) (Ambassador, Public Minister, Career Diplomat or Consular Officer, or Immediate Family or Other Foreign Government Official or Employee, or Immediate Family), pursuant to section 102 of the INA, 8 U.S.C. 1102, and 22 CFR 41.21(d)	n. Nonimmigrants classifiable as C-2 (alien in transit to U.N. Headquarters) or C-3 (foreign government official), pursuant to 22 CFR 41.21(d)
o. Nonimmigrants described in section 101(a)(15)(G)(i), (ii), (iii), and (iv), of the INA (Principal Resident Representative of Recognized Foreign Government to International Organization, and related categories), 8 U.S.C. 1101(a)(15)(G)(i), (ii), (iii), and (iv), pursuant to section 102 of the INA, 8 U.S.C. 1102, and 22 CFR 41.21(d)	p. Nonimmigrants classifiable as North Atlantic Treaty Organization representatives and related categories, pursuant to 22 CFR 41.21(d)
q. Individuals with a pending application that sets forth a prima facie case for eligibility for nonimmigrant status under section 101(a)(15)(T) of the INA (Victim of Severe Form of Trafficking), 8 U.S.C. 1101(a)(15)(T), pursuant to section 212(d)(13)(A) of the INA, 8 U.S.C. 1182(d)(13)(A), as well as individuals in T nonimmigrant status who are seeking an immigration benefit for which inadmissibility is required	r. Petitioners for, or individuals who are granted, nonimmigrant status under section 101(a)(15)(U) of the INA, 8 U.S.C. 1101(a)(15)(U) (Victim of Criminal Activity), pursuant to section 212(a)(4)(E)(ii) of the INA, 8 U.S.C. 1182(a)(4)(E)(ii), who are seeking an immigration benefit for which inadmissibility is required
s. Certain Syrian nationals adjusting status under Pub. L. 106-378	t. Applicants adjusting status who qualify for a benefit under Liberian Refugee Immigration Fairness, pursuant to Section 7611 of the National Defense Authorization Act for Fiscal Year 2020 (NDAA 2020), Pub. L. 116-92, 113 Stat. 1198, 2309 (Dec. 20, 2019), later extended by Section 901 of Division O, Title IX of the Consolidated Appropriations Act, 2021, Pub. L. 116-260 (December 27, 2020) (Adjustment of Status for Liberian Nationals Extension)
u. Aliens who are Violence Against Women Act self-petitioners as defined in section 101(a)(51) of the INA, 8 U.S.C. 1101, pursuant to section	v. A “qualified alien” described in section 431(c) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, 8 U.S.C. 1641(c), in

212(a)(4)(E)(i) of the INA, 8 U.S.C. 1182(a)(4)(E)(i)	accordance with section 212(a)(4)(E)(iii) of the INA, 8 U.S.C. 1182(a)(4)(E)(iii)
w. Applicants adjusting status who qualify for a benefit under section 1703 of the National Defense Authorization Act, Pub. L. 108-136, 117 Stat. 1392 (Nov. 24, 2003), 8 U.S.C. 1151 note (posthumous benefits to surviving spouses, children, and parents)	x. American Indians born in Canada as described in section 289 of the INA, 8 U.S.C. 1359
y. Nationals of Vietnam, Cambodia, and Laos applying for adjustment of status under section 586 of Pub. L. 106-429 under 8 CFR 245.21	z. Polish and Hungarian Parolees who were paroled into the United States from November 1, 1989, to December 31, 1991, under section 646(b) of IIRIRA, Pub. L. 104-208, Div. C, Title VI, Subtitle D (Sept. 30, 1996), 8 U.S.C. 1255 note
aa. Any other categories of aliens exempt under any other law from the public charge ground of inadmissibility provisions under section 212(a)(4) of the INA, 8 U.S.C. 1182(a)(4)	
Source: USCIS.	

To estimate the annual total population of aliens seeking to adjust status who would be subject to review for inadmissibility based on the public charge ground, DHS examined the annual total population of aliens who applied for adjustment of status for FY

2019 through FY 2024. DHS uses a 6-year average for this analysis.

For each fiscal year, DHS removed aliens from the population whose class of admission is exempt from review for inadmissibility on the public charge ground (see Table VI.5), where the

remaining total population would be subject to public charge review. DHS estimates the total population subject to a public charge review of inadmissibility based on historical data from FY 2019 through FY 2024.

Table VI.5. Total Estimated Population of Individuals Seeking Adjustment of Status Who Are Exempt from or Subject to Public Charge Inadmissibility, FY 2019 through FY 2024

Fiscal Year	Total Population Applying for Adjustment of Status	Total Population Seeking Adjustment of Status that is Exempt from Review for Inadmissibility on the Public Charge Ground¹	Total Population Subject to Review for Inadmissibility on the Public Charge Ground²
2019	600,104	136,076	464,028
2020	577,972	86,193	491,779
2021	726,690	85,937	640,753
2022	663,003	117,128	545,875
2023	812,142	148,129	664,013
2024	983,241	263,451	719,790
6-Year Total	4,363,152	836,914	3,526,238
6-Year Average	727,192	139,486	587,706

Source: Department of Homeland Security, U.S. Citizenship and Immigration Services, Office of Performance and Quality. CLAIMS3 and ELIS. PAER0018510. PAER0018636. Note(s): This report reflects the most up to date data available at the time the database is queried. Counts may differ from those reported in previous periods due to system updates and post-adjudicative outcomes. The class granted upon approval is subject to adjudication error, some non-LPR codes of admission seem to be granted for Form I-485 approvals in the system; data from the system of record is reported here with the definition found in DHS Matrix/REFDAAS

Notes:

¹ Total Population Seeking Adjustment of Status that is Exempt from Review for Inadmissibility on the Public Charge Ground: Due to data limitations on receipt data, this column is derived from approvals rather than receipts of Form I-485, Application to Register Permanent Residence or Adjust Status. Therefore, subtracting the number of approved classes from the total receipt population could result in an underestimation in the number of applicants that would be exempt from review for inadmissibility on the Public Charge Ground. This population also does not include applicants who would be exempt from review from public charge who are entering the United States at a port of entry.

² Total Population Subject to Review for Inadmissibility on Public Charge Ground = Total Population Applying for Adjustment of Status – Total Population Seeking Adjustment of Status that is Exempt from Review for Inadmissibility on the Public Charge Ground (Fiscal Year 2019: 464,028=600,104–136,076).

BILLING CODE 9111-97-C

DHS estimates the projected annual average total population of aliens seeking an adjustment of status that would be subject to review for inadmissibility on the public charge ground is 587,706.¹⁵² This estimate is based on the 6-year average of the annual estimated total population subject to review for inadmissibility on the public charge ground from FY 2019 through FY 2024. Over the 6-year period, the estimated population of individuals who applied for adjustment of status subject to review for inadmissibility on the public charge ground ranged from a low of 464,028 in FY 2019 to a high of 719,790 in FY 2024. DHS notes that the population estimates are based on aliens present in the United States who are applying for adjustment of status, rather than aliens

¹⁵² DHS reiterates that the population estimates do not include aliens seeking admission to the United States at a port of entry. This results in an underestimation in the number of aliens subject to review for inadmissibility on the public charge ground, and an underestimation in the number of aliens that could be deemed inadmissible based on public charge inadmissibility determinations.

who apply for an immigrant visa through consular processing at a DOS consulate or embassy abroad or aliens seeking admission to the United States with CBP.

c. Requirement To Submit an Affidavit of Support Under Section 213A of the INA

Certain aliens seeking immigrant visas or adjustment of status are required to submit an Affidavit of Support Under Section 213A of the INA executed by a sponsor on their behalf. This requirement applies to most family-sponsored immigrants and some employment-based immigrants. *See* INA sec. 212(a)(4)(C) and (D), 8 U.S.C. 1182(a)(4)(C) and (D). A failure to meet the requirement for a sufficient Affidavit of Support Under Section 213A of the INA will result in the alien being found inadmissible under the public charge ground of inadmissibility without review of the statutory minimum factors.¹⁵³ When a sponsor executes an

¹⁵³ *See* INA sec. 212(a)(4)(C) and (D), 213A(a), 8 U.S.C. 1182(a)(4)(C) and (D), 1183a(a).

Affidavit of Support Under Section 213A of the INA on behalf of an applicant, they establish a legally enforceable contract between the sponsor and the U.S. Government with an obligation to financially support the applicant and reimburse benefit granting agencies if the sponsored immigrant receives certain benefits during the period of enforceability. *See* INA sec. 213A(a) and (b), 8 U.S.C. 1183a(a) and (b).

Table VI.6 shows the estimated total annual applications of aliens who filed Form I-485 that were approved by USCIS, split out between applications filed by aliens who were required or not required to have a sponsor execute an Affidavit of Support Under Section 213A of the INA on their behalf over the period FY 2019 through FY 2024. The estimated total annual applications for adjustment of status that were approved by USCIS for aliens who were required to have a sponsor submit an affidavit of support on their behalf over the 6-year period was 438,227. Over the 6-year period, the estimated total population of aliens whose applications were

approved and who were required to submit an affidavit of support from a sponsor ranged from a low of 350,201 in

FY 2020 to a high of 517,349 in FY 2024.

BILLING CODE 9111-97-P

Table VI.6. Total Annual Approvals for Form I-485, Application to Register Permanent Residence or Adjust Status, for Aliens Who Were Required or Not Required to Submit an Affidavit of Support, FY 2019 through FY 2024

Fiscal Year	Total Annual Approvals for Form I-485 for Aliens Who Were Not Required to Submit an Affidavit of Support¹	Total Annual Approvals for Form I-485 for Aliens Who Were Required to Submit an Affidavit of Support²
2019	141,944	439,679
2020	92,563	350,201
2021	90,876	425,090
2022	126,044	432,214
2023	153,932	464,831
2024	269,982	517,349
6-Year Total	875,341	2,629,364
6-Year Average	145,890	438,227

Source: Department of Homeland Security, U.S. Citizenship and Immigration Services, Office of Performance and Quality. CLAIMS3 and ELIS. PAER0018510. PAER0018636. Note(s): This report reflects the most up to date data available at the time the database is queried. Counts may differ from those reported in previous periods due to system updates and post-adjudicative outcomes. The class granted upon approval is subject to adjudication error, some non-LPR codes of admission seem to be granted for Form I-485 approvals in the system; data from the system of record is reported here with the definition found in DHS Matrix/REFDAAS.

Notes:

¹ Total Annual Approvals for Form I-485 for Aliens Who Were Not Required to Submit an Affidavit of Support: Due to data limitations on receipt data, this column is derived from approvals rather than receipts of Form I-485, Application to Register Permanent Residence or Adjust Status. Therefore, this could result in an underestimation in the number of applicants that would not be required to submit an Affidavit of Support.

² Total Annual Approvals for Form I-485 for Aliens Who Were Required to Submit an Affidavit of Support: Approvals (Table VI.3) – Total Approval Population Not Required to Submit Affidavit of Support (Fiscal Year 2019: 439,679=581,623–141,944).

BILLING CODE 9111-97-C

d. Total Denials of Form I-485, Application To Register Permanent Residence or Adjust Status, Including Denials With Public Charge as the Denial Reason

DHS estimates the denial population based on historical data from FY 2020 through FY 2024.¹⁵⁴ Table VI.7 shows the annual receipts, denials (overall), and denials based on public charge grounds for Form I-485 from FY 2020 through FY 2024. Over the 5-year

period, the estimated total population of aliens denied on public charge grounds ranged from a low of 41 in FY 2022 to a high of 95 in FY 2023.

Over the 5-year period, denials on public charge grounds accounted for an average of 0.0958 percent adjustment of status denials. Relative to the entire Form I-485 applicant population, such denials represented only 0.0087 percent. During the effective period of the 2019 Final Rule (October 15, 2019, through March 21, 2021), covering FY 2020 and FY 2021, approximately 88 adjustment of status applications were denied on public charge grounds. Of these, only three denials (later reopened and

approved) and two Notices of Intent to Deny (later rescinded, with applications subsequently approved) were based on the totality of circumstances public charge inadmissibility determination under section 212(a)(4)(A) and (B) of the INA, 8 U.S.C. 1182(a)(4)(A) and (B), as outlined in the 2019 Final Rule. A review of the data under the 2019 Final Rule and the 2022 Final Rule indicated that many denials were due to a missing or insufficient Form I-864, Affidavit of Support, rather than a totality of circumstances analysis, highlighting the rarity of adjustment of status denials on public charge grounds, even during the period of heightened restrictions.

¹⁵⁴ Due to data limitations, the 5-year average is used instead of the 6-year average. No denial data was found for fiscal year 2019.

Table VI.7. Form I-485, Application to Register Permanent Residence and Adjust Status Total Receipts, Total Denials and Denials with Public Charge as the Denial Reason, FY 2020 through FY 2024

Fiscal Year	Total Receipts¹	Total Denials²	Denials on Public Charge Grounds³	Percent of Denials of Public Charge Grounds
2020	577,972	55,094	47	0.0853%
2021	726,690	98,749	70	0.0709%
2022	663,003	54,389	41	0.0754%
2023	812,142	63,921	95	0.1486%
2024	983,241	68,208	73	0.1070%
5-Year Total	3,763,048	340,361	326	0.0958%
5-Year Average	752,610	68,072	65	0.0958%

Source: Department of Homeland Security, U.S. Citizenship and Immigration Services, Office of Performance and Quality. CLAIMS3 and ELIS. PAER0018510. Note(s): This report reflects the most up to date data available at the time the database is queried. Counts may differ from those reported in previous periods due to system updates and post-adjudicative outcomes.

Notes:

¹ The number of applications received during the reporting period.

² The number of applications denied during the reporting period. Applications denied during the reporting period may not have been received in the reporting period.

³ Denials on Public Charge Grounds – An applicant is denied on public charge grounds after a full analysis of the totality of circumstances; however, an applicant can be automatically denied on public charge grounds if the required Form I-864, Affidavit of Support Under Section 213A of the INA is missing or insufficient. A review of the adjustment of status applications that were denied during the time the 2019 and 2022 Final Rules were in effect were a result of a missing or insufficient Form I-864 and not based on the totality of circumstances analysis. Therefore, no aliens were found inadmissible on public charge grounds under the 2019 and the 2022 Final Rules.

4. Cost-Benefit Analysis

DHS expects this proposed rule to produce costs and benefits associated with the procedures for conducting reviews of aliens on the public charge ground of inadmissibility. DHS estimates the potential impacts relative to the no-action baseline. Each section of the cost-benefit analysis lays out the assumptions and estimates used in calculating any costs and benefits of this proposed rule. The no-action baseline represents the current state of the world absent regulatory action. The no-action baseline for this proposed rule includes how DHS applies the public charge ground of inadmissibility consistent with the 2022 Final Rule. For this proposed rule, DHS estimates the no-action baseline according to current operations and requirements and compares the estimated costs and benefits of the provisions set forth in this proposed rule to the baseline.

a. Benefits of the Proposed Regulatory Changes

DHS anticipates this proposed rule will produce benefits but is limited to providing a qualitative analysis. The primary benefit of the proposed rule is the removal of overly-restrictive provisions promulgated in the 2022 Final Rule that hinder officers in making public charge inadmissibility

determinations. By removing rigid regulatory definitions and standards, this proposed rule would ensure that officers will be able to make highly individualized, fact specific, case-by-case public charge inadmissibility decisions based on the totality of each alien's individual circumstances. This approach prevents the application of overly restrictive criteria that unnecessarily limits DHS officers' ability to make public charge inadmissibility determinations.

The removal of overly-restrictive provisions codified in the 2022 Final Rule would allow DHS to more accurately, precisely, and reliably assess public charge inadmissibility, leading to fewer inadmissible aliens entering the United States and, as a result, leading to fewer aliens entering or remaining in the United States who are likely to receive public benefits. DHS is unable to quantify this benefit due to data limitations; however, DHS believes that over time this policy change will result in a quantifiable benefit that reflects a reduction in the number of inadmissible aliens who enter the United States and a reduction in the number of aliens who rely on public benefits programs.

The amendments to the cancellation and breach of public charge bonds also establishes a policy that aligns more closely with the broader policy of the United States that aliens should be self-

sufficient and not reliant on public resources.

b. Transfer Payments and Indirect Impacts of the Regulatory Change

i. Transfer Payments

DHS has analyzed the potential effects of the proposed regulatory changes on transfer payments from Federal, State, Tribal, territorial, and local governments to individuals receiving public benefits. As stated in the preamble, this proposed rule eliminates restrictive criteria from the 2022 Final Rule, such as the definitions of "likely at any time to become a public charge" and "receipt (of public benefits)." This proposed rule also removes the limitations on considering only public cash assistance for income maintenance or long-term institutionalization at government expense when making public charge inadmissibility determinations. While the intent of this proposed rule is to allow DHS to better apply the public charge ground of inadmissibility consistent with congressional intent, as noted above, the elimination of certain definitions may lead to public confusion or misunderstanding of the proposed rule, which could result in decreased participation in public benefit programs by individuals who are not subject to the public charge ground of inadmissibility. Therefore, transfer

payments from Federal and State governments to certain individuals who receive public benefits may decrease.

DHS acknowledges the estimated reduction in transfer payments may have a disproportionately larger impact on the individuals and households discussed in this analysis because they are more likely to be low-income. Low-income households tend to have a higher marginal propensity to consume because they allocate a larger percentage of their income towards essential goods and services to meet basic needs. A reduction in payments to these households could have a negative impact on the economy by their reduced spending. Additionally, these households tend to have a higher marginal utility of consumption because increases in disposable income tend to be allocated toward fulfilling unmet needs, thus leading to a decrease in total welfare.

DHS recognizes that the removal of 8 CFR 212.21 and 212.22, the core elements of the 2022 Final Rule, may cause some aliens to disenroll from or forgo enrollment in public benefit programs beyond those included in the estimates of this analysis. However, due to variations in programs across States and differences in eligibility criteria, DHS cannot quantify the number of individuals affected across all means-tested public benefits programs. For this analysis, DHS will focus on Medicaid, Children's Health Insurance Programs (CHIP), Supplemental Nutrition Assistance Program (SNAP), Temporary Assistance for Needy Families (TANF), Supplemental Security Income (SSI), and Federal Rental Assistance.

The 2019 Final Rule described and analyzed expected indirect effects, particularly among populations that were not subject to the 2019 Final Rule such as U.S.-citizen children in mixed-status households, longtime lawful permanent residents, and aliens in a category exempt from public charge considerations. *See* 84 FR 41292 (Aug. 14, 2019), as amended by 84 FR 52357 (Oct. 2, 2019).¹⁵⁵ With the elimination of the definitions and other core elements of the 2022 Final Rule, individuals both directly and indirectly affected by this proposed rule may have a misunderstanding regarding the scope of the rule and how DHS will apply the public charge ground of inadmissibility. Therefore, DHS assumes similar transfer payments and indirect effects may occur under this proposed rule, as was discussed in the 2019 Final Rule. DHS

estimates that the total annual transfer payments from the Federal Government to public benefits recipients who are members of households that include aliens could potentially be reduced by approximately \$5.29 billion. DHS also estimates that the total annual transfer payments from the State government to public benefits recipients could be reduced by approximately \$3.68 billion.¹⁵⁶ DHS notes that as a formal matter, the estimated reduction in annual transfer payments is a transfer, which is a monetary payment from one group to another that does not affect total resources available to society. In addition, the transfers estimated in this analysis relate predominantly to enrollment decisions made by those who are not subject to the public charge ground of inadmissibility. The consequences of reductions in transfer payments represent significantly broader effects than any disenrollment that would result among people regulated by this proposed rule.

As noted below, DHS is unable to estimate the downstream effects that would result from such decreases. DHS expects that in some cases, a decrease in transfers associated with one program or service would include an increase in transfers associated with other programs or services, such as programs or services delivered by nonprofits or hospitals.

In the 2019 Final Rule, DHS estimated the reduction in transfer payments by multiplying a disenrollment/forgone enrollment rate of 2.5 percent by an estimate of the number of public benefits recipients who are members of households that include aliens (*i.e.*, the population that may disenroll) and then multiplying the estimated population by an estimate of the average annual benefit received per person or household for the covered benefits. The 2022 Final Rule followed this same methodology and used a disenrollment/forgone enrollment rate of 3.1 percent. 87 FR 55472 (Sept. 9, 2022).

In both the 2019 and 2022 Final Rules, DHS estimated the 2.5 percent and 3.1 percent disenrollment/forgone enrollment rate by dividing the annual number of approved aliens who adjusted status annually by the estimated alien population of the United States. 84 FR 41292, 41463 (Aug. 14,

2019), 87 FR 55472 (Sept. 9, 2022). DHS estimated the disenrollment rate as the 5-year average annual number of persons adjusting status as a percentage of the estimated alien population in the United States. The estimate reflects an assumption that 100 percent of such aliens and their household members are either enrolled in or eligible for public benefits and will be sufficiently concerned about the potential consequences of the policies in the prior final rules to disenroll or forgo enrollment in public benefits. Consequently, the resulting transfer estimates would therefore likely tend towards overestimation, particularly regarding the population directly regulated by the 2019 Final Rule. DHS applies this same assumption as a low estimate for this proposed rule.

In the 2019 Final Rule, DHS assumed that the population most likely to disenroll from or forgo enrollment in public benefits programs in any year would be public benefits recipients who were members of households (or, in the case of rental assistance, households as a unit) including aliens, adjusting their immigration status annually. However, this approach may have resulted in an underestimate due to the documented chilling effects of the 2019 Final Rule on other segments of the alien and citizen populations, including those not classified as adjustment applicants, members of households of adjustment applicants, or other aliens outside the adjustment applicant category. Despite this, the methodology remained consistent in the 2022 Final Rule, and DHS assumes the same underestimation applies to this proposed rule. For the low estimate, DHS uses the same methodology, but with updated data, to estimate that the low rate of disenrollment or forgone enrollment due to the proposed rule would be 3.3 percent.^{157 158}

¹⁵⁷ Calculation, based on 6-year averages over the period fiscal year 2019–2024: (727,192 receipts for I–485, adjustments of status/21,975,173 estimated alien population) × 100 = 3.3 percent (rounded). U.S. Census Bureau American Database, “S0501: Selected Characteristics of the Native and Foreign-born Populations 2023: American Community Survey (ACS) 5-year Estimates.” Available at <https://data.census.gov/cedsci> (last visited July 22, 2025).

¹⁵⁸ In the 2019 Final Rule, the rate of disenrollment or forgone enrollment was calculated using number of I–485 approvals rather than receipts. For this analysis DHS elected to use I–485 receipts because the public charge inadmissibility ground is applied to all those who file the application for adjustment of status not just those who are approved.

¹⁵⁵ These similar transfer payments and indirect effects were also discussed in the Regulatory Alternative section of the 2022 Final Rule.

¹⁵⁶ Total annual Federal and State reduction in transfer payment = (Estimated Reduction in Transfer Payments Based on the Federal Government from Table V.11)/(average FMAP across all States and U.S. territories) = \$5,289,478,897/0.59 = \$8.97 billion (rounded). The State portion of reduction in transfer payments is Total annual Federal and State reduction in transfer payment minus the Federal portion. Calculation: \$8.97 billion (rounded) – \$5.29 billion (rounded) = \$3,675,739,572.

Studies conducted between 2016 and 2020 have shown reductions in enrollment due to a “chilling effect,” ranging from 4.1 percent to 48 percent.^{159 160} The largest disenrollment occurred between 2018 and 2019,¹⁶¹ coinciding with the publication and implementation of the 2019 Final Rule. Since the publication of the 2022 Final Rule, studies have highlighted the broad chilling effect public charge policy changes have had on enrollment rates across public benefit programs, including Medicaid, SNAP, TANF, and housing assistance. The KFF Kaiser Family Research (2022) found that the 2019 Final Rule, along with other immigration policy changes, heightened fears among immigrant families about participating in programs and seeking services, such as health coverage and care.¹⁶² These fears led to significant disenrollment, with an estimated 2.0 to 4.7 million alien Medicaid and CHIP enrollees opting out (disenrollment rates of 15 percent to 35 percent). Many families reported confusion about the 2022 rule changes or concerns about future changes to the public charge rule, prompting them to forgo services.¹⁶³ In an updated 2025 study, KFF Kaiser Family Research found that fears persisted, with 27 percent of likely illegal alien adults and 8 percent of lawfully present immigrant adults avoiding food, housing, or health care assistance due to immigration-related concerns.¹⁶⁴

Similarly, the Urban Institute (2022) reported that many adults in immigrant families avoided applying for safety net programs because of immigration-related fears.¹⁶⁵ In 2021, 20.6 percent

avoided noncash programs due to concerns about green card eligibility, 16.3 percent due to worries about immigration status or enforcement, 13.8 percent due to uncertainty about eligibility, and 11.3 percent because they were asked to provide proof of citizenship or immigration status. An updated 2023 study found that 13 percent of adults in immigrant families avoided noncash government benefits like Medicaid, SNAP, or housing subsidies in 2022 due to green card concerns.^{166 167} Adults in mixed-status families (25 percent) were more likely to report chilling effects than those in green card and citizen families (13 percent) or all-citizen families (7 percent).¹⁶⁸ Given the range of disenrollment estimates observed, DHS assumes an average disenrollment rate of 17.3 percent. This average is derived from studies conducted between 2022 and 2025 (as discussed above).¹⁶⁹

Due to the uncertainty of the rate of disenrollment or forgone enrollment in public benefits programs related to the prior 2019 and 2022 Final Rules, DHS uses a range of rates to estimate the change in Federal Government transfer payments that would be associated with this proposed rule. For estimating the lower bound of the range, DHS uses a 3.3 percent rate of disenrollment or forgone enrollment in public benefits programs based on the estimation methodology from the 2019 and the 2022 Final Rule (as discussed above).

DHS bases the upper bound of the range on the results of studies that were discussed earlier in the economic analysis, which provided an average of 17.3 percent rate of disenrollment or forgone enrollment in public benefits programs. As with the lower estimate discussed above, DHS acknowledges that this upper estimate could be an

underestimate or an overestimate. The upper bound estimate of 17.3 percent may result in an underestimate because many of the studies reviewed did not include SSI and TANF or focused less on these programs. Conversely, this estimate may result in an overestimate due to variations in the populations studied, which led to higher reported percentages and observed populations that are not the intended focus of this analysis. Additionally, differences in methodologies, such as data collection, inclusion or exclusion criteria, and analysis, across studies may have introduced observed changes that would not appear in a true longitudinal study with consistent methods.

DHS uses 10.3 percent as the primary estimate in order to estimate the annual reduction in Federal Government transfer payments associated with this proposed rule, which is the midpoint between the lower estimate (3.3 percent) and the upper estimate (17.3 percent) of disenrollment or forgone enrollment in public benefits programs. DHS chooses to provide a range due to the difficulty in estimating the effect on various populations. DHS welcomes public comments on the estimation of the disenrollment or forgone enrollment rate used in this analysis.

Using the primary estimate rate of disenrollment or forgone enrollment in public benefits programs of 10.3 percent, DHS estimates that the total annual reduction in transfer payments from the Federal Government to individuals who may choose to disenroll from or forgo enrollment in public benefits programs. Based on the data presented below, DHS estimates that the total annual reduction in transfer payments paid by the Federal Government to individuals who may choose to disenroll from or forgo enrollment in public benefits programs could be approximately \$5.29 billion for an estimated 950,124 individuals and 35,294 households across the public benefits programs examined.

To estimate the reduction in transfer payments under this proposed rule, DHS must multiply the estimated disenrollment/forgone enrollment rate of 10.3 percent by: (1) the population of analysis (*i.e.*, those who may disenroll from or forgo enrollment in Medicaid, CHIP, SNAP, TANF, SSI, and Federal Rental Assistance);¹⁷⁰ and (2) the value of the forgone benefits.

¹⁷⁰ DHS recognizes that the rule would create a similar disincentive to receive TANF and SSI by certain aliens, and the fact that these benefits have been considered in public charge inadmissibility determinations since 1999. Note that the Medicaid enrollment does include not child enrollment, as

¹⁵⁹ Randy Capps, et al., “Anticipated ‘Chilling Effects’ of the public-charge rule are real: Census data reflect steep decline in benefits use by immigrant families,” Migration Policy Institute (Dec. 2020), <https://www.migrationpolicy.org/news/anticipated-chilling-effects-public-charge-rule-are-real> (Capps et al. (2020)).

¹⁶⁰ Hamutal Bernstein, et al., “Immigrant Families Continued Avoiding the Safety Net during the COVID-19 Crisis,” Urban Institute (Feb. 1, 2021), <https://www.urban.org/research/publication/immigrant-families-continued-avoiding-safety-net-during-covid-19-crisis> (Bernstein et al. (2021)).

¹⁶¹ Capps et al. (2020).

¹⁶² Drishti Pillai, Samantha Artiga, “2022 Changes to the Public Charge Inadmissibility Rule and the Implications for Health Care,” Kaiser Family Foundation (KFF) (May 5, 2022), <https://www.kff.org/racial-equity-and-health-policy/2022-changes-to-the-public-charge-inadmissibility-rule-and-the-implications-for-health-care/> (Pillai et al. (2022)).

¹⁶³ Kaiser Family Foundation (KFF), “Key Facts on Health Coverage of Immigrants” (Jan. 15, 2025), <https://www.kff.org/racial-equity-and-health-policy/key-facts-on-health-coverage-of-immigrants/> (KFF 2025).

¹⁶⁴ KFF 2025.

¹⁶⁵ Hamutal Bernstein, Dulce Gonzalez, Paola Echave, and Diane Guelespe, “Immigrant Families

Faced Multiple Barriers to Safety Net Programs in 2021,” Urban Institute (Nov. 10, 2022), <https://www.urban.org/research/publication/immigrant-families-faced-multiple-barriers-safety-net-programs-2021> (Bernstein, Gonzalez et al. (2022)).

¹⁶⁶ Dulce Gonzalez, Jennifer Haley, and Genevieve Kenney, “One in Six Adults in Immigrant Families with Children Avoided Public Programs in 2022 Because of Green Card Concerns,” Urban Institute (Nov. 30, 2023), <https://www.urban.org/research/publication/one-six-adults-immigrant-families-children-avoided-public-programs-2022> (Gonzalez et al. (2023)).

¹⁶⁷ Dulce Gonzalez and Hamutal Bernstein, “One in Four Adults in Mixed-Status Families Did Not Participate in Safety Net Programs in 2022 Because of Green Card Concerns,” Urban Institute (Aug. 17, 2023), <https://www.urban.org/research/publication/one-four-adults-mixed-status-families-did-not-participate-safety-net-programs> (Gonzalez, Bernstein et al. (2023)).

¹⁶⁸ Gonzalez, Bernstein et al. (2023).

¹⁶⁹ Pillai et al. (2022); KFF (2025); Bernstein, Gonzalez et al. (2022); Gonzalez et al. (2023); and Gonzalez, Bernstein et al. (2023).

Table VI.8 shows the estimated population of public benefits recipients who are members of households that include aliens. DHS assumes that this is the population of individuals who may disenroll from or forgo enrollment in public benefits under this proposed rule. The table also shows estimates of the number of households with at least one alien family member that may have received public benefits.^{171 172} Based on the number of households with at least one alien family member, DHS estimates the number of public benefits recipients who are members of households that include at least one alien who may have received benefits using the U.S. Census

previously done in the 2019 Final Rule and the 2022 Final Rule.

¹⁷¹ See U.S. Census Bureau, “American Community Survey 2023 Subject Definitions,” https://www2.census.gov/programs-surveys/acs/tech_docs/subject_definitions/2023_ACSSubjectDefinitions.pdf (last visited Aug. 19, 2025). The foreign-born population includes anyone who was not a U.S. citizen or a U.S. national at birth, which includes respondents who indicated they were a U.S. citizen by naturalization or not a U.S. citizen. The ACS questionnaires do not ask about immigration status but uses responses to determine the U.S. citizen and non-U.S.-citizen populations as well as to determine the native and foreign-born populations. The population surveyed includes all people who indicated that the United States was their usual place of residence on the survey date. The foreign-born population includes naturalized U.S. citizens, lawful permanent residents, aliens with a nonimmigrant status (e.g., foreign students), aliens with a humanitarian status (e.g., refugees), and aliens present without a lawful immigration status.

¹⁷² To estimate the number of households with at least one alien family member that have received public benefits, DHS calculated the overall percentage of total U.S. households that are aliens as 6.61 percent. Calculation: $[21,975,173 \text{ (Foreign-born noncitizens)} / 332,387,540 \text{ (Total U.S. population)}] \times 100 = 6.61 \text{ percent}$. See U.S. Census Bureau, “S0501: Selected Characteristics of the Native and Foreign-born Populations 2023: American Community Survey (ACS) 5-year Estimates,” <https://data.census.gov/cedsci> (last visited July 22, 2025).

Bureau’s estimated average household size for foreign-born households.^{173 174}

In order to estimate the population of public benefits recipients who are members of households that include at least one alien, DHS uses a 6-year average of public benefit recipients’ data from FY 2019 through FY 2024 to remain consistent with the averages that were used earlier in the economic analysis.

Consistent with the approach DHS took in the 2019 and 2022 Final Rules, DHS’s methodology was as follows. First, for most of the public benefits programs analyzed, DHS estimated the number of households with at least one person receiving such benefits by dividing the number of people that received public benefits by the U.S. Census Bureau’s estimated average household size of 2.54 for the U.S. total population.^{175 176} Second, DHS

¹⁷³ See U.S. Census Bureau, “S0501: Selected Characteristics of the Native and Foreign-born Populations 2023: American Community Survey (ACS) 5-year Estimates,” <https://data.census.gov/cedsci> (last visited July 22, 2025). The average foreign-born household size is reported as 3.12 persons. DHS multiplied this figure by the estimated number of benefits-receiving households with at least one foreign-born alien receiving benefits to estimate the population living in benefits-receiving households that include an alien.

¹⁷⁴ In this analysis, DHS uses the American Community Survey (ACS) to develop population estimates along with beneficiary data from each of the benefits program. DHS notes that the ACS data were used for the purposes of this analysis because it provided a cross-sectional survey based on a random sample of the population each year including current immigration classifications. Both surveys reflect use by aliens of the public benefits included in this analysis.

¹⁷⁵ U.S. Census Bureau, “S0501: Selected Characteristics of the Native and Foreign-born Populations 2023: American Community Survey (ACS) 5-year Estimates,” <https://data.census.gov/cedsci> (last visited July 22, 2025).

¹⁷⁶ DHS uses the average household size from the “2023: ACS 5-Year Estimates Subject Tables” because data for the year 2024 was not available. DHS also opted to use the 5-year estimates over the average of the “ACS 1-Year Estimates Subject Tables” for the years 2019 through 2024 because the

estimated the number of such households with at least one alien resident. According to the U.S. Census Bureau population estimates, the alien population is 6.61 percent of the U.S. total population.¹⁷⁷ While there may be some variation in the percentage of aliens who receive public benefits, including depending on which public benefits program one considers, DHS assumes in this economic analysis that the percentage holds across the populations of the various public benefits programs. Therefore, to estimate the number of households with at least one alien who receives public benefits, DHS multiplies the estimated number of households for each public benefits program by 6.61 percent. This step may introduce uncertainty into the estimate because the percentage of households with at least one alien may differ from the percentage of aliens in the population. However, if aliens tend to be grouped together in households, then an overestimation of households that include at least one alien is more likely.

DHS then estimates the number of aliens who received benefits by multiplying the estimated number of households with at least one alien who receives public benefits by the U.S. Census Bureau’s estimated average household size of 3.12 for those who are foreign-born.¹⁷⁸

BILLING CODE 9111–97–P

1-year estimates were not available for 2020 and 2024.

¹⁷⁷ See U.S. Census Bureau, “S0501: Selected Characteristics of the Native and Foreign-born Populations 2023: American Community Survey (ACS) 5-year Estimates,” <https://data.census.gov/cedsci> (last visited July 22, 2025). Calculation: $[21,975,173 \text{ (Foreign-born noncitizens)} / 332,387,540 \text{ (Total U.S. population)}] \times 100 = 6.61 \text{ percent}$.

¹⁷⁸ See U.S. Census Bureau, “S0501: Selected Characteristics of the Native and Foreign-born Populations 2023: American Community Survey (ACS) 5-year Estimates,” <https://data.census.gov/cedsci> (last visited July 22, 2025).

Table VI.8. Estimated Population of Public Benefits Recipients Who Are Members of Households that Include at Least One Alien, FY 2019 through FY 2024

Public Benefits Program	Average Annual Total Number of Recipients¹	Households that May Be Receiving Benefits²	Benefits-Receiving Households with at Least One Alien³	Public Benefits Recipients Who Are Members of Households Including at Least One Alien⁴
Medicaid⁵	43,567,731	17,152,650	1,133,790	3,537,425
Children's Health Insurance Programs (CHIP)⁶	7,031,490	2,768,303	182,985	570,913
Supplemental Nutrition Assistance Program (SNAP)⁷	<i>N/A</i>	21,047,959	1,391,270	4,340,762
Temporary Assistance for Needy Families (TANF)⁸	1,973,219	776,858	51,350	160,212
Supplemental Security Income (SSI)⁹	7,687,324	3,026,506	200,052	624,162
Federal Rental Assistance¹⁰	<i>N/A</i>	5,189,000	342,993	<i>N/A</i>
Sources and Notes: USCIS analysis of data provided by the Federal agencies that administer each of the listed public benefits programs or research organizations. ¹ Figures for the average annual total number of recipients are based on 6-year averages, whenever possible, for the most recent 6-year period for which data are available (2019-2024). ² DHS estimated the number of households by dividing the number of people that received public benefits by the U.S. Census Bureau's estimated average household size of 2.54 for the U.S. total population. <i>See</i> U.S. Census Bureau, "S0501: Selected Characteristics of the Native and Foreign-born Populations 2023: American Community Survey (ACS) 5-year Estimates," https://data.census.gov/cedsci (last visited July 22, 2025). Note that Department of Housing and Urban Development (HUD) Rental Assistance and HUD Housing Choice Vouchers programs report data on the household level. Therefore, DHS did not use this calculation to estimate the average household size and instead used the data as reported. ³ To estimate the number of benefits-receiving households with at least one alien, DHS multiplied the estimated number of households receiving benefits in the United States by 6.61 percent, which is the foreign-born noncitizen population as a percentage of the U.S. total population using U.S. Census Bureau population estimates. <i>See Id.</i> ⁴ To estimate the population of public benefits recipients who are members of households that include aliens, DHS multiplied the estimated number of benefits-receiving households with at least one alien by the average household size of 3.12 for those who are foreign-born using the U.S. Census Bureau's estimate. <i>See Id.</i> ⁵ Medicaid - <i>See</i> HHS, CMS, "Monthly Medicaid & CHIP Application, Eligibility Determination, and Enrollment Reports & Data," https://www.medicaid.gov/medicaid/national-medicaid-chip-program-information/medicaid-chip-enrollment-data/monthly-medicaid-chip-application-eligibility-determination-and-enrollment-reports-data (last visited Aug. 1, 2025). Note that each annual total was calculated by averaging the monthly enrollment population over each year. The numbers that were used for the average can be found in the Data.Medicaid.gov interactive database. DHS used "Total Medicaid and CHIP Enrollment" subtracted by the "Medicaid and CHIP Child Enrollment" for its estimates. Per enrollee Medicaid costs vary by eligibility group and State. Also, note that the 2019 Final Rule and the 2022 Final Rule also did not include child enrollment within the estimates. ⁶ CHIP - <i>See</i> HHS, CMS, "Monthly Medicaid & CHIP Application, Eligibility Determination, and Enrollment Reports & Data," https://www.medicaid.gov/medicaid/national-medicaid-chip-program-information/medicaid-chip-enrollment-data/monthly-medicaid-chip-application-eligibility-determination-and-enrollment-reports-data (last visited Aug. 1, 2025). Note that each annual total was calculated by averaging the monthly enrollment population over each year. The numbers that were used for the average can be found in the Data.Medicaid.gov interactive database. DHS used "Total CHIP Enrollment" for its estimates. Per enrollee costs vary by eligibility group and State. ⁷ SNAP - <i>See</i> U.S. Department of Agriculture, Food and Nutrition Service, Supplemental Nutrition Assistance Program, "National and/or State Level Monthly and/or Annual Data: Persons, Households, Benefits, and Average Monthly Benefit per Person & Household," "FY69 through FY25," https://www.fns.usda.gov/pd/supplemental-nutrition-assistance-program-snap (last visited July 23, 2025). The number of households receiving SNAP benefits in this table is not calculated using average U.S. household size. Rather, it is 6-year average (FY2019-FY2024) of the number of households as reported by the U.S. Department of Agriculture from the website listed in this footnote.				

⁸ TANF – See HHS, Office of Family Assistance, “TANF Caseload Data,” <https://acf.gov/ofa/data/tanf-caseload-data-2019>; <https://acf.gov/ofa/data/tanf-caseload-data-2020>; <https://acf.gov/ofa/data/tanf-caseload-data-2021>; <https://acf.gov/ofa/data/tanf-caseload-data-2022>; <https://acf.gov/ofa/data/tanf-caseload-data-2023>; <https://acf.gov/ofa/data/tanf-caseload-data-2024> (last visited July 22, 2025).

⁹ SSI – See Social Security Administration, Office of Research, Statistics & Policy Analysis, “SSI Recipients by State and County,” Table 1, “Number of recipients by state or other area, eligibility category, age, and receipt of OASDI benefits,” https://www.ssa.gov/policy/docs/statcomps/ssi_sc/2019/index.html; https://www.ssa.gov/policy/docs/statcomps/ssi_sc/2020/index.html; https://www.ssa.gov/policy/docs/statcomps/ssi_sc/2021/index.html; https://www.ssa.gov/policy/docs/statcomps/ssi_sc/2022/index.html; https://www.ssa.gov/policy/docs/statcomps/ssi_sc/2023/index.html (last visited July 21, 2025).

¹⁰ HUD Federal Rental Assistance – Data on annual total recipient households: See Center on Budget and Policy Priorities, “National and State Housing Fact Sheets & Data,” “Federal Rental Assistance, ‘Download the Data,’” <https://www.cbpp.org/research/housing/national-and-state-housing-fact-sheets-data> (last updated Jan. 23, 2025). Note that “Federal Rental Assistance” includes HUD Section 8 Project-based Rental Assistance, HUD Section 8 Housing Choice Vouchers, HUD Public Housing, HUD Section 202/811, and USDA Section 521.

In order to estimate the economic impact of disenrollment or forgone enrollment from public benefits programs, it is necessary to estimate the typical annual public benefits a person receives for each public benefits program included in this economic analysis. DHS estimated the average annual benefit received per person for each public benefit program in Table VI.9. For each benefit, except for

Medicaid, the average benefit per person is calculated for each public benefit program by dividing the average annual program payments for one public benefit by the average annual total number of recipients.¹⁷⁹ For Medicaid,

¹⁷⁹ DHS notes that the amounts presented may not account for overhead costs associated with administering each of these public benefits programs. The costs presented are based on

DHS uses Centers for Medicare & Medicaid Services’ (CMS) median per capita expenditure estimate across all States for calendar year 2022, which is the most recent year of data available. To the extent that data are available, these estimates are based on 6-year annual averages between FY 2019 and FY 2024.

amounts recipients have received in benefits as reported by benefits-granting agencies.

Table VI.9. Estimated Annual Benefit per Person, by Public Benefit Program, FY 2019 through FY 2024			
Public Benefits Program	Average Annual Total Number of Recipients (or Households)	Average Annual Public Benefits Payments	Annual Benefit per Person or Household¹
Medicaid²	<i>N/A</i>	<i>N/A</i>	\$9,108
Children's Health Insurance Programs (CHIP)³	7,031,490	\$13,927,087,166	\$1,981
Supplemental Nutrition Assistance Program (SNAP)⁴	40,372,412	\$92,067,075,978	\$2,280
Temporary Assistance for Needy Families (TANF)⁵	1,973,219	\$3,309,393,484	\$1,677
Supplemental Security Income (SSI)⁶	7,687,324	\$57,683,500,000	\$7,504
Federal Rental Assistance⁷	5,189,000	\$48,488,000,000	\$9,344
Sources and Notes: USCIS analysis of data provided by the Federal agencies that administer each of the listed public benefits programs or research organizations. Note that figures for the average annual total number of recipients and the annual total public benefits payments are based on 6-year averages, whenever possible, for the most recent 6-year period for which data are available (2019-2024). Note that DHS acknowledges that there could be overlap among participants in the listed public benefit programs. ¹ Calculation: Average Annual Benefit per Person = (Average Annual Public Benefits Payments) / (Average Annual Total Number of Recipients). Note: Calculations may not be exact due to rounding. ² Medicaid – See HHS, CMS, “Expenditure Reports From MBES/CBES,” https://www.medicaid.gov/state-overviews/scorecard/main?pillar=4&keywords=%5B%2244%22%5D, (last visited July 21, 2025). See “Medicaid Per Capita Expenditures, CY 2022.” Note that per enrollee Medicaid costs vary by eligibility group and State. Also note that is data was only available for Calendar Year 2022 versus a Fiscal Year. ³ CHIP – See HHS, CMS, “Expenditure Reports From MBES/CBES,” https://www.medicaid.gov/state-overviews/scorecard/main?pillar=4&keywords=%5B%2244%22%5D, (last visited July 21, 2025). ⁴ SNAP – See U.S. Department of Agriculture, Food and Nutrition Service, Supplemental Nutrition Assistance Program, “National and/or State Level Monthly and/or Annual Data: Persons, Households, Benefits, and Average Monthly Benefit per Person & Household,” “FY69 through FY25,” https://www.fns.usda.gov/pd/supplemental-nutrition-assistance-program-snap (last visited July 23, 2025). ⁵ TANF – Data on annual program expenditure on public benefits: See HHS, Office of Family Assistance. “TANF Financial Data,” Table A.1, “Federal TANF and State MOE Expenditures Summary by ACF-196 Spending Category, Federal Funds for Basic Assistance,” https://acf.gov/ofa/data/tanf-financial-data-fy-2023 (last visited July 21, 2025). ⁶ SSI – See U.S. Social Security Administration, Office of Research, Statistics & Policy Analysis, “Annual Report of the Supplemental Security Income Program, 2024,” Table IV.C1, “SSI Federal Payments in Current Dollars, Fiscal Years” (p. 52), https://www.ssa.gov/OACT/ssir/SSI24/ssi2024.pdf (last visited July 22, 2025). ⁷ HUD Federal Rental Assistance – Data on annual total recipient households: See Center on Budget and Policy Priorities “National and State Housing Fact Sheets & Data,” “Federal Rental Assistance, ‘Download the Data,’” https://www.cbpp.org/research/housing/national-and-state-housing-fact-sheets-data (last updated Jan. 23, 2025).			

As discussed earlier, using the midpoint reduction rate of 10.3 percent, Table VI.10 shows the estimated

population that may disenroll or forgo enrollment in a federally funded public

benefits program under this proposed rule.

Table VI.10. Estimated Population of Members of Households Including Aliens Expected to Disenroll or Forgo Enrollment in a Public Benefits Program				
Public Benefits Program	Public Benefits Recipients Who Are Members of Households Including at Least One Alien¹	Benefits-Receiving Households with At Least One Alien¹	Members of Benefits-Receiving Households Including Aliens Based On A 10.3% Rate of Disenrollment or Forgone Enrollment²	Benefits-Receiving Households with At Least One Alien Based On A 10.3% Rate of Disenrollment or Forgone Enrollment³
Medicaid	3,537,425		364,001	
Children's Health Insurance Programs (CHIP)	570,913		58,747	
Supplemental Nutrition Assistance Program (SNAP)	4,340,762		446,664	
Temporary Assistance for Needy Families (TANF)	160,212		16,486	
Supplemental Security Income (SSI)	624,162		64,226	
Federal Rental Assistance	N/A	342,993	N/A	35,294
Totals	9,233,474	342,993	950,124	35,294
Source: USCIS analysis. Notes: ¹ See Table VI.9. ² To estimate the population that could choose to disenroll/forgo enrollment, DHS multiplied the population of public benefits recipients who are members of benefits-receiving households including aliens by 10.3 percent (the midpoint reduction rate). Note that 950,124 total does not include individuals who may have disenrolled from the HUD Federal Rental Assistance. The 35,294 total reports the number of households who may have disenrolled from the HUD Federal Rental Assistance, but the number of individuals affected by the disenrollment from HUD Federal Rental Assistance may be greater than 35,294 because there is more than one member per household. ³ To estimate the population that could choose to disenroll/forgo enrollment, DHS multiplied the number of households with at least one alien by 10.3 percent (the midpoint reduction rate).				

BILLING CODE 9111-97-C

Table VI.11 shows the estimated population that would be likely to disenroll from or forgo enrollment in federally funded public benefits programs due to this proposed rule's indirect chilling effect. The table also presents the previously estimated average annual benefit per person who received benefits for each of the public benefits programs.¹⁸⁰ Multiplying the

¹⁸⁰ As previously noted, the average annual benefits per person amounts presented may not account for overhead costs associated with administering each of these public benefits programs since they are based on amounts

estimated population that would be likely to disenroll from or forgo enrollment in public benefit programs due to this proposed rule by the average annual benefit per person who received benefits for each of the public benefit programs, DHS estimates that the total annual reduction in transfer payments paid by the Federal Government to individuals who may choose to disenroll from or forgo enrollment in

recipients have received in benefits as reported by benefits-granting agencies. Therefore, the costs presented may underestimate the total amount of transfer payments to the Federal Government.

public benefits programs would be approximately \$5.29 billion for an estimated 950,124 individuals and 35,294 households across the public benefits programs examined. As these estimates reflect only Federal financial participation in programs whose costs are shared by U.S. States, there may also be additional reductions in transfer payments from U.S. States to individuals who may choose to disenroll from or forgo enrollment in a public benefits program.

Since the Federal share of Federal Financial Participation (FFP) varies by State, DHS uses an average Federal

Medical Assistance Percentage (FMAP) of 59 percent across all States and U.S. territories to estimate a combined reduction in transfer payments for Medicaid and CHIP (*See* 87 FR 74429 (Dec. 5, 2022)).¹⁸¹ DHS acknowledges that the average FMAP percentage of 59 in recent fiscal years is lower than the percentage provided to States and U.S. territories due to enhanced federal medical assistance under the Affordable Care Act's Medicaid expansion and the additional increases from the Families First Coronavirus Relief Act, which ended in 2023. This may result in an underestimate. However, DHS deems it reasonable to use an average of the FMAP to estimate the total annual transfer payments from State governments to public benefits recipients. Table VI.11 shows that Federal annual transfer payments for Medicaid and CHIP would be reduced by about \$3.43 billion under this proposed rule.¹⁸² From this amount and

the average FMAP 59 percent, DHS calculates the total reduction in transfer payments from Federal and State governments to individuals to be about \$5.82 billion.¹⁸³ From that total amount, DHS estimates State annual transfer payments would be reduced by approximately \$2.38 billion due to the disenrollment or forgone enrollment of aliens and their households from Medicaid and CHIP.¹⁸⁴

For this analysis, DHS conservatively assumes that the Federal Government pays 100 percent of benefits values for SNAP, TANF¹⁸⁵ and Federal Rental Assistance (see Table VI.9 and Table VI.10). Therefore, Table VI.11 shows the Federal share of annual transfer

Transfer Payments Based on a 10.3% Rate of Disenrollment or Forgone Enrollment for CHIP) = \$3,315,321,108 + \$116,377,807 = \$3,431,698,915.

¹⁸³ Total annual Federal and State reduction in transfer payment for Medicaid and CHIP = (Estimated Reduction in Transfer Payments Based on a 10.3% Rate of Disenrollment or Forgone Enrollment for Medicaid and CHIP from Table V.11)/(average FMAP across all States and U.S. territories) = \$3,431,698,915/0.59 = \$5.82 billion (rounded).

¹⁸⁴ State annual reduction in transfer payment for Medicaid and CHIP = Total annual Federal and State reduction in transfer payment for Medicaid and CHIP – Federal annual reduction in transfer payment for Medicaid = \$5.82 billion – \$3.43 billion = \$2.38 billion (rounded).

¹⁸⁵ DHS recognizes that to receive federal funds for TANF, states must spend a minimum amount of their own funds, known as maintenance of effort. DHS also recognizes that conservatively assuming that the Federal Government pays 100 percent of the TANF benefits could result in an overestimation of the Federal Share for TANF.

payments would be about \$1.38 billion for SNAP, TANF, and Federal Rental Assistance.¹⁸⁶ For SSI, the maximum Federal benefit changes yearly. Effective January 1, 2025, the maximum Federal benefit was \$967 monthly for an individual and \$1,450 monthly for a couple.¹⁸⁷ Some States supplement the Federal SSI benefit with additional payments, which make the total SSI benefit levels higher in those States.¹⁸⁸ Moreover, the estimates of expenditures for Federal Rental Assistance relate to purely Federal funds, although housing programs are administered by State and local public housing authorities, which may supplement program funding. However, DHS is unable to quantify the State portion of the transfer payment due to a lack of data related to State-level administration of these public benefit programs. DHS welcomes public comments on data related to the State contributions and share of costs of these public benefit programs.

BILLING CODE 9111-97-P

¹⁸⁶ From Table V.11, transfer payment reduction for SNAP is \$1,018,393,920, for TANF is \$27,647,022, and for Federal Rental Assistance is \$329,787,136. Calculation of the sum: \$1,375,828,078.

¹⁸⁷ See Social Security Administration, "How much you could get from SSI," <https://www.ssa.gov/ssi/amount> (last visited July 22, 2025).

¹⁸⁸ See Social Security Administration, "Annual Statistical Supplement, 2024," "Supplemental Security Income Program Description and Legislative History," <https://www.ssa.gov/policy/docs/statcomps/supplement/2024/ssi.html> (last visited July 22, 2025).

¹⁸¹ DHS acknowledges that Federal Financial Participation (FFP) varies by States for CHIP, and the share is determined by the Enhanced Federal Medical Assistance Percentage (eFMAP), which uses a higher average rate of 71 percent. However, CHIP expenditures are significantly lower than Medicaid expenditures. For example, in FY 2023, CHIP accounted for less than 3 percent of Medicaid spending. Therefore, DHS finds it reasonable to use the FMAP percentage of 59 for both Medicaid and CHIP.

¹⁸² Total annual Federal and State reduction in transfer payment for Medicaid and CHIP = (Estimated Reduction in Transfer Payments Based on a 10.3% Rate of Disenrollment or Forgone Enrollment for Medicaid) + (Estimated Reduction in

Table VI.11. Total Estimated Reduction in Transfer Payments Paid by the Federal Government Due to Disenrollment or Forgone Enrollment in Public Benefits Programs				
Public Benefits Program	Public Benefits Recipients Who Are Members of Households Including Aliens Based On A 10.3% Rate of Disenrollment or Forgone Enrollment	Households Receiving Benefits with At Least One Alien Based On A 10.3% Rate of Disenrollment or Forgone Enrollment	Average Annual Benefit per Person or Household	Estimated Reduction in Transfer Payments Based On A 10.3% Rate of Disenrollment or Forgone Enrollment
Medicaid¹	364,001		\$9,108	\$3,315,321,108
Children's Health Insurance Programs (CHIP)	58,747		\$1,981	\$116,377,807
Supplemental Nutrition Assistance Program (SNAP)	446,664		\$2,280	\$1,018,393,920
Temporary Assistance for Needy Families (TANF)	16,486		\$1,677	\$27,647,022
Supplemental Security Income (SSI)	64,226		\$7,504	\$481,951,904
Federal Rental Assistance	N/A	35,294	\$9,344	\$329,787,136
Totals	950,124	35,294	N/A	\$5,289,478,897
Source: USCIS analysis.				
Notes: Calculations may not be exact due to rounding. ¹ Neither HHS nor DHS are able to disaggregate emergency and non-emergency Medicaid expenditures. Therefore, this proposed rule considers overall Medicaid expenditures. Note that per enrollee Medicaid costs vary by eligibility group and State.				

As shown in Table VI.12, applying the same calculations using the low estimate of 3.3 percent, DHS estimates that the total annual reduction in transfer payments paid by the Federal Government to individuals who may choose to disenroll from or forgo enrollment in public benefits programs

would be approximately \$1.70 billion for an estimated 305,549 individuals and 11,350 households across the public benefits programs examined. For the high estimate of 17.3 percent DHS estimates that the total annual reduction in transfer payments paid by the Federal Government to individuals who may

choose to disenroll from or forgo enrollment in public benefits programs would be approximately \$8.88 billion for an estimated 1,594,622 individuals and 59,235 households across the public benefits programs examined.

Table VI.12. Comparison of the High, Low, and Primary Total Estimated Reduction in Transfer Payments Paid by the Federal Government Due to Disenrollment or Forgone Enrollment in Public Benefits Programs			
Public Benefits Program	Estimated Annual Reduction in Transfer Payments Based on a 3.3% Rate of Disenrollment or Forgone Enrollment	Estimated Annual Reduction in Transfer Payments Based on a 10.3% Rate of Disenrollment or Forgone Enrollment	Estimated Annual Reduction in Transfer Payments Based on a 17.3% Rate of Disenrollment or Forgone Enrollment
Medicaid	\$1,066,173,372	\$3,315,321,108	\$5,564,195,604
Children's Health Insurance Programs (CHIP)	\$37,425,052	\$116,377,807	\$195,320,657
Supplemental Nutrition Assistance Program (SNAP)	\$327,503,760	\$1,018,393,920	\$1,709,202,000
Temporary Assistance for Needy Families (TANF)	\$8,891,454	\$27,647,022	\$46,400,913
Supplemental Security Income (SSI)	\$154,987,616	\$481,951,904	\$808,878,672
Federal Rental Assistance	\$106,054,400	\$329,787,136	\$553,491,840
Totals	\$1,701,035,654	\$5,289,478,897	\$8,877,489,686
Source: USCIS analysis.			
Note: Calculations may not be exact due to rounding.			

BILLING CODE 9111-97-C

DHS acknowledges prior studies that examines disenrollment or forgone enrollment due to public charge regulatory effects, which reported higher disenrollment rates. Particularly the 2019 Final Rule referenced studies on the impact of PRWORA in 1996 that observed a reduction in enrollment from 21 to 54 percent, though it stated that it is unclear how many individuals would actually disenroll from or forgo enrollment in public benefits programs due to the 2019 Final Rule. While DHS recognizes this, DHS does not believe disenrollment or forgone enrollment will reach levels as high as 54 percent, as such percentages were not observed following the implementation of either the 2019 or 2022 Final Rules.

Finally, DHS recognizes that the estimated reductions in transfer payments are approximations and could be influenced by external factors unrelated to this proposed rule. For example, the recent enrollment changes to Medicaid and SNAP implemented in the H.R. 1 Reconciliation Bill are expected to impact enrollment rates, adding complexity to quantification

efforts.¹⁸⁹ DHS anticipates that disenrollment or forgone enrollment rates may fluctuate independently of this proposed rule, potentially affecting the transfer payment estimates presented in this analysis. However, it is too early to assess the impact of these policies on public benefit usage, and consequently, on the impact on overall estimates presented in this analysis.

ii. Indirect Impacts of the Proposed Regulatory Changes

DHS notes that, as described in the 2019 and 2022 Final Rules, the proposed rule may produce indirect effects. For example, a reduction in transfer payments from the Federal government to individuals who receive public benefits due to increased disenrollment or forgone enrollment in public benefit programs may have indirect effects. Therefore, DHS applies the same analysis used previously, as outlined below. A likely impact of the proposed rule relative to the baseline is that various individuals and other entities will incur costs associated with

familiarization with the provisions of the rule. Familiarization costs involve the time spent reviewing a rule. An alien might review the rule to determine whether they are subject to the proposed rule. To the extent an individual who is directly regulated by the rule incurs familiarization costs, those familiarization costs are a direct cost of the rule.

In addition to those being directly regulated by the rule, a wide variety of other entities would likely choose to read the rule and incur familiarization costs. For example, immigration lawyers, immigration advocacy groups, benefits-administering agencies, nonprofit organizations, non-governmental organizations, and religious organizations, among others, may want to become familiar with the provisions of this proposed rule. DHS believes such nonprofit organizations and other advocacy groups might choose to read the rule to provide information to noncitizens and associated households who may be subject to the rule. Familiarization costs incurred by those not directly regulated are indirect costs. Indirect impacts are borne by entities that are not

¹⁸⁹ See H.R. 1 Reconciliation Bill, *e.g.*, secs. 10108 (SNAP Eligibility); 71109 (Alien Medicaid Eligibility); Public Law 119-21 (July 4, 2025)

specifically regulated by this rule but may incur costs due to changes in behavior related to this rule.

DHS estimates the time that will be necessary to read the rule is approximately 2 to 3 hours per person, resulting in opportunity costs of time. DHS assumes the average professional reads technical documents at a rate of about 250 to 300 words per minute. An entity, such as a nonprofit or advocacy group, may have more than one person who reads the proposed rule. Using the average total rate of compensation as \$48.05 per hour for all occupations, DHS estimates that the opportunity cost of time will range from about \$96.10 to \$144.15 per individual who must read and review the proposed rule.¹⁹⁰ Due to data limitations, DHS is unable to estimate or quantify the number of individuals that will familiarize themselves with this rule. Therefore, DHS requests comment on appropriate methodologies for quantifying the number of individuals that would choose to familiarize themselves with this rule.

Another source of indirect costs of the proposed rule would be costs to various entities associated with familiarization of and compliance with the provisions of the rule, such as for hospitals or state Medicaid agencies. Regulatory compliance costs are all of the costs entities incur in order to ensure they are aware of and follow all applicable government regulations. Compliance costs may include salaries of employees who monitor current and potential regulations, opportunity costs of time related to understanding the requirements of regulations, disseminating information to the rest of an organization (e.g., training sessions), and developing or modifying information technology (IT) systems as needed. For example, health systems, hospitals, and post-acute care (PAC) providers in the U.S. may choose to

become familiar with the provisions of this proposed rule.

Additionally, reduced access to public benefit programs by eligible individuals, including aliens and U.S. citizens in mixed-status households, may lead to downstream effects on public health, community stability, and resilience, to include:

- Worse health outcomes, such as increased prevalence of obesity and malnutrition (especially among pregnant or breastfeeding women, infants, and children), reduced prescription adherence, and increased use of emergency rooms for primary care due to delayed treatment.
- Higher prevalence of communicable diseases, including among U.S. citizens who are not vaccinated.
- Increased rates of uncompensated care, where treatments or services are not paid for by insurers or patients.
- Increased poverty, housing instability, reduced productivity, and lower educational attainment.

DHS recognizes that reductions in Federal and State transfers under public benefit programs may also affect State and local economies, businesses, and individuals. For example, reduced enrollment in programs like Medicaid and SNAP could lead to:¹⁹¹

- Lower revenues for healthcare providers participating in Medicaid.
- Reduced income for companies manufacturing medical supplies or pharmaceuticals.
- Decreased sales for grocery retailers participating in SNAP.
- Economic impacts on agricultural producers supplying SNAP-eligible foods.
- Financial strain on landlords participating in federally funded housing programs.

In the 2019 Final Rule, DHS acknowledged that reduced disposable income and increased poverty could disproportionately affect certain families and children, including U.S.-citizen children. 84 FR 41292, 41493 (Aug. 14, 2019). One academic provided an estimate in a court filing that as many as 3.2 million fewer individuals might receive Medicaid due to fear and confusion surrounding the 2019 Final Rule, potentially leading to 4,000 excess deaths annually.¹⁹² Another academic projected in a court filing that 1.8

million fewer people would use SNAP benefits, many of whom are U.S. citizens.¹⁹³ Loss of Federal housing security could further exacerbate health issues and reliance on other social safety net programs.

Finally, during the 2022 Final Rule, DHS received comments from several states highlighting the administrative costs associated with the 2019 Final Rule. These disruptions led to increased “churn,” where eligible individuals and families cycle on and off public benefit programs more frequently enrolling during times of need and disenrolling due to fear or confusion. This churn increased administrative costs for states, which allocated resources for outreach and education to address misconceptions about the Public Charge rule. Outreach efforts often require materials in individuals’ native languages and dissemination through social networks. States also reported dedicating hundreds of hours to planning and training caseworkers and call center staff to address issues stemming from the 2019 Final Rule. DHS anticipates similar administrative costs under this proposed rule but cannot precisely estimate the burden states will face due to increased churn.

DHS is generally not able to estimate all of the additional indirect costs that would likely be incurred because of follow-on economic effects of the initial indirect costs identified in the proposed rule due to the wide range of these costs. DHS requests comments on other possible indirect impacts of the rule and appropriate methodologies for quantifying these non-monetized potential impacts.

c. Estimated Reduced Transfer Payments

To compare costs over time, DHS applied a 3-percent and a 7-percent discount rate to the total estimated costs associated with the proposed rule. DHS presents the total estimated quantified reduction in transfer payments from the Federal Government, the State Governments, and a combined reduction in Tables VI.13, VI.14, and VI.15, respectively. The total estimated costs are presented in undiscounted dollars, at a 3-percent discount rate, and at a 7-percent discount rate.

Table VI.13 shows the Federal share of the total estimated amount of transfer payments of the proposed rule. The 10-year undiscounted amount of Federal transfer payments based on the provisions of this proposed rule is about \$5.29 billion annually. The 10-year discounted amount of Federal transfer

¹⁹⁰ Calculation: (Average total compensation for all occupations) * (Time to read rule – lower bound) = (Opportunity cost of time [OCT] to read rule) = \$48.05 * 2 hours = \$96.10 OCT per individual to read rule, 2 hours (rounded) = (approximately 39,935 words/300)/60.

Calculation: (Average total compensation for all occupations) * (Time to read rule – upper bound) = (Opportunity cost of time [OCT] to read rule) = \$48.05 * 3 hours = \$144.15 OCT per individual to read rule, 3 hours = (approximately 39,935 words/250)/60.

Average total compensation for all occupations (\$48.05): See BLS, Economic News Release, “Employer Cost for Employee Compensation (June 2025),” Table 1. Employer costs per hour worked for employee compensation and costs as a percent of total compensation: Civilian workers, by major occupational and industry group, <https://www.bls.gov/news.release/archives/ceec09122025.pdf> (last modified Sept 12, 2025).

¹⁹¹ See “Public Charge Final Rule_ECON_RIA” contained within the docket of the 2019 Final Rule “Inadmissibility on Public Charge Grounds,” 84 FR 41292, 41493 (Aug. 14, 2019).

¹⁹² Leighton Ku, “New Evidence Demonstrates That the Public Charge Rule Will Harm Immigrant Families and Others,” Health Affairs (Oct. 9, 2019), <https://www.healthaffairs.org/doi/10.1377/hblog20191008.70483/full> (last visited Oct. 11, 2025).

¹⁹³ *Id.*

payments based on the provisions of this proposed rule is approximately \$45.12 billion at a 3-percent discount

rate and about \$37.15 billion at a 7-percent discount rate.
BILLING CODE 9111-97-P

Table VI.13. Total Estimated Reduction in Transfer Payment from the Federal Government to Members of Households that Include Aliens Who May Be Receiving Public Benefits Based On A 10.3% Rate of Disenrollment or Forgone Enrollment

Source of Costs	Federal Share of the Total Estimated Annual Reduction in Transfer Payments (Undiscounted) ¹	Federal Share of the Total Estimated Reduction in transfer Payments Over A 10-Year Period
Estimated reduced transfer payments due to disenrollment / forgone enrollment from public benefits programs	\$5,289,478,897	\$52,894,788,970
Total Undiscounted Transfer Reductions	\$5,289,478,897	\$52,894,788,970
Total Transfer Reductions at 3 Percent Discount Rate		\$45,120,327,892
Total Transfer Reductions at 7 Percent Discount Rate		\$37,151,086,342
Source: USCIS Analysis Note: ¹ The amount of transfer payments presented includes the estimated amounts of transfer payments to the federal government.		

In addition, since the State share of Federal financial participation (FFP) varies from State to State, DHS uses the average of the FMAP across all States

and U.S. territories of 59 percent¹⁹⁴ to estimate the amount of State transfer payments. See 87 FR 74429 (Dec. 5, 2022). Table VI.14 shows the State share

of the total estimated amount of transfer payments of the proposed rule.

Table VI.14. State Share of the Total Estimated Reduction in Transfer Payment from the State Governments to Members of Households that Include Aliens Who May Be Receiving Public Benefits Based On A 10.3% Rate of Disenrollment or Forgone Enrollment

Source of Costs	State Share of the Total Estimated Annual Reduction in Transfer Payments (Undiscounted) ¹	State Share of the Total Estimated Reduction in Transfer Payments Over 10-Year Period
Estimated reduced transfer payments due to disenrollment / forgone enrollment from public benefits programs	\$3,675,739,572	\$36,757,395,720
Total Undiscounted Transfer Reductions	\$3,675,739,572	\$36,757,395,720
Total Transfer Reductions at 3-Percent Discount Rate		\$31,354,804,124
Total Transfer Reductions at 7-Percent Discount Rate		\$25,816,856,607
Source: USCIS Analysis Note: ¹ The amount of transfer payments presented includes the estimated amounts of transfer payments to State governments from aliens and their households who may disenroll or forgo enrollment in public benefits programs.		

¹⁹⁴ Under Section 1905(b) of the Social Security Act, 42 U.S.C. 1396d(b), FMAP is calculated as

“100 per centum less the State percentage.” In other

words, the FMAP is the Federal government’s share of Medicaid expenditures.

The 10-year undiscounted amount of State transfer payments based on the provisions of this proposed rule is about \$3.68 billion annually. The 10-year discounted amount of State transfer

payments based on the provisions of this proposed rule is approximately \$31.35 billion at a 3-percent discount rate and about \$25.82 billion at a 7-percent discount rate.

Finally, DHS presents the combined total estimated quantified reduction in transfer payments from the Federal and State governments of the proposed rule in Table VI.15.

Table VI.15. Total Estimated Reduction in Transfer Payment from the Federal and State Governments to Members of Households that Include Aliens Who May Be Receiving Public Benefits Based On A 10.3% Rate of Disenrollment or Forgone Enrollment

Source of Costs	Total Estimated Annual Reduction in Transfer Payments (Undiscounted) ¹	Total Estimated Reduction in transfer Payments Over A 10-Year Period
Estimated reduced transfer payments due to disenrollment / forgone enrollment from public benefits programs	\$8,965,218,469	\$89,652,184,690
Total Undiscounted Transfer Reductions	\$8,965,218,469	\$89,652,184,690
Total Transfer Reductions at 3 Percent Discount Rate		\$76,475,132,017
Total Transfer Reductions at 7 Percent Discount Rate		\$62,967,942,949

Source: USCIS Analysis

Note:

¹ The amount of transfer payments presented includes the estimated amounts of transfer payments to the federal government and to State governments from aliens and their households who may disenroll or forgo enrollment in public benefits programs. DHS assumes that the State government's share of the total amount of transfer payments is 59 percent of the estimated total transfer payments to the federal government. For a breakout of the estimated total federal and State transfer payment amounts, see Table VI.13 and Table VI.14.

BILLING CODE 9111-97-C

Over the first 10 years of implementation, DHS estimates the total quantified reduction in transfer payments from the Federal and State governments to members of households that include aliens could be about \$89.65 billion (undiscounted). In addition, DHS estimates that the 10-year discounted transfers of this proposed rule is approximately \$76.48 billion at a 3-percent discount rate and about \$62.97 billion at a 7-percent discount rate due to disenrollment or forgone enrollment in various Federal public benefits programs.¹⁹⁵

Disenrollment or forgone enrollment in public benefits programs could occur whether or not such aliens are directly affected by the provisions of the proposed rule, however, DHS was unable to determine the exact percentage of individuals who would disenroll or forgo enrollment. DHS also reiterates that removal of 8 CFR 212.21

and 212.22, the core elements of the 2022 Final Rule may cause some aliens to disenroll from or forgo enrollment in public benefit programs beyond those included in the estimates of this analysis. However, DHS cannot quantify the number of individuals affected across all programs.

B. Regulatory Flexibility Act

The Regulatory Flexibility Act of 1980 (RFA), as amended by the Small Business Regulatory Enforcement Fairness Act of 1996, requires Federal agencies to consider the potential impact of regulations on small businesses, small governmental jurisdictions, and small organizations during the development of their rules. The term "small entities" comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000.¹⁹⁶

The proposed rule does not directly regulate small entities and is not expected to have a direct effect on small entities. It does not mandate any actions or requirements for small entities in the process of an alien applying for adjustment of status. Rather, this proposed rule regulates individuals, and individuals are not defined as "small entities" by the RFA. While some employers could experience costs or transfer effects, these impacts would be indirect. DHS recognizes these indirect effects to various entities that this proposed rule does not regulate, such as to hospital systems, and other organizations that provide public assistance to aliens and their households. However, based on the evidence presented in this analysis and throughout this preamble, DHS certifies that this proposed rule would not have a significant economic impact on a substantial number of small entities.

C. Unfunded Mandates Reform Act of 1995

The Unfunded Mandates Reform Act of 1995 (UMRA) is intended, among other things, to curb the practice of imposing unfunded Federal mandates on State, local, and Tribal governments.

¹⁹⁵ DHS reiterates that the estimated reductions in transfer payments are approximations and could be influenced by external factors unrelated to this proposed rule. DHS anticipates that disenrollment or forgone enrollment rates may fluctuate independently of this proposed rule, potentially affecting the transfer payment estimates presented in this analysis.

¹⁹⁶ A small business is defined as any independently owned and operated business not dominant in its field of operation that qualifies as a small business per the Small Business Act, 15 U.S.C. 632.

Title II of UMRA requires each Federal agency to prepare a written statement assessing the effects of any Federal mandate in a proposed rule, or final rule for which the agency published a proposed rule, that includes any Federal mandate that may result in a \$100 million or more expenditure (adjusted annually for inflation) in any one year by State, local, and Tribal governments, in the aggregate, or by the private sector. *See* 2 U.S.C. 1532(a). The inflation adjusted value of \$100 million in 1995 is approximately \$206 million in 2024 based on the Consumer Price Index for All Urban Consumers (CPI-U).¹⁹⁷

This proposed rule does not contain a Federal mandate as the term is defined under UMRA as it does not impose any enforceable duty upon any other level of government or private sector entity.¹⁹⁸ Any downstream effects on such entities would arise solely due to their voluntary choices and would not be a consequence of an enforceable duty imposed by this rule. Similarly, any costs or transfer effects on State and local governments would not result from a Federal mandate as that term is defined under UMRA.¹⁹⁹ The requirements of title II of UMRA, therefore, do not apply, and DHS has not prepared a statement under UMRA. DHS has, however, analyzed many of the potential effects of this action in the Regulatory Impact Analysis (RIA) above. DHS welcomes comments on this analysis.

D. Executive Order 13132 (Federalism)

This proposed rule would 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. Therefore, in accordance with section 6 of E.O. 13132, it is determined that this proposed rule

does not have sufficient federalism implications to warrant the preparation of a federalism summary impact statement.

E. Executive Order 12988 (Civil Justice Reform)

This proposed rule was drafted and reviewed in accordance with E.O. 12988, Civil Justice Reform. This proposed rule was written to provide a clear legal standard for affected conduct and was reviewed carefully to eliminate drafting errors and ambiguities, so as to minimize litigation and undue burden on the Federal court system. DHS has determined that this rule meets the applicable standards provided in section 3 of E.O. 12988.

F. Family Assessment

Section 654 of the Treasury and General Government Appropriations Act, 1999 (Pub. L. 105–277) requires Federal agencies to issue a Family Policymaking Assessment for any rule that may affect family well-being. Agencies must assess whether the regulatory action: (1) impacts the stability or safety of the family, particularly in terms of marital commitment; (2) impacts the authority of parents in the education, nurture, and supervision of their children; (3) helps the family perform its functions; (4) affects disposable income or poverty of families and children; (5) if the regulatory action financially impacts families, are justified; (6) may be carried out by State or local government or by the family; and (7) establishes a policy concerning the relationship between the behavior and personal responsibility of youth and the norms of society. If the determination is affirmative, then the Agency must prepare an impact assessment to address criteria specified in the law. DHS has determined that the rule may decrease disposable income and increase the poverty of certain families and children, including U.S. citizen children. DHS continues to believe that the benefits of the action justify the financial impact on the family. Additionally, because the proposed rule would result in DHS officers considering public benefits for purposes of the inadmissibility determination that were not considered under the 2022 Final Rule, DHS has determined that the aliens found inadmissible under section 212(a)(4) of the Act, 8 U.S.C. 1182(a)(4), would likely increase over time. However, this potential impact is mitigated by two factors. First, as discussed elsewhere in this proposed rule, Congress, through the Big Beautiful Bill, Public Law 119–21 has further limited immigration-

status-based eligibility for certain public benefits that would be considered under this proposed rule but were excluded from consideration under the 2022 final rule. Second, given the compelling need for this rulemaking, including but not limited to ensuring self-sufficiency and minimizing the incentive to immigrate based on the U.S. social safety net, DHS determined that this proposed rulemaking's impact is justified and no further actions are required. DHS also determined that this proposed rule will not have any impact on the autonomy or integrity of the family as an institution.

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

This interim final rule would not have Tribal implications under E.O. 13175, Consultation and Coordination with Indian Tribal Governments, because it would not have a substantial direct effect on one or more Indian Tribes, on the relationship between the Federal Government and Indian Tribes, or on the distribution of power and responsibilities between the Federal Government and Indian Tribes.

H. National Environmental Policy Act

DHS and its components analyze proposed regulatory actions to determine whether the National Environmental Policy Act (NEPA), 42 U.S.C. 4321 *et seq.*, applies and, if so, what degree of analysis is required. DHS Directive 023–01 Rev. 01 “Implementing the National Environmental Policy Act” (Dir. 023–01 Rev. 01) and Instruction Manual 023–01–001–01 Rev. 01 (Instruction Manual)²⁰⁰ establish the policies and procedures that DHS and its components use to comply with NEPA.

NEPA allows Federal agencies to establish, in their NEPA implementing procedures, categories of actions (“categorical exclusions”) that experience has shown do not, individually or cumulatively, have a significant effect on the human environment and, therefore, do not require an environmental assessment or environmental impact statement. *See* 42 U.S.C. 4336(a)(2), 4336e(1). The Instruction Manual, Appendix A lists the DHS Categorical Exclusions.²⁰¹

Under DHS NEPA implementing procedures, for an action to be categorically excluded, it must satisfy each of the following three conditions:

²⁰⁰ The Instruction Manual contains DHS's procedures for implementing NEPA and was issued November 6, 2014, <https://www.dhs.gov/ocrso/eed/epb/nepa>.

²⁰¹ *See* Instruction Manual, Appendix A, Table 1.

¹⁹⁷ *See* DOL Bureau of Labor Statistics, “Historical Consumer Price Index for All Urban Consumers (CPI-U): U.S. city average, all items, by month,” <https://www.bls.gov/cpi/tables/supplemental-files/historical-cpi-u-202412.pdf> (last visited Feb. 4, 2025). Calculation of inflation: (1) Calculate the average monthly CPI-U for the reference year (1995) and the current year (2024); (2) Subtract reference year CPI-U from current year CPI-U; (3) Divide the difference of the reference year CPI-U and current year CPI-U by the reference year CPI-U; (4) Multiply by 100 = [(Average monthly CPI-U for 2024 – Average monthly CPI-U for 1995) ÷ (Average monthly CPI-U for 1995)] × 100 = [(313.689 – 152.383) ÷ 152.383] = (161.306/152.383) = 1.059 × 100 = 105.86 percent = 106 percent. Calculation of inflation-adjusted value: \$100 million in 1995 dollars × 2.06 = \$206 million in 2024 dollars.

¹⁹⁸ The term “Federal mandate” means a Federal intergovernmental mandate or a Federal private sector mandate. *See* 2 U.S.C. 1502(1), 658(6).

¹⁹⁹ *See* 2 U.S.C. 1502(1), 658(6).

(1) the entire action clearly fits within one or more of the categorical exclusions; (2) the action is not a piece of a larger action; and (3) no extraordinary circumstances exist that create the potential for a significant environmental effect.²⁰²

This proposed rule is limited to removing existing regulatory criteria pertaining to public charge inadmissibility determinations. This proposed rule is strictly administrative and procedural and if finalized, would amend DHS’s existing regulations to remove most of the provisions put into place by the 2022 Final Rule, however DHS officers would continue to make

public charge inadmissibility determinations governed by existing law. DHS has reviewed this proposed rule and finds, if DHS were to issue a final rule resulting from this NPRM, no significant impact on the environment, or any change in environmental effect would result from the amendments being proposed in this NPRM.

Accordingly, DHS finds that this proposed rule’s amendments to current regulations clearly fit within categorical exclusion A3 established in DHS’s NEPA implementing procedures as an administrative change with no change in environmental effect, is not part of a larger Federal action, and does not

present extraordinary circumstances that create the potential for a significant environmental effect.

I. Paperwork Reduction Act

Under the Paperwork Reduction Act of 1995 (PRA), 44 U.S.C. 3501–3512, DHS must submit to OMB for review and approval, any reporting requirements inherent in a rule, unless they are exempt. Please see the accompanying PRA documentation for the full analysis. Table III. Information Collections below lists the information collections that are part of this rulemaking.

Table III. Information Collections			
OMB Control No.	Form No.	Form Name	Type of PRA Action
1615-0023	I-485	Application to Register Permanent Residence or Adjust Status	Revision of a Currently Approved Collection
1615-0143	I-945	Public Charge Bond	Reinstatement, with Change, of a Previously Approved Collection for Which Approval has Expired
1615-0141	I-356	Request for Cancellation of Public Charge Bond	Reinstatement, with Change, of a Previously Approved Collection for Which Approval has Expired

DHS and USCIS invite the general public and other federal agencies to comment on the impact to the proposed collections of information. In accordance with the PRA, the information collection notice is published in the **Federal Register** to obtain comments regarding the proposed edits to the information collection instrument.

Comments are encouraged and will be accepted for 60 days from the publication date of the proposed rule. All submissions received must include the OMB Control Number 1615–0023 in the body of the letter and the agency name. To avoid duplicate submissions,

please use only *one* of the methods under the **ADDRESSES** and Public Participation section of this rule to submit comments. Comments on this information collection should address one or more of the following four points:

(1) Evaluate whether the collection of information is necessary for the proper performance of the 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 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 submission of responses.

Overview of Information Collection

(1) *Type of Information Collection:* Revision of a Currently Approved Collection.

²⁰² Instruction Manual at V.B(2)(a) through (c).

(2) *Title of the Form/Collection:* Application to Register Permanent Residence or Adjust Status; Supplement A to Form I-485, Adjustment of Status Under Section 245(i); Supplement J, Confirmation of Bona Fide Offer or Request for Job Portability Under Section 204(j); National Interest Waiver.

(3) *Agency form number, if any, and the applicable component of the DHS sponsoring the collection:* I-485, Supplement A, Supplement J, National Interest Waiver; USCIS.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* Primary: Individuals or households. This form will be used to request and determine eligibility for adjustment of permanent residence status. This Form I-485 Supplement A is used to adjust status under section 245(i) of the Immigration and Nationality Act (Act). The Form I-485 Supplement J is used if you are an employment-based applicant for adjustment of status who is filing or has previously filed a Form I-485 as the principal beneficiary of a valid Form I-140 in an employment-based immigrant visa category that requires a job offer, and you now seek, in connection with your Form I-485, to (1) confirm that the job offered in your Form I-140 is a bona fide offer you intent to accept or (2) request job portability under INA section 204(j) to a new, full-time permanent job offer that you intent to accept, once your Form I-485 is approved. The Physicians National Interest Waiver will be used to notify foreign physician applicants of the medical service requirements for national interest waiver physicians applying for adjustment of status.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* The estimated total number of respondents for the information collection I-485 is 1,060,585 and the estimated hour burden per response is 6.86 hours; the estimated total number of respondents for the information collection Supplement A is 44,848 and the estimated hour burden per response is 0.88 hours; the estimated total number of respondents for the information collection Supplement J is 57,353 and the estimated hour burden per response is 0.60 hours; the estimated total number of respondents for the information collection Biometrics Processing is 1,060,585 and the estimated hour burden per response is 1.17 hours.

(6) *An estimate of the total public burden (in hours) associated with the collection:* The total estimated annual hour burden associated with this

collection of information in hours is 8,590,376.

(7) *An estimate of the total public burden (in cost) associated with the collection:* The estimated total annual cost burden associated with this collection of information is \$363,780,655.

USCIS Form I-945

DHS and USCIS invite the general public and other federal agencies to comment on the impact to the proposed collection of information. In accordance with the PRA, the information collection notice is published in the **Federal Register** to obtain comments regarding the proposed edits to the information collection instrument.

Comments are encouraged and will be accepted for 60 days from the publication date of the proposed rule. All submissions received must include the OMB Control Number 1615-0143 in the body of the letter and the agency name. To avoid duplicate submissions, please use only *one* of the methods under the **ADDRESSES** and Public Participation section of this rule to submit comments. Comments on this information collection should address one or more of the following four points:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the 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 submission of responses.

Overview of This Information Collection

(1) *Type of Information Collection:* Reinstatement, With Change, of a Previously Approved Collection for Which Approval Has Expired.

(2) *Title of the Form/Collection:* Public Charge Bond.

(3) *Agency form number, if any, and the applicable component of the DHS sponsoring the collection:* I-945; USCIS.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* Primary: Individuals or

Household. Business or other for profit. USCIS uses Form I-945 to ensure that the conditions of the bond are fully articulated and met when USCIS accepts the public charge bond posting. Without the form, and given the complexity of the Federal and State laws governing bonds and surety bond submissions, USCIS would not be able to determine the sufficiency of the bond and USCIS or the U.S. Department of State would not be able to finalize the adjudication of the related immigration benefit requests (adjustment of status and immigrant visa applications).

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* The estimated total number of respondents for the information collection I-945 is 10 and the estimated hour burden per response is 0.92 hours.

(6) *An estimate of the total public burden (in hours) associated with the collection:* The estimated total annual hour burden associated with this collection is 9.2 hours.

(7) *An estimate of the total public burden (in cost) associated with the collection:* The estimated total annual cost burden associated with this collection of information is \$0.

USCIS Form I-356

DHS and USCIS invite the general public and other federal agencies to comment on the impact to the proposed collection of information. In accordance with the PRA, the information collection notice is published in the **Federal Register** to obtain comments regarding the proposed edits to the information collection instrument.

Comments are encouraged and will be accepted for 60 days from the publication date of the proposed rule. All submissions received must include the OMB Control Number 1615-0141 in the body of the letter and the agency name. To avoid duplicate submissions, please use only *one* of the methods under the **ADDRESSES** and Public Participation section of this rule to submit comments. Comments on this information collection should address one or more of the following four points:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the 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 submission of responses.

Overview of This Information Collection

(1) *Type of Information Collection:* Reinstatement, With Change, of a Previously Approved Collection for Which Approval Has Expired.

(2) *Title of the Form/Collection:* Request for Cancellation of a Public Charge Bond.

(3) *Agency form number, if any, and the applicable component of the DHS sponsoring the collection:* I-356; USCIS.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* *Primary:* Individuals or households; Business or other for-profit; Not-for-profit institutions. USCIS uses Form I-356 to determine if the bond should be cancelled. A public charge bond will be cancelled when the alien dies, departs permanently from the United States, or is naturalized, provided the alien did not breach such bond prior to death, permanent departure, or naturalization. A bond may also be cancelled in order to allow substitution of another bond. A public charge bond will be cancelled by USCIS upon review following the fifth anniversary of the admission or adjustment of status of the alien, provided that the alien has filed Form I-356 and USCIS finds that the alien did not breach the bond.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* The estimated total number of respondents for the information collection I-356 is 10 and the estimated hour burden per response is 0.75 hours.

(6) *An estimate of the total public burden (in hours) associated with the collection:* The estimated total annual hour burden associated with this collection is 7.5 hours.

(7) *An estimate of the total public burden (in cost) associated with the collection:* The estimated total annual cost burden associated with this collection of information is \$2,500.

List of Subjects

8 CFR Part 103

Administrative practice and procedure, Authority delegations (Government agencies), Fees, Freedom of information, Immigration, Privacy, Reporting and recordkeeping requirements, Surety bonds.

8 CFR Part 212

Administrative practice and procedure, Aliens, Immigration, Passports and visas, Reporting and recordkeeping requirements.

Accordingly, DHS proposes to amend chapter I of title 8 of the Code of Federal Regulations as follows:

PART 103—IMMIGRATION BENEFIT REQUESTS; USCIS FILING REQUIREMENTS; BIOMETRIC REQUIREMENTS; AVAILABILITY OF RECORDS

■ 1. The authority in part 103 continues to read as follows:

Authority: 5 U.S.C. 301, 552, 552a; 8 U.S.C. 1101, 1103, 1304, 1356, 1365b, 1372; 31 U.S.C. 9701; Pub. L. 107–296, 116 Stat. 2135 (6 U.S.C. 1 *et seq.*); E.O. 12356, 47 FR 14874, 15557, 3 CFR, 1982 Comp., p.166; 8 CFR part 2; Pub. L. 112–54; 125 Stat. 550; 31 CFR part 223.

■ 2. Section 103.6 is amended by revising paragraph (c)(1) to read as follows:

§ 103.6 Immigration Bonds

* * * * *

(c) *Cancellation and breach*—(1) *Public charge bonds*—(A) *Cancellation.* A public charge bond may be cancelled after the proper filing of a request for cancellation of a public charge bond on a form designated by USCIS for that purpose. The public charge bond will remain in effect until the form is filed and USCIS reviews the evidence supporting the basis for cancellation and renders a decision regarding the breach of the bond, or a decision to cancel the bond. The following are the bases for the cancellation of a public charge bond:

(i) A public charge bond posted for an alien will be cancelled when the alien dies, departs permanently from the United States, or is naturalized, provided the alien did not breach such bond pursuant to paragraph (c)(1)(B) of this section.

(ii) A public charge bond may also be cancelled in order to allow substitution of another bond.

(iii) A public charge bond will be cancelled by USCIS upon review following the fifth anniversary of the admission or adjustment of status of the alien, provided that the alien has filed a request for cancellation of public charge bond on a form designated by USCIS for that purpose, has complied with all conditions on the bond, and USCIS finds that the alien did not breach the bond, as set forth in paragraph (c)(1)(B) of this section.

(B) *Breach.* A public charge bond submitted on or after [DATE 60 DAYS AFTER DATE OF FINAL RULE PUBLICATION IN THE **Federal Register**] is breached if the bonded alien receives any means-tested public benefit prior to death, permanent departure, or naturalization, or is otherwise noncompliant with any conditions of the public charge bond. A public charge bond submitted before [DATE 60 DAYS AFTER DATE OF FINAL RULE PUBLICATION IN THE **Federal Register**] is breached if the bonded alien receives public cash assistance for income maintenance or long-term institutionalization at government expense, or is otherwise noncompliant with any condition of the public charge bond. A final public charge bond breach determination may be appealed by a surety under paragraph (f) of this section or by an alien under § 103.3.

* * * * *

PART 212—DOCUMENTARY REQUIREMENTS; NONIMMIGRANTS; WAIVERS; ADMISSION OF CERTAIN INADMISSIBLE ALIENS; PAROLE

■ 3. The authority citation for part 212 continues to read as follows:

Authority: 6 U.S.C. 111, 202(4) and 271; 8 U.S.C. 1101 and note, 1102, 1103, 1182 and note, 1184, 1187, 1223, 1225, 1226, 1227, 1255, 1359; section 7209 of Pub. L. 108–458 (8 U.S.C. 1185 note); Title VII of Pub. L. 110–229 (8 U.S.C. 1185 note); Pub. L. 115–218; 8 CFR part 2.

Section 212.1(q) and (r) also issued under section 702, Pub. L. 110–229, 122 Stat. 754, 854.

§§ 212.20 through 212.23 [Removed]

■ 4. Remove §§ 212.20 through 212.23.

Kristi Noem,

Secretary, U.S. Department of Homeland Security.

[FR Doc. 2025–20278 Filed 11–17–25; 4:15 pm]

BILLING CODE 9111–97–P



FEDERAL REGISTER

Vol. 90

Wednesday,

No. 221

November 19, 2025

Part III

The President

Executive Order 14359—Fostering the Future for American Children and Families

Presidential Documents

Title 3—

Executive Order 14359 of November 13, 2025

The President

Fostering the Future for American Children and Families

By the authority vested in me as President by the Constitution and the laws of the United States of America, it is hereby ordered:

Section 1. *Purpose and Policy.* My Administration is dedicated to empowering mothers and fathers to raise their children in safe and loving homes. When crises prevent such an arrangement, our Nation's foster care system must be ready to serve children in need. Today's foster care system must be improved in a number of important ways.

Children often stay in foster care for years, and those who transition out due to age frequently face uncertain futures without the support systems essential to educational, career, and relational success. Many caseworkers are overburdened. Information systems are often outdated. Some jurisdictions and organizations maintain policies that discourage or prohibit qualified families from serving children in need as foster and adoptive parents because of their sincerely-held religious beliefs or adherence to basic biological truths.

Our Nation's children and youth—and the families who care for them—deserve better. To that end, my Administration, with special leadership from the First Lady, will harness Federal support, technology, and strategic partnerships to provide young Americans in or transitioning out of the foster care system with the tools they need to become successful adults.

Sec. 2. *Modernizing the Child Welfare System.* (a) The Secretary of Health and Human Services shall, within 180 days of the date of this order, take appropriate action to:

- (i) update applicable regulations, policies, and practices to improve the collection, publication, utility, and transparency of State-level child-welfare data, including by improving collection of data and information indicative of child well-being and safety, eliminating duplicative or unnecessary high-cost and low-value reporting requirements, and expanding and expediting child-welfare data publication;
- (ii) promote modernization of State child-welfare information systems and use of the most effective foster care management and outcome-tracking platforms, including by incorporating such modernization efforts as part of information exchanged with or technical assistance provided to States;
- (iii) expand States' use of technological solutions, including predictive analytics and tools powered by artificial intelligence, to increase caregiver recruitment and retention rates, improve caregiver and child matching, and deploy Federal child-welfare funding to maximally effective purposes and recipients; and
- (iv) publish annually a scorecard that measures and is used to evaluate State-level achievement of key outcomes and metrics that reduce unnecessary entries into foster care, decrease the time between reports of child maltreatment and investigations, reduce child injuries and fatalities caused by caregiver neglect and abuse, increase caregiver recruitment and retention, improve caregiver and child matching, reduce placement disruptions, decrease the average time that children spend in foster care, accelerate permanent placement for children, and increase partnerships and collaboration with appropriate non-governmental entities, including faith-based organizations.

Sec. 3. *Fostering the Future.* The Secretary of Health and Human Services, in coordination with the Office of the First Lady and heads of other relevant executive departments and agencies (agencies) shall, within 180 days of the date of this order:

(a) establish a “Fostering the Future” initiative to develop partnerships with agencies and leading private sector organizations, academic institutions, and non-profit entities to create new educational and employment opportunities for individuals who are in or are transitioning out of the foster care system;

(b) develop a plan to launch, in conjunction with the National Design Studio, a “Fostering the Future” online platform to help individuals who have been in foster care by assessing their current needs, providing guidance regarding accessing Federal, State, and local programs and services for which they are eligible, including housing, education, employment, healthcare, and mentoring services offering a searchable database of those and other available resources, and generating customized plans that support their self-sufficiency and success;

(c) develop a strategy to reallocate funds returned by States from Federal programs designed to assist individuals transitioning out of foster care so that such returned funds are used to promote educational success, occupational advancement, and financial literacy and self-sufficiency for individuals transitioning out of foster care;

(d) increase flexibility in Education and Training Vouchers to expand access for individuals transitioning out of foster care to short-term, career-focused, and credential-awarding programs; and

(e) facilitate, in coordination with the Secretary of the Treasury and the Secretary of Education, State use of educational scholarships created through tax-credited donations to scholarship-granting organizations for children in foster care.

Sec. 4. *Maximizing Partnerships with Americans of Faith.* The Secretary of Health and Human Services, in coordination with the Director of the White House Faith Office and the Director of the White House Office of Intergovernmental Affairs, shall:

(a) take appropriate action to address State and local policies and practices that inappropriately prohibit participation in federally-funded child-welfare programs by qualified individuals or organizations based upon their sincerely-held religious beliefs or moral convictions; and

(b) take appropriate action to increase partnerships between agencies and faith-based organizations and houses of worship to serve families whose children have been placed in foster care or are at risk of being placed in foster care.

Sec. 5. *General Provisions.* (a) Nothing in this order shall be construed to impair or otherwise affect:

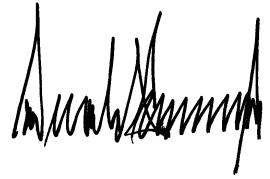
(i) the authority granted by law to an executive department or agency, or the head thereof; or

(ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(b) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

(d) The costs for publication of this order shall be borne by the Department of Health and Human Services.




THE WHITE HOUSE,
November 13, 2025.

[FR Doc. 2025-20406
Filed 11-18-25; 11:15 am]
Billing code 4150-28-P

Reader Aids

Federal Register

Vol. 90, No. 221

Wednesday, November 19, 2025

CUSTOMER SERVICE AND INFORMATION

Federal Register/Code of Federal Regulations

General Information, indexes and other finding aids **202-741-6000**

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**

ELECTRONIC RESEARCH

World Wide Web

Full text of the daily Federal Register, CFR and other publications is located at: www.govinfo.gov.

Federal Register information and research tools, including Public Inspection List and electronic text are located at: www.federalregister.gov.

E-mail

FEDREGTOC (Daily Federal Register Table of Contents Electronic Mailing List) is an open e-mail service that provides subscribers with a digital form of the Federal Register Table of Contents. The digital form of the Federal Register Table of Contents includes HTML and PDF links to the full text of each document.

To join or leave, go to <https://public.govdelivery.com/accounts/USGPOOFR/subscriber/new>, enter your email address, then follow the instructions to join, leave, or manage your subscription.

PENS (Public Law Electronic Notification Service) is an e-mail service that notifies subscribers of recently enacted laws.

To subscribe, go to <http://listserv.gsa.gov/archives/publaws-l.html> and select *Join or leave the list (or change settings)*; then follow the instructions.

FEDREGTOC and **PENS** are mailing lists only. We cannot respond to specific inquiries.

Reference questions. Send questions and comments about the Federal Register system to: fedreg.info@nara.gov

The Federal Register staff cannot interpret specific documents or regulations.

FEDERAL REGISTER PAGES AND DATE, NOVEMBER

49009-49214	3
49215-49246	4
49247-50482	5
50483-50488	6
50489-50740	7
50741-50856	10
50857-50890	12
50891-51016	13
51017-51080	14
51081-51500	17
51501-51988	18
51989-52230	19

CFR PARTS AFFECTED DURING NOVEMBER

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:

10987	49211
10988	51015
10989	51071
10990	51077
10991	51079

Executive Orders:

14357	50725
14358	50729
14359	52227

Administrative Orders:

Notices:

Notice of November 5, 2025	50735
Notice of November 5, 2025	50737
Notice of November 5, 2025	50739

6 CFR

13	49009
139	49247

7 CFR

760	51956
-----	-------

Proposed Rules:

930	51572
-----	-------

8 CFR

Ch. I	51989
251	51081
258	51081

Proposed Rules:

1	49062
103	49062, 52168
204	49062
207	49062
208	49062
209	49062
210	49062
212	49062, 52168
214	49062
215	49062
216	49062
235	49062
236	49062
240	49062
244	49062
245	49062
245a	49062
264	49062
287	49062
333	49062
335	49062

10 CFR

Proposed Rules:

821	51208
-----	-------

12 CFR

201	51017
-----	-------

204	51018
-----	-------

Proposed Rules:

5	51577
27	51583
30	51587
225	51856
238	51856
252	51856
1002	50901, 50952

13 CFR

301	51991
-----	-------

14 CFR

39	49215, 49248, 49251, 51019, 51091, 51094, 51501, 51504
71	51097, 51507
73	51098
97	50891, 50893

Proposed Rules:

Ch. II	51230
39	51212, 51216, 51218, 51222, 51225, 51227, 51590, 51592, 51596, 51600, 51602, 51605, 51607, 51610, 51613, 51620, 52005, 52008
71	52011

15 CFR

732	50857
734	50857
736	50857
744	50857, 50858
748	50857

18 CFR

Proposed Rules:

284	52012
-----	-------

19 CFR

4	51081
122	51100

21 CFR

1308	51102
------	-------

22 CFR

126	50489
-----	-------

23 CFR

660	51105
970	51107
971	51109
973	51110

24 CFR

570	51992
-----	-------

30 CFR

935	51112
-----	-------

Proposed Rules:

917	51232
-----	-------

31 CFR	40 CFR	84.....51042	47 CFR
Proposed Rules:	52 50742, 51510, 51512,	271.....51625	Proposed Rules:
1010.....51234	51515, 51518, 51525, 51527,	370.....51266	73.....51291, 51630
	51529, 51546, 51548, 51551,	705.....50923	
33 CFR	51554, 51560, 51997, 51999	721 49016, 49148, 49180	49 CFR
117.....51508	81 51548, 51551, 51554,		Proposed Rules:
165.....51510	51560, 51999		385.....52030
Proposed Rules:	147.....51021	42 CFR	1241.....51631
117.....51623	180 49254, 51115, 51118,	405.....49266	1251.....51631
	51123, 51127, 51164, 51562	410.....49266	
37 CFR	257.....51168	414.....49266	50 CFR
Proposed Rules:	272.....51565	424.....49266	218.....50504
42.....50492	300.....51181	425.....49266	300.....52004
	370.....51187	427.....49266	622.....49014
39 CFR	721.....49218	428.....49266	648 50490, 50743, 51570
111.....50741	751.....50894, 51027	495.....49266	660.....51205
601.....51994	Proposed Rules:	512.....49266	679 49234, 49235, 49236,
Proposed Rules:	52 51029, 51247, 51263,		50483
3050.....49016	52019	43 CFR	Proposed Rules:
	82.....50766	2360.....51470	17 51632

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 November 14, 2025

Public Laws Electronic Notification Service (PENS)

PENS is a free email notification service of newly

enacted public laws. To subscribe, go to https://portalguard.gsa.gov/__layouts/PG/register.aspx.

Note: This service is strictly for email notification of new laws. The text of laws is not available through this service. **PENS** cannot respond to specific inquiries sent to this address.